

Gleanings of Game Affairs in the Bechuanaland Protectorate

by C. A. SPINAGE*

Introduction

In a recent work (Spinage 1991), I have shown how the subject of game and game legislation were issues in Bechuanaland even prior to the formal establishment of the Protectorate conditions in 1895, this being due to the important part which it had played in the economy of the tribes (Parsons 1969), and that customary law had been a significant factor in paving the way for the acceptance of modern statutory laws. In preparing that work I had recourse to the debates of the Advisory Councils which on several occasions dealt with game matters. Some of the later Native Advisory Council discussions are particularly illuminating with respect to Batswana attitudes towards game. This material was not included in the work quoted above, originally for reasons of length, and also because I felt that such in-depth treatment of the discussions might detract from the main theme, which was an analysis of the law itself rather than a presentation of the discussions concerning it. However, these discussions, often amusing, are deserving of a wider readership and help to underline the concern with which game issues were treated. Their presentation also gives me an opportunity to refer to the earliest comments of Khama III, which I was not aware of at the time at which I prepared the former work.

The First Reference to Game

The first known written reference on the subject is found in a letter which Khama III, Chief of the Bamangwato, wrote to the British Government, of which the Reverend John Mackenzie made notes, dated the 13.5.1885, probably representing his translation. The text of this letter is given in Dachs (1975). In accepting the announcement of a Protectorate made by Warren at Shoshong on the 12.5.1885, Khama stated that his people enjoyed three things: their cultivated fields, their cattle stations and their hunting grounds. He continued, with an acumen that is not matched by many today:

"Certainly the game will come to an end in the future; but at present it is still in my country and while it is still there, I hold that it ought to be hunted by my people....."

"What I wish to explain is that my people must not be prevented from hunting in all the country, except where the English shall have come to dwell.....".

The follow-up of his concern, with the sounding-out of all of the Chiefs and the provision granting custodial rights over game in the tribal territories in the final settlement, is given in Spinage (1991).

* Dr. Spinage was employed as a consultant to the Department of Wildlife & National Parks from 1986 to 1991.

Advisory Council Discussions

The Native Advisory Council and the European Advisory Council, the latter at first called simply Advisory Council, were formed in 1920 and 1921 respectively; but it was not until the ninth Meeting of the former held on 12-13th March 1929 at Mafeking¹, that game matters were discussed in the Native Advisory Council (Anon. 1929), when questions were asked in relation to the 1925 Bechuanaland Protectorate Game Proclamation (No.17 of 1925).

A Barolong councillor, Sebopiwa Molema, asked the question:

"What becomes of money accruing from shooting licences and the killing of large game in Native Reserves in the Bechuanaland Protectorate?"

The members of the Council stated that they wished the money to go to the tribe concerned. From the discussion it emerged that when European hunters wanted to hunt in the reserves they first obtained a letter from the Chief, "even the Magistrate has to obtain permission from the Chief, if he hunts in the Reserve". The Chiefs claimed that they did not get anything for giving this permission:

"They do not say that the Government should not get any licence fees. Game in the Chief's Reserve is the property of the Chief, and the Chief is entitled to get something for allowing game to be shot."

Chief Isang referred to the Press, accusing them of imposing a certain taxation on people which was not legal, hence it seemed that some Chiefs at any rate were charging a fee. He continued:

"We say that any man who comes and hunts in any Chief's Reserve first gets the permission of the Chief, and then the Magistrate issues him a licence to go and shoot. It has also been understood that the Chief has the right to specify what kind and what number of game could be killed. The Chief has a right to tell a hunter to pay, and we want the Government to recognise it."

The Resident Commissioner, R. M. Daniel, presiding, pointed out that the Proclamation, No.17 of 1925, limited the Chief's authority to his own Reserve and his own people, although the Proclamation covered the whole country:

"You will notice that one of the matters he holds to himself [the High Commissioner] is the right to prohibit the hunting of game in any particular part of the country, also to prohibit the hunting of any species of large game or to limit the number of head to be killed."

