

MADRAS ACT No. I OF 1873.¹

(THE MADRAS WILD ELEPHANTS PRESERVATION ACT,
1873.)

(Received the assent of the Governor on the 21st April 1873
and of the Governor-General on the 15th May 1873.)

An Act to prevent the indiscriminate destruction
of wild elephants.

Preamble.

WHEREAS it is expedient to make provision to prevent the indiscriminate destruction of wild elephants within the Presidency of Madras; It is hereby enacted as follows:—

Local extent

1. This Act extends to the territories for the time being subject to the Government of the Presidency of Fort St. George;

Commencement.

and it shall come into force on the first day of October 1873.

Destruction of wild elephants prohibited.

2. From and after the said day the destruction of wild elephants is prohibited, except as hereinafter provided.

Penalty for destroying female elephants.

3. ²[Whoever, not being authorized thereto by a licence granted under the provisions of section 3-A shoots at or intentionally destroys and whoever abets within the meaning of the Indian Penal Code, any person not authorized as aforesaid in shooting at, or destroying] any wild female elephant upon waste or forest land, whether such land be the property ³[of the Government] or otherwise, shall be liable to a penalty not exceeding five hundred rupees, and in default of payment to simple or rigorous imprisonment for a period not exceeding three months.

Central
Act XLV
of 1860

Penalty on second conviction.

Any person convicted under this Act of an offence committed after his previous conviction under this Act shall be liable to a penalty not exceeding one thousand rupees, and, in default of payment, to simple or rigorous imprisonment for a period not exceeding six months.

¹ Short title, "The Madras Wild Elephants Preservation Act, 1873" was given by the Repealing and Amending Act, 1901 (Central Act XI of 1901).

For Statement of Objects and Reasons, see *Fort St. George Gazette*, Supplement, dated 25th February 1873, p. 4. for Proceedings in Council, see *ibid*, 25th February 1873, p. 2, and *ibid*, dated 22nd April 1873, p. 5.

This Act was extended to the merged State of Pudukkottai by section 3 of, and the First Schedule to, the Madras Merged States (Laws) Act, 1949 (Madras Act XXXV of 1949).

² The words within square brackets were substituted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

³ The words "of the Crown" were substituted for the words "of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

¹[3-A The District Collector, ²() may, subject to such rules as may from time to time be made by the ³[State Government] on the application of any person, grant to such person by name a special licence to shoot or destroy wild female elephants upon waste or forest lands in a specified area situated within the district whether such lands be the property ⁴[of the Government] or otherwise subject to such conditions and restrictions ⁵() as the District Collector may think fit, for a period not exceeding one year from the date of the grant of the licence.]

Licence to shoot female elephants.

Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector for any period not exceeding one year:

Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted.]

4. Whoever, not being authorized thereto by a licence granted under the provisions of section 7, shoots at or intentionally destroys, ⁶[and whoever abets within the meaning of the Indian Penal Code, any person not authorized as aforesaid in shooting at or destroying] any wild male elephant upon waste or forest land, the property of ⁷[the Government] shall, upon a first or second conviction, be liable to the penalties and periods of imprisonment respectively provided for a first or second conviction in section 3 of this Act.

Penalty for destroying male elephant on Government land without licence.

Central Act XLV of 1860.

5. Nothing in this Act shall be deemed to prevent any zamindar or other proprietor or occupier of land, or any person duly authorized in that behalf by any such zamindar, proprietor or occupier, from destroying wild male elephants upon the waste or forest-lands of such zamindar, proprietor or occupier.

Saving clause as to destruction of male elephants on zamindari or private land.

¹ Section 3-A was inserted by section 3 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

² The words, "if specially authorized by the Board of Revenue," were omitted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1951 (Madras Act X of 1951).

³ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

⁴ The words "of the Crown" were substituted for the words "of Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

⁵ The words "as the Board of Revenue may direct or" were omitted by section 2 of the Madras Wild Elephants Preservation (Amendment) Act, 1951 (Madras Act X of 1951).

⁶ These words were substituted by section 4 of the Madras Wild Elephants Preservation (Amendment) Act, 1933 (Madras Act XXIV of 1933).

⁷ The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

Saving clause as to destruction of elephants on cultivated lands, etc.

6. Nothing in this Act shall be deemed to prevent any person from shooting at, or destroying, any wild male or female elephant found upon cultivated lands, or upon or in the immediate vicinity of any public road, or to prevent any person from shooting at, or destroying, any male or female elephant in defence of himself or any other person.

Licence to shoot male elephants.

7. The Collector or other officer in charge of a district may, subject to such rules as may from time to time be made by the ¹[State Government], issue a licence to any person authorizing him by name to shoot wild male elephants upon waste or forest-lands, the property of ²[the Government], in such district, for the period of one year from the date of the grant of such licence.

Every such licence shall become void at the expiration of the said period, but may be renewed by such Collector or other officer for a like period:

Proviso.

