

No. 10 of 1891.

An Ordinance to prevent the wanton destruction of Elephants, Buffaloes, and other Game.

WHEREAS it is expedient to prevent the wanton destruction of wild elephants, wild buffaloes, and other game in this island : Be it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance shall come into operation at such time as the Governor shall appoint by Proclamation to be published in the *Government Gazette*.†

Commencement.

2 There shall be repealed, as from the commencement of this Ordinance, the enactments specified in schedule I. to this Ordinance, to the extent in the third column of that schedule mentioned.

Repeal.

Provided that such repeal shall not affect the past operation of, or any liability, penalty, forfeiture, or punishment incurred under, any enactment hereby repealed, or any investigation or legal proceeding in respect of any such liability, penalty, forfeiture, or punishment as aforesaid.

* Proclaimed the 10th day of June, 1892.

† Proclaimed the 12th day of February, 1892.

Game.

Where any unrepealed Ordinance incorporates or refers to any provision of any enactment hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provision of this Ordinance.

Interpretation.

3 In this Ordinance, unless the context otherwise requires—

“Government agent” shall mean the government agent of a province or any assistant to the government agent.

“Tusker” shall mean any wild elephant having a tusk or tusks.

“Elephant” shall mean a wild elephant other than a tusker.

“Buffalo” shall mean a wild buffalo.

“Game” shall mean sambur, spotted deer, red deer, barking deer, and peafowl.

“Shoot at” shall mean shooting at with a loaded gun, rifle, or other weapon.

No person to kill or capture elephants, buffaloes, or game without a license.

4 Subject to section 9, it shall be unlawful for any person to do any of the following acts :

(1) To shoot at or kill any tusker.

(2) To shoot at or kill any elephant, buffalo, or game, or capture any tusker or elephant, buffalo, or game, without having obtained a license for that purpose as hereinafter provided.

License to kill elephants.

5 (1) A license to shoot at or kill an elephant shall be subject to a stamp duty of one hundred rupees, and shall be in the form A in the schedule II. hereto, and the said license shall be subject to the conditions inscribed thereon by the officer granting the same.

License to capture elephants.

(2) A license to capture a tusker or an elephant shall be subject to a stamp duty of ten rupees, and shall be in the form B in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to kill buffaloes.

(3) A license to shoot at or kill a buffalo shall be subject to a stamp duty of twenty rupees, and shall be in the form C in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to capture buffaloes.

(4) A license to capture a buffalo shall be subject to a stamp duty of two rupees, and shall be in the form D in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to kill game.

(5) A license to shoot at, kill, or capture game shall be subject to an annual stamp duty of three rupees and fifty cents, and shall be in the form E in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same. Every such license shall be in force from the date of issue until the 30th day of June next following, both dates inclusive. Provided that such license shall be void and of no effect in the close season.

Close season excepted.

Game.

6 (1) It shall be lawful for the Colonial Secretary, or for the government agent within his jurisdiction, to issue the license mentioned in sub-section (1) of the preceding section, and for the government agent to issue any of the licenses mentioned in sub-sections (2), (3), (4), and (5) of the said section.

Colonial Secretary or government agent to issue licenses.

(2) The Colonial Secretary or government agent may attach to any license issued by him any conditions he may deem fit, and may fix the limits within which, and in the case of any license mentioned in sub-sections (1), (2), (3), and (4) of the preceding section the period (not exceeding three months) during which, any license shall be in force. Such conditions, period, and limits shall be inscribed on the license itself.

(3) Every such license shall cease to be of any force or effect upon the expiration of the period therein mentioned.

7 (1) The Colonial Secretary or the government agent may at his discretion refuse to issue any license under this Ordinance, and may revoke any license which shall have been issued by him.

Refusal or revocation of license.

(2) Any person aggrieved by any order of the government agent refusing to grant or revoking a license may appeal to the Governor in Executive Council within seven days from the date of such order being communicated to him, and the decision of the Governor in Executive Council shall be final and conclusive.

8 (1) The government agent may issue a license free of stamp duty for the destruction of any troublesome or dangerous tusker, elephant, or buffalo.

Destruction of dangerous or troublesome elephants or buffaloes.

(2) The government agent on issuing any license under this section shall forthwith report the same to the Governor, detailing in such report the circumstances under which such license was issued.

9 It shall be lawful for any person to kill, shoot at, or destroy without a license any tusker, elephant, buffalo, or game while trespassing in or upon any cultivated land: provided that information of the destruction of such animal shall be forthwith given to the nearest headman or police officer.

Destruction of elephants or buffaloes trespassing on cultivated lands.

10 Every tusker or elephant whether wild or tame removed from this island to any place beyond the seas shall be subject to the payment of a royalty of two hundred rupees, and such royalty shall be collected by the officers of customs at the various ports of shipment throughout the island.

Royalty on elephants.

11 The following penalties are imposed for the following acts, which are hereby declared to be offences:

Penalties.

(a) Any person who in contravention of this Ordinance shall shoot at or kill a tusker shall be liable to a fine of one thousand rupees, and the tusks shall be confiscated.

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- (b) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at or kill an elephant or capture a tusker or elephant, shall be liable for each offence to a fine not exceeding two hundred and fifty rupees, or to rigorous imprisonment which may extend to a period of six months, or to both.
- (c) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at, kill, or capture a buffalo, shall be liable for each offence to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.
- (d) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at, kill, or capture game, shall be liable to a fine not exceeding thirty rupees for each animal so shot at, killed, or captured, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.
- (e) Any person who shall transfer a license issued to him under the provisions of this Ordinance, or who shall accept a license so transferred, or who shall infringe any of the conditions of a license issued to him, shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

Shooting at
night and
netting
prohibited.

