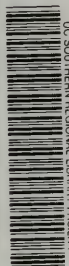


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CAPE OF GOOD HOPE
PARLIAMENT
HOUSE
SELECT COMMITTEE ON
THE GAME LAWS BILL
REPORT

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CAPE OF GOOD HOPE.

REPORT

OF THE

SELECT COMMITTEE

APPOINTED TO CONSIDER AND REPORT ON THE

GAME LAWS BILL.

Ordered by the House of Assembly to be printed.
1867.

CAPE TOWN:

SAUL SOLOMON & CO., STEAM PRINTING OFFICE.
1867.

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REPORT

OF THE

SELECT COMMITTEE appointed by the HONOURABLE the HOUSE of ASSEMBLY on the 27th June, to consider and report upon the GAME LAWS BILL.

COMMITTEE :

Mr. Bowker,	|	Mr. Proctor,
„ Welsh,	|	Auditor-General.
„ Bell,	|	

The Committee has to report that, having considered the evidence on this subject, it has arrived at the following conclusions :—

1. The game in this Colony deserves and ought to be protected by legislative regulation. A list of our game birds and animals will be found in the Appendix.
2. The Game Law of 1822, as now enforced, does not afford the necessary protection. It is, in some respects, antiquated and unsuitable to the present circumstances of the Colony, and is openly disregarded by all classes of the community. The number of persons in the several districts of this Colony who are in the habit of hunting and shooting game without a licence is believed to be very great, while the number of those who take out the game licence does not exceed, upon an average, eight in each of the fifty districts. The amount of the revenue derived from the game licence for the year 1866 was £439 2s. 6d., and in six divisions *nil*. The game is being legally destroyed, and daily frauds are openly committed on the public revenue with impunity.
3. While other Colonies are taking action for the preservation of their game, and for the acclimatization of new

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species, the game of this Colony is being gradually extirpated.

4. The ostrich feather is a very valuable article of commerce; the money value of ostrich feathers exported from this Colony during the last six years amounted, as per memo. furnished by Mr. Layard, to £364,728; and yet the eggs of the ostrich are openly exposed for sale on our public market with impunity, and the birds are shot in the breeding season.
5. Bucks of all kinds are hunted and shot in the breeding season, and partridges and pheasants are shot and snared throughout the year, and without regard to the pairing and breeding season.
6. The game throughout many of the districts of this Colony has greatly diminished of late years compared with former times; and in some districts very few pheasants and partridges are left.
7. The Bill under consideration, with the amendments suggested, is, it is believed, calculated to meet the evils hereinbefore mentioned to a considerable extent.
8. The Committee do not recommend any addition to the 7s. 6d or 3s. 9d. now charged for a game licence. The present charge, were it enforced with ordinary diligence under the regulations proposed by this Bill, would yield a very considerable amount of revenue in excess of that now derived from the sale of game licences; besides affording, directly and indirectly, an additional protection against the present indiscriminate slaughter of our game, and a further emulation in the skilful use of the rifle and fowling-piece.
9. The Committee has, in consequence of the premises, made numerous amendments, without altering the principle of the Bill, and it has, therefore, resolved to ask leave of the House that the present Bill be allowed to be withdrawn, and leave given to introduce a new Bill on the above basis.

W. BELL, Chairman.

PROCEEDINGS OF COMMITTEE.

Monday, 1st July, 1867.

PRESENT :

Mr. Bowker,
 „ Welsh,
 „ Bell,

Mr. Proctor,
 Auditor-General.

Resolved,—That Mr. Advocate Bell be the Chairman of this Committee.

Mr. E. L. Layard, Curator of the Cape Town Museum, examined.

Committee in deliberation.

Resolved,—That the evidence taken by this Committee be printed.

Committee adjourned until Wednesday next, at 10.30 a.m.

Wednesday, 3rd July, 1867.

PRESENT :

Mr. Advocate BELL (Chairman),

Mr. Proctor,
 „ Welsh,

Mr. Bowker,
 Auditor-General.

Mr. E. L. Layard, Curator of the Cape Town Museum, further examined.

Committee adjourned to Friday, the 5th instant, at half-past 10 a.m.

Friday, 5th July, 1867.

PRESENT :

Mr. Advocate BELL (Chairman),

Mr. Proctor,
 „ Bowker,

Mr. Welsh,
 Auditor-General.

Mr. E. M. Cole, Auditor-General, examined.

Mr. Proctor, M.L.A., examined.

Mr. Gadd, Member of the House of Assembly, examined.

The Chairman instructed to draw up the Report of the Committee and submit it to the next meeting.

Committee adjourned until Monday next, at 10 o'clock.

Monday, 8th July, 1867.

PRESENT :

Mr. Advocate BELL (Chairman),

Mr. Welsh,
,, Bowker,

Auditor-General.

Committee in deliberation.

Draft Report read.

The Chairman submits a list of the scientific names of colonial game, furnished by Mr. E. L. Layard. (Appendix A.)

The Chairman submits a return of the quantity and value of ostrich feathers shipped during the years 1860 to 1866. (Appendix B.)

The Chairman submits a return of the number of game licences issued by the respective civil commissioners. (Appendix C.)

Report agreed to, and the Chairman instructed to report to the House accordingly.

MINUTES OF EVIDENCE.

COMMITTEE ON GAME LAWS BILL.

Monday, 1st July, 1867.

PRESENT :

Mr. Advocate BELL (Chairman),

Mr. Bowker,
,, Welsh,

Mr. Proctor,
The Auditor-General.

Mr. *E. L. Layard*, Curator of the Cape Town Museum,
examined.

1. *Chairman.*] You are the Curator of the South African Museum?—Yes.

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2. You have studied natural history, and have given some attention to the birds and animals of this Colony?—Yes, I have.

