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PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Marine and Mercantile.

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Part II.—Legal and Judicial.

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NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Kandy.

No. 1,919. { In the Matter of the Estate of William Tillekeratne, late of Panwila, deceased.
Benjamin Tillekeratne.....Petitioner.

And

1, Joseph Tillekeratne; 2, Emily Wijeyekon nee Tillekeratne; 3, Margaret Goonesekera nee Tillekeratne.....Respondents.

THIS matter coming on for disposal before John Henricus de Saram, Esq., District Judge of Kandy, on the 3rd day of March, 1896, in the presence of Mr. Sproule, Proctor, on the part of the petitioner Benjamin Tillekeratne; and the affidavit of the said petitioner, dated the 22nd day of February, 1896, having been read:

It is declared that the said Benjamin Tillekeratne is entitled to have letters of administration to the estate of William Tillekeratne, deceased, issued to him, as son of the said William Tillekeratne, deceased, unless the respondents above-named shall, on or before the 27th day of March, 1896, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,
District Judge.

The 3rd day of March, 1896.

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The order *nisi* is extended to the 15th day of May, 1896, and it is ordered that the said Benjamin Tillekeratne, of Narangheena estate, Deltota, will be declared entitled to have letters of administration to the estate of William Tillekeratne of Panwila, deceased, issued to him, unless the respondents named in the order *nisi* shall, on or before the 15th day of May, 1896, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,
District Judge.

The 27th day of March, 1896.

The order *nisi* is extended to the 23rd day of October, 1896, and it is ordered that the said Benjamin Tillekeratne of Narangheena estate, Deltota, be declared entitled to have letters of administration to the estate of William Tillekeratne of Panwila, deceased, issued to him, unless the respondents named in the order *nisi* shall, on or before the 23rd October, 1896, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,
District Judge.

4th September, 1896.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late
No. 794. } Ledchumipillai, wife of Verakattiar,
Class I. } of Karanavai south, deceased.

Chankarappillai Ilaiyatampi, of Karaveddi
west.....Petitioner.

Vs.

Veerakattiar Kanapatippillai, of Karaveddi
west.Respondent.

THIS matter of the petition of Chankarappillai. Ilaiyatampi, of Karaveddi, praying for letters of administration to the estate of the above-named deceased Ledchumipillai, wife of Verakattiar of Karanavai south, coming on for disposal before H. H. Cameron, Esq., District Judge, on the 1st day of October, 1896, in the presence of Messrs. Casippillai and Cathiravelu, Proctors, on the part petitioner, and the affidavit of the petitioner, dated the 30th day of September, 1896, having been read; it is declared that the petitioner is the brother of the husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before the 19th day of October, 1896, show sufficient cause to the satisfaction of this court to the contrary.

H. H. CAMERON,
District Judge.

This 1st day of October, 1896.

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Last Will and
No. 3,162. } Testament of Manikku Badaturage
Babunhami *alias* Gimarah, late of
Ahangama deceased, and Warnaratne
Jayasinghe Patabendige Danohamy
of Ahangama.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 20th day of August, 1896, in the presence of Mr. N. Dias Abeyesinghe, Proctor, on the part of the petitioner Warnaratne Jayasinghe Patabendige Danohamy, of Ahangama; and the affidavit of the said Warnaratne Jayasinghe Patabendige Danohamy, dated 9th June, 1896, having been read: It is ordered and declared that the said Warnaratne Jayasinghe Patabendige Danohamy of Ahangama is the sole heir and widower of the above-named deceased M. B. Babunhami *alias* Gimarah, and that he is as such entitled to have letters of administration of the estate of the above-named deceased, Manikku Badaturage Babunhami *alias* Gimarah, issued to him with copy of the will annexed, unless any person or persons shall, on or before the 15th day of September, 1896, show sufficient cause to the satisfaction of this court to the contrary.

F. J. DE LIVERA,
District Judge.

The 20th day August, 1896.

It is ordered that the order *nisi* of the 20th day of August, 1896, be and the same is hereby extended to 26th October, 1896, for the purpose of taking steps in the case, and it is further ordered that unless the respondents named therein show sufficient cause to the

contrary on that day, letters of administration of the estate of the deceased Manikkubadaturage Babunhami *alias* Gimarah will be issued to Warnaratne Jayasinghe Patabendige Danohamy.

17th September, 1896.

F. J. DE LIVERA,
District Judge.

In the District Court of Galle.

Order Absolute declaring Will proved, &c.

Testamentary Jurisdiction. } In the Matter of the Last Will and Testa-
ment of Ana Lana Suna Suppramanian
No. 3,167. } Chetty, deceased, of Karakkudy in
India.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 18th day of September, 1896, in the presence of Mr. W. Es Weerasooriya, Proctor, on the part of the petitioner Ana Lana Suna Alagappa Chetty of India, presently of Galle; and the affidavit of Ana Lana Suna Alagappa Chetty of India, dated 15th September, 1896, having been read:

It is ordered that the will of Ana Lana Suna Suppramanian Chetty, deceased, dated 18th April, 1894, and now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said Ana Lana Suna Alagappa Chetty of India, presently of Galle, is the executor named in the said will, and that he is as such entitled to have probate of the same issued to him accordingly, unless any person shall, on or before the 27th day of October, 1896, show sufficient cause to the satisfaction of this court to the contrary.

F. J. DE LIVERA,
District Judge.

The 18th day of September, 1896.

In the District Court of Tangalla.

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. } In the Matter of the Joint Estate of
No. 286. } the late Dona Plorentina Ekenaike
Hamine and her husband Galagama
Ralalaye Don Cornelis Appuhamy,
deceased, of Gonadeniya.