Provided that every such licence shall become void upon the conviction under this Act of the person to whom such licence was granted.

Power to make rules for grant or renewal of licences.

8. The ¹[State Government] may make rules, for regulating the grant or renewal of licences under this Act, and the fees to be charged on such grant or renewal, and may from time to time alter or cancel such rules.

Limitation of prosecution.

9. Every prosecution under this Act shall be commenced within a period of six months from the date of the offence in respect of which it is instituted.

¹ The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² The words "the Crown" were substituted for the words "the Government" by the Adaptation Order of 1937 and the word "Government" was substituted for "Crown" by the Adaptation Order of 1950.

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as may be required for the preparation in public offices of such statistics as the ¹[State Government of Madras] may prescribe.

² 16. The ¹[State Government of Madras] may after previous publication make rules— Power to make rules.

(a) prescribing forms for the books, returns and statistics referred to in section 15 ;

(b) regulating the time at which and the authority to whom such returns are to be furnished ;

(c) regulating the inspection and examination of such books, returns and statistics ; and

(d) generally for carrying out the purposes of this Act ; and all such rules shall be published in the ³ [Official Gazette] and shall thereupon have the force of law.

³ 17. Any person failing without reasonable excuse to comply with the provisions of section 15 of this Act shall be liable on conviction by a Magistrate to pay a fine not exceeding one hundred rupees.] Penalty for failure to comply with the provisions of section 15.

MADRAS ACT No. II OF 1879.⁴

[THE NILGIRIS GAME AND FISH PRESERVATION ACT, 1879.]

(Received the assent of the Governor on the 12th February 1879, and of the Governor-General on the 24th March 1879, and took effect from the 6th May 1879.)

An Act to provide for the protection of Game and Acclimatised fish in the district of the Nilgiris in the Madras Presidency.

WHEREAS it is expedient to provide for the protection of wild animals and birds used for food and of acclimatised fish, and to prohibit the killing, capturing and selling game and acclimatised fish in the district known as the Nilgiris, as Preamble.

¹ The words "Provincial Government of Madras" were substituted for the words "Governor of Fort St. George in Council" by the Adaptation Order of 1937 and the word "State" was substituted for "Provincial" by the Adaptation Order of 1950.

² Sections 15, 16 and 17 were added by Mad. Act II of 1900, s. 9.

³ These words were substituted for the words "Fort St. George Gazette" by the Adaptation Order of 1937.

⁴ For Statement of Objects and Reasons, see *Fort St. George Gazette*, 1878, Supplement, dated the 2nd April 1878, p. 2; for Report of the Select Committee, see *ibid.*, Supplement, dated the 25th June 1878; and for Proceedings in Council, see *ibid.*, Supplement, dated the 24th April 1878, p. 82, and *ibid.*, dated the 23th June 1878, and *ibid.*, dated the 4th February 1879, p. 3.

The Act has been supplemented by Act IV of 1897.

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described in the Schedule hereto appended, under certain conditions; It is hereby enacted as follows :—

Title and local extent.

1. This Act may be called the Nilgiris Game and Fish Preservation Act, 1879; and it shall come into operation in the district aforesaid, or such parts thereof, and from such dates as the ¹[State Government] may from time to time declare by notification in the ²[Official Gazette].

Interpretation-clause—
“Game”.

2. In this Act the word “game” shall include bison, sambhur, ibex, jungle-sheep, deer of all descriptions, hares, jungle-fowl, pea-fowl, partridge, quail, and spur-fowl, or such birds or animals as the ¹[State Government] may deem fit to specify by notification from time to time in the ²[Official Gazette].

Power to fix close season.

3. The ¹[State Government] may, by notification in the ²[Official Gazette], from time to time, fix a season or seasons of the year during which it shall not be lawful for any person to shoot at, kill, capture, pursue or sell, or attempt to kill, capture or sell game, as may be specified in such notification within the district aforesaid :

Proviso as to private lands.

Provided that nothing in this Act contained shall preclude proprietors or occupiers of land from adopting such measures on such land as may be necessary for the protection of crops or produce growing thereon.

Protection of animal, bird or fish not indigenous.

4. Whenever any animal, bird or fish useful for food, not indigenous to the district aforesaid, is introduced into it with the approval of the Government with a view to becoming acclimatised or being propagated therein it shall be lawful for the ¹[State Government] from time to time by notification in the ²[Official Gazette], to prohibit altogether, or to regulate in such manner and for such period not exceeding three years as may be declared in such notification, the pursuit, killing or capture of such animal, bird or fish.

Power to prescribe rules for the regulation and control of fishing.

5. It shall be lawful for the ¹[State Government], by notification in the ²[Official Gazette], from time to time, to make rules for the regulation and control of fishing in any stream or lake within the said district; and such rules may, with the view to protect acclimatised fish which may be believed to be there or may be hereafter introduced therein, prohibit or regulate the poisoning of the waters of any stream or lake, the throwing of any deleterious matter therein, the use of fixed engines for the capture of fish in any stream, and the use of

¹ The words “Provincial Government” were substituted for the words “Governor in Council” by the Adaptation Order of 1937 and the word “State” was substituted for “Provincial” by the Adaptation Order of 1950.

