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(2) Date of repair 6-8-43
(3) Initials of the Referencer Q

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	2177	Press ~~Mis.~~
Dated	17. 8. 1886.	

Original

Not to be folded or roughly handled

104
5.8.113

17TH AUGUST 1886, No. 2177, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

G.O., dated 7th May 1875, No. 597, Public.

On further consideration of this subject and of the recently increased importance of the capture of elephants for Government service, the Governor in Council resolves to reserve in the hands of Government the power of sanctioning issue of individual licenses to shoot elephants on receiving notice from Collectors of application being made with their remarks thereon.

(True Extract.)

(Signed)

D. F. CARMICHAEL,
Officiating Chief Secretary.

ORDER—dated 17th August 1886, No. 2177, Judicial.

Under the provisions of section 8, Madras Act I of 1873, "An Act to prevent the indiscriminate destruction of wild elephants," His Excellency the Governor in Council is pleased to make the following rule for regulating the grant of licenses under that Act:—

RULE.

Licenses granted by Government under section 7 of Madras Act I of 1873, for the destruction of wild male elephants, shall be granted only on the condition that the person to whom such license is granted shall agree to surrender the tusks of the elephants destroyed to Government if called upon so to do.

(True Extract.)

Chief Secretary.

To all Collectors.
„ the Revenue Department.

Exd. A. Raitt.

Govt. of (1886) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 17th August 1886, No. 2177.

AUGUST.

Elephants' Tusks.

Ruling that the grant of licenses for the destruction of wild male elephants shall be coupled with the condition that the person to whom such license is given shall agree to surrender the — to Government if called upon to do so.

Regd. - again in the file
11th Sep, 1875, 1275, 1275, 1275

1 Order only
(see page 7)

Proceedings of the Madras
7th

Public Department.

Elephants.

No. 27. Read again the following orders of Government in the Public Department, dated 4th Sep, No. 925:—

Read the following letter from GOR. Esq., Collector of Malabar, and W. LOGAN, Esq., A. Session Judge of North Malabar, to the Hon. W. H. f Secretary to Government, Fort St. George, dated Tel, 1st 1873, No. 212.

We have the honor to submit files which, in our opinion, should be prescribed for regulating the of licenses under Act I. of 1873.

2. In framing these Rules we by the following considerations:—

i. We are of opinion the (ve a certain discretionary power to grant or withhold license es that licenses should be granted only to such persons as, in ion, are likely to respect the conditions on which the licenses think Rupees 10 should be charged for the license as some com privilege conceded of appropriating the ivory of any animal slain that the license would only be in force for one year, that a pe search of elephants would frequently have to take out licenses in one if he wished to have any chance of success, and consider persons would care to pay heavily for the chance (at all times a tusker, we think that no more than 10 Rupees should be char

ii. The license should be av ernment waste lands in the district, exempting those localities w contemplation to institute kheddah operations for catching e the year. The next clauso provides for cases in which it may amence kheddah operations after the issue of licenses.

iii. The Act fixes the perio the license, viz., one year. We propose in addition that the C authorized to declare, by notice in the District Gazette, that be held in abeyance in any locality during such period as may b ead e to admit of the prepara tion for, and carrying out of, kheddah per

iv. We consider that, in order t of the legislation, license-holders should be obliged to report l instances of their having slain or fired at elephants with a short place, and circumstances.

v. Further, the license oug ict the holder from disturb ing large herds of elephants. We at the largest and most indiscriminate destruction of elephan sportsmen, in the pursuit of male elephants, find themselves i e herds, consisting chiefly of cows and young elephants in al the savage way in which

cows, accompanied by their calves, when disturbed renders it frequently necessary, for the sportsman's own safety, that he should shoot such animals. Now, as this is a position of the sportsman's own seeking, we think that the provisions of the Act would be but fully fulfilled, if the license did not restrict him from placing himself in a position and then claiming immunity under Section 6. Wherever elephants are always single male elephants, which, we consider, the sportsman is entirely entitled to shoot. He should, we think, be restricted from any herd consisting of more than three animals, and, when a male elephant is a herd of more than three, pursuit of him should, we think, be stopped.

vi. We would further require that any wilful breach of the conditions on which the license is issued shall render the license void. All such questions should be left to the Collector's discretion.

3. The papers forwarded shall be returned.

1. Licenses may be granted on payment of a fee of Rupees 10 for each to all persons who, in the Collector's opinion, are likely to respect the conditions on which they are issued.