3. Have you seen the Bill to amend and consolidate the Game Laws of this Colony?—I have.

4. Does it contain a correct list of the several birds and animals of the Colony, commonly known as game?—Certainly.

5. Have you any suggestion to make with regard to that list?—Yes; I would not include snipe and quail.

6. Would you be good enough to explain why you would exclude quail and snipe?—Quail and snipe do not come here except in what would be termed the close months, for the purpose of breeding; they are only birds of passage, so you cannot make them come under that Bill. The quail comes here about from the 1st to the 15th of August, and remains till the end of September, or a little later, and the snipe about the same time; and that would be just in the close months according to the Bill.

7. Mr. *Proctor.*] Would you include the Namaqua partridges?—Well, they are of so little importance that they might be struck out. The bird is really not a partridge at

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all ; it is a small sand grouse ; it is a migratory bird, and only comes down here in flocks during droughts.

8. *Chairman.*] Then do you apply your observation as regards snipe and quail to the Namaqua partridge too?—Yes, I think so, and for the same reason ; although in the Beaufort division, and in fact everywhere in the Karroo, it is a permanent bird.

9. What is the size of it?—About the size of the pigeon ; in India they call them rock pigeons.

10. Can you give the Committee any information about the breeding season, as applicable to birds and animals ; perhaps we had better take the birds first?—Much depends upon the atmospheric changes in this Colony. At some seasons birds breed much earlier than at others ; but I think we should certainly be safe to have the close months from the 1st July till the 1st December down here ; further eastward or more inland the birds are later, I believe. My son just now writes me from Swellendam that the partridges and pheasants have already paired there, and they have given over shooting. I think from the 1st July is a very fair time, and no sportsman, even if he found birds pairing before that time, would shoot them.

11. As regards bucks, what would you say?—Well, I think bucks require very much the same time ; although bucks, if the pasturage is very good, will breed all the year round.

12. *Mr. Welsh.*] Do you know the ordinary time in this part of the country that they breed?—No ; I have seen bucks shot in all seasons in lamb, but I think the generality breed about June, July, and August.

13. *Chairman.*] Would it do to make the close time for bucks from the 1st May?—No. I think that would be a little too early.

14. Then what would you make the close time for bucks in the Western Province?—I think from the beginning of June until the 1st December. I would give them the extra month, and they would be all the better for it.

15. Now, these periods you have mentioned refer to birds and animals only in the Western Province?—Yes, in the Western divisions of the Colony.

16. Do you think that the breeding seasons vary in the two provinces?—I think so from what I have heard, but I

have had no personal experience in the Eastern Province. I am, however, of opinion that the times can be varied in the different divisions. and that is why I propose a law which should be made general, but can be made special according as the divisional councils may apply to Government to allow the law to come in force in their divisions. The Colony extends over so vast an extent of country that there is a great difference in the climate of different divisions. I suppose now, while the birds are pairing here, that the country about Colesberg is covered with snow. Make a general law, and then let each divisional council request that that law may be made applicable to their division within those months, and leave some divisional councils to reject it altogether, if they prefer having no game law.

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17. Can you give the Committee any information about the destruction of game in this Colony?—I can give you this information, namely, that whereas other countries are doing their best to preserve their game, and doing all they can to acclimatize the game of other countries, we are doing all we can to slaughter our game. I am myself an agent for several acclimatizing societies, and have sent to Australia and other places our partridges and pheasants and other game, and yet we are doing our best to wipe them out of the country, for I know from my own experience, that in the Beaufort division, the Hottentots make a practice of stealing the ostrich eggs, and even to slaughter the hens on their nests.

18. Can you give us any information about the other causes of destruction of our game; is it largely destroyed in the breeding season and by whom?—Well, the farmers shoot a great deal in the breeding season, particularly in the back districts.

19. Who are the people who hawk about the game?—Principally Hottentots and coloured people; but a good many of our farmers trap large quantities of game, such as pheasants, &c.; they are such stupid birds that if the farmers ever find out the run of the pheasants they will take every bird in the flock; hardly a dozen wagons will come in during the season without one of them having coops filled with live birds.

20. Is that carried on without regard to the breeding season?—In any season. I will undertake to say that if you

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want any particular kind of game, in or out of the season, by speaking to a man I know in Cape Town I could get it for you ; he will bring you anything you like.

21. Does he pay any licence?—No ; and that is one of the reasons why I make the suggestion that people hawking game shall be obliged to pay for a licence so to do, because then you have a hold upon them

22. Would you be good enough to give us any information with reference to the game laws as in force in New Zealand and Australia?—In New Zealand and Australia they attach the very greatest importance to the preservation of game, and acclimatizing the game of other countries. In 1861 an Act was passed for the protection of certain birds and other animals within the Colony of New Zealand. The Governor, by virtue of that Act, can proclaim that any bird being introduced shall be under the protection of that Act for a certain time. For instance, they have imported the black-bird, the sparrow, and the thrush for the purpose of destroying the caterpillars which were introduced with the grass seeds, and these are under the protection of that Act. It appeared in that case that you cannot introduce one link without the other. In introducing those grass seeds, some eggs of moths whose caterpillars live upon this particular grass were introduced with it, and the consequence of it was that all the pasture land of New Zealand swarmed with caterpillars ; they swept the country so that it became necessary to introduce the birds to destroy them, because man was utterly powerless to do this. For this cause they introduced sparrows and all sorts of birds, and by the Act these birds are protected for a certain time. There is also another important clause in that Act, viz., to allow any party to take eggs to another part of the district for the purpose of distributing them and acclimatizing the birds. The ninth clause says that it shall be lawful for the Government, by proclamation, to declare as to which birds or animals of the Colony should be protected also, and come under the provisions of the Act, and from time to time to revoke or amend such proclamation in any part of the Colony.

23. Are there any more particulars in that Act which could with advantage be adopted by us?—I may add that the Governor's delegate, or president of any province, had similar powers vested in him that the Governor had.

24. Would you suggest that that protection be granted here ; something similar, through the divisional councils instead of the presidents ?—I do not think that the divisional councils could be trusted with it ; I should keep that power in the hands of the Governor here.

