

TRINIDAD AND TOBAGO.

Wild Birds and Ground Game Protection.

No. 2.—1893.

9th January.

AN ORDINANCE for the protection of certain Wild
Birds and Ground Game.

BE it enacted by the Governor of Trinidad and Tobago
with the advice and consent of the Legislative
Council thereof as follows:—

1. The Ordinance No. 10 of 1881, intituled “An Ordinance for the protection of certain Wild Birds,” and the Ordinance No. 13 of 1886, intituled “An Ordinance for the further protection of certain Wild Birds,” shall, except as to Proclamations made, licenses granted, offences and penalties incurred, and proceedings taken under them or either of them, be and the same are hereby repealed.

Repeal of
Ordinances 10
of 1881, and
No. 13 of 1886.

2. In this Ordinance,

Interpretation.

The term “Wild Bird” excludes any bird specified
in the Schedule to this Ordinance, and Corbeaux,

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but includes all other birds commonly found in a wild state in the Island of Trinidad or any part thereof.

The term "Ground Game" means any of the following animals : Agouti, Quenk or Peccary, Deer, Lappe, Tatou.

Protection of wild birds and nests and eggs of wild birds.

3. Any person who knowingly kills, wounds or takes any wild bird, or who exposes or offers for sale, or knowingly has in his possession any such wild bird killed, wounded or taken after the coming into operation of this Ordinance, or any part of such bird, shall be guilty of an offence against this Ordinance, and on conviction thereof shall incur for each wild bird or part, in respect of which the offence is committed, a penalty not exceeding Five Pounds, and any person who takes or has in his possession the nest or egg of any wild bird shall be guilty of an offence against this Ordinance, and on conviction thereof shall incur for each such nest or egg, in respect of which the offence is committed, a penalty not exceeding Five Pounds.

The onus of proof that a wild bird was killed, etc., out of the Colony, to be upon the defendant.

4. Where after the coming into operation of this Ordinance any person has in his possession the nest or egg of any wild bird or any wild bird, the proof that such nest or egg was taken or that such wild bird was killed, wounded or taken before the coming into operation of this Ordinance, or out of the Colony, shall be upon such person.

Where after the coming into operation of this Ordinance any person has in his possession any part of a wild bird, the proof that the wild bird to which the part belonged was killed before the coming into operation of this Ordinance, or out of the Colony, shall be on the defendant, and

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Where after the coming into operation of this Ordinance any person has in his possession any bird or any part of any bird mentioned in the first Schedule of the Ordinance No. 10 of 1881, hereby repealed, which Schedule is reprinted as the Appendix to this Ordinance, the proof that such bird was killed, wounded or taken, or that the bird to which such part of the bird belonged was killed before the 31st day of August, 1881, shall be on the defendant.

5. Any person who,

Between the first day of April and the first day of September in any year, knowingly kills, wounds or takes any birds specified in the Schedule to this Ordinance, shall be guilty of an offence against this Ordinance.

Protection of
birds in the
Schedule.

Any person who,

Between the first day of April and the first day of September in any year, exposes or offers for sale, or purchases any birds specified in the Schedule to this Ordinance, shall be guilty of an offence against this Ordinance.

Any person who,

Between the first day of December and the thirty-first day of May in any year, knowingly kills, wounds or takes or exposes or offers for sale or purchases any ground game, shall be guilty of an offence against this Ordinance.

Any person guilty of an offence under this Section shall, for each bird or animal, being ground game, in respect of which the offence is committed, incur a penalty not exceeding Five Pounds.

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Persons found
offending.

6. Where any person is found offending against this Ordinance it shall be lawful for any other person to require the offender to give his name, description and place of abode, and in case the offender does not truly give his name, description and place of abode, such offender shall be guilty of an offence against this Ordinance, and shall for such offence, in addition to any other penalty to which he is liable under this Ordinance, incur a penalty not exceeding Five Pounds.

Power to arrest
without War-
rant.

7. Any Officer of Police or Police Constable may arrest without Warrant any person found offending against this Ordinance whose name or place of abode is unknown to him and detain such person at a Police Station until the name and place of abode of such person can be ascertained, or may forthwith convey such person before a Stipendiary Justice of the Peace to be dealt with according to law.