THIS matter coming on for disposal before D. M. Steen, Esq., District Judge of Tangalla, on the 3rd day of October, 1896, in the presence of Galagama Ralalaye Don Cornelis Appuhamy, the petitioner, and Pedrick William Wijewardana Palihawadana Gunaratna, the respondent; and the affidavit of Galagama Ralalaye Don Andrayas Appuhamy, dated 30th November, 1895, having been read, and the evidence of Galagama Ralalaye Don Andrayas Appuhamy taken, and all parties heard:

It is ordered that the said Galagama Ralalaye Don Andrayas Appuhamy, as son of the deceased, is entitled to have letters of administration of the estate of Dona Plorentina Ekenaike Hamine and her husband Galagama Ralalaye Don Cornelis Appuhamy be issued to him, unless Pedrick William Wijewardana Palihawadana Gunaratna shall, on or before the 24th day of October, 1896, show sufficient cause to the satisfaction of this court to the contrary.

The 3rd day of October, 1896.

D. M. STEEN,
District Judge.

DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to declare certain By-laws to be in force within the Municipality of Kandy.

Preamble.

WHEREAS the Municipal Council of Kandy is desirous that the by-laws set forth in the schedule hereto shall be declared to be in force within the Municipality of Kandy: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Ordinance to be read as one with Ordinances Nos. 7 of 1887, 26 of 1890, and 1 of 1896.

Interpretation clause.

"The municipality."

"The council."

"The chairman."

"The standing committee."

"The health officer."

"The secretary."

"The superintendent of works."

"The magistrate."

"Animal."

"Cattle" and "licensed butcher."

By-laws set out in schedule to be legal.

Service of notices.

1 This Ordinance and the Municipal Councils' Ordinances, 1887, 1890, and 1896, shall be read as one Ordinance.

2 In this Ordinance, unless the context otherwise requires—

"The municipality" means the Municipality of Kandy.

"The council" means the Municipal Council of Kandy for the time being.

"The chairman" means the Chairman of the Municipal Council of Kandy for the time being.

"The standing committee" means the Standing Committee of the Municipal Council of Kandy for the time being.

"The health officer" means the Health Officer of the Municipal Council of Kandy for the time being.

"The secretary" means the Secretary of the Municipal Council of Kandy for the time being.

"The superintendent of works" means the superintendent of works of the Municipal Council of Kandy for the time being.

"The magistrate" means the Magistrate or Municipal Magistrate having jurisdiction within the Municipality of Kandy.

"Animal" in by-law 19 of chapter VI. and whenever used in chapter VII. includes cattle, sheep, and goats.

"Cattle" and "licensed butcher" shall have the meaning assigned to them respectively by "The Butchers' Ordinance, 1893," and the interpretations in section 3 of "The Municipal Councils' Ordinance, 1887," shall be applicable to the respective words and expressions therein specified when used in this Ordinance.

3 From and after the coming into operation of this Ordinance the by-laws set forth in the schedule hereto shall be in force within the Municipality of Kandy. Provided, however, that nothing herein contained shall be held or construed to prevent the making, approval, and publication in respect of the Municipality of Kandy of further substantive by-laws or by-laws in amendment, repeal of, or in addition to, such by-laws in the same and the like manner as is empowered to be done by the provisions of the said Municipal Councils' Ordinances, 1887, 1890, and 1896.

4 When any notice is required by this Ordinance to be given to the owner or to the occupier of any house, building, or land, such notice addressed to the owner or occupier may be served on the occupier of such house, building, or land,

or left with some adult member or servant of his family, or if the notice cannot be so served, or if there be no occupier, may be put on some conspicuous part of such house, building, or land; and it shall not be necessary in any such notice to name the occupier or the owner. Any person receiving the rent of any house, building, or land, either on his own account or as agent for another, shall, for the purposes of this Ordinance, be deemed the owner of such house, building, or land.

Penalty for unnecessary violence.

5 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding twenty rupees.

Penalty for obstructing officers of the municipal council.

6 Every person who shall resist, obstruct, hinder, or molest any officer of the municipal council, acting under the authority of any by-law hereby enacted, in the discharge of any duty or the performance of any act which such officer shall be authorized or required to perform by such by-law, shall be guilty of an offence, and be liable on conviction to be punished with simple or rigorous imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Penalty for breach of by-laws.

7 Whoever shall commit any breach of any of the by-laws hereby enacted, or any by-laws hereafter lawfully made, by doing any act prohibited or declared to be an offence by any such by-laws, or by neglecting to do any act directed to be done by any such by-laws, or in anywise howsoever, shall on conviction be liable to a penalty not exceeding twenty rupees, and in case of a continued infringement, to a further penalty not exceeding ten rupees a day for every day after notice from the chairman of such infringement.

SCHEDULE.

BY-LAWS OF THE MUNICIPAL COUNCIL OF KANDY.

CHAPTER I.

Establishment.

Offices created.

1. The following offices are hereby created :

The office of Secretary to the Municipal Council.
 The office of Superintendent of Works.
 Municipal Inspectorships, not exceeding four in number.
 The office of Accountant.
 The office of Storekeeper.
 The office of Clerk and Interpreter to the Municipal Magistrate and Translator to the Municipal Council.
 The office of Shroff.
 The office of Health Officer.
 The offices of Market-keeper, Assistant Market-keeper, and Slaughter-house keeper.
 Clerkships not exceeding four in number.

Salaries.

2. It shall be lawful for the council from time to time, by resolution, to assign to each office so created such salary as it shall deem right. The chairman may fix the salary to be paid to any officer whom he is by law authorized to appoint, provided that the amount shall not exceed the amount assigned to the office by the council.

Employment of extra clerks.

3. And provided also that nothing herein contained shall prevent one person from holding more than one office should the council so direct, or the chairman from employing, with the consent of the standing committee, such extra officers as may be required in case of any emergency, on such salary as the standing committee shall deem fit.

4. The secretary and other officers and servants of the council shall perform such duties and during such hours as the council or the chairman shall from time to time direct.

CHAPTER II.

Conduct of Business, &c.