² These words were substituted for the words “Fort St. George Gazette” by the Adaptation Order of 1937.

nets of a mesh below a certain size to be defined in such rules for the capture of fish in such stream or lake.

6. Any Government officer or servant or policeman, producing his certificate of office, or wearing the prescribed distinctive dress or badge of his department, may require any person whom he finds committing any offence against section 3, 4 or 5 of this Act to give his name and address, or, if there is reason to doubt the accuracy of the name and address so given, to accompany him to the nearest police-station.

Power of Government officer or police.

7. Every person convicted before a Magistrate of any offence against section 3, 4 or 5 of this Act shall be liable for a first offence to a penalty not exceeding rupees fifty and to the forfeiture to Government, at the discretion of the Magistrate, of the game, birds or fishes taken, and of all guns, engines, implements, nets and dogs used in or for the purpose of aiding the commission of such offence, and in default of payment of fine, to simple imprisonment for a period not exceeding one month, and for every second and subsequent offence, to a penalty not exceeding rupees one hundred and the same liability to forfeiture, and in default of payment to simple imprisonment for a period not exceeding two months.

Penalties for shooting, etc., during close season and for breach of fishing rules

8. The provisions of the Code of Criminal Procedure¹ relating to the summoning and examination of persons accused and witnesses and to the levying of penalties shall be applied to proceedings under this Act.

Procedure under this Act.

9. All fees, fines and forfeitures realized under this Act shall be paid into the public treasury.

Appropriation of fees, fines, etc.

But it shall be competent to the convicting Magistrate to award such portion of the fine or of the proceeds of the forfeiture as he may think fit, not exceeding one-half the amount of full fine authorized to be imposed by this Act in any case under this Act, to the person or persons on whose information the conviction is obtained.

Award to informer.

SCHEDULE REFERRED TO IN THE PREAMBLE

The Nilgiri district shall for the purpose of this Act be held to be bounded by—

The north bank of the Bhavani River from Attipadi in the Attipadi Valley to the junction of the Mayar River.]

The west and south banks of the Mayar River from its junction with the Bhavani to the point in the Mudumullah District nearest to Gudalur.

¹ See now Central Act V of 1898.

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A line carried thence to the head of the Pandy River (Ouchterlony Valley).

The east bank of the Pandy River to where it falls near the Karkur Pass into Malabar Payenghaut.

A line along the south crest of the Ouchterlony Valley and across the western slopes of the Nilgiri and Mukurti Peaks and Sisapara Ranges to Wallaghaut.

A line thence along the west crest of the Silent Valley (Malabar) Range.

N.B.—The district shall include the entire tract known as the Silent Valley.

A line from the south end of the abovenamed range to the Bhavani River at Attipadi in the valley of the same name.

Edwin Army Speed
London: Stevens & sons, Ltd.
1908

Laws of the Colony
of Southern Nigeria
1908 vol. II

1385

CHAPTER CXXXI.

WILD ANIMALS, ETC. PRESERVATION.

(No. 15—1900.)

WHEREAS the Colony of Southern Nigeria is within the zone specified in the first article of a Convention for the Preservation of Wild Animals, Birds and Fish in Africa, signed at London on the 19th day of May, 1900.

1. This Ordinance may be cited for all purposes as "The Wild Animals, Birds and Fish Preservation Ordinance."

2. In this Ordinance unless the context otherwise requires—

Interpreta-
tion.

"Colony" includes Protectorate.

"Animal" means any wild animal.

"Bird" means any wild bird.

"Collect" means to take and kill by any means any animals, birds or fish for scientific purposes.

"Diseased" means affected with disease.

"Disease" means any infectious or contagious disease of wild or domestic animals or birds.

"Hunt" means to chase or pursue animals or birds for the sake of food or sport, and shall include to beat or to drive animals for another.

"Dangerous" means savage, vicious, or likely to spread disease.

"Young," as applied to an elephant, means having a tusk weighing less than twenty-five pounds. (Amended, 1907.)

3. The Governor in Council may by order published in the Gazette do the following things or any of them:—

Power of
Governor:

(a) Prohibit the hunting, capture and killing of any animal or bird mentioned in the Schedule I. hereto, or the young of any animal mentioned in the Schedule II. hereto, or the female of any animal mentioned in the Schedule III. hereto when accompanied by its young.

To prohibit
hunting.

To prescribe number to be killed.

To prohibit taking of eggs.

To prohibit fishing.

To prohibit taking of young fish.

To prohibit destruction of spawn.

To prescribe a close season.

To appoint preserves.

To prohibit traps, &c.

To regulate destruction of diseased animals.

To regulate export of tusks.

To establish export duties.