2. The license shall be available in any waste lands in the district in which it is issued, provided that the Collector may declare any locality in which kheddah operations for catching elephants are likely to be carried out, for which the license is granted.

3. Licenses shall be in force for one year, provided that, after the issue of licenses, the Collector may, by notice in writing, declare they shall be held in abeyance in any locality during a time to be determined by him, and shall not admit of the carrying out of kheddah operations.

4. All license-holders shall report, within a week of each occurrence, any instance of their having slain an elephant, the weight of the tusks, and the height of the forefoot if the animal cannot be ascertained.

5. All license-holders shall report, within a week of each occurrence, any instance of their having fired at an elephant, and in their report the date, place, and circumstances.

6. No herd consisting of more than three elephants shall be disturbed.

7. If a male elephant on being pursued by a herd of more than three elephants pursuit shall be stopped.

8. A breach of the conditions on which a license is issued shall, *ipso facto*, render the license void.

(Signed) A. MacGREGOR,
Collector.

() W. LOGAN,
Ag. Dist. and Sess. Judge.

Order that this letter, and the draft Rules, be communicated to the Hon. D. Arbuthnott and to Messrs. Wedderburn and Unter-Blair for their remarks.

()

W. HUDLESTON,
Chief Secretary.

Read also the following papers:—

No. 27A. From the Hon. D. ARBUTHNOTT, Esq., Collector of Tanjore, to the Hon. W. HUDLESTON, Esq., Secretary to Government, Fort St. George, Ootacamund, dated 13th September 1873, No. 959.

With reference to the Order of Government dated 11th July 1873, No. 730, I have the honor to submit the following proposals on the Rules proposed by Messrs. MacGregor and Logan, with reference to Sections 7 and 8 of Act I. of 1873.

2. All the Rules are unobjectionable. 5. It is not clear what is meant by "disturbing large herds of elephants." It is intended that the license-holder shall not fire at any male elephant accompanied by four other elephants? What is a large herd? How is it to be proved that license-holders intentionally "find themselves in the midst of a herd of 15 or 20 female elephants with their calves without the intention of doing so."

3. I think that this Rule should be left to the good sense of the license-holder, and it should be left to the discretion of the Collector to determine the number of females with calves which a license-holder is seldom found in their company.

4. I observe that the Act gives no provision for the protection of young males. I think the license ought to provide for their protection, and if 7 feet 6 inches in height. There would, of course, be no punishment for infringement of such a rule except the cancelment of the license.

No. 28. From A. WEDDERBURN, Esq., Coimbatore, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Coimbatore, 16th September 1873.

I have the honor to make the following observations on the Draft Rules proposed by Messrs. MacGregor and Logan in relation to the "licenses" to be granted for shooting wild male elephants in forest lands, the property of the Government, and on Clause 6 of the Bill, by saying that I am opposed to the license.

1 G.O., No. 730, of 11th July 1873, Public Department.

1 G.O., No. 113, of 5th November 1872, Legislative Department.

1 Copy of Act No. I. of 1873.

1 Set of Papers relating to a Bill to prevent indiscriminate destruction of elephants.

1 Abstract Proceedings of the Council of Fort St. George.

The fee of Rupees 10 is small compared with the value of the elephants which are appropriated by Native Governments; it seems to me doubtful whether it should be exacted. I agree with the framers of the Rules that it is discretionary with the Collector to grant or withhold a license.

Rule 2.—I think the restriction "within a week of each occurrence" is too limited. There are many localities only, in which kheddah operations for catching elephants are to be instituted "within a week of each occurrence" in this district which appear to be the perpetual resort of herds of elephants, as a rule, they should not be disturbed, and where it may take time to determine a system of

trapping them. I would leave out the words in Rule 2, beginning with "within the year, &c."

Rule 3.—No remark.

Rule 4.—Seems advisable.

Rule 5.—I have not seen "single" male elephants in the vicinity of the large herds. They are usually remote, having been turned out of the herd; but the proviso that large herds should not be disturbed, and the exemption claimed under Rule 6 for shooting females in "self-defence," is reasonable and proper.

Rules 6 and 7.—The observance of these Rules might be difficult (not to attack a male in a herd of more than three). It is not the size of the herd, but the existence of young calves, which is the cause, which may lead to the destruction of a female elephant in self-defence. I have seen a herd of three large elephants, consisting of a male and two females with young calves. If instead of Rules 6 and 7, the rule were that "no male elephant forming part of a herd may be shot," it would provide against the destruction of the useful and inoffensive male, who is necessary for the up-keep of the herds, and who is acknowledged as such by the very fact of being in the company of females.