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25. Would you mention the remaining sections of that Act which you think would be applicable to our circumstances ?—Yes, the 8th, 9th, and 15th sections. Many of the clauses of that Act are similar to this which we wish to introduce here. I think I should put the whole of those clauses into your Act. Various colonies are doing the same thing. In Australia they are doing their best to acclimatize ostriches and other animals. I have a large order now for any elands that I may get. I do not see why we should not support those herds of game animals contributing to the food of the Colony. There was a time when the whole of the country, even down here at the extreme end of the peninsula, was full of large game ; but they have all been swept away,—ostriches, elands, hartebeests, &c.

26. Will you be kind enough to give us the scientific names of our birds and animals coming under the term " game " ?—Yes ; I will furnish the Committee with a list of them. There is one thing I would suggest to the Committee why I think some Bill of this kind should be passed ; the present law falls hard upon the honest man who considers it right to take out a licence ; not one in fifty takes out a licence

27. Mr. *Welsh*.] But the law empowers any one to prosecute any person by simply laying the information with a clerk of the peace, and therefore it strikes me that, although the present law is not perfect, at the same time, if acted upon, it would be found reasonably adequate for the requirements of the country. The fact is that, in practice, it has not been taken notice of, and the suggestion has even been made that many people are under the impression that there is no law upon the subject?—I believe that is the case ; many people are under that impression.

28. Do you not think that if the present law is carried out that it would tend greatly to the preservation of game ; and, further, that it is not from having no law, but because the law is not carried out, that game is so much destroyed ?—There is no doubt that if the law were strictly carried out,

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game would be better preserved. But there is no doubt that game during the last ten years has very considerably diminished. I think making these hawkers take out a licence will help a great deal; they do the mischief, for these men bring the game in quantities to all large towns.

29. Mr. *Proctor*.] Do you think that the Ordinance, as it at present stands, puts a sufficiently high fine for shooting ostriches out of season?—Decidedly not.

30. What fine would you put on?—£20 or £30 for shooting ostriches out of season.

31. Mr. *Bowker*.] You stated that the law, if properly carried out, would be the means of preserving game?—Yes, better than at present.

Wednesday, 3rd July, 1867.

PRESENT :

Mr. Advocate BELL (Chairman),

Mr Bowker,
,, Proctor,

Mr. Welsh,
Auditor-General.

Mr. *E. L. Layard*, Curator of the Museum, further examined.

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32. *Chairman*] You gave us some evidence on Monday upon the present Game Law. Have you, since your last examination, looked over that Ordinance?—I have, and I should like to alter one portion of my evidence upon that subject. I may mention that I had not seen the law for several years, not having access to a copy of it. I said in my evidence that I had no doubt that if the present law was strictly carried out, the game would be better preserved. Since that I have read the law, and I have come to the conclusion that the sooner it is done away with the better, and a new one made. I will give my reasons for this. I have compared it with the New Zealand Act, and I have come to the conclusion that it should be repealed and a shorter one passed. With reference, for instance, to the 1st clause of the present Game Law, it provides no greater penalty for shooting an ostrich than it does for a partridge or hare. I think that instead of fifty rixdollars for shooting a bird for which he can get £15 or

£20, a man ought to have a very heavy fine to pay for shooting an ostrich, particularly in the close season. I would therefore amend this clause. The 2nd clause, which exempts travellers from the fine for killing game for their consumption, is now really of no earthly use; it might have done very well for those days when travellers really required the game for their consumption, but it would only give people a handy excuse now. Then comes clause 3. I really do not understand this clause at all;—that no person shall at any time catch or destroy any pheasant, partridge, &c., under the same penalty. Why, under this clause you could not shoot at all. It appears to me that the whole clause is inoperative. The 4th clause should be amended. It says that no person shall knowingly or willingly catch, take away, or destroy the young or eggs of any such game as aforesaid. Well, now, this is what the natives do every day, especially in the case of ostrich eggs. I would not allow this, but give the Governor the power, for the purposes of acclimatizing, or to stock one part of the country with the game of another part, to give permission to parties desirous of doing so. The 5th clause. I see here that all persons residing in Cape Town and the Cape district have to obtain their licences from the Colonial Office. All that is inoperative, now that there is a Stamp Office. The 6th clause has been amended, so there is no necessity for keeping it on the statute book, except as regards bontebok. The 7th clause I would leave in. The 8th clause I would not touch at all. The 9th seems to be an especial clause, which, in the present day, is of course entirely inoperative, and should be repealed. It reserved rights to places at Groenekloof with respect to the preservation of game; its real meaning was a snug shooting place for Lord Charles Somerset. The 10th clause: now, I do think this a tyrannical law. It says, that, if any herdsman or shepherd shall be found with a gun loaded with shot of a smaller size than loopers, the gun shall be forfeited and his master fined twenty rixdollars, together with the costs and expenses. How on earth am I, if I am a farmer, to prevent my Hottentot from doing so. The 11th clause, referring to a slave, is of course a dead letter now. The 12th clause I cannot understand. I think it should be struck out. If a Hottentot has a licence, no one should be prevented employing him to shoot. The 13th clause, relating to shooting on the sabbath day, might be allowed to stand.

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The 14th clause says that no live game shall at any time be carried through the toll to Cape Town. The idea of no live game being brought in! Of course, that ought to be amended. The 15th clause: it appears to me that, under the present laws, this clause is nugatory; the whole of it would have to be altered now. The 16th clause, I think, may be left; two witnesses should not be necessary for a conviction. The 17th clause I would amend by allowing any person to prosecute; it often happens that the competent officers have not the desire of prosecuting the offender. The 18th clause is already repealed; why allow it to stand upon the statute book? The 19th clause I would also amend; the latter half of it has already been done away with by the 18th being repealed. I do not see the use of the 20th clause; I think it might be repealed. If a man takes out a licence to shoot, he should be made to take out a licence for hunting also; it is one and the same thing. I would now draw the attention of the Committee to the alterations I propose to make in Mr. Bell's Bill. In the 2nd clause, after the words "not being domesticated," I would strike out the words "namely, wild," "wild peacock," "wild," "Namaqua partridge," "quail," and "snipe." And after the words "not being domesticated and," I would insert "commonly known as."—Then in the 3rd clause, instead of the word "breeding," in the second line, I would use the word "fence," to enable the Governor to proclaim those months without saying breeding season. In the 4th clause, after the word "kill," I would add, "catch, capture, sell, hawk, or expose for sale." As regards the 5th clause, I have been very much pressed by several people who take an interest in this matter to put in the word "possession." It would not do to let it stand as it is. You could not call upon a person to give an account of the game in his possession; he may have purchased it during the fence months. Of course, I would put in the word "possession." The 6th clause I would omit altogether, because that is similar to the clause in the old Ordinance, but substituting this clause for it is: "No person shall, during close time, wilfully destroy or catch any ostrich under a penalty of twenty pounds sterling, and any person wilfully taking or destroying the eggs of any ostrich shall, on conviction, incur a penalty of ten pounds sterling; and for every subsequent offence shall, on conviction,

