

GILBERT AND ELLICE ISLANDS COLONY.

S. C.

No. 2.

Ocean Island,

17th January, 1938.

Sir,

I have the honour to suggest that the Islands of Enderbury, Phoenix, Birnie, and McKean, in the Phoenix Group, should be declared to be sanctuaries for birds. It is improbable that these Islands will ever be required for settlement or any other practical purpose while at the same time they constitute almost the last places in the Central Pacific area where wild birds are still able to breed unmolested by man. It is submitted that these birds, some of which are of comparative rarity, should be protected in their last haunts from indiscriminate slaughter or capture by the members of ornithological or other expeditions such as have been visiting other parts of the Pacific during recent years, by the crews of passing ships, or by settlers on neighbouring Islands.

2. The only legislation governing the protection of birds in this Colony is King's Regulation No. 6 of 1914 which, however, contains no provisions permitting the declaration of wild bird sanctuaries. With regard to the British Solomon Islands Protectorate the necessary power was given by an amending Regulation, No. 8 of 1930. As  
this Regulation

The Acting Secretary to Government,  
Gilbert and Ellice Islands Colony,  
Ocean Island.

Enclosure I.  
Enclosure II.  
Enclosure III.  
Enclosure IV.

this Regulation does not apply to this Colony a draft Ordinance based on it is enclosed herewith, together with a draft Proclamation declaring the four islands mentioned above to be bird sanctuaries.

3. For purposes of record, a brief bibliography of the main works dealing with or mentioning the birds of the Phoenix Islands is also enclosed; with a list of the species of birds which have been observed there, taken from Lister's "Notes on the Birds of the Phoenix Islands (Pacific Ocean)". It would appear that the Phoenix Group is one of the main breeding places of the Frigate Bird in this part of the world and that at least one of the species of birds found in these islands, a Pintail Duck (*Dafila modesta*), has not been recorded elsewhere.

4. It will be noted from the accompanying list that 16 out of the 26 species of birds observed in the Phoenix Islands are totally unprotected under the Wild Birds Protection Regulation, 1914, and that some of these are among the scarcer types. In particular it is suggested that all our local Gannets or Boobies should be fully protected, since *Sula leucogaster* is apparently less common than *Sula cyanops*; and in addition *Oestrelata parvirostris*, of which Lister records only one other specimen known; the dainty grey *Anous caeruleus*; all Frigate Birds; and *Dafila modesta*. Without full protection these birds will in all probability be exterminated from the remaining four islands of the Phoenix Group, should these be colonized by natives; the particularly helpless Gannets or Boobies being killed and eaten in large numbers when found. I would suggest, however, that before any action is taken to protect individual species, the enclosed list might be sent to the authorities of

authorities of the British Museum (Natural History) and their expert advice sought as to what birds should be either fully or partially protected.

I have the honour to be,

Sir,

Your obedient servant,

(Signed), H. E. Meade.

Commissioner for Native Lands,  
Gilbert Islands.

AN ORDINANCE

TO AMEND THE PROTECTORATES WILD BIRDS PROTECTION  
REGULATION 1914 IN SO FAR AS IT RELATES TO THE  
GILBERT AND ELLICE ISLANDS COLONY.

1 January, 1938.

Be it enacted by the High Commissioner as follows:-

1. This Ordinance may be cited for all purposes as the Wild Birds Protection Regulation (Amendment) Ordinance 1938 and shall be read and construed as one with the Protectorates Wild Birds Protection Regulation 1914.

Short Title and  
Construction.

2. The following section is hereby inserted in the Protectorates Wild Birds Protection Regulation 1914 as section 13 (a):-

Addition of new  
section to King's  
Regulation No. 6  
of 1914.

"13 (a). The Resident Commissioner may from time to time by proclamation published in the Gazette declare any island or islands or any part or parts of any island or any district in the Colony to be a sanctuary for birds and any person who knowingly kills wounds or takes or attempts to kill wound or take or procures assists abets or knowingly causes the killing wounding or taking of any bird in any such sanctuary for birds or who takes removes or knowingly interferes with injures or destroys or attempts to injure or destroy or procures assists abets or

Declaration of  
Sanctuaries.