2. *General Remarks.*—As the avowed object of the Bill is the protection of wild elephants from unnecessary extermination, and, in consequence, is intended for their increase, I do not see why any licenses should be issued.

3. The wild elephant, in a gregarious state, is not, I think, a proper object of sport at all; and the solitary, excommunicated, and, consequently, mischievous, single male is outlawed by Section 6. No license, but rather a reward, is required to shoot him.

4. I was going to suggest that certain places adaptable for kheddahs should be considered as elephant preserves, and other places as open forests; but when we consider the wandering character of these animals—how in South Coimbatore they may make a round of the Annallays (Coimbatore), Pulneys, in Madura, as well as of the Malabar, Cochin, and Travancore forests; and in North Coimbatore they pay visits to Mysore, Salem, and Wynad—it does not seem right to exempt them from local protection, because a kheddah cannot be conveniently erected in this district. The same reasoning would apply to other districts.

5. Government are, I understand, in earnest about not allowing the breed of this (when trained) valuable animal to be greatly diminished. Such will gradually and unavoidably be the result of time in the extension of cultivation and diminution of forest, and want of rest and peace to this bulky but timid race.

6. They are out of the pale of law when they become trespassers, as they frequently do, on the crops, or when they obstruct travellers, but even to such outlawry there should be a limit. By English and Indian law, unlimited measures in self-defence of person or property are not permissible, there must be a ratio; and, consequently, when a herd of elephants attacks a grain-crop, or obstructs the high-way, not more than one should be shot at; the mere report of a gun in the day-time at least will send a herd obstructing a road in rapid retreat, without the needless cruelty of wounding any of them.

7. Whether any modification or addition to Clause 6 may be required is for consideration; for occasion of alleged trespass may be taken to destroy, as

I have known, a small herd of four elephants at a time; and with the exception of the ivory of one, the object of such wholesale slaughter was, in reality, bone-manure.

8. Again, the saving clause outlaws the trespassing elephant only when found "on cultivated land," "or in the immediate vicinity of a public road;" but the marauders, however, are not (except when found "on cultivated land;" but if they are to be effectually warned off the premises, they must be tracked and followed into the sheltering jungle, which is the stronghold for three months of the depredators, whom I dislodged when I took this step in protection to the ryots' crops, five miles distant. With the object of preventing a herd of elephants from being reduced to bone-manure, of establishing a sort of ratio between the attack and the defence, it might be advisable to add a note to Clause 6 that "a report of the occurrence is to be made to the Collector, who is empowered to see that the provisions of the clause are not exceeded." No doubt the word in the Act, male or female elephant, is a number, but this is the greater reason for requiring the report and the duty of the Collector.

9. The resumé of the above remarks is that licenses to shoot wild elephants should not be given, they are likely to lead to the very consequences deprecated by the framers of the license Rules—disturbance of herds, and the anticipated results; the grant or refusal of this, as in the case of a sporting license, throws an invidious duty on the Collector.

10. And as regards the Act itself, single and, consequently, mischievous males are liable to be shot without a license, for, useless to the herd, they are cumberers of the ground. As regards the elephant trespass in Clause 6, there should be power given to the Collector to prevent abuse.

Proposed amended form of Act I. of 1873.

Nothing in this Act shall be deemed to have the effect of authorizing any person from shooting at or destroying any wild male or female elephant found to have been upon cultivated land, or to prevent any person from shooting at or destroying any male or other person in the immediate vicinity of a public or private property, or while proceeding on lawful errand or public duty in a Government Forest. A report of the occurrence is at once to be made to the Collector, who is empowered to prevent abuse of the provisions of the above clause.

A. WEDDERBURN,
Collector.

No. 29. From J. HUNTER-BLAIR, Collector of Sea-Customs, Madras, to the Hon. W. HUDLESTON, Chief Secretary to Government, Ootacamund, dated Madras, 18th September 1873.

I have the honor to acknowledge the receipt of G.O., of 11th July 1873, No. 730, also of G.O., of 4th September 1873, No. 920, forwarding papers referring to Act I. of 1873, and calling for my remarks on certain Draft Rules for granting and renewal of licenses to shoot wild elephants, and a letter explaining the said Rules from Messrs. MacGregor and Loder.