12 It shall not be lawful for any person to shoot at any game, unless trespassing in or upon any cultivated land, after dark and before daylight, or at any time to lay or spread any net or snare, except in or upon any cultivated land, for the purpose of capturing or destroying any game; and any person who shall shoot or attempt to shoot any game, or lay or spread or attempt to lay or spread any net or snare for the purpose of capturing or destroying any such game in contravention of this section, shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment not exceeding three months, or to both.

Close season.

13 (1) It shall be lawful for the government agent of any province to declare, by notification in the *Government Gazette*, and by beat of tom-tom and by such other means as shall give due publicity thereto, what shall be deemed the close season in such province, or in certain districts thereof, for a period not exceeding five months during the year. It shall not be lawful for any person with or without a license to shoot at or kill game within such province or districts during the period so declared close.

Penalty.

(2) And any person who shall shoot, kill, or capture game within any province or district in respect of which the close season shall have been declared, and during the period so

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declared close, shall be guilty of an offence, and be liable on conviction to a fine of fifty rupees, or to simple or rigorous imprisonment not exceeding three months, or to both.

(3) Any person in whose possession shall be found during the period which shall have been declared close in any province or district any meat of game which he shall not be able to account for satisfactorily, shall be liable to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

14 Police courts are hereby empowered to deal summarily with all cases instituted under this Ordinance, and to impose the full penalties herein prescribed, anything in "The Criminal Procedure Code, 1883," or in any other Ordinance to the contrary notwithstanding.

Jurisdiction given to police courts.

15 It shall be lawful for any police magistrate to direct that any sum not exceeding one-half of the fine actually recovered and realized under the provisions of this Ordinance shall be paid to the informer.

Informer's share of fine.

16 In any prosecution instituted under this Ordinance against any person for having shot at, killed, or captured an elephant, buffalo, or game, or captured a tusker, without a license, the burden of proof that he holds a license shall lie on the party accused, and until the contrary shall be proved he shall be deemed to have no license.

Burden of proof.

SCHEDULE I.

No. and Year.	Title.	Extent of Repeal.
13 of 1869...	An Ordinance to prevent the wanton destruction of Elephants and to restrict their removal from the Island	The whole Ordinance
6 of 1872...	An Ordinance to prevent the wasteful destruction of Buffaloes and Game throughout the Island	The whole Ordinance
24 of 1889...	An Ordinance relating to Village Communities	Only subsection (19) of section 6

SCHEDULE II.

A.—License to shoot at or kill one Elephant, not being a Tusker.

(Not transferable.)

No. ——. [Stamp Rs. 100.]

Under the provisions of the Ordinance No. 10 of 1891, section 5 (1), I, ———, do hereby license ———, of ———, to shoot at or kill one elephant, not being a tusker, within (*state limits*).

This license to remain in force until the ———, 18 —.

————, 18 —.

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

Game.

B.—License to capture one Elephant or Tusker.

(Not transferable.)

No. —.

[Stamp Rs. 10.]

Under the provisions of the Ordinance No. 10 of 1891, section 5 (2), I, ———, Government Agent (*or* Assistant Government Agent) for the ———, do hereby license ———, of ———, and the trappers employed by him, to capture one elephant or a tusker within (*state limits*).

This license to remain in force until the ———, 18 —.

Government Agent's Office,
(*or* Assistant Government Agent's Office,) ———
————, 18 —. Government Agent
(*or* Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

• ———

C.—License to shoot at or kill one Buffalo.

(Not transferable.)

No. —.

[Stamp Rs. 20.]

Under the provisions of the Ordinance No. 10 of 1891, section 5 (3), I, ———, Government Agent (*or* Assistant Government Agent) for the ———, do hereby license ———, of ———, to shoot at or kill one buffalo within (*state limits*).

This license to remain in force until the ———, 18 —.

Government Agent's Office,
(*or* Assistant Government Agent's Office,) ———
————, 18 —. Government Agent
(*or* Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

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D.—License to capture one Buffalo.

(Not transferable.)

No. —.

[Stamp Rs. 2.]

Under the provisions of the Ordinance No. 10 of 1891, section 5 (4), I, ———, Government Agent (*or* Assistant Government Agent) for the ———, do hereby license ———, of ———, to capture one buffalo within (*state limits*).

This license to remain in force until the ———, 18 —.

Government Agent's Office,
(*or* Assistant Government Agent's Office,) ———
————, 18 —. Government Agent
(*or* Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

E.—License to shoot at, kill, or capture Game.

(Not transferable.)

No. —.

[Stamp Rs. 3.50.

Under the provisions of the Ordinance No. 10 of 1891, section 5 (5), I, _____, Government Agent (or Assistant Government Agent) for the _____, do hereby license _____, of _____, to shoot at, kill, or capture game within (*state limits*), out of the close season (which is from _____ to _____).

This license to remain in force until the 30th June next inclusive, excepting the close season, which is from _____ to _____.

Government Agent's Office,
(or Assistant Government Agent's Office,) _____
_____, 18 —. Government Agent
(or Assistant Government Agent).

NOTE.—This license is issued subject to the conditions inscribed on the back hereof.

18th November, 1891.