To regulate destruction of certain animals, and eggs.

- (b) Define districts and prescribe the number of animals or male or female animals of the species specified in Schedule IV. which may lawfully be killed or captured during the period mentioned in the order by any person in any district so defined.
- (c) Prohibit the taking out of the nest or the destroying in the nest of the eggs of any bird mentioned in the order.
- (d) Prohibit the hunting, capture and killing of any fish specified in the order.
- (e) Prohibit the capture and killing of the young of any fish specified in the order, below the size therein mentioned.
- (f) Prohibit the destroying of any spawning bed or any bank or shallow on which the spawn of fish may be.
- (g) Prescribe a period or periods during which it shall not be lawful to hunt, capture or kill any animal or male or female animal, or the young of any animal, or any bird, or any fish or immature fish specified in the order, or take or destroy the eggs of any bird specified in the order.
- (h) Appoint any tract or tracts of land within which it shall not be lawful to hunt, capture or kill any animal, bird or fish with the exception of those exempted by the order from the operation thereof.
- (i) Prohibit the use of any poison or dynamite or any explosive or any trap, pit, snare, net or other instrument, device or means, mentioned in the order, for the purpose of taking or killing any animal, bird or fish specified in the order.
- (j) Permit and regulate the killing when diseased or suspected of disease of domestic animals and of wild animals, notwithstanding the provisions of this Ordinance or any order thereunder, and the payment of compensation for domestic animal so killed, and generally make such further or other provisions for preventing the transmission of disease from or to or between wild animals as he may think fit.
- (k) Prohibit or regulate the export of elephants' tusks.
- (l) Establish export duties to be charged upon hides and skins of giraffes, antelopes, zebras, rhinoceroses and hippopotami, on rhinoceros and antelope horns, and on hippopotamus tusk, and upon the hides, skins, horns and tusks of any animal and on the skin and plumage of any bird specified in the order.
- (m) Regulate the destruction of animals of the species mentioned in Schedule V. and generally of any poisonous, dangerous or destructive animal, bird or insect.
- (n) Regulate the destruction of the eggs of crocodiles, poisonous snakes and pythons, and of any other poisonous, dangerous or destructive reptile, and of any poisonous, dangerous or destructive bird or insect.

- (o) If it shall at any time appear that any animals or birds, the hunting, capture and killing of which is unlawful under this Ordinance, are seriously injuring crops, cattle, lands or other property, permit the hunting, capture and killing of such animals or birds by such persons upon such conditions and by such means as are mentioned in such order, and To permit hunting, &c. in certain cases.
- (p) Generally make orders and regulations, and revoke, alter, or add to any such orders and regulations for the better execution of this Ordinance, and for the purpose of preserving animals, birds and fish. General.

4. The Governor may by any order or regulation made by him under the provisions of section 3 of this Ordinance impose for every offence against any order or regulation such penalty not exceeding fifty pounds or such term of imprisonment not exceeding six months, as he may think fit. Power to impose penalties.

5. The Governor in Council may make regulations with respect to all or any of the following matters:— To make regulations as to licenses.
- (a) Application for, issue and form of, hunting and collecting licenses;
 - (b) Fees to be charged for licenses;
 - (c) Returns to be furnished by holders of licenses under this Ordinance; and
 - (d) The imposition and enforcement of penalties for any breach of any regulation made in pursuance of this section.

6. Every order and regulation made under the provisions of this Ordinance shall be published in the Gazette, and shall upon such publication have full force and effect. Publication of orders.

Unless and until varied or revoked in the manner above prescribed the orders and regulations contained in Schedule VI. hereto shall be and remain in force.

SCHEDULE I.

(Series A.)

1. Vultures.
2. The Secretary-bird.
3. Owls.
4. Rhinoceros-birds or Beef-eaters (Buphaga).

(Series B.)

1. The Giraffe.
2. The Gorilla.
3. The Chimpanzee.
4. The Mountain Zebra.
5. Wild Asses.
6. The White-tailed Gnu (Connochoetes Gnu).
7. Elands (Taurotragus).
8. The little Liberian Hippopotamus.

SCHEDULE II.

1. The Elephant.
2. Rhinoceroses.
3. The Hippopotamus.
4. Zebras of species not referred to in Schedule I.
5. Buffaloes.
6. Antelopes and Gazelles, namely, species of the genera Bubalis, Damaliscus, Connochoetes, Cephalophus, Oreotragus, Oribia, Rhaphiceros, Nesotragus, Madoqua, Cobus, Cervicapra, Pelea, Aepyceros, Antidorcas, Gazella, Ammodorcas, Lithocranius, Dorcotragus, Oryx, Addax, Hippotragus, Taurotragus, Strepsiceros, Tragelaphus.
7. Ibex.
8. Chevrotains (Tragulus).

SCHEDULE III.