- Precedence of councillors. 1. For all purposes connected with the council, the precedence and seniority of councillors shall be regulated as follows:
- After the chairman shall rank the councillors nominated by the Governor in the order in which they have been gazetted, after whom the elected councillors in the order of the priority of their elections, and in the case of former councillors re-elected or re-nominated, of the priority of their continuous membership of council.
- Duties of chairman. 2. The chairman shall preserve order, and shall decide on all points of order, and his decision shall be final.
- Order of business. 3. The business of the council at its meetings shall be taken in the following order, viz.:
- Minutes. (a) The chairman shall call on the secretary to read the minutes of the previous meeting, which shall thereupon be read and (if need be) corrected and confirmed.
- Statements. (b) Monthly statement of receipts and disbursements, bank pass-book, progress reports of revenue collected and of works, return of work by the municipal magistrate, and the health officer's report shall be submitted to the council.
- Recommendations. (c) Recommendations of the standing committee shall be considered.
- Memorials, petitions, &c. (d) Memorials, petitions, complaints, and communications addressed to the council or chairman other than those dealt with by the chairman or standing committee, shall be laid before the council and orders made thereon.
- Questions. (e) Questions of which previous notice has been given may be asked.
- Notices of motions. (f) Notices of motions may be given, provided that it shall be competent to any councillor, with the consent of the chairman, to give notice of motion at any convenient time during the sittings.
- Reports. (g) Reports of officers shall be considered or referred to committees.
- Motions. (h) Motions of which previous notice has been given may be made.
- Reports of committees. (i) Reports of committees shall be brought up and a day fixed for their consideration, unless the council shall resolve to proceed to their consideration at once. It shall be competent to any councillor to move that any report be printed and circulated among the councillors before consideration thereof by the council; and if such motion be seconded, the question shall be put to the vote.
- Orders of the day. (j) The orders of the day, as set down in the notice of meeting, shall be proceeded with, provided that a deviation from this order of business may be allowed by the council.
- Committee of council. 4. The council may at any time resolve itself into a committee of the whole council, and, on resuming, the results of the deliberations in committee shall be dealt with by the council.
- Contents of petitions, &c. 5. Any councillor presenting a petition or other communication will be held responsible for its contents being throughout respectful.
- Presenting petitions, &c. 6. When a petition or other communication is presented, the purport thereof shall be concisely stated; on the motion of any councillor, duly seconded, the question shall be put whether the document shall be read.
- Hearing petitioners. 7. In any case where individual rights or interests may be peculiarly affected by any act, order, or proceeding of the council, all parties so affected may be heard upon petition before the council when in committee, either in person or by counsel.
- List of witnesses. 8. When it is intended to examine any witnesses, the petitioner or councillor requiring such witnesses shall deliver to the secretary, three days at least before the day appointed for their examination, a list containing the names, residences, and occupations of such witnesses.
- Summoning witnesses. 9. The secretary shall thereupon, under the sanction of the chairman, issue to each of the witnesses a summons in the form A in the appendix hereto, and such summons shall be served by some person appointed in that behalf by the chairman, either by delivery thereof to the witness, or by leaving it at his residence forty-eight hours at least before the time appointed for his attendance.
- Evidence on petitions. Every witness summoned shall be bound to obey such summons.
10. The evidence of every witness shall be recorded by the secretary and read over to the witness, who may then desire any correction to be made; and in case no correction shall be made, the evidence shall stand as taken down, and not be altered afterwards.
- Notices of motions and questions. 11. Any councillor desiring to ask a question, or make a motion, shall (unless in the course of discussion, or, in a case of emergency, by leave of the council) give notice of such question or motion, either at

	some previous sitting of the council or by a note in writing to the secretary at least four days before the day on which he intends to ask such question or make such motion.
Notices how given.	12. Every councillor in giving such notice shall deliver to the secretary a copy of the proposed question or motion.
Asking and answering questions.	13. In putting any question no argument or opinion shall be offered, nor any fact stated, except in so far as may be necessary to explain such question; and when any such question has been answered, no councillor may debate the matter to which the same refers.
Putting the question.	14. When a motion has been made and seconded and the debate thereon concluded, the question thereupon shall be put to the vote by the chairman.
Motion not seconded.	15. Any motion not seconded may not be further debated, and no entry thereof shall be made in the minutes.
Routine resolutions.	16. Routine resolutions, such as recording periodical statements or confirming minutes of proceedings, may be put to the meeting by the chairman without their having been moved or seconded. Motions regarding the choice of a presiding chairman, the precedence of certain business, adjournments, and the like must be seconded, but need not be in writing.
Withdrawing motions.	17. A councillor who has made a motion may withdraw the same by leave of the Council.
Rules of debate.	18. Every councillor, while speaking, shall address the chair, and shall stand while so doing. The speaker may refer to notes, but will not be allowed to read a written or printed speech.
Two members rising to speak.	19. The councillor who first rises has the right to be heard. If two or more councillors rise to speak at the same time, the chairman shall call on the person entitled in his opinion to pre-audience.
Members to speak once only on question, except in explanation, &c.	20. In discussing any question, no councillor shall be at liberty to speak more than once, except in explanation, or when any matter is under discussion in committee; but a reply shall be allowed to a councillor who has made a substantive motion, not being an amendment.
No imputations of improper motives.	21. All imputations of improper motives shall be considered as being highly disorderly, and such conduct shall be minuted in the minute book if it shall appear to a majority of the council to be necessary.
Adjournment of discussion.	22. An adjournment of a discussion of any question may be moved by a councillor at any time, and, if seconded, shall be forthwith put to the vote.
Motions and amendments in writing. No amendment on amendment.	23. Every motion and amendment shall be reduced to writing and handed to the secretary by the councillor proposing the same. 24. No amendment shall be proposed upon an amendment under discussion; but so soon as the amendment shall have become a substantive motion, a subsequent amendment may be moved, and, if seconded, discussed.
Members bound to vote.	25. On any question being put every councillor present shall be bound to give his vote, beginning with the junior councillor present, the secretary minuting each vote, after which the chairman shall declare the number of votes for and against the question.
Member in minority may record dissent.	26. It shall be competent for any councillor who is in the minority to record in a concise form the reasons substantially stated of his dissent from the opinion of the majority, and the same shall be sent to the secretary within one week, and shall be entered by the secretary at the end of his minutes of the day's proceedings.
Constitution of committees.	27. In every resolution of the council or committee of council for the appointment of a special or sub-committee, the quorum thereof shall be fixed.
Meetings of committees.	28. Upon the appointment of a special or sub-committee they shall (provided the chairman of the council be not a member, or in case of his absence) proceed to elect their own chairman. The chairman of the committee shall fix an early day for their first meeting. Every subsequent meeting shall be by adjournment from the next previous meeting; or if there be no such adjournment, then by appointment to be made by the chairman of the committee.
Proceedings of committee.	29. The special or sub-committee, after having deliberated, shall agree to a report, and the same shall be brought up by the chairman of the committee or some other member thereto appointed, and be read by the secretary, or otherwise dealt with as may then be directed. By leave of the council a special or sub-committee may from time to time report their opinions or observations, or the minutes of evidence only, or the proceedings.
Division in committees.	30. In the event of any division taking place in a special or sub-committee, it shall be entered in the minutes, together with the question proposed, the name of the proposer, and the respective votes of the members present, and such minutes shall be submitted to the council with the report of such committee.

