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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

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Not to be folded or roughly handled

1125

Proceedings of the Madras Government, Public Department,
7th May 1875.

Elephants.

No. 27. Read again the following Proceedings of Government in the Public Department, dated 4th September 1873, No. 925:—

Read the following letter from A. MACGREGOR, Esq., Collector of Malabar, and W. LOGAN, Esq., Acting District and Session Judge of North Malabar, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Tellicherry, 26th August 1873, No. 212.

We have the honor to submit a sketch of the Rules which, in our opinion, should be prescribed for regulating the grant and renewal of licenses under Act I. of 1873.

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

i. We are of opinion the Collector should have a certain discretionary power to grant or withhold licenses. Rule 1 provides that licenses should be granted only to such persons as, in the Collector's opinion, are likely to respect the conditions on which the licenses are issued. We think Rupees 10 should be charged for the license as some compensation for the privilege conceded or appropriating the ivory of any animal slain; but considering that the license would only be in force for one year, that a person proceeding in search of elephants would frequently have to take out licenses in more districts than one if he wished to have any chance of success; and considering that very few persons would care to pay heavily for the chance (at all times remote) of shooting a tusker, we think that no more than 10 Rupees should be charged.

ii. The license should be available on all Government waste lands in the district, exempting those localities wherein it may be in contemplation to institute kheddah operations for catching elephants within the year. The next clause provides for cases in which it may be resolved to commence kheddah operations after the issue of licenses.

iii. The Act fixes the period of currency of the license, *viz.*, one year. We propose in addition that the Collector should be authorized to declare, by notice in the District Gazette, that all licenses shall be held in abeyance in any locality during such period as may be fixed in the notice to admit of the preparation for, and carrying out of, kheddah operations.

iv. We consider that, in order to watch the effect of the legislation, licenseholders should be obliged to report within a week all instances of their having slain or fired at elephants with a short account of date, place, and circumstances.

v. Further, the license ought, we think, to restrict the holder from disturbing large herds of elephants. We are well-aware that the largest and most indiscriminate destruction of elephants takes place when sportsmen, in the pursuit of male elephants, find themselves in the midst of large herds, consisting chiefly of cows and young elephants in all stages of growth; the savage way in which

cows, accompanied by their calves, charge 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 imperfectly fulfilled if the license did not restrict him from placing himself in such a position and then claiming immunity under Section 6. Wherever elephants abound there are always single male elephants, which, we consider, the sportsman is legitimately entitled to shoot. He should, we think, be restricted from disturbing any herd consisting of more than three animals, and, when a male elephant joins a herd of more than three, pursuit of him should, we think, be stopped.

vi. We would further propose that any wilful breach of the conditions on which the license is issued should, *ipso facto*, render the license void. All such questions should be left to the Collector's decision.

3. The papers forwarded to us are herewith returned.

RULES.

1. Licenses may be granted or renewed 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 on all Government waste lands in the district in which it is issued, provided that the Collector may exempt any locality in which kheddah operations for catching elephants are likely to be instituted within the year 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 the District Gazette, declare they shall be held in abeyance in any locality during a time to be fixed in such notice to admit of the carrying out of kheddah operations.

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

5. All license-holders shall report to the Collector, within a week of each occurrence, any instance of their having fired at an elephant, specifying 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 followed up joins a herd of more than three elephants pursuit shall be stopped.

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

(Signed) A. MacGREGOR,
Collector.

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

Ordered that this letter, and the draft rules, be communicated to the Hon. D. Arbuthnott and to Messrs. Wedderburn and Hunter-Blair for their remarks.

(True Extract.)

(Signed) 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, Chief Secretary to Government, Fort St. George, Ootacamund, dated Combaconum, 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 remarks 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 except Rule 5. It is not clear what is meant by "disturbing large herds of elephants." Is it intended that the license-holder shall not fire at any male elephant when accompanied by four other elephants? What is a large herd? How is it possible to prove that license-holders *intentionally* "find themselves in the midst of large herds." I know from experience that it is very easy to walk into the middle of a herd of 15 or 20 female elephants with their calves without the slightest intention of doing so.

3. I think that this Rule should be struck ouf, and it should be left to the good sense of the license-holder not to disturb herds of females with calves unnecessarily, for it is well known that large males are seldom found in their company.