Hence the Resident Commissioner implied that the law did cover the whole country, but section 30 specifically exempted tribesmen hunting with the permission of the Chief in their tribal territory; only section 22, receiving or dealing in giraffe products applied

universally. The prohibition of killing certain species had not been imposed in a tribal reserve, rather the Chief was requested to co-operate in enforcing such prohibition under customary law (Spinage 1991).

The Resident Commissioner said he would refer the matter of payment to the Chief to the High Commissioner. Finally, Chief Letlamoreng Montsioa of the Barolong asked if the Government could grant permission to a person to hunt who did not belong to the tribe, if the Chief refuses. The Resident Commissioner replied:

"According to the law of the country, the Government may grant such permission, but it has never done so it has always consulted the Chief of the Reserve."

Hence the interpretation of custodial rights was not as unambiguous as one might suppose.

The Europeans had not considered themselves as favoured as the natives. In a meeting of their Advisory Council held from the 31st October to 5th November, 1921, the Resident Commissioner, J. C. Macgregor, noted that the Ghanzi farmers complained they had to get a permit to shoot on their own grounds, whereas "The Native on his Reserve may shoot game when he likes, with the exception of Royal Game." In fact the restriction on Royal Game did not apply to tribesmen in their reserves. The Resident Commissioner stated that the matter was settled and that there would be a Proclamation to the effect that European farmers should have the same privilege on their own lands².

The next reported discussion under this Council was at the 15th Session held from the 22nd to 24th October, 1931, under the chairmanship of Resident Commissioner C. F. Rey. This debated a proposed new Proclamation which primarily concerned new hunting fees³. A new proposal in the Proclamation was an export tax on ivory and rhino horn of 5 Shillings per pound, but there was also an export tax on other trophies. Captain R. O'M. Reilly, Assistant Resident Commissioner, explained:

"Gentlemen, the idea of this Proclamation is to try and get a little more revenue and the Administration feels that people coming in from outside, more especially those hunting royal game and large game, should be made to pay a little more than they do at present."

In answer to an intervention that the Proclamation meant that the Administration took charge of all game, and removed it from the jurisdiction of the Chief of a Reserve, he replied:

"The principal idea in prohibiting persons from being in possession of the things mentioned, is that certain animals are being shot out such as elephant and rhino. The Administration thinks the time has come to put a check on this, and preserve the rhino and elephant."

Argument ensued about the level of the fees and R. A. Bailey, member from the Ngwato, Ngamiland and Chobe Districts, stated that the fees should be charged more for the preservation of game than the raising of revenue. Rey then answered by referring to his idea of establishing game reserves in the north for the purpose of preserving game and attracting people to the country:

".....Game reserves in other parts of Africa are a very fruitful source of revenue. It is not only the revenue paid by people coming to the Reserves, but the bringing of people into the country. It seems to me that in the north, where we have no farms in that district, and where we have an enormous variety of game in great quantities, we would have an ideal spot to establish a reserve, which might attract the large tourist element that comes to the Victoria Falls, and bring it to the reserve, and in that way to the Territory. It is a thing which is attracting attention, not only in Africa, but all over the world. What we shall derive directly and indirectly should be of benefit to the territory. I have enquiries on foot....."⁴

Discussion developed over the proposed export tax of 5 Shillings per pound on ivory which, with transport costs, would not make it worthwhile for a trader to deal in, as the ruling price in London was about 11 Shillings per pound. Bailey observed that so little ivory was exported that it was hardly worth talking about; there thus seemed to be some inconsistency with the Assistant Resident Commissioner's remark that elephants were being shot out. Finally it was agreed that the ivory tax should stay as proposed as the amount of ivory exported would not justify differentiating between trader and sportsman.

The next session of the Native Advisory Council to discuss game matters was the 14th, held at Mafeking on the 18th November 1932, chaired by Rey, who, unlike at the meeting of the European Advisory Council above, where he made only one intervention leaving the rest of the talking to his Assistant Commissioner, now dominated the proceedings throughout (Anon. 1932). The discussion concerned restricting the killing of fur-bearing animals by season, age and sex, that is, not killing females and young:

The principal point at issue seems to have been misunderstood, namely, the fur trade. We are trying to help you develop the fur trade, to improve your karosses and other articles you make from furs.....The object of this Proclamation is this - to forbid traders to sell the skins of animals of this kind, or to buy them, and forbid such animals being killed at this time."