1. The Elephant.
2. Rhinoceroses.
3. The Hippopotamus.
4. Zebras of the species not referred to in Schedule I.
5. Buffaloes.
6. Antelopes and Gazelles, namely, species of the genera Bubalis; Damaliscus, Connochoetes, Cephalophus, Oreotragus, Oribia, Rhaphiceros, Nesotragus, Madoqua, Cobus, Cervicapra, Pelea, Aepyceros, Antidorcas, Gazella, Ammodorcas, Lithocranius, Dorcotragus, Oryx, Addax, Hippotragus, Taurotragus, Strepsiceros, Tragelaphus.
7. Ibex.
8. Chevrotains (Tragulus).

SCHEDULE IV.

1. The Elephant.
2. Rhinoceroses.
3. The Hippopotamus.
4. Zebras of the species not referred to in Schedule I.
5. Buffaloes.
6. Antelopes and Gazelles, namely, species of the genera Bubalis, Damaliscus, Connochoetes, Cephalophus, Oreotragus, Oribia, Rhaphiceros, Nesotragus, Madoqua, Cobus, Cervicapra, Pelea, Aepyceros, Antidorcas, Gazella, Ammodorcas, Lithocranius, Dorcotragus, Oryx, Addax, Hippotragus, Taurotragus, Strepsiceros, Tragelaphus.
7. Ibex.
8. Chevrotains (Tragulus).

9. The various Pigs.
10. Colobi and all fur-Monkeys.
11. Aard-Varks (genus *Orycteropus*).
12. Dugongs (genus *Halicore*).
13. Manatees (genus *Manatus*).
14. The small Cats.
15. The Serval.
16. The Cheetah (*Cynoelurus*).
17. Jackals.
18. The Aard-wolf (*Proteles*).
19. Small Monkeys.
20. Ostriches.
21. Marabouts.
22. Egrets.
23. Bustards.
24. Francolins, Guinea-fowl and other "Game Birds."
25. Large Tortoises.

SCHEDULE V.

1. The Lion.
2. The Leopard.
3. Hyænas.
4. The Hunting Dog (*Lycaon pictus*).
5. The Otter (*Lutra*).
6. Baboons (*Cynocephalus*) and other harmful Monkeys.
7. Large birds of prey, except Vultures, the Secretary-bird and Owls.
8. Crocodiles.
9. Poisonous Snakes.
10. Pythons.

SCHEDULE VI.

1. ORDER.

(24th August, 1905.)

The following acts are hereby prohibited :—

1. The hunting, capture or killing of—
 - (a) Any of the following birds or animals, viz., Vultures, Secretary Birds, Owls, Rhinoceros - Birds, Giraffes, Gorillas, Chimpanzees, Mountain Zebras, Wild Asses, White-tailed Gnus, Elands and little Liberian Hippopotami;
 - (b) The young of any of the following animals, viz., Elephants, Hippopotami, Buffaloes, Antelopes and Gazelles, except by the holders of collector's licenses; and
 - (c) The female of any of the animals mentioned in subsection (b) when accompanied by its young;

(d) Birds during the nesting season, which in the case of Partridges is to be considered to extend from August 1st to December 15th, and in the case of Ducks, Geese and other waterfowl, from March 1st to June 30th.

2. The hunting, capture or killing of Elephants by persons other than the holders of licenses.

3.—(i) The use of dynamite or any explosive or poison for the purpose of capturing or killing fish in any river, stream, brook, lake, pond or lagoon within the Colony or Protectorate.

(ii) The use of poison to kill any wild animal or bird.

4. The possession or sale of Elephants' tusks of less than twenty-five pounds in weight, unless it be proved that such tusks are those of Elephants killed before the date of the commencement of this Ordinance, or in case of tusks of less than ten pounds in weight, before the 31st October, 1901.

5. The possession of any animal, bird or fish, or any hide, skin, horn, tusk or any part of any animal, bird or fish, or any egg of any bird, the hunting, capture, killing or taking of which is prohibited by this Order.

Any person doing any act in contravention of this Order shall be liable, on conviction before a District Commissioner, to a fine not exceeding twenty-five pounds, or to imprisonment, with or without hard labour, for any period not exceeding three months.

In this Order District Commissioner includes Resident or other officer appointed by the Governor to be in charge of any district in the Colony or Protectorate.

2. REGULATIONS.

(29th August, 1905.)

Licenses.

Issue of
licenses.

Endorsement
of licenses.

Duration of
and fees for
licenses.

1. Licenses may be issued in any district by the District Commissioner.

2. Every license shall have inscribed upon it the district in which the licensee may hunt. If a licensee desire to hunt or collect in any other district he must have his license endorsed by the District Commissioner of such district.

3. Licenses shall be issued for periods of six months or one year, and the following fees shall be payable thereon:—

Elephant Licenses.

License for six months	£10
License for one year	£20

Collector's Licenses.