- Power of committees respecting witnesses. 31. The standing committee and all special and sub-committees shall have like powers with the council to summon witnesses, as provided in by-law No. 9 of this chapter, and every witness summoned shall be bound to obey such summons.
- Complaint book. 32. The secretary shall keep and submit to the council at every meeting a book, to be called the Complaint Book, in which shall be entered by the parties themselves or by their authorized agents any complaint made, and shall provide that the book shall be accessible to the public at the municipal office between the hours of 11 A.M. and 4 P.M. on every week day, excepting Saturdays and holidays, and excepting also on such days as the council may sit. Every inhabitant of the municipality may have access to the book on furnishing the secretary with his correct name and address.

CHAPTER III.

Accounts and Taxes.

- Form of accounts. 1. The accounts of the municipality shall be kept on the system of double entry. There shall be a cash book, a ledger, a journal, and cheque and receipt books, for payments and receipts respectively.
- Bank pass-book to be laid on table. 2. The bank pass-book, written up to the close of the preceding month, shall be laid on the table at every general meeting of the council.
- Returns under section 138. 3. The return to be furnished by the owners or occupiers of houses, buildings, or lands under section 138 of "The Municipal Councils' Ordinance, 1887," shall be in the form B in the appendix hereto.
- Returns under section 146. 4. The schedule required to be filled up under section 146 of the said Ordinance shall be in the form C in the appendix hereto.
- Special notice required from persons acquiring further vehicles and animals. 5. If any person, after having filled up and returned the schedule referred to in the preceding by-law, shall acquire, keep, or use any carriage, cart, rickshaw, hackery, horse, pony, mule, bullock, or ass not mentioned in such schedule, he shall be bound, within one week of acquiring any such vehicle or animal, to send written notice thereof to the secretary containing true and correct information in respect of every such vehicle or animal so acquired, kept, or used.
- Returns by notaries. 6. The secretary shall from time to time, whenever directed by the chairman, cause a copy of the form D in the appendix hereto to be served on every notary within the municipality, in order to ascertain whether any, and, if so how many clerks have been articulated under him during the current year or any previous year, after the establishment of the council, the date of the articles, and the period of their services. Every notary shall within fifteen days from the service of such form fill up the same correctly with the information thereby required and return it to the secretary.
- Carts and hackeries to bear metal plates. 7. Every cart and hackery kept or used within the municipality shall, besides any other plates that may be required by law, after July 1 in every year, have a metal plate, which shall be furnished by the council, affixed on a conspicuous part of such cart or hackery. Such plate shall bear the design of the letter K, with figures representing the year and a number corresponding with the number assigned to such cart or hackery in the register kept in the municipal office; and shall in the case of carts licensed to ply for hire be taken as proof of payment of the tax due on the bullocks employed in drawing such cart, under section 128 of Ordinance No. 7 of 1887. Before issuing the plate last-mentioned the chairman may require the year and the registered number of the cart or hackery to be painted in a conspicuous part thereof.
- Vehicles without plates may be seized. 8. No person shall keep, use, or drive any cart or hackery within the municipality without the plate required by the preceding clause affixed to it; and every cart or hackery kept, used, or driven without such plate affixed to it shall be liable to be detained by any municipal inspector or police officer until the required plate shall be, after payment of any tax due, obtained and affixed to such cart or hackery.

CHAPTER IV.

- No dwelling-house, &c., to be erected without fourteen days' notice. 1. It shall not be lawful for any person to erect any house or building of any description within the Municipality for the purposes of a dwelling-place without giving fourteen days' notice to the council, and except under the following conditions:
- No walls of cadjan. (a) The walls shall in no case be built of cadjan, but of mud and wattle, or other suitable material, to allow of their being properly plastered and whitewashed.

Cubical capacity of rooms.	(b) Every such house or building, or any room therein to be used for human habitation, shall not be less than one hundred and twenty superficial feet in area, and not less than ten feet in height, and the eaves at least seven feet from the ground.
Size of doors and windows.	(c) Every room to be used for human habitation shall have at least one door not less than six feet by three feet, and at least one window not less than three feet by two feet.
Level of floor.	(d) The level of the floor shall in no case be less than one foot above the ground, provided the council, in order to secure dryness, shall be at liberty to require a higher standard according to situation.
Every house to have latrine.	(e) Every such house or building shall have a latrine or privy attached to it for the use of the occupants, which latrine or privy shall be of a superficial area of not less than thirty-six feet, and of a height of not less than seven feet to the wall plate, and the door shall not be less than six feet in height by two feet six inches in width.