Rey continued with acerbity:

"That is the whole object, and I cannot for one moment imagine that there could be any objection by anybody to such an obvious safeguard to your own interests. After all, if you sold all your cows you would not have much more cattle, would you? It is the same idea."

The councillors were not, however, to be put down. Sehako Pilane, a Bakagla

councillor, spoke up:

".....We understand what you have started about animals.....I think Your Honour will recollect, however, that you gave us rams at the show last year. They have all been eaten up by jackals. While I agree with Your Honour that the jackal makes very beautiful karosses for great people, nevertheless, seeing that he has destroyed our rams, how can we spare the jackal?...."

Rey: "My answer is this: If you cannot take better care of your rams, then we cannot give you any more."

Pilane: "I thank Your Honour for the reply. We have good dogs, Sir. I have trained these dogs to protect anything that Your Honour may give us, such as rams, and I have also trained them to find the spoor of the jackal principally, but what must we do if it happens to be a female?"

Rey: "You must teach your dogs to learn the Proclamation; they are very intelligent dogs; they can take care of the rams, so they ought to be able to learn the Proclamation!"

Pilane: "The jackal is a very cute animal, Sir. It is always near people. We do not kill vermin at times when the fur is bad; according to our custom we hunt for furs in the winter, but we feel enmity towards the jackal, and hunt him now, because when the grass is green he gets very busy."

From the Minutes alone it is difficult to know whether Rey conducted these meetings in a spirit of fun, or whether he treated the councillors with contempt, hence the debate continued:

Bogatsu Matlapeng, also of the Bakgatla: "I wish to ask a question. The discussion arose about cattle, and I understand that means were to be taken to get rid of the ticks. This is a question I did not understand properly."

Rey: "Well, we are talking about the preservation of animals at the moment, and ticks are not fur-bearing animals. You may always kill ticks; the female of the tick and the young of the tick of any age.....just for the moment we are talking about *fur-bearing* animals, in order to improve your trade."

However, one speaker, Malefa, not a member of the Council, insisted that they should be allowed to kill jackal as vermin:

".....he should be killed because he is a destroyer. He destroys small kids in the cattle posts and also lambs. He kills sheep. How can he be preserved? The jackal is hunted at all times because he is a pest. Anyone who has dogs can kill the jackal among other vermin....."

Oidirile, also not a member of Council, took up the subject:

".....He referred to the possibility of a law which prevented the killing of game. I am discussing the subject because, in so far as we Bamangwato are concerned, the Mathogele and Matsapa regiments were born after the game had been protected. When we were at Shoshong the Chief Khama fined a man to pay for killing an eland. Another man was fined five head of cattle for killing an eland, while another was fined seven head of cattle. I am pointing out that the control of game has always been in existence to the owner of the Reserve and among our people. After we had moved to Palapye, the Chief gave orders that trees should not be chopped down during his rule. He fined a man two head of cattle for cutting a tree down in the village; ever since I was young the preservation of game has been in existence. When I hunt, the Chief gives me instructions not to kill too many head, Sir. He used to search wagons for hidden meat. I wish to point out that game preservation is an old rule amongst the natives."

Rey replied that he was not talking about game preservation generally, but simply about the killing of female animals in the breeding season and of young:

"What I want to know is quite simple: I assume the Chiefs agree with the idea, and I want to know whether they will support the Government and help carry out the law."

Tshekedi Khama was brief and to the point:

"Seeing your Honour requires a reply from the Chiefs, I want to state that as far as the Bamangwato are concerned [the Bamangwato were not members of the Council at this time], we oppose this law and say there is no necessity for it."

The arguments against the proposal continued at length, as Tshekedi expressed it metaphorically:

".....we have already ploughed this land, and we do not find it necessary for Your Honour to re-plough it. We do not say that Your Honour cannot say to the Chief, if necessary: "I notice that you are not looking after game." It is Your Honour's right, but we oppose this law because it takes that which is our own, putting it in the control of the Government."