License for six months	£6
License for one year	£10

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| <p>4. Licenses shall be in the forms in the appendix hereto.
Rules 2, 5, 6, 7, 8, 9 and 10 shall be endorsed on every license.</p> <p>5. Upon the expiration or revocation of a license such license shall be handed by the licensee to the District Commissioner of the district.</p> <p>6. A royalty of twenty-five per cent. of ivory obtained, or the value thereof at the current market price at the date when the Elephant was killed, shall be paid to the Government.</p> <p>7. Twenty-five per cent. of the meat of every Elephant killed shall be given to the natives who own the bush in which the Elephant is killed.</p> <p>8. Every licensee shall report to the District Commissioner of the district on the first day of every month or within fourteen days thereafter, the number of animals or birds killed or collected by him, and also their sex and species. The tusk of any Elephant killed shall be brought at the same time to such District Commissioner, and the royalties payable under rule 6 hereof shall be paid.</p> <p>9. Every licensee shall produce his license at the request of any District Commissioner.</p> <p>10. Any person who contravenes any of the foregoing regulations shall be liable to a penalty not exceeding twenty-five pounds, or to imprisonment for a term not exceeding three months, with or without hard labour, and his license may be revoked.</p> <p>11. In these rules District Commissioner includes Resident or other officer appointed by the Governor to be in charge of any district in the Colony or Protectorate.</p> | <p>Form.</p> <p>Licenses to be delivered upon expiration or revocation.</p> <p>Royalties on ivory.</p> <p>Part of meat given to natives.</p> <p>Monthly returns to be made.</p> <p>Production of licenses.</p> <p>Penalties.</p> |
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APPENDIX.

Elephant License.

No.

"THE WILD ANIMALS, BIRDS AND FISH PRESERVATION ORDINANCE."

District.

Permission is hereby granted to hunt elephants in District for the period extending from the day of , 19 , to the day of , 19 .

Dated the day of , 19 .

Fee paid.

District Commissioner.

(Rules 2, 5, 6, 7, 8, 9 and 10 to be endorsed on this license.)

No.

"THE WILD ANIMALS, BIRDS AND FISH PRESERVATION ORDINANCE."

District.

Permission is hereby granted to hunt elephants in District for the period extending from the day of , 19 , to the day of , 19 .

Dated the day of , 19 .

Fee paid.

District Commissioner.

(Rules 2, 5, 6, 7, 8, 9 and 10 to be endorsed on this license.)

*Wild Animals, &c. Preservation.**Collector's License.*

<i>No.</i>	<i>No.</i>
<p>"THE WILD ANIMALS, BIRDS AND FISH PRESERVATION ORDINANCE."</p>	<p>"THE WILD ANIMALS, BIRDS AND FISH PRESERVATION ORDINANCE."</p>
<p>Permission is hereby granted to to collect any animals (except elephants) or birds in District from the day of , 19 , to the day of , 19 .</p>	<p>Permission is hereby granted to to collect any animals (except elephants) or birds in District from the day of , 19 , to the day of , 19 .</p>
<p>Dated the day of , 19 .</p>	<p>Dated the day of , 19 .</p>
<p>Fee paid.</p>	<p>Fee paid.</p>
<i>District Commissioner.</i>	<i>District Commissioner.</i>

3. APPOINTMENT OF A RESERVE.**(23rd May, 1907.)**

The following tract of land is appointed a reserve, within which it shall not be lawful to hunt, capture or kill any animal or bird whatsoever; that is to say:—

All that tract of land which lies within the boundaries formed by the Gwato Creek, the Benin River, and the Davey or Ologi Creek on the west, south and east respectively, and the road between Gilli-Gilli and Kolo-Kolo on the north.

4. CLOSE TIME FOR ELEPHANTS.

It shall not be lawful to hunt, capture or kill any Elephant on any day of the year falling between the 1st June and the 30th November, both inclusive.

No. 18 OF 1902.

building, ship, vessel or other place, then such Magistrate may by warrant under his hand and the seal of the Court directed to any Police Officer, cause such house, building, ship, vessel or other place to be entered and searched at any hour of day or night.

(ii). The information mentioned in the preceding sub-section shall describe the property which it is reasonably suspected has been stolen or fraudulently obtained and shall also describe the house, building, ship, vessel or other place in which such property is suspected to be.

(iii). If upon the making of the search any property such as that described in the information shall be found in the house, building, ship, vessel or other place, then the Police Officer making the search or some other Police Officer shall convey such property before a Magistrate or guard the same on the spot or otherwise dispose thereof in some place of safety.

(iv). The Police Officer making the search or some other Police Officer shall also take into custody and carry before a Magistrate every person in such house, building, ship, vessel or other place in whose possession or under whose control such property may be found.

(v). The provisions of Sections 59 and 60 of the "Criminal Procedure Code, 1900," shall apply to searches made under this section.

FEDERATED MALAY STATES.

STATE OF PERAK.

ENACTMENT No. 20 OF 1902.

An Enactment to provide for the protection of wild Animals and Birds.

[22nd November, 1902.]