It shall be lawful for the council to cause any house or building erected contrary to the provisions of this by-law to be taken down, if within one month after written notice to him to alter or take down the same the owner shall fail or neglect to do so, and the expenses thereby incurred shall be paid by the owner, and shall be recoverable as provided by "The Municipal Councils' Ordinance, 1887."

Householders to build proper approaches over road drains.

2. The owner or occupier of any house or premises adjoining any street by the side of which a drain shall have been made or excavated, shall provide the necessary means of access to such house or premises from such street by constructing over such drain a bridge, platform, or arch which shall in no case cover less than four feet, or without the sanction of the council more than six feet of the length of such drain, and which shall be so constructed as not to impede the flow of water in such drain, and the drain under such bridge, platform, or arch shall be paved with bricks or stones, and such owner or occupier shall maintain such bridge, platform, or arch and the drain thereunder in good order to the satisfaction of the council; and it shall be lawful for the council, if it shall come to its knowledge that any parties have access to any house or premises so situated without such bridge, platform, or arch as aforesaid, or by some bridge, platform, or arch not constructed as aforesaid, to give notice to the owner or occupant thereof forthwith to construct or alter the same, and have the drain in the manner aforesaid, and in the event of his failing to maintain in good order such bridge, platform, or arch, or the drain thereunder, to give notice to the said owner or occupier to put the same in good order; and if he shall fail to do so within fourteen days from the service of the said notice, to cause the same to be done, and to recover the costs thereof from such owner or occupant in the manner provided by "The Municipal Councils' Ordinance, 1887."

Owners of new buildings, &c., to give notice to chairman of completion thereof.

3. The owner of any new building sanctioned by the chairman, under the authority of the 198th clause of "The Municipal Councils' Ordinance, 1887," or any person or persons who may have obtained permission from the chairman to build any drain, privy, or cesspool, or any person or persons who may be required by the chairman, by virtue of the powers conferred on him by clauses 195, 196, 206, 207, 209 of the said Ordinance, to build, alter, or repair any drain, privy, or cesspool, shall give notice of the completion of such work to the chairman within fourteen days after such completion.

Houses having roofs of thatch, &c., forbidden.

4. Without the sanction in writing of the council no house, out-house, or other building shall be erected within the municipality having a roof of thatch, leaves, straw, grass, or shingle, and no roof already constructed of any such materials shall hereafter be renewed.

Council to give notice to take down within fourteen days. In case of failure council may take down and sell materials. Disposal of surplus.

The council shall cause notice in writing to be given to the owner forthwith to take down any roof constructed or renewed contrary to this by-law, and if such owner do not begin to take down the same within fourteen days after such notice, and complete such work with due diligence, the council shall cause such roof to be taken down, and may sell the materials thereof, and apply the proceeds of such sale in payment of the expenses incurred, and shall on demand restore any surplus to the owner of such building; provided always that in case no demand for such surplus as aforesaid shall within twelve months be made, by any person entitled to call for the same, the council shall be at liberty to pay the amount to the credit of the municipal fund, and shall be freed from any liability to pay or answer for such unclaimed surplus.

Partitions not to be of inflammable material.

5. No partition or division of rooms of any house within the municipality shall be made (except by special permission of the chairman) of mats, talipots, cadjans, gunny bags, or any inflammable material.

CHAPTER V.

Execution of Works.

- Persons authorized by chairman empowered to enter upon lands for repair, &c., of roads within the municipality.
1. It shall be lawful for any person or persons thereunto authorized in writing by the chairman at all reasonable times, with all necessary and proper servants, labourers, workmen, carriages, and animals, and other means, to enter upon any land adjacent or near to any existing or intended street within the limits of the municipality, and there severally to do and perform all acts, matters, and things necessary for the purposes of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any such street, or for building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon or in any way connected therewith, or for performing any act, matter, or thing under the provisions of "The Municipal Councils' Ordinance, 1887."
- And to take materials.
2. It shall be lawful for any such person or persons authorized as aforesaid with the servants, workmen, and labourers employed by or under him, at all reasonable times, and with all necessary and proper carriages, animals, and other means, to search for, dig, cut, take, and carry away any water, timber, brushwood, stone, gravel, clay, or any other material whatsoever for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing, or in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any existing or intended street, or of building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or repairing any lines, or any buildings whatsoever, required on or near any such thoroughfare for the use of any officer of the council employed on any work connected with such street, or any workmen, carriages, persons, or things employed in his service, in and from any land adjacent or near to any such street, and to carry away the same through the ground of any person without being deemed a trespasser; provided that no such materials shall be dug for, cut, or taken away upon or from any yard, avenue to a house or lawn, or any enclosed garden, plantation, field, or wood without the consent of the owner thereof, unless sufficient materials cannot conveniently be obtained from the neighbouring waste lands, or common or abandoned grounds, in which case the person or persons authorized as aforesaid may take any of such materials where they can be conveniently procured; provided also that reasonable compensation for all materials so taken, and for the damages done by the getting and carrying away the same, shall be made to the owner thereof; and provided further that such person or persons shall rail or fence off any quarries or pits from which any such materials shall be taken, so that the same shall not be dangerous to any person or animal.
- And to throw rubbish on adjacent lands.
3. In the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended street or building, excavating, repairing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, it shall and may be lawful for the person or persons authorized as aforesaid to throw upon any lands adjacent or near thereto such earth, rubbish, or materials as it shall or may be necessary to remove from the place of any such work; provided that such earth, rubbish, and materials shall be removed within a reasonable time.
- And make temporary roads.
4. It shall be lawful for any person or persons authorized as aforesaid to make a road through the grounds adjacent or near to any existing or intended street during the execution of any work thereupon or in any way connected therewith; provided that such road shall not run over any ground whereon any building stands, or over an enclosed garden or yard.
- And cut trees.
5. It shall be lawful for the person or persons authorized as aforesaid to cut and remove and place upon any ground adjacent or near thereto all trees, bushes, or shrubs, and all leaves or branches or roots of trees that grow in or overhang any street within the limits of the municipality, or cause any obstruction therein, and for that purpose to enter upon any lands or premises with such persons, animals, and instruments as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots.
- And put up fences.
6. It shall be lawful for any person or persons authorized as aforesaid to put up or make fences, hedges, ditches, drains, or banks by the side of any street whenever it shall appear to him or them necessary, and the owners or occupiers of lands adjoining such fences, hedges, ditches, drains, or banks shall and are hereby required to keep the same in good substantial repair and order.
- And to make and keep open ditches, &c., and to lay trunks, &c.
7. The superintendent of works and every person authorized in writing by the chairman shall have power to make, scour, cleanse, and keep open all ditches, gutters, and drains or water-courses, and also to make and lay such trunks, tunnels, plats, or bridges as he shall deem necessary for the protection, preservation, improvement, repair, or construction of any street or road in and through any lands or