Power to stop,
search, seize
and detain
persons, etc.,
offending
against this
Ordinance.

8. It shall be lawful for any Warden, Police Constable, or Ward Officer in any highway, street, or public place, to search any person whom he may have good cause to suspect of coming from any land where he shall have been unlawfully in search or pursuit of birds or ground game prohibited to be taken or killed by this Ordinance, or any person aiding or abetting such person, and having in his possession any wild birds, or bird or ground game specified in the Schedule to this Ordinance, or any gun, part of gun, or nets or engines used for the killing or taking such birds, or ground game, and also to stop and search any cart or other conveyance in or upon which such Warden, Police Constable, or Ward Officer shall have good cause to suspect that any wild birds or bird or ground game for the time being prohibited to be taken or killed by this Ordinance or any such article or thing is being carried by any such

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person, and should there be found any wild bird or bird or ground game for the time being prohibited to be taken or killed as aforesaid or any such article or thing as aforesaid upon such person, cart or other conveyance, to seize and detain such wild bird, bird, ground game, article, or thing ; and such Warden, Police Constable, or Ward Officer shall in such case apply to some Justice of the Peace for a Summons citing such person to appear before a Stipendiary Justice of the Peace to be dealt with according to law.

9. Every offence against this Ordinance shall be an offence punishable on Summary Conviction ; but in any proceeding under this Ordinance the defendant may tender himself and be examined as a witness on his own behalf.

Punishment of offences.

Any offence against this Ordinance committed on the sea-coast or at sea, beyond the limits of any town, county, or district, may be inquired of, heard and determined in any town, county, or district, abutting on such sea-coast or adjoining such sea.

Any offence against this Ordinance committed in or upon any water forming the boundary between any two counties or districts may be inquired of, heard and determined in either of such counties or districts.

10. Any wild bird and any bird or ground game for the time being prohibited to be taken or killed by this Ordinance, or any part of such wild bird, birds or ground game, and all such guns, parts of guns, nets and engines, in respect of which a conviction takes place, shall be forfeited to Her Majesty.

Forfeiture.

11. Notwithstanding anything in this Ordinance, the Governor, by writing under his hand, may for such time and subject to such conditions as he thinks fit, authorize

Power to Governor to authorize killing of birds for scientific purposes.

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any person for scientific purposes, to kill, wound or take any wild bird, bird or ground game mentioned in the Schedule to this Ordinance.

Close season
may be varied
by Proclama-
tion.

12. The Governor may with regard to any particular species of, or with regard to all of the birds mentioned in the Schedule to this Ordinance, and with regard to any ground game and with respect to any particular part of the Island by Proclamation extend or vary the time during which the killing, wounding, taking, exposing, offering for sale and purchasing of the same or any of them are prohibited by this Ordinance. After such Proclamation, the penalties imposed by this Ordinance in respect of such birds and ground game shall, in the part of the Island mentioned in such Proclamation, apply only to offences committed during the time specified in such Proclamation.

Such Proclamation shall be published in the *Royal Gazette*.

A copy of the *Royal Gazette* containing any Proclamation made under this Ordinance shall be evidence of the same having been made.

The Governor
may prohibit
exportation of
wild birds.

13. It shall be lawful for the Governor, by Proclamation, to prohibit to be exported or carried coastwise all or any wild bird and any part of any such bird, and if any such wild bird or any part thereof the exportation whereof has been prohibited is exported or brought to any quay or other place to be shipped for exportation from the Colony or to be carried coastwise or is water-borne to be so exported or carried, such bird and every part of any such bird as aforesaid shall be forfeited, and the exporter or his agent or the shipper of any such bird or part of such bird shall be liable to a penalty of One Hundred Pounds in addition to any other penalty to which he may be liable under this

Birds to be
forfeited and
penalty of £100.

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Ordinance : Provided always that such Proclamation shall not extend to prohibit the exportation of such birds where the same shall have been imported in transit and have been duly reported as goods in transit accordingly.