J. P. RODGER, c.m.g., *British Resident.*

IT IS HEREBY enacted by His Highness the Sultan in Council as follows:—

Short title
and com-
mencement.

1. This Enactment may be cited as "The Animals and Birds Protection Enactment, 1902," and shall come into force three months after the publication thereof in the *Gazette*.

Interpreta-
tion.

2. In this Enactment unless the context otherwise requires:—

"Big game" means any animal mentioned in the First Schedule;

"Deer" includes all kinds of deer and antelope;

"Wild bird" includes all birds commonly found wild within the State other than those mentioned in the Second and Third Schedules;

"Shoot" includes to shoot at with any gun or blow-pipe, or to kill, wound, snare, net, or take by means of any contrivance.

ANIMALS AND BIRDS PROTECTION.

3. It shall not be lawful for any person :— Offences.
- (a). To shoot any female elephant;
- (b). To shoot any big game or wild bird unless he be duly licensed in that behalf under this Enactment; provided that no licence shall be required in the case of His Highness the Sultan, the High Commissioner, the Resident-General, or the Resident;
- (c). To procure or instigate any other person not duly licensed in that behalf to shoot any big game or wild bird;
- (d). To expose or offer for sale or have in his possession alive or dead any big game, deer or bird or any part thereof unless the same shall have been lawfully taken, as to which the burden of proof shall be upon such person;
- (e). To shoot any deer within the months of May, June, July and August, or to shoot any bird of a kind mentioned in the Second Schedule within the months of February, March, April and May.
4. (i). Licences to shoot big game or wild birds shall only be issued by the Resident and shall be substantially in the form of the Fourth and Fifth Schedules, respectively, and it shall be in the absolute discretion of the Resident to grant or refuse such licences; no fee shall be payable in respect of any such licence. Resident may issue licences.
- (ii). No such licence shall authorise any person to shoot any female elephant.
5. (i). Every licence, unless it be otherwise expressly stated therein, shall be valid throughout the State. Licence where valid.
- (ii). In no case shall a licence be transferable. Not transferable.
6. (i). Every holder of a licence to shoot big game or to shoot wild birds shall, before he leaves the State or on the expiration of his licence, whichever is the earlier date, furnish the Resident with a return shewing the number and description of big game or of wild birds shot under his licence. Return of big game or wild birds shot.
- (ii). In the case of big game such return shall shew the date on which and the place at which each head of big game was shot.
7. The Resident may from time to time, with the approval of the Resident-General, by notification in the *Gazette*, add to or remove from the First Schedule the name of any kind of animal, or add to or remove from the Second and Third Schedules, respectively, the name of any kind of bird, and may similarly vary the forms contained in the Fourth and Fifth Schedules or substitute other forms therefor. Resident may vary schedules.
8. (i). It shall not be lawful for any person to set, place or prepare, or cause to be set, placed or prepared, any spring gun or engine, sharpened stakes, pit-fall furnished with sharpened stakes, or other contrivance likely to endanger human life or inflict grievous bodily harm. Setting spring guns, etc.
- (ii). Nothing in Sub-section (i) shall make it unlawful to set or place a spring gun or other contrivance for the purpose of destroying a tiger, bear, leopard, panther or pig; provided that permission to do so shall

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have been first obtained from the District Officer, the Senior Police Officer of the District or the penghulu or other chief district headman.

(iii). Nothing in this section shall be held to relieve any person from any civil or criminal liability which would have attached to him if this Enactment had not been passed, provided that no person shall be punished twice for the same offence.

Defence of life or property.

9. (i). Notwithstanding any of the foregoing provisions it shall be lawful for any person:—

(a). In defence of himself or of some other person, or in defence of the property of himself or of some other person, to shoot any animal;

(b). If he is the lawful occupier of any cultivated land, to shoot any animal or bird found actually damaging or destroying the crops growing thereon.

Cancellation of licence.

10. The Resident may at any time, by order under his hand, cancel any licence issued under this Enactment, and any person in possession of such licence shall thereupon be legally bound to surrender the same upon demand made by any Government servant duly authorised in that behalf.

Arrest without warrant.

11. Any Police Officer, Penghulu or Forest Officer may arrest without warrant any person found offending against this Enactment whose name or place of abode is unknown to him or cannot be readily ascertained by him, and such offender may be detained at a police station until his name and place of abode can be ascertained or may be forthwith conveyed before a Magistrate to be dealt with according to law.

Reserves.

12. His Highness the Sultan in Council may from time to time, by notification in the *Gazette*, create reserves of specified areas of land for the preservation of animals and birds, and no person shall, without the written permission of His said Highness, shoot any animal or bird within any such reserve.

Penalties.