tion, incur a penalty of twenty pounds sterling ; and on default in payment shall be imprisoned for a period not exceeding one month, with or without hard labour, and with or without spare diet, for every pound of these fines unpaid."

In the 7th clause, insert after the words "no person shall" "without the special permission to be given to that effect by the Governor."—The 8th I would not alter, except at the end, where I would insert "or in the *Government Gazette*." The 9th clause: to this I would add the words "by any person on behalf, as well of himself as of the Crown." The 10th clause I would not touch. I would then put in two new clauses, the 11th and 12th clauses. The 11th clause will run thus, "It shall be lawful for the Governor, by proclamation in the *Government Gazette*, to proclaim and declare as to any parts of this Colony that any animal, bird, or fish, to be specified in the proclamation, shall be protected and not destroyed for a certain number of years, and also come under the operation of such provisions of this Act as may be specified in such proclamation, and from time to time to revoke, alter, or amend such proclamation." And the 12th clause, "It shall be lawful for the Governor, on good cause being shown by the divisional council of any division, to suspend, by proclamation in the *Government Gazette*, the operation of this Act, or any part or parts thereof, in the said division, for any time to be specified in the said proclamation." Now that is the idea I suggested before, of making the Act available in any division, while it makes the Act universally operative; and any divisional council, upon showing good cause, can get it stopped. This, I find, meets the wishes of a good many out of doors.

33. Mr. Proctor.] Would it not be an inducement for people to inform against parties killing ostriches and destroying ostrich eggs by giving them the half of the fine?—Certainly.

Mr.
E. L. Layard.
July 3, 1867.

Friday, 5th July, 1867.

PRESENT;

Mr. Advocate BELL (Chairman),

Mr. Bowker,
,, Proctor,

Mr. Welsh,
Auditor-General.

The *Auditor-General*, Member of Committee, examined.

The *Auditor*
General.
July 5, 1867.

34. *Chairman.*] Do you approve of the proposals for protecting the game in this Colony?—Decidedly.

35. And of a game licence?—I approve of a game licence certainly.

36. Do you think most of the people of this Colony are addicted to field sports?—I think the majority of them are more so than in any other colony I have seen.

37. Do you think that the present game laws afford any protection to game?—They do not afford sufficient protection.

38. What is the proportion of the number of persons who hunt and shoot game, who do not take out a licence, as compared with those who do?—That is a very difficult question to answer.

39. Is not the proportion remarkably small of those who take out licences?—Decidedly, very small.

40. What was the revenue from game licences in the year 1866?—£439 2s. 6d. for the whole Colony.

41. Are there any districts which have not taken out any game licences at all?—There are several which do not figure in these returns.

42. Can you inform the Committee what is the largest number taken out in any district?—No, I cannot, because I have no return of the number, but only the amount for the last half-year of 1866; but from information I have, it varies very considerably. From the 1st of July to the 30th of December, 93 whole licences and 198 half licences have been issued.

43. *Mr. Welsh.*] Then it appears that only four whole licences and eight half licences, equal to eight licences, have been taken out, on an average, in each of the forty-seven divisions of the Colony?—Yes.

44. *Chairman.*] Does it consist, with your knowledge, that there is a large destruction of game in the breeding season?—I am quite sure of it; the farmers in the country never consider the close season or the open season; they shoot at all times,—in fact, the generality of people do the same.

The Auditor-
General.
July 5, 1867.

45. Has game become scarcer since you first knew the Colony?—Certainly.

46. *Mr. Proctor.*] Do you attribute that to the shooting out of season?—Not altogether; because, when I first came out to the Colony in 1830, there were very few flocks of sheep in the district I lived in; as the sheep increased they drove the springboks away. The quantity of game has diminished quite as much by the increase of sheep as by other causes.

47. Is there much destruction of game, of eggs, and of young birds?—Yes, I should say so certainly. The coloured people, especially, are constantly looking out for eggs; never sparing them on any occasion.

48. Is there any large destruction of the egg of the ostrich?—Yes, by what I have been given to understand.

49. Have you seen them on the market exposed for sale? Yes, repeatedly.

50. They can always be had in any moderate quantity?—Yes.

51. *Mr. Bowker.*] You are aware that at present there is a law for the protection of game?—Yes, the proclamation of Lord Charles Somerset.

52. Can you tell me or give me any reason why the provisions of that law are not at present carried out?—Well, I confess that it is owing in a great measure to the remissness of those who should see that the law is carried out.

53. We are proposing to pass a new law. Do you think, if we do pass that law, that the provisions of it will be carried out?—I think there is a greater chance of the provisions of a new law being carried out than the old proclamation, and because I think the matter would be brought more prominently before the public and the different authorities in the districts, who would certainly be stirred up by the Government to carry out the provisions of the law.

54. Have the Government at present any means for carrying out the provisions of the game law?—Only through the information of private parties and others.

The Auditor-
General.
July 5, 1867.

55. And do you think that private parties, who are nearly always shooting themselves, would inform of each other?—I do not think it would be very general; but a great deal might be done, if the officials themselves set the example, by taking out licences in the different districts, which I suspect they do not do now.