Rey's reply was followed by Chief Bathoen II of the Bangwaketse:

"From our point of view, this point is an important one. We maintain that our fathers have always protected game up to the present....." He went on to refer to a native being fined £100 or a year's imprisonment in his Reserve, to which Rey replied that it was for obstructing the course of justice and not for a game offence. Rey wound up by stating that the Council seemed to be a little divided on the position and that he would draw his own conclusions. No proclamation was subsequently issued on this matter.

On the 19th Session of the Native Advisory Council held from the 28th February to 7th

March, 1938, at Mafeking, under the chairmanship of Resident Commissioner Arden Clarke, the draft game Proclamation which was to become Proclamation 19 of 1940 was debated (Anon. 1938). One question posed by Chief Bathoen II of the Bangwaketsi, was whether there was a change in the law with respect to the Resident Commissioner now being able to issue hunting licences for the Native Reserves. The Government Secretary, A. D. Forsyth Thompson, replied that the law was as it was at present, but the provision that before once could shoot in a Reserve he must get the Chief's permission had been dropped because the common law applied there (in fact this provision had been dropped in 1904). This answer implied that one could not shoot over another man's property without that man's permission, otherwise it was trespass. This was a doubtful interpretation, for Roman-Dutch law, which was the common law of the Protectorate, permitted a man to hunt anywhere, but the owner of any land could prevent him from hunting on his land. If a person did hunt in a reserve without the Chief's permission, under this interpretation the most that the Chief could do would be to bring a civil action for trespass against the person. There appears to be only one guiding case in South African law relating to trespass with relation to game, in which ostriches were driven from the plaintiff's land, and in that case the judge made it clear that there could be little award for damage to the herbage (De Villiers vs. Van Zyl and Another, 1880). Thus in the case of a wild animal, which would be deemed to be the property of no one, there would be little cost attached to entering on the land without permission. If an animal was killed it is doubtful if the court would consider the Chief to be the owner of the land, and he could not be the owner of the animals upon it under common law (See Spinage 1991, for a discussion of Tswana land ownership). Also there is doubt under Roman-Dutch law as to whether a person who has killed an animal illegally on another's land might not nonetheless still be the rightful possessor of the animal. Furthermore, common law is applied where statutory law is silent, and to remove a statutory provision and leave interpretation open to common law was a retrograde step. The Chief, however, accepted the explanation as satisfactory, as did Chief Tshekedi Khama.

Discussion then centred upon a proposed limitation upon the export of biltong, imposing a tax upon any amount over 20lbs. This was opposed by Chief Tshekedi who claimed that the natives did not export biltong for commercial ends, but gave it as gifts to their friends. The Resident Commissioner answered:

"What we are aiming at is to stop our game from getting wiped out as it has been in many parts of the Union. This section is aimed at white people who come in, particularly to the Tuli Block and the Kalahari District, and massacre the game there."

It was finally agreed that, with the permission of the Chief, a native would be able to export more than 20lbs duty free.

The question of the fee on ivory and rhinoceros horn was then raised again. Chief Moremi of the Batawana complained that the export fee was higher than the sale price, he went on:

"There is apparently no extinction of the elephant.....The price is even less than 2 Shillings and 6 pence [per pound] if it is found that the ivory is not so good. Most of us as it is are depending on ivory and when people go to kill elephants they get permission from the Chiefs. They cannot therefore just kill for destruction....."

B. Kgerethwa of the Batawana added:

".....One and two men cannot go and hunt an elephant. A man has got to take four to five men, because it is difficult to kill elephants. A Chief might give permission to kill three but a man can only kill one sometimes, and the value he realises is only sufficient to compensate those who accompany him, and he gets nothing owing to the smallness of the price offered....."

R. Segolodi (Batawana):

"Sir, ivory the size of the tent pole would be sold for 2 Shillings a pound, and a big tusk which could not be lifted by a man can realise 5 Shillings a pound....."