13. (i). Any person who commits any of the following offences shall be liable, on conviction before a Magistrate, to a fine not exceeding the amount prescribed for each such offence:—

(a). Shoots any female elephant, \$500;

(b). Shoots any big game without a licence or otherwise than in accordance with any licence issued to him or abets any such offence, \$500;

(c). Shoots any wild bird without a licence or otherwise than in accordance with any licence issued to him or abets any such offence, \$5 in respect of every wild bird so shot;

(d). Exposes, offers for sale or has in his possession, alive or dead, any big game, deer or bird or any part thereof, unless the same shall have been lawfully taken, \$50;

(e). Shoots any deer during the months of May, June, July and August, \$100;

(f). Shoots any bird of a kind mentioned in the Second Schedule during the months of February, March, April and May, \$5 in respect of every such bird so shot;

ANIMALS AND BIRDS PROTECTION.

- (g). Makes or accepts the transfer of a licence, \$50 ;
 (h). Fails to duly furnish any return required by Section 6, \$50 ;
 (i). Contravenes the provisions of Section 8, \$250 ;
 (j). Fails to surrender a cancelled licence on demand, \$25 ;
 (k). Shoots without the written permission of His Highness the Sultan in a reserve created under Section 12, \$500.

(ii). In every case where an animal or bird is unlawfully shot or taken, the head, carcase, feet, skin, tusks, horns of such animal, or the plumage of such bird, shall be liable to forfeiture by order of a Magistrate.

(iii). If any person, being bound by the provisions of this Enactment to make a report of big game or of wild birds shot, shall, without reasonable excuse, fail to make such report, no licence to shoot big game or wild birds shall in future be issued to such person.

14. The Court before which any conviction under this Enactment is had may direct that any sum not exceeding one half of any fine actually recovered shall be paid to the informer. Reward to informers.

15. On the commencement of this Enactment the Enactment specified in the Sixth Schedule shall be repealed to the extent therein mentioned. Repeal.

THE FIRST SCHEDULE.

Elephant	...	...	Gajah
Bison...	...	...	Seladang or Sapi
Rhinoceros	...	...	Badak
Tapir	...	...	Tenok

THE SECOND SCHEDULE.

Pea-Fowl	...	...	Merak
Argus pheasant	...	...	Kuang raya (or kuang bulan)
Peacock	„	...	„ chermin (or merak pongsu)
Fireback	„	...	Pegar
Rufus-tailed fireback	...	...	Kuang bertam (or merah mata)
Jungle fowl	...	...	Denak (or borga or ayam utan)
Long-billed partridge	...	...	Sulanting
Black partridge	...	...	Burong bertam (or burong sang-serok)
Quail	...	...	Puyoh
Small blue-breasted quail	...	...	Pikau
Burnished quail	„ or puyoh padang
Crested wood quail	Siol
Water-rail (large)	Ayam-ayam
„ (small)	Sintar

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Whistling teal	Belibis
Goose teal (cotton teal) ...	Itek ayer
White-winged wood duck ...	„ angsa
Grey imperial pigeon	Pergam
Coppery imperial pigeon ...	„ bukit
Pied imperial pigeon (sea pigeon)	Burong rawa
Large thick-billed green pigeon	Berkok (or lengguak)
Orange-breasted „	Punai daun
Little green pigeon	„ siol
Pink-headed green pigeon ...	„ gading (or punai jambu)
Bronze-winged dove	„ tanah (or lembok or dekut)
Ringdove	Tekukor or balam
„ (buff coloured)	Balam Jawa
Small dove	Ketitir or merbo
Mina	Tiong
Thrush	Barau-barau
Green parrot	Bayan
Long-tailed parrot	Tanau
Parroquet	Serendit

THE THIRD SCHEDULE.

Kite	Lang bumbun
„	„ tambikar
„	„ sewah or raja wali
Hawk	Sikap balam
„	„ belalang
Crow	Gagak
Sparrow (white-headed) ...	Pipit uban
„ (black)	„ tuli or perit
„ (black-headed)	„ pinang
„ (larger species)	„ paya
All migratory birds	

THE FOURTH SCHEDULE.

STATE OF PERAK.

“The Animals and Birds Protection Enactment, 1902.”

BIG GAME LICENCE.

(Not transferable.)

Permission is hereby granted to

of

ANIMALS AND BIRDS PROTECTION.

to kill such animals as are hereunder specified between the date of this licence and 31st December, 190 .

Species
 Number
 Sex
 Other restrictions

Dated this day of 190 .

British Resident.

Licence No. _____

THE FIFTH SCHEDULE.

STATE OF PERAK.

"The Animals and Birds Protection Enactment, 1902."

WILD BIRDS LICENCE.

(Not transferable.)

Permission is hereby granted to
 of
 to kill wild birds in accordance with the terms of this licence between the date of this licence and 31st December, 190 .

Terms of licence

Dated this day of 190 .

British Resident.

Licence No. _____

THE SIXTH SCHEDULE.

ENACTMENT REPEALED.

Number.	Short Title.	Extent of Repeal.
Order in Council No. 11 of 1889 ...	Protection of Wild Birds of Bright Plumage ...	The whole.

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