56. But you are well aware that the great destruction of game is by the natives?—In some parts of the Colony, very likely. In many parts of the Colony, I am aware, they cause a very great destruction of the game.

57. Do you think there are any means of restraining the natives in the destruction of game?—I think, if the field-cornets and the justices of the peace, scattered through the country, did their duty, they could be prevented. Each person hunting or shooting should be required to produce a licence, when called upon to do so. I think this would protect the game to a considerable extent.

58. Do you not think, that if the field-cornet tried to carry out the provisions of the game law, he would have to be always in the saddle, or nearly so?—No, I do not see that at all.

59. You are well aware that at present every Kafir or native taking out the flocks belonging to his master carries a gun, with which he destroys game wherever he gets a chance. If the field-cornet had to prevent that, how many days in the year would he have to be doing duty, and how many justices of the peace do you think would always have to be doing duty?—I do not mean to say that I would employ them as detectives; but I think if they were to exert themselves a little whenever an opportunity was afforded in their rides round their field-cornetcy, a great deal of good might be done.

60. Could not that be done quite as well under the old law?—They do not believe in the old law,—that is the truth of the matter.

61. Then would they have any faith in the new law?—I think they are much more likely to have faith in the new law than the old law, which many of the inhabitants seem to consider a dead letter.

62. Mr. Proctor.] Do you not think the old Ordinance quite unsuited for the present day?—I think so, in many respects.

63. *Chairman.*] Then you think to bring the game law into practice we must have a new Bill?—I think so. It is of no use trying to tinker up the old one.

The Auditor-
General.

July 5, 1867.

64. Does anything occur to you which you would wish to state to the Committee?—I think one or two things I could suggest would render it more palatable to the inhabitants generally. I should be very much inclined to exempt landowners from taking out a licence to shoot in their own field-cornetcy, or even in their own division.

65. If this were to be made law, how many licences would you expect to be taken out in any of the country divisions?—You would get hold of all the inhabitants of the towns and villages and all non-owners of property.

66. Then would you define the extent of the property in morgen or acres to give this permission; would you limit it, say, to 1,500 acres? Supposing a man had a farm of 80 or 100 acres, would you give him that permission over so small an extent of ground?—By landowners I mean farmers, not the inhabitants of villages, who have only erven. I think some limit might, perhaps, be made.

67. I will explain my question. In my division there are several hundred farmers who occupy much less than 100 acres, some only 30 or 40 acres. Would you extend the permission to them; would you not be disposed to limit it to the owners of farms of 1,500 acres, say?—An owner of only 30 or 40 acres could not keep any amount of stock on his farm; I would look upon it more as an erf. I think I would limit the permission to 1,000 acres.

68. Can you give us any idea of the revenue to be derived from the game licence with such a law?—We have it in evidence that the average number of licences issued in each division in 1866 was about eight whole licences; if the law was altered as I suggest, I do not think there would be a greater number of licences.

69. In view of the revenue to be derived from the game law licence, would you not be disposed to confine this permission to the owners of land shooting on their own farms?—I would vastly prefer that myself; but, as I said, with a view of rendering the law more palatable to the rural population, I suggested its being extended to the field-cornetcy or division. I would much rather that the farmers should be restricted to their own property.

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General.
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70. Does it consist with your knowledge that many farmers take out licences under the present law?—No.

71. But they may, for anything you know to the contrary?—Yes; but I should say they are very few indeed.

72. Mr. *Bowker*.] Do you not think the burghers, as a body, are the best defendants of the frontier as against the natives?—Undoubtedly.

73. But do you not think they would greatly deteriorate, and be rendered inefficient burghers, if you prohibit them from shooting without a licence?—I do not think it will have that effect, if you ground your idea upon their improving in practice in consequence of being able to kill game; that source of knowledge to them would very soon evaporate if they are allowed to kill game without a licence, because there will soon be very little game left to kill.

74. You are aware that the farmers generally protect game wherever they possibly can?—I think so; there is a growing desire among the farmers generally to protect, in a measure, their game.

75. You are also aware that the natives are great destroyers of game, and would you make the farmers take out a licence when you cannot force the natives to do so?—I can only answer that by another question; why not force the natives to do so?

76. That is to say you can compel them?—Yes.

77. *Chairman*.] Do you think the natives can be compelled?—I think so.

78. Then the hardship ceases?—Yes.

79. Mr. *Bowker*.] Can you give me any idea how you can compel them?—You can render it, by this Bill, penal for any person shooting without a licence, and the law, of course, is applicable to the white man as well as the native, and, of course, the native must be brought under the provisions of the Act as well as the white man.

80. Are you aware that every native herd goes armed when looking after a flock of sheep?—Yes.

81. And I suppose your knowledge of the native character enables you to be aware that they destroy game every day they are out if they can find any?—Yes.

82. In what way are you to prevent that?—I say that the owner of the flocks ought to look after that for his own sake.

83. That is generally done now ; but if the farmer had to carry out the provisions of the law, he would have to take his herd to prison?—Yes ; he would have to lodge information against him.

The Auditor-
General.
July 5, 1867.

84. Then we must either fill our gaols to overflowing with natives for destroying game, or allow them to break the law, as they do at present ; do you see any alternative?—I dissent from the assumption you take up.

85. *Chairman.*] You think the Bill is calculated to put a stop to that?—I think so. There is every prospect of its doing good, and it will be a vast improvement upon the old proclamation.

86. How far would you give this permission to landowners ? Are you still of opinion to give them the same latitude you have already expressed?—I am of opinion that landowners should shoot only upon their own property without a licence ; and it was with a view of rendering the Bill more palatable to the rural population that I suggested that landowners might shoot without a licence in their field-cornetcy or division. I should, however, prefer vastly that they should be restricted to their own property.

Mr. Proctor, Member of the Committee, examined.

87. *Chairman.*] Do you approve of a game law?—Yes ; *Mr. Proctor.* I am very much in favour of a game law.