Chief Tshekedi:

".....we understand that in olden times when a man went out elephant hunting if he killed an elephant one tusk he offered to the Chief and the other one belonged to him. That indicated that elephants were under the control of the Chiefs. In my territory there are many elephants at present, but they are not hunted because of the law of the Chief. There are so many of them that they destroy crops but they have been protected. This protection was effected by the original owners of the country who had in mind their children, some of whom are present now....."

(Note his concept of preservation for "future generations", 42 years before this was introduced into the jargon of conservation by the World Conservation Strategy (IUCN 1980)).

Continuing the debate, in reply to a question which he posed, the Resident Commissioner was informed that there were only elephants in the Batawana and Bamangwato Reserves, and conceded that he could allow the free export of ivory from any elephant killed with the permission of the Chief from those reserves:

"I understand there were only 19 tusks exported from the Batawana Reserve in the whole of the last twelve months⁵.....And there were four rhinoceros horns....."

He concluded that he thought the suggestion that any duty collected should be paid to the Native Treasury an excellent one and would try to arrange it. Chief Moremi replied that he did not know that 19 tusks had been exported in twelve months, nor four rhinoceros killed, and stated that these killings were unauthorised and blamed the storekeepers for dishonesty.

The debate then moved to the prohibition on sale of giraffe hides and tails which was in the 1925 Proclamation. The Resident Commissioner explained:

"When we put this in we felt that all the evidence is that giraffe are gradually being wiped out and our idea was to have them entirely protected....."

In reply to a question, Chief Kgari of the Bakwena thought there were no giraffe in his reserve unless in inaccessible places. Chief Tshekedi corrected him, pointing out that there were giraffe towards Lephephe. He claimed that he protected giraffe in his territory. He went on:

".....In my time when I first had suspicions that this kind of law would be introduced Chief Bathoen took a hunting expedition into my country. He went in search of two species of game which he could not find in his Reserve. They were giraffe and eland. He was accompanied by people. I think he and his companions killed about thirty head of game. Afterwards I observed that some District Commissioners discussed this with me viewing it as if it were destruction and some other high officials in Mafeking spoke to me about it. I gathered they thought it was destruction. I then expected that I would get a direct accusation from the Government that I was not protecting the game and I would have answered that charge. I would have explained that Chief Bathoen was a Chief to me and as such his was a special privilege....."

Having been given an undertaking by Chief Moremi that he protected giraffe in his Reserve, the Resident Commissioner stated that he would amend the law so that it did not apply to the Native Reserves.

In 1946, The European Advisory Council, after debating that wildebeest should be destroyed in farming areas, then went on to debate the "Prevention of Wholesale Slaughter of Game." This related to the southern part of the country where one member, Le Cordeur, stated (Anon, 1946):

"The destruction of game last season was a disgrace; while the Union Government is proclaiming more and more Game Reserves, the Union biltong hunter does his shooting in the Bechuanaland Protectorate. A man is allowed to take out of the country 20lbs. of biltong free and pays 6 pence per lb. for all above that amount. Parties of up to eight men each visit the Protectorate in vans, 3 ton trucks and motor cars. One or two members of the party apply for a large game licence, the rest of the party sight-seeing, but carrying arms in case they meet lion. Permission is obtained to shoot four large game - there is no restriction on the small game including Springbok.....When returning they camp just outside the Molepolole village, passing through during the early hours of the morning.....Often a three ton truck passes during the night fully loaded, while the next morning another member of the same party, travelling by car or light truck, does the reporting.

"One Springbok will produce approximately 7lbs. dried biltong, Hartebeeste probably 20lbs. or less.

"From experience, I found that parties out shooting wound at least 4 buck to each buck actually bagged.....1,544lbs. of biltong was declared and paid for in 17 payments at Molepolole. 17 people declared having over 20lbs. weight of biltong. This was for export or taken out of the country by hunters from the Union. 15 small game licences and 51 large game licences were taken out by non-residents. 17 paid for biltong, but what did the others do? Biltong is worth anything up to 10 Shillings and 6 pence per lb. in the Union.

"It is alleged that 20 odd troop carrier lorries were out shooting. This does not include cars and light vans.....