grounds adjoining or lying near to such street or road or intended street or road.

And to lay stones, &c., on roads.

8. The superintendent of works and every person authorized as aforesaid shall have power to lay any heap of stone, or gravel, or any log of wood, or any other matter or thing whatsoever upon any street or road, and to allow the same to remain there during the time such street or road is under repair, and for such time before the repairs are commenced, and after the repairs are completed, as may be necessary for facilitating the making of such repairs, or for preventing damage to such recently repaired street or road; but he shall take due and reasonable precaution for preventing danger or injury to persons passing along the road.

CHAPTER VI.

Markets.

Opening of any public market.

1. The market established at Bogambra is hereby declared a "public market." The by-laws in this chapter, so far as they relate to public markets, shall apply to the said public market and to any other place hereafter declared to be a public market by the chairman with the concurrence of the standing committee.

Hours of business.

Every public market shall be opened for use daily at 5.30 A.M. and closed at 9.30 o'clock P.M. each day.

Lease for twelve months of stall rents.

2. It shall be lawful for the council to demise or let to farm for any term not exceeding twelve months all or any of the rents, tolls, and fees from time to time payable in any public market under section 227 of "The Municipal Councils' Ordinance, 1887."

Disputes as regards rents how determined.

3. If any dispute arise concerning any such rents, tolls, or fees, it shall be competent for the chairman or standing committee to determine the same and make such order thereon as to him or them may seem proper.

List of rents.

4. The council, or their lessee, shall from time to time cause to be put up conspicuously on every public market a list of the several rents, tolls, and fees from time to time payable in such market.

Sale of meat, &c., in places other than a public market forbidden.

5. No person shall sell, or expose or hawk about for sale, any beef, mutton, or other meat, fish, fresh or salted, in any place or street within the municipality (except at a public market provided by the Council) without a special license from the Council, or contrary to the tenour of such license. Any place so specially licensed shall be deemed a private market.

Inspector may seize meat, &c., improperly exposed for sale.

6. It shall be lawful for any municipal inspector or police officer to seize any such beef, mutton, or other meat, or fish, exposed or hawked about for sale contrary to the provisions of the preceding by-law, and to remove the same to the municipal office to be disposed of as may be ordered by the chairman or by the standing committee.

Fee for special license.

7. It shall be lawful for the council to levy an annual fee not exceeding ten rupees for every special license mentioned in by-law No. 5 of this chapter.

Meat and fish to be sold in stalls respectively set apart for that purpose.

8. No person shall sell in a public market any article or thing other than meat in any stall set apart for the sale of meat, or any article or thing other than fish in any stall set apart for the sale of fish.

Public market not to be occupied without license.

9. No person shall hold, use, or occupy a stall in any public market without a license (which license shall be in the form E in appendix hereto annexed, and shall be signed by the secretary) or contrary to the tenour of such license.

Dimension of vegetable and fruit stalls.

10. Spaces six feet by four feet in extent, or of other dimensions containing not less than twenty-four square feet, properly marked and numbered, shall be set apart in every public market for the sale of vegetables, fruits, &c., by persons paying a daily fee. A ticket issued by the market-keeper employed by the council shall be issued to each such person on payment of the fee. No person shall occupy any such space without having obtained a ticket.

License not transferable.

11. No person shall transfer a license or ticket issued to him for any stall or space in a public market to any other person, or shall sub-let any such stall or space or any part thereof, and no person shall use, or hold, or occupy any stall or space or any part thereof under any alleged transfer without the permission of the council.

No other than licensee to sell.

12. No person other than the party holding a license or ticket shall use or occupy any stall or space or any part of any stall or space in a public market, or be allowed to sell goods therein, unless such person shall be named in the license or ticket as a person authorized to sell on behalf of the licensee or ticket-holder.