2. I am not aware whether it has been finally decided by Government to grant licenses authorizing persons to shoot elephants, but if they are to be granted, I do not think the proposed Rules sufficiently stringent or distinct.

3. I concur most fully in the opinion expressed by Major Pearse "that the protection of the male animal is necessary to the preservation of the breed." The Honorable R. S. Ellis also remarked in a speech "those who knew most about the subject thought the male elephants require protection as much as the females." To whom Mr. Ellis referred is not stated, but there is no doubt on the subject in my mind.

4. The defect in the Rules appears to me that under them any holder of a license may fire at, wound, or kill one, ten, twenty, or fifty male elephants in a year, as the Collector having once issued the license cannot withdraw it except under Rules 2 and 3 for certain loc

5. I myself in five successive days killed six full-grown male elephants, and one female, which charged me. I shot over with two shots in the front of his head, within ten yards, a very large male, who recovered, got up, chased me for 50 yards, and escaped only to die. Had I not been driven by the monsoon out of the Hills where I meant to stay a month, I believe I should have killed at least fifteen or twenty other males. As for females, in the same five days I might have killed any number I chose, but only fired at the one which charged me. I mention these facts to show the numbers that might be killed by one person in a short time.

6. I would propose to alter the Rules as follows:—See list of Rules.
7. Rule 1.—The license fee shall be payable for firing at an elephant, the larger number of those hit—the wound being nearly always in the head—only to die very soon afterwards. I have known many cases in my own experience.

8. The license-holder, more or less, will pay a very small sum for the privilege of being allowed to fire at an elephant. A full-grown male elephant's tusks weigh at least 40 lbs. the pair, making a larger number of those hit—the wound being nearly always in the head—only to die very soon afterwards. I have known many cases in my own experience.

9. Rule 2.—The number of licenses to be issued annually should be restricted, and certainly not more than two, three, or four—according to the total allowed for the district—should be granted to any one person; otherwise a few persons might, and, perhaps, would monopolize all the sport in each district. If license-holders leave the district without having shot at an elephant, the Collector might be allowed to receive back the license fee, and issue another instead.

10. Rule 5.—Rule 4 would be altered to "fortnight;" enter "fired at, wounded, or killed;" omit from "the weight" to end.
11. It might not always be possible to send the report to the Collector within a "week." Elephants' tusks are weighed in a forest, and I see no particular advantage in reporting the weight of tusks, or height of animal, if Government allow the license-holder to keep the animal.
12. Rule 5 would not be required to be provided for by my Rule 5.
13. The papers forwarded are to be returned.

10. Rule 5.—Rule 4 would be altered to "fortnight;" enter "fired at, wounded, or killed;" omit from "the weight" to end.

11. It might not always be possible to send the report to the Collector within a "week." Elephants' tusks are weighed in a forest, and I see no particular advantage in reporting the weight of tusks, or height of animal, if Government allow the license-holder to keep the animal.

12. Rule 5 would not be required to be provided for by my Rule 5.

13. The papers forwarded are to be returned.

A license to fire at one wild male elephant shall be granted on payment of a fee of 10 Rupees for each license to all persons who, in the opinion of the Collector, granting such licenses will obey the conditions on which they are issued.

2. Not more than a certain number of licenses shall be issued annually in each of the under-mentioned Districts:—

South Canara	Salem.
Malabar.	Madura.
Nilgiri Hills	Tinnevely.
Coimbatore	

The number shall be fixed annually by the Collector of each district. Not more than two, three, or four licenses—a percentage of twenty-five per cent. according to the number fixed—shall be granted to the same person annually in any one district.

3. Same as Rule 2 of Rules proposed.

4. " 3 of " "

5. All license-holders shall report to the Collector, within fourteen days of each occurrence, any instance of their having fired at, wounded, or killed an elephant, specifying in the report the date, place, and circumstances.

6. Same as Rule 6 of Rules proposed.

7. " " " "

8. " " " "

J. HUNTER-BLAIR,
Collector of Sea-Customs.

No. 30. ORDER THEREON, 7th May 1875, No. 597.

On further consideration of this subject and of the recently increased importance of the capture of elephants for Government service, the Governor in Council resolves to reserve in the hands of Government the power of sanctioning issue of individual licenses to shoot elephants on receiving notice from Collectors of application being made with their remarks thereon.