88. And, as a matter of revenue, of the game licence?—Yes ; as a source of revenue as well as a protection to game.

89. Have you followed field sports for a number of years ?—Yes ; I have always been fond of field sports.

90. Are all the people of your division fond of field sports ?—Yes ; the majority of the people in the district.

91. Is the game as plentiful now as formerly?—Not anything like it.

92. Are the birds very much destroyed?—Yes ; they are trapped and caught in whole coveys.

93. And the bucks?—They are shot down to a great extent ; in fact, I know of an instance which happened the other day, of a man from town who went out and hired a Hottentot and another man at 2s. 6d. a day, and between them they shot 16 bucks and duikers, which they sold at 7s. 6d. to 10s. a piece ; and not one of the party had a licence.

Mr. Proctor.
July 5, 1867.

94. Was that on public or private property?—On public and private property.

95. Do you think the present game law sufficient to protect the game, even if it were enforced?—If it were enforced, it would go far to protect game.

96. Would it go as far as this Bill proposes to go?—Not quite so far as the Bill, for there are many things in the old Ordinance of Lord Charles Somerset which are not applicable at present, and which ought to be struck out. It will be better to have a new Bill.

97. Then, in that respect, the Bill goes farther to protect game?—Yes; I think the old Ordinance goes far to protect game, but there are many clauses not applicable at all now.

98. Therefore this Bill is better?—Yes, I prefer having the new Bill.

99. What is the proportion of those who hunt or shoot without a licence to those who hunt or shoot with a licence; can you give us any idea?—Not even one in twenty-five.

100. Then it follows that there is a great fraud on the public revenue?—Yes.

101. Can you give us any idea of the classes of persons who thus defraud the revenue?—I cannot exactly say; I think all classes of society.

102. Any landowners?—A great many.

103. Any justices of the peace?—That I cannot say.

104. Look at these returns. Do you find your division there? How many licences were issued in that division?—Nineteen for the last half of 1866. The first half of the year, when the largest number of licences are generally taken out, is not included in these returns.

105. That number may include strangers as well as residents?—I don't think that one stranger comes there. The licences there are all taken out by parties living in the district.

106. *Auditor-General.*] Do you think the old law sufficiently stringent with regard to the preservation of ostriches?—No.

107. And you think that may be done in the new Bill?—Yes; and it is very necessary. I have known parties shoot the female on the nest and then take the eggs.

108. You will observe there is no penalty in the old law for persons selling game without a licence?—There is not.

109. *Chairman.*] Then you approve of the new Bill in that respect as an improvement on the old law?—Yes, that is a great improvement. Mr. Proctor.
July 5, 1867.

110. Can you give us any information about the close time applicable to your division?—With regard to the birds, partridges and pheasants, I should say that the game law, as it at present stands, will suit from the 1st July to the 1st December. They generally begin to pair about the 1st of July, but it varies according to the seasons.

111. And with regard to bucks?—The bucks close season ought to be a month or even two months earlier, because we generally find that the bucks lamb in July, so that if you shoot them in June they are in lamb, and you destroy the lamb as well as the ewe?—I think the rutting season commences in February and March.

112. Then you think the proposed Bill would be a great improvement in that respect?—Yes.

113. Have you known ewes killed that were in lamb before the 1st July?—Yes, I myself shot five or six in lamb about a fortnight ago.

114. Have you known partridges and pheasants shot when they had paired?—Yes; it is quite a common thing. With regard to the closing season for bucks, it ought to be opened a month earlier, on the 1st November to 1st December.

115. Would you not think it well to make it, as a general rule, open a month earlier and close it a month earlier?—I see no objection to that plan.

116. Would you recommend that?—I think it would be better to close it in the month of May.

117. *Chairman.*] Do you think, if this Bill were passed, that the farmers generally would regard the licence as a grievance at all, seeing they would have more protection for the game?—The farmers generally are not in the habit of taking out licences to shoot on their own property. I think they should be allowed that privilege, because the farmer would never shoot, or allow others to shoot, upon his farm during the breeding season.

118. Do you think, as a practical measure, it would be any advantage to you or me being allowed to shoot upon our own farms, seeing that we would, as a matter of course, shoot upon other people's farms. I am speaking with a

Mr. Proctor. view to the revenue as well as to the protection of game.
 July 5, 1867. Would it be any advantage to you to be allowed to shoot on your own farm, seeing that you are not allowed to carry a gun to your neighbour's farm to shoot there?—I do not say that it would. As a matter of revenue I would not allow anyone to shoot on their own farms, or anywhere else, without a licence; I would make it compulsory to take out a licence.

119. Would you then consider it a privilege to shoot game on your own farm without a licence?—I would not consider it a great privilege. The 7s. 6d. for the licence is such a trifle that I do not think any sportsman would mind paying it.

120. Could you enjoy the sport if you were confined to shooting game on your own farm?—It depends entirely upon what kind of farm it is.

121. Would you consider it any great privilege, if you were confined to a farm of 1,500 acres?—No very great privilege; still, as a master of the property, I should like to do as I please.

The *Auditor-General* further examined.

The *Auditor-General*. 122. *Chairman*]. What do you consider is the proper time for the close season?—I think the close time cannot be improved upon. I am aware that in many districts of the Colony, in the Eastern and Northern districts, the birds do not pair, as a rule, so early as they do in the neighbourhood of Cape Town; therefore I would leave the close time to be settled by Government in any particular division. Then with regard to the bucks, I may mention that we shoot them too late. I would not allow a buck to be shot after the 1st April, for I recollect last year, towards the end of June, a party, of which I formed one, killed seven or eight bucks, five or six out of which were ready to drop their lambs.

123. When is the rutting season for bucks?—I believe February and March.

124. How long do they go with their young?—I believe about five months.

125. When, do you think, should the hunting and shooting season commence for bucks?—I think it may well commence from the 15th October.

Mr. *Gadd*, Member of the House of Assembly, examined.

127. *Chairman.*] You are a member of the House of Assembly?—I am. Mr. *Gadd*.
July 5, 1867.