- Only license and ticket-holders and registered agents permitted to sell goods in stalls.
13. No person holding a license or ticket for any stall or space in the public market shall under any pretence whatsoever suffer or permit any other person (excepting his servant or agent as provided for in the preceding clause) to use or occupy such stall or space or any part thereof, or to sell or expose for sale any goods, articles, or things of any description whatsoever without the authority of the council.
- Licenses and tickets to be returned.
14. All licenses and tickets issued under by-laws 9 and 10 of this chapter shall be returned to the market-keeper by the person holding such license or ticket on his quitting the stall or space.
- Occupation of stall beyond limits prohibited.
15. No person holding a license or ticket for any stall or space in a public market shall use, or occupy, or permit, or allow his servant or agent to use or occupy, and no such servant shall use or occupy, any ground beyond the limits of the stall or space rented by him.
- Receptacles.
16. Every person holding a license for a meat or fish stall in a public market shall keep a receptacle for holding all refuse matter, and shall not allow such stall to be in a filthy or unwholesome state.
- Throwing rubbish.
17. No person shall throw any rubbish, refuse, bones, skins of animals, or such like in or upon any public market or its premises, except into a receptacle provided for such purpose.
- Stall to be swept daily.
18. Every person holding a license for a stall in a public market shall sweep his stall daily and keep the same clean, and also any unoccupied space opposite to his stall.
- No meat not slaughtered at municipal slaughter-house to be brought into market. Butcher not to rub oil, &c., on meat.
19. Except as hereinafter provided, no carcass of any animal not slaughtered at a municipal slaughter-house shall be brought into a public market or to any place specially licensed as provided in by-law No. 5 of this chapter, or sold or exposed for sale in such public or private market.
20. It shall not be lawful for any licensed butcher or for his agent or servant, or for any person, on any pretence whatsoever, to rub on and over, or to apply cocoanut or other oil or substance to any meat or any part of the carcass of any animal exposed for sale within the municipality.
- Stalls to be kept open for public. Penalty for failure.
21. Every person having a license to hold or occupy a stall in any public market, or holding a special license under by-law No. 5 of this chapter, shall keep such stall or place of business open to the public between the hours of 6 A.M. and 9 P.M., and should any person close such stall or place of business, or wilfully neglect or refuse to serve the public during two consecutive days without the written leave of the chairman, it shall be lawful for the council to suspend or revoke the license of any such person, and to refuse thereafter to grant a license to any such person.
- Persons convicted of theft cannot be employed.
22. No person convicted of theft or other serious misconduct shall be employed at any public market by any person holding a license or ticket for any stall or space in a public market, either as his servant or agent, or in any capacity whatsoever.
- Seizure of stray dogs in the market.
23. Any dog found straying in a public market unaccompanied by its owner, may be seized by any person authorized by the chairman in writing. Such dog may be released on payment, by any person claiming it, of fifty cents, or if the dog shall have been seized during the night, on payment of one rupee, in addition to the tax, if any, due in respect of such dog. If the dog be unclaimed, it shall be sent to the municipal pound to be disposed of in the manner provided under Ordinance No. 7 of 1893.
- Seizure of poultry.
24. All poultry and animals other than dogs found straying in a public market or the market premises shall be seized by any person authorized by the chairman in writing, and shall, if claimed within six hours from the time of seizure, be delivered over to the owner thereof upon payment of twenty-five cents each. If the same be not claimed within such time, they shall be detained in the municipal pound, and if not claimed within twelve hours of the seizure, shall be sold, and out of the proceeds the council shall be entitled to make a charge of one rupee, and the surplus, if any, shall be paid to the owner.
- Certain acts forbidden.
25. It shall not be lawful for any person to do any of the following acts :
- (a) Being a person holding a license or ticket for a stall or space in a public market, or being a servant or agent of any such person, to subject any person resorting to such market to unnecessary and vexatious annoyance or delay.
- (b) To use or be privy to using any false weights in weighing any provisions sold in a public market, or be guilty of any other fraudulent contrivance to misrepresent the weight or quantity of any provisions sold by weight or measure.
- (c) To carry on any cooking in a public market.
- Causing vexatious annoyances or delay.
- Using false weights.
- Cooking in public market.

Recovering or demanding fee in excess of that authorized.	(d) Being a market-keeper or lessee of a public market or any person employed under him, to demand or receive a greater rent, toll, or fee than that authorized to be received, or to give any unnecessary or vexatious annoyance to any person under pretence of performing any duty or exercising any authority imposed or conferred upon him.
Fishing in tank.	(e) To fish in the tank at the public market at Bogambra, or to throw into it any dirt, rubbish, or other substance.
Behaving in disorderly manner.	(f) To behave in a disorderly manner, or commit any nuisance in any public market.
Vagrants.	(g) To remain in a public market, or to loiter about such market after the place is closed for business at 9.30 p.m., without being able to give a satisfactory account of himself.
Damage to market and pollution of water.	(h) To damage, or in anywise deface, any portion of the buildings, stalls, lamps, or any property of the council in or about a public market, or defile or pollute in any way the water provided for use in such public market.
No person suffering from infectious diseases to occupy market, stall, or space.	(i) Being a person affected with any loathsome or contagious or infectious disease, to occupy any stall, seat, or space in any public or private market, or expose or carry about for sale in any street within the municipality any provisions whatsoever, or to employ in any capacity in any public or private market any person affected with any such disease.
Coolies working for hire to be licensed.	26. With the exception specified below, no person shall work for hire as a market cooly within the limits of a public market who is not duly licensed for this purpose by the chairman or by such officer as he may authorize to grant licenses to market coolies.
Register to be kept.	27. A register of licensed coolies shall be kept in the office of the market-keeper, which shall be open to inspection of the standing committee during office hours on all days, except on Sundays and public holidays.
Licensed cooly to wear badge.	28. Every licensed cooly shall wear a badge and such distinctive dress as shall enable every person frequenting the market to know that he is licensed, and shall wear on his arm, or in some conspicuous place, a number corresponding with the number in the register of licensed coolies.
No other person to wear badge.	29. No other person than the licensed cooly shall wear the badge, distinctive dress, or number indicated in the preceding by-law.
Charge for badge and dress.	30. Licensed coolies shall be charged such sum for the badge and other distinctive dress referred to above, as the standing committee shall from time to time prescribe.
License may be recalled.	31. The license issued to any cooly may be recalled and cancelled by the chairman if he sees proper. These rules shall not apply to prevent servants employed by persons frequenting the market to carry purchases made by them.

CHAPTER VII.

Slaughter Houses.