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

No. 28. From A. WEDDERBURN, Esq., Collector of Coimbatore, to the Hon. W. HUDLESTON, Chief Secretary to Government, Fort St. George, dated Coimbatore, 16th September 1873, No. 47.

I have the honor to make the following remarks on the Draft Rules proposed by Messrs. MacGregor and Logan in reference to "licenses" to be granted by the Collector for shooting wild male elephants on forest lands, the property of Government, and on Clause 6 of Act. I premise by saying that I am wholly 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.

Rule 1.—The fee of Rupees 10 is small compared with the value of the tusks, which are appropriated by Native Governments; it seems to me doubtful whether any fee should be exacted. I agree with the framers of the Rules that it should be entirely discretionary with the Collector to grant or withhold a license.

Rule 2.—I think the restriction of shooting on localities only, in which kheddah operations for catching elephants are likely to be instituted "within the year," is too limited. There are some localities in this district which appear to be the perpetual resort of herds of elephants, where, as a rule, they should not be disturbed, and where it may take longer than a year 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 breeds, 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 Anamallays (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 Wynaad—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 an 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;" the marauders, however, are not (except at night) 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 was the stronghold for three months of the depredators, whom I dislodged in a case 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 in the singular number, but this is the greater reason for requiring the report and to supervision 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 it were, sporting license, throws an invidious duty on the Collector.

10. And as regards the Act itself, all 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 law of elephant trespass in Clause 6, there should be power given to the Collector to prevent abuse.

Proposed amended form of Clause 6, Act I. of 1873.

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

(Signed) A. WEDDERBURN,
Collector.

No. 29. From J. HUNTER-BLAIR, Esq., 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. 925, 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 male elephants, and a letter explaining the said Rules from Messrs. MacGregor and Logan.

2. I am not aware whether it has been finally decided by Government to grant licenses authorizing persons to shoot wild male 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.

Paragraph 5, Chief Commissioner of Mysore, to Secretary to Government of India, in Proceedings of Madras Government, Public Department, 6th December 1871.

Abstract Proceedings, Legislative Council, 12th January 1872.

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 localities.

5. I myself in five successive days killed six full-grown male elephants, and one female, which charged me. I also knocked 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 should be payable for firing at an elephant, as many elephants fired at; certainly the larger number of those hit—the wound being nearly always in the head—escape only to die very soon afterwards. I have known many cases in my own experience.

8. The license-holder, moreover, 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, many a great deal more. I have now three tusks belonging to different elephants shot by myself, one sixty, one fifty-nine and one forty-nine pounds weight. Ivory is worth from 2½ to 5 Rupees a lb. according to weight of tusks.

No one ought to go out shooting elephants unless he can kill one out of three he fires at. A practised elephant-shot will probably kill two out of three fired at, and if he kills one out of three he will get *at least* 100 Rupees worth of ivory, paying only 30 Rupees for his licenses. Many men are glad to be allowed to shoot at male elephants in Travancore where they are only allowed to shoot as a favor, giving up the ivory, unless they pay for it at the rate of 3 Rupees a lb.

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 firing at an elephant, the Collector might be allowed to receive back the license and fee, and issue another instead.

10. *Rule* 5.—Rule 4 would be Rule 5. I would alter "week" to "fortnight;" enter "fired at, wounded, or killed" after "having;" 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 cannot be weighed in a forest, and I see no particular advantage in reporting weight of tusks, or height of animal, if Government allow the license-holder to keep the tusks.

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

13. The papers forwarded are herewith returned.

RULES.

A license to fire at one wild male elephant may 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 undermentioned Districts:—

South Canara.	Salem.
Malabar.	Madura.
Nilgiri Hills.	Tinnevelly.
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 or thirty 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. ,, ,, ,,

(Signed) 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 Extract.)

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.
,, ,, Salem

To the Commissioner of the Nilgiris.
,, Collector of Coimbatore.
,, ,, of Madura.
,, ,, Tinnevelly.
,, Board of Revenue.
,, Revenue Department.

Exd. T. O'Connor.

Rec: 1875 : 26 Sept

No 1984

Govt. of {1875} Madras.

PUBLIC.

To

THE HONORABLE D. ARBUTHNOTT.

&c., &c., &c.

Dated May 7th.

Issued 21

Recd. 27 Encl.

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

MAY.

Nos. 27—30.

No May 7 1875

Elephants.—The power of sanctioning the issue of individual licenses to shoot elephants, reserved in the hands of Government.

No 1125 Recorded.

26 March