128. You are also a farmer?—I am, and residing in the division of Queen's Town.

129. You have also resided in other divisions?—I resided for some time in the division of Victoria East.

130. You are also a sportsman?—I am.

131. Could you inform the committee of the number of sportsmen (more or less) in the Eastern Province?—I am not aware; but in the districts in which I have resided every one is more or less a sportsman.

132. How many take out licences?—Comparatively few.

133. Are you aware that justices of the peace and civil commissioners have been in the habit of shooting and killing game without a licence?—I am aware of their shooting, but do not know whether with or without a licence.

134. Are you aware that game is destroyed to a great extent during the breeding season?—I am aware of the fact.

135. By all classes?—Yes.

136. Do you think the present law sufficient for the protection of game?—Decidedly not.

137. You think it ought to be amended?—I do.

138. Have you any observations to make to the committee in reference to the subject?—I am aware that in the districts of Victoria and Queen's Town large numbers of natives are frequently and almost constantly roaming about, particularly on Government ground, with weapons and dogs for the purpose of hunting and destroying game, and I am of opinion that in this manner game is destroyed to a large extent, and that it is impossible to prevent these natives from trespassing on private property when in the pursuit of game.

139. Under the cover of hunting game, thefts of stock are frequently committed?—Yes.

APPENDIX.

[A.]

List of Game Animals and Birds found in the Colony.

Guinea fowl	Numida mitrata
Common pheasant	Francolinus clamator
Red-necked „	„ nudicollis
Grey-wing partridge	„ afer
Red-wing „	„ Le Vaillantii
Ostrich	Strathio camelus
Gom paauw	Eupodotis cristata
Vlack paauw	„ caffra
paauw	„ Ludwigii
Vaal knorhaan	„ scolopacea
Blue „	„ cærulescens
Blue-neck „	„ Senegalensis
Common „	„ afra
„ „	„ afroides
Elephant	Elephas Africanus
Gemsbok	Oryx Capensis
Springbok	Antidorcas enchore
Steenbok	Calotragus campestris
Vlackte steenbok	„ rufescens
Grysbok	„ melanotis
Ourebe	Scopophorus ourebi
Klipspringer	Oreotragus saltatrix
Duyker	Cephalophus grimmia
Dodger	„ ptoox
Blauwbokje	„ pygmæa
Rheebok	Pelea capreola
Reedbok	Eleotragus arundinaceus
Rooye rheebok	„ reduncus
Gnoo	Connochotis gnu
Brindled ditto	„ gorgon
Haartebeeste	Alcephalus caama
Bontebok	Damalis pygarga
Blesbok	„ albifrons
Kudu	Strepsiceros kudu
Eland	Oreas caama
Bushbuck	Wagelaphus sylvatica
Buffalo	Bubalus Caffer
Zebra	Asinus zebra
Burchell's zebra	„ Burchellii
Quagga	„ quagga
Common hare	Lepus capensis
Rheebok hare	„ rufinucha
Roodehaas	„ rupestris
River hare (new species)	„ fluviatilis (Layard).

[B]

MEMORANDUM of the Quantity and Value of Ostrich Feathers exported from this Colony during the Years 1860, 1861, 1862, 1863, 1864, 1865, 1866.

Years.	Quantity in lbs.	Value.
	lbs.	£
1860	2,287	19,201
1861	3,425	23,454
1862	7,061	40,487
1863	8,496	62,051
1864	16,531	78,683
1865	17,522	65,736
1866	15,076	75,116
	70,198	364,728

[C]

RETURN OF GAME LICENCES issued by the respective Civil Commissioners, as shown by their Cash Accounts.

DIVISIONS.	July to December, 1866.			January to April, 1867.		
	No. of Yearly Licences	No. of Half-yearly Licences	£ s. d.	No. of Yearly Licences	£ s. d.	
1. Alexandria	1	0½	0 11 3	4	1 10 0	
2. Albert .. ..	.	.	.. . .	7	2 12 6
3. Aliwal North .. ..	.	.	.. . .	2	0 15 0
4. Bathurst .. ..	.	.	.. . .	16	6 0 0
5. Bredasdorp	1	.	0 7 6	5	1 17 6	
Carried forward ..	2	0½	0 18 9	34	12 15 0	

RETURN OF GAME LICENCES (*continued*).

DIVISIONS.	July to December, 1866.			January to April, 1867.		
	No. of Yearly Licences	No. of Half- yearly Licences	£ s. d.	No. of Yearly Licences	£ s. d.	
Brought forward ..	2	0½	0 18 9	34	12 15 0	
6. Beaufort .. ..	.	11	2 1 3	12	4 10 0
7. Bedford	1	.	0 7 6	4	1 10 0	
8. Cape Division, excluding the Cape Distributor	.	.	.. . .	4	1 10 0
9. Caledon	1	.	0 7 6	26	9 15 0	
10. Calvinia .. ..	.	3	0 11 3	1	0 7 6
11. Cradock	1	.	0 7 6	6	2 5 0	
12. Colesberg .. ..	.	11	2 1 3	13	4 17 6
13. East London .. ..	.	4	0 15 0	4	1 10 0
14. Fraserburg .. ..	.	1	0 3 9	38	14 5 0
15. Fort Beaufort .. ..	.	.	.. . .	2	0 15 0
16. George .. ..	.	2	0 7 6	8	3 0 0
17. Graaff-Reinet .. ..	.	.	.. . .	1	0 7 6
18. Hope Town .. ..	.	23	4 6 3	73	27 7 6
19. Humansdorp	1	.	0 7 6	.	.. . .
20. King William's Town ..	.	.	.. . .	6	2 5 0
21. Knysna	5	.	1 17 6	2	0 15 0	
22. Malmesbury	1	3	0 18 9	16	6 0 0	
23. Mossel Bay	1	.	0 7 6	2	0 15 0	
24. Middelburg	1	12	2 12 6	9	3 7 6	
25. Murraysburg	1	.	0 7 6	12	4 10 0	
Carried forward ..	15	70½	18 18 9	273	102 7 6	

RETURN OF GAME LICENCES (*continued*).