"I was told of one man holding the record in his party by alone shooting 85 Springbok. This means another 255 wounded and lost.....One Transvaal hunter obtained a permit to export 600lbs. of biltong. It was rumoured he had over 800lbs. 800lbs. means 100 Springbok at least killed and 300 wounded and dead in the veld (400 in all). I personally saw troop carrier trucks loaded with bags of dried biltong as though it were grain."

He reported that the same thing apparently took place in the Bangwaketse Reserve and therefore probably "over the whole of the Protectorate." However, it was pointed out by Mr. Glover that when "open shooting" was allowed in Ngamiland⁶, the Chief used to appoint a native to accompany each shooting party to see that they remained within a certain area, and Mr. Glover proposed that this should be a condition of the licence elsewhere. Another member, Mr. Parr, pointed out that before the District Officer could issue a licence in the Bamangwato Reserve, he had to have the written consent of the Chief Tshekedi, the Chief usually selecting the party whom he wished to give a permit to:

"It rests entirely with the Chief....."

The Acting Deputy Resident Commissioner confirmed that no licence was supposed to be issued to shoot in a Reserve unless the permission of the Chief had first been obtained:

".....I do know that some Chiefs have been very much against hunting parties going into their Reserves. Chief Bathoen is one of them and Government itself has become increasingly alarmed at the amount of shooting going on. The game did have a respite during the war years because ammunition was practically unobtainable, but we have, in this last open season, been inundated with applications.....Actually we would like to stop shooting altogether but we feel that it is not possible to make it as rigid as all that since there are times when bona fide sportsmen require permission and it is not desired to close the door to everybody. These are the view of government which have been sent to District Commissioners; they have been asked for suggestions as to the procedure to be adopted next year in this matter. We are very much concerned about this indiscriminate shooting of game....."

Mr. Le Cordeur finished the debate by pointing out that in the Bakwena Reserve the Chief's permission to hunt had to be obtained, but suggested that with the present high price of biltong one could expect bribes to be offered and:

".....A party has the right to be out for say three weeks. During the first week during darkness the lorry will leave the country with its biltong and return. This will probably take place several times. It is difficult for a Chief or for the local Police to check up. I think the Chiefs too appreciate that the slaughtering of game should be checked."

The motion, presumably that "timely steps be taken to end the wholesale slaughter of game in the Southern Protectorate", was then put to the vote and carried unanimously. In fact the hunting of large game on crown land north of the Molopo River had been forbidden since 1924, the area later being specified as Ghanzi and Kgalagadi Districts; but it was not until 1961 that comprehensive new controls were introduced.

It was to be 1959 before game was again a subject for discussion, when at the 62nd Session of the European Advisory Council a motion was debated "to remove or destroy the elephants in the Tati District." Mr. D J C Morgan of the Tati Territory complained:

".....In the Tati we have had elephants from time immemorial and now that the new farmers have moved in they have started fencing and trying to grow crops, and these are being continually destroyed by elephants in the Tati. This applies not only to European farms but also to the African crops along the Shashi River.....Several elephants have been shot by the Game Ranger and his employees, but it seems a pity that we should go all out to destroy these things when there might be consultation with game experts from other territories to find a way in which they could be driven off, say across the railway line into the uninhabited areas of the Bamangwato. But these elephants, when they are shot at in the Tati, go across to Southern Rhodesia, where they shoot at them again and then they come back, and sooner or later we are going to get quite a few rogues through indiscriminate shooting. I do not agree with farmers and other people being allowed to shoot elephants and I think that if Government could investigate the elephant position in the Tati with a view to destroying them if they cannot possibly be removed elsewhere, then it would alleviate the battle that our farmers are having trying to make a living....."

In reply to questions he stated:

".....but they say elephants will not cross the railway line.....I believe in some parts of Rhodesia they have made efforts to concentrate them in one area next to the railway line and have covered the line over with grass and got them over, stampeding them over that way."

He continued:

"There are plenty of elephants West of the railway line, out in the Ngwato area

and round that part. There is plenty of room for them there....

"And they are undisturbed, of course, because there are no inhabitants in that area....."

In reply to a question he said that the estimated number in the Tati area was "about two hundred".