Offences.

"abets or knowingly causes the injury or destruction of any nest or egg of any bird in any such sanctuary for birds shall be guilty of an offence against this Regulation."

3. The provisions of this Ordinance shall extend Extent.  
only to the Gilbert and Ellice Islands Colony.

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GILBERT AND ELLICE ISLANDS COLONY.

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PROCLAMATION.

WHEREAS by section 13 (a) of the Protectorates Wild Birds Protection Regulation 1914 it is provided that the Resident Commissioner may from time to time by Proclamation in the Gazette declare any island or islands or any part or parts of any island or any district in the Colony to be a sanctuary for birds;

And whereas it is expedient that the islands of Birnie, Enderbury, McKean and Phoenix together situated in the Phoenix Islands District should be declared a sanctuary for birds:

Now therefore I do by this Proclamation declare the islands of Birnie, Enderbury, McKean and Phoenix together situated in the Phoenix Islands District to be a sanctuary for birds.

Whereof let all men take notice and govern themselves accordingly.

Given under my hand and seal at Ocean Island in the Gilbert and Ellice Islands Colony this -- day of January in the year of our Lord one thousand nine hundred and thirty-eight.

(L.S.)

J. C. Barley,  
Resident Commissioner.

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Bibliography of works dealing with or mentioning  
the birds of the Phoenix Islands.

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1. Cassin, - "United States Exploring Expedition, Mammalogy and Ornithology".
  2. Finsch and Hartlaub, - "Fauna Centralpolynesiens".
  3. Hague, - "On the Guano Islands of the Pacific Ocean".  
Silliman's Journal, vol. XXXIV. 1862.
  4. Tristram, - "On an apparently new species of duck (Dafila) from the Central Pacific". Proc. Zool. Soc., London. 1886.
  5. Arundel, - "The Phoenix Group and other Islands of the Pacific".  
New Zealand Herald, 5th and 12th July, 1890.
  6. Lister, - "Notes on the Birds of the Phoenix Islands (Pacific Ocean)". Proc. Zool. Soc., London. 1891.
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The Birds of the Phoenix Islands.<sup>1</sup>

Charadriidae.

- 2 1. *Charadrius fulvus* (Gmel.).
- 2 2. *Streptopelia interpres* (Linn.).
- 2 3. *Numenius tahitiensis* (Gmel.).
- 2 4. *Totanus incanus* (Gmel.).

Laridae.

- 2 5. *Sterna bergii* (Licht.).
- 6. *Sterna penayo* (Gmel.).
- 7. *Sterna fuliginosa* (Gmel.).
- 8. *Sterna lunata* (Peale).
- 2 9. *Sterna melanouchea* (Tern.).
- 2 10. *Anous stolidus* (Linn.).
- 11. *Anous caeruleus* (Bennett).
- 12. *Gygis candida* (Gmel.).

Pelecanidae.

- 13. *Fregata minor* (Gmel.).
- 2 14. *Fregata aquila* (Linn.).
- 2 15. *Phaeton rubricauda* (Bodd.).
- 2 16. *Phaeton aethereus* (Linn.).
- 17. *Sula leucogaster* (Bodd.).
- 2 18. *Sula cyanops* (Sundev.).
- 19. *Sula piscatrix* (Linn.).

Procellariidae.

- 20. *Puffinus assimilis* (Gould).
- 21. *Puffinus dichrous* (F. & H.).

22. *Puffinus*



22. *Puffinus chlororhynchus* (Lesson).
23. *Puffinus nativitatis* (Streets).
24. *Oestrelata parvirostris* (Peale).
25. *Fregetta albigularis* (Finsch).

Anatidae.

26. *Dafila modesta* (Tristram).

Notes:-

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Taken from Lister, - "Notes on the Birds of the Phoenix Islands (Pacific Ocean)". Proc. Zool. Soc., London, 1891.

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Protected under the Wild Birds Protection Regulation, 1914. (Vide Gazette for 1921, pp. 300 and 301).