DIVISIONS.	July to December, 1866.			January to April, 1867.		
	No. of Yearly Licences	No. of Half- yearly Licences	£ s. d.	No. of Yearly Licences	£ s. d.	
Brought forward ..	15	70½	18 18 9	273	102 7 6	
26. Namaqualand	38	70	27 7 6	30	11 5 0	
27. Piketberg .. ..	.	.	.. . .	2	0 15 0
28. Paarl .. ..	.	1	0 3 9	19	7 2 6
29. Prince Albert	2	.	0 15 0	2	0 15 0	
30. Port Elizabeth	3	.	1 2 6	17	6 7 6	
31. Peddie .. ..	.	.	.. . .	5	1 17 6
32. Riversdale	1	.	0 7 6	.	.. . .
33. Robertson	1	.	0 7 6	2	0 15 0	
34. Richmond .. ..	.	.	.. . .	4	1 10 0
35. Stellenbosch	4	.	1 10 0	2	0 15 0	
36. Swellendam .. ..	.	3	0 11 3	1	0 7 6
37. Stockenstrom .. ..	.	1	0 3 9	7	2 12 6
38. Uitenhage .. ..	.	.	.. . .	14	5 5 0
39. Victoria West .. ..	.	48	9 0 0	3	1 2 6
40. Victoria East	6	.	2 5 0	.	.. . .
41. Worcester .. ..	.	.	.. . .	7	2 12 6
Distributor, Cape Town ..	23	5	9 11 3	9	3 7 6	
	93	198½	72 3 9	397	148 17 6	
Add Half-yearly ..	198½					
Total	291½					
Jan. to June, 1866, as per return called for, Sept., 1866, by the Hon. the House of Assembly			366 18 9			
Total amount for 1866 ..			439 2 6			

NOTE.—Albany, Clanwilliam, Oudtshoorn, Queen's Town, Somerset, and Tulbagh,—*Nil*.

Compiled from the Books in the Audit Office, referred to in my Evidence before the Game Laws Committee.

8th July, 1867.

E. M. COLE, Auditor.

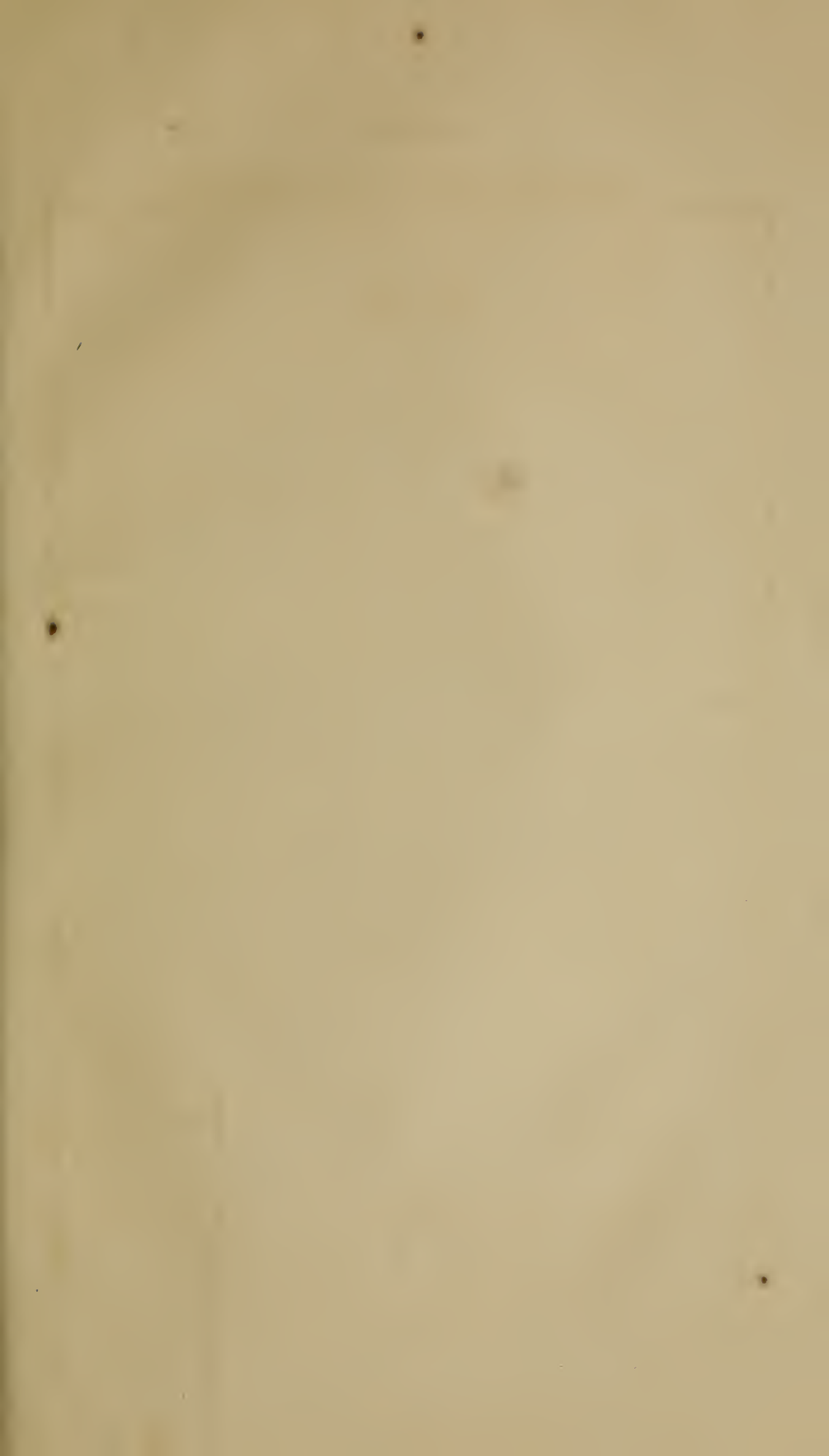




PLATE 11. [Illegible text]

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