(True)

D. F. CARMICHAEL,
Officiating Chief Secretary.

To the Honorable D. Arbuthnott.
" A. Wedderburn, Esq.
" J. Hunter-Blair, Esq.
" A. MacGregor, Esq.
" W. Logan, Esq.
" the Collector of South Canara.
" " of Malabar.

Commissioner of the Nilgiris.
Collector of Coimbatore.
" of Madura.
" Tinnevely.
Board of Revenue.
Revenue Department.

Exd. T. O'Connor.

No.

Draft order on Current
No 2627.

3. 2176 225 VI
17.8.83

FOR ORDERS.

The following point is submitted for consideration in connection with the law regulating the destruction of elephants.

It seems to be certain that Imperial Act II of 1879 is not in force in Madras, & therefore the provisions of sec. 4 of that Act do not apply. Madras Act I of 1873 contains nothing about the ownership of the tusks of elephants slain. But secs. 7 & 8 give power to Govt. to make rules regulating the grant of licenses. No such rules have been made, tho' they were at one time contemplated (G.O. 7. May 1875, No 597 Public), but Govt. have retained in their own hands the power to grant licenses to shoot male elephants under sec. 3. The question is now submitted for orders, & is in consideration of

* Search has been made & no Notificⁿ extending the Act can be found.

Govt. of 1873 & 1875.

PUBLIC.

To THE HONORABLE D. ARTHUR, M.P.

10, 12, 13, 14

Printed by the

STAY.
Nos. 27-30.

The power of shooting elephants of individual license is to be kept in the hands of Government.

at present existing, securing to the
the right to retain or dispose of the
tusks of an elephant killed under
license granted under sec. 7 act of
1873. a rule should now be
framed under sec. 8, declaring that
the grant of licenses under sec. 7 shall
be conditional on the licensee agree-
to surrender the tusks to Govt. if
called on to do so.

Alp.
4/8.

no harm
in this *ell*
10/8

Supposed of elephant
killed

FOR ORDERS.

Order No. 177 of 17/8/56

20
Post: Department.
PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

presented,
but - rejected -
22nd Oct 56
only - 56.

Ag. no. 7th May 1876.
No. 597. ✓

Order. 17 August 1864 2177.
Under the provisions
of Sec 8, Madras Act 7
of 1873, 'An Act to
prevent the indiscrimi-
nate destruction of
wild elephants, &c.
the Gov. in C. is pleased
to make the follow-
ing rule for regulating the
grant of licenses under
that Act:-

Rule

Licenses granted by
Govt. under Sec. 7 of
Madras Act 7 of 1873,
for the destruction of

18/10

8/1

2177

with male elephants,
 shall be granted only
 on the condition that
 the person to whom such
 license is granted shall
 agree to surrender the
 tusks of the elephants
 destroyed to govt. if
 called upon to do so.

11/10/1876
 Elephants' tusks

P.T.

For notice

all papers Despo 3073
 including ^{including} ~~including~~
 Rev. D. Ph. 7 Despo 2875

67

order order - 200

*Just for No 2177
27/7 Aug 1906
Despatch*

The Collectors of
The District Magistrates of

Anantapur.
North Arcot, Chittoor.
South Arcot, Cuddalore.
Bellary.
South Canara, Mangalore.
Chingleput, Saidápet.
Coimbatore.
Cuddapah.
Ganjam, Chatrapur.
Godávári, Cocanada.
Kistna, Masulipatam.
Kurnool.
Madras (when necessary).
Madura.
Malabar, Calicut.
Nilgiris, Ootacamund.
Nellore.
Salem.
Tanjore.
Tinnevely.
Trichinopoly.
Vizagapatam.

[Despatch.]

PER, No.

READ AGAIN Order of Government, date
188 No. Miscellaneous.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

Ac. of Government—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
(not paged)

Order
Letter
Collection

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

3/11/86
2.11.11
17-7-13
3.9-14
23.2.31 II
6 6.32 II

11

PRESS.

Judicial DEPARTMENT.
G.O. DATED 1st Aug 86
No. 2171.

copy sent to Press.

ned for signature.

26/8

Despatched in print.

30/8

[Despatch Abstract.]

Elephants' Tusks.

Ruling that the
Grant of licenses ~~for~~
for the destruction of
wild elephants shall
be made with the condition that
persons to whom such license
is given shall agree to sur-
render the — to govt if
asked upon to do so—