Cattle, &c., intended for human food to be exposed to public view.	1. Except as hereafter provided by by-laws 9, 10, 11, and 19 of this chapter, all cattle, sheep, and goats intended for human food within the municipality shall be brought to the exposing shed between the hours of 7 and 9 a.m., and shall be there exposed to public view for a period of not less than twenty-four hours immediately preceding the time of slaughter.
Inspector to reject animals unfit.	2. The municipal inspector on duty (or any other person authorized by the chairman) shall inspect the cattle, sheep, and goats so brought, and shall reject all cows in calf and ewes and she-goats in kid, as well as any other animal that may appear to him, for any reason, to be unfit to be slaughtered for human food. Any animal so rejected shall be forthwith removed by the owner.
And to issue permit for slaughter of approved cattle.	3. All cattle, sheep, and goats which have been approved by such municipal inspector or other authorized person as fit to be slaughtered for human food shall be secured in the exposing shed until the expiration of the period of twenty-four hours mentioned in by-law No. 1 of this chapter, when such municipal inspector or other authorized person shall issue a permit (in the form F in the appendix hereto) for the slaughter of such approved cattle, sheep, and goats, upon payment of the fees chargeable under these by-laws.
Permit valid for two days.	4. Such permit for slaughter shall only be valid for two days after the date of issue.
Sale of animals not removed, &c.	5. In default of removing within a reasonable time any animal which has been rejected under by-law 2 of this chapter, or for the slaughter of which a permit has been issued, or in respect of which any fee due under these by-laws has not been paid, the chairman may, after two days' notice by beat of tom-tom, sell such animal by public

auction, and out of the proceeds retain the amount of the fees due and the reasonable expenses attending the sale, and shall pay over the surplus, on application, to the owner of the animal.

- Persons found within slaughter-house with animals without a permit guilty of offence.
Animal found to be diseased not to be slaughtered.
6. No person shall remove to, or be in possession of within, the slaughter-house or premises, any animal for which he has not obtained a permit as required by by-law No. 3 of this chapter. Every such animal may be detained by any municipal inspector, and if it be diseased it shall be destroyed.
7. It shall be lawful for the municipal inspector on duty (or other person authorized by the chairman) to refuse permission to slaughter for human food any animal notwithstanding it has been approved as aforesaid, if it should before slaughter be found diseased or otherwise unfit to be slaughtered for human food.
- Disposal of diseased meat.
8. If on any animal which has been approved as aforesaid being slaughtered, the carcase shall appear diseased or otherwise unfit for human food, the said municipal inspector or other person authorized by the chairman shall cause the said meat to be then and there destroyed or so disposed of as to prevent its being exposed for sale or used for human food. Should it be denied that the meat is unfit for human food, the said municipal inspector shall forthwith call upon the health officer or one of the councillors to proceed with him to the slaughter-house and there inspect the said meat; and should it be decided by the said health officer or councillor, whose decision in the matter shall be final, that the meat is unfit for human food, it shall be lawful for the inspector thereafter to proceed in such manner as hereinbefore provided in this by-law.
- Meat of animal slaughtered beyond municipal limits not to be brought in without license.
Nor to be sold within municipal limits until after inspection.
9. No meat of any cattle, sheep, or goat not slaughtered at the municipal slaughter-house shall be brought into the municipality without a special license from the chairman.
10. It shall not be lawful for any person to sell or expose for sale within the municipality any meat brought in upon such special license, unless the same shall have been previously inspected and passed at the municipal slaughter-house as fit for human food by the officer appointed thereto by the chairman, and for every such inspection the municipal council shall be entitled to charge and recover a fee of not more than four cents for every pound of meat so inspected; and upon payment of such fee a certificate shall be issued by such officer stating that the meat has been inspected, and permitting the sale thereof.
- For removal of meat from slaughter-house a pass necessary.
11. No person shall remove any meat of any animal slaughtered at the municipal slaughter-house or inspected as in the preceding by-law provided, without a pass in the form G in the appendix hereto, certifying to such slaughter or inspection signed by the slaughter-house keeper or other officer appointed to issue such passes, and it shall be the duty of the slaughter-house keeper or other duly appointed officer to issue such passes to any licensed butcher.
- Meat to be conveyed in covered carts.
12. No person shall remove, or permit or cause to be removed, any meat of any animal or cattle in any quantity exceeding twenty pounds in weight from the slaughter-house or any other place of slaughter to the market or other place within the municipality, unless the same shall be conveyed in a cart, with suitable roof or covering and screened in at each end, or in some other covered vehicle, so as to protect the said meat effectually from sun, dust, and rain, and screen it from public view. And no person shall expose or cause to be exposed to public view any raw skin or skins or raw hide or hides during carriage from place to place.
- Carts to be washed and cleaned daily.
13. Every such cart used for conveying meat, skins, or hides shall be thoroughly washed and cleansed out, and shall be produced to the slaughter-house keeper or a municipal inspector for his inspection daily.
- Inspector to keep register of cattle.
14. The municipal inspector or other authorized officer on duty shall keep a register of all cattle inspected by him, giving a description of the cattle and their brandmarks, and the other particulars set forth in the form H in the appendix. Such register shall be accessible to the public at the municipal office between the hours of 1 P.M. and 4 P.M. daily, except on Sundays and public holidays.
- Owner shall produce proofs of ownership.
15. Such municipal inspector or other authorized officer shall require the owner of each head of cattle brought for inspection to produce a certificate of ownership, signed by the person or persons from whom the same was received or purchased, containing the description of such cattle and the name and abode of such person or persons, and attested by two witnesses, one of whom shall be the police vidáue, constable, or other headman of the district or division from which the animal was removed; and such certificates or vouchers shall be forwarded to the municipal office daily with the register prescribed by the preceding by-law.

- Persons claiming cattle. 16. Should any person or persons claim any cattle, sheep, or goats while exposed as aforesaid, or while in the slaughter-house previous to slaughter, the said municipal inspector, or other authorized officer is hereby required to cause the slaughtering of the said animal to be stayed, and to call upon the claimant to furnish him within twenty-