One member stated that he had seen five elephants walk across the railway line above Seruli Station. Another stated that they were sometimes counted in hundreds "one hundred in a bunch down our way in the Northern Tuli Block." The Government Secretary stated that Government was reluctant to destroy the elephants but realised that something must be done to deal with the problem. Mr. England then recalled that there was a distinct movement of these elephants between the north of the Ngwato and the Tuli Block:

".....I think that driving them back is probably a waste of time. I think that they are normal inhabitants north of the Ngwato at certain times of the year and north of the Tuli at others, and it is well known that they have migratory habits. I personally think that these elephants will continue to go up and down.....they seem to go to the same places year after year."

The Resident Commissioner wound up:

"Is it possible that by posting African game scouts at strategic places permanently we could achieve a *modus vivendi* without actually blotting out the whole lot? We ourselves would come under very heavy criticism from people like the Fauna Protection Societies if we are not very careful in a think like this. I remember about two years ago we were wrongly accused of machine-gunning the elephants somewhere up there and we received letters and telegrams.....We might be able.....to achieve some kind of policy.....without exterminating all the elephants in the Bechuanaland Protectorate, which we don't wish to do."

Elephants, it seems, are always a problem.

Notes

1. This was actually the 8th session, for beginning with the 4th in 1924 which the Resident Commissioner announced as the 5th, all remaining sessions were mis-numbered. The mis-numbering has been retained here.
2. This was effected in Proclamation No.14 of 1922.
3. Proclamation No.12 of 1932.

4. For Rey's development of this idea see Spinage (1991).
5. It is probable that much of the ivory exported to South Africa was unrecorded. Campbell (1990) gives figures of 1,586 pounds for 1927/8; 1 082 pounds for 1930 and 453 pounds for 1936. Recording officially began in 1934 when no exports were recorded for 1934/5, and for 1935/6 it was given as 305 pounds. From 1937 ivory was lumped under "Miscellaneous Animal Products" and can no longer be traced from Botswana but may be listed in South African customs records.
6. Hunting was restricted in 1932 in anticipation of forming a game reserve and restrictions partially lifted in 1939 due to the spread of tsetse fly, the restrictions being totally lifted in 1940.

References

- Anon. (1921) "Minutes of Advisory Council held under the Presidency of His Honour J. C. Macgregor, CMG 31st October-5th November, 1921". (Mafeking Mail, Printers: Mafeking).
- Anon. (1929) "Minutes of the Ninth Session of the Bechuanaland Protectorate Native Advisory Council, held at Mafeking, on the 12th to 13th March, 1929". (Mafeking Mail, Printers: Mafeking).
- Anon. (1931). "Minutes of the Fifteenth Session of the European Advisory Council held under the Presidency of His Honour C F Rey Resident Commissioner 22nd to 24th October, 1931."
- Anon. (1932). "Minutes of the Fourteenth Session of the Bechuanaland Protectorate Native Advisory Council, held at Mafeking, on the 18th November, 1932."
- Anon. (1946). "Minutes of the Thirty-Ninth Session of the European Advisory Council, 14th-21st October, 1946 (Bechuanaland)."
- Anon. (1959). "Minutes of the Sixty-Second Session of the European Advisory Council held under the Presidency of His Honour the Resident Commissioner M O Wray, Esquire, CMG, OBE on the 16th and 17th April, 1959." Mimeo.
- Campbell, A C (1990). "History of Elephants in Botswana" in *The Future of Botswana's Elephants* pp.5-15. (The Kalahari Conservation Society: Gaborone).
- Dachs, A J (1975). *Papers of John Mackenzie* (Witwatersrand University Press for African Studies Institute: Johannesburg).

De Villiers vs. Van Zyl & Another. (1880) F77.

IUCN. (1980). *World Conservation Strategy*. (IUCN:Gland).

Parsons, Q N (1969). "Game preservation - Is it "alien science" bestowed by Europeans?" *Kutlwano*:8(3):10-11.

Spinage, C A (1991). "History and Evolution of the Fauna Conservation Laws of Botswana". (The Botswana Society: Gaborone).