14. It shall be lawful for the Governor, by Proclamation, to declare wild birds being dead, and any part of a dead wild bird and the nests and eggs of wild birds to be goods prohibited to be imported except in transit and subject to such regulations and restrictions as the Governor may direct, and duly reported as goods in transit accordingly, and thereupon the like penalties shall follow and the like consequences shall ensue in all respects as if wild birds or any part of a wild bird had been enumerated or described among the goods prohibited to be imported except in transit and subject to such regulations and restrictions as the Governor may direct, and duly reported as goods in transit accordingly in the Table of Prohibitions and Restrictions contained in Section 8 of "The Customs Ordinance, 1880:" Provided that any wild birds so imported and duly reported as goods in transit may be warehoused in the Colonial Warehouse and be exported therefrom if entered to be warehoused for exportation only.

The Governor may prohibit the importation of certain wild birds except in transit.

15. All the provisions of "The Customs Ordinance, 1880," relating to uncustomed and prohibited goods and proceedings for breaches of the law relating thereto, shall apply as fully and effectually to wild birds or parts of wild birds prohibited to be exported, carried coastwise and imported under this Ordinance as aforesaid, as if such birds and parts of such birds had been prohibited to be exported, carried coastwise, or imported by force of the aforesaid Customs Ordinance, 1880.

Powers of search, proceedings for penalties, etc., provided by "The Customs Ordinance" to apply.

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The Governor
may allow
exportation of
wild birds killed
for scientific
purposes.

16. Notwithstanding anything in this Ordinance contained, it shall be lawful for the Governor, if he shall so think fit, by writing under his hand, to exempt from the operation of any Proclamation made by him in pursuance of Section 13 of this Ordinance, any wild birds killed or taken for scientific purposes by any person duly licensed by writing under the hand of the Governor to take or kill such birds for such purposes in pursuance of the provisions of Section 11 of this Ordinance.

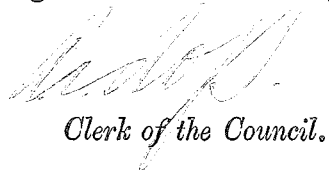
Short title.

17. This Ordinance may be cited for all purposes as "The Wild Birds and Ground Game Protection Ordinance, 1893."

Application of
Ordinance.

18. This Ordinance shall not apply to the Island of Tobago.

Passed in Council this Ninth day of January, in the year of Our Lord one thousand eight hundred and ninety-three.


Clerk of the Council.

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THE SCHEDULE.

Bécard.	Paoui (Penelope).
Bécasse (Wood Cock).	Perdrix (Partridge).
Bécassine (Snipe).	Plongeon (Diver).
Caille (Quail).	Poule d'eau (Water-fowl).
Couchante.	Poule savane (Savana hen).
Crao.	Quioc.
Diablotin (Cave Bird or Gua- charo).	Ricuit.
Merle à queue jaune (Corn Bird).	Tourterelle (Dove).

THE APPENDIX.

Aigrette (Egret).	Houtou.
Aileronne.	Huitrier.
Aras (Macaw).	Jacamar.
Arrivant.	Louis d'Or.
Bec d'Argent (Silver-beak).	Manakin.
Bec dur.	Mangeur de Cacao.
Bénédiction.	Martin pecheur (King Fisher).
Campañero.	Merle corbeau (Tic Bird).
Cardinal.	Officier.
Carouge.	Oiseau bleu.
Casse-noisette.	Ortolan bleu (Pigeon).
Charpentier (Wood Pecker).	Paul perruquier.
Cici zèbe.	Père noir.
Colibri (Humming Bird).	Perruche.
Coq-bois (Cock of the Woods).	Pic-grièche.
Cottinga.	Pintade bois.
Coucou.	Pipiri.
Coucou manioc.	Qu'est-ce qu'il dit ?
Couroucou.	Rossignol (Wren) (Nightingale).
Diable enrhumé.	Rouge-gorge (Red-breast).
Fauvette.	Sucrier.
Figuier.	Taïrico.
Fourmilier.	Tangara.
Gobe-mouche.	Tillon.
Grimpereau (Tree-hopper).	Toucan.
Grimpeur.	Trinité.
Grive (Thrush).	Vert-de-gris.
Gros bec.	Vert-vert.
Guiouti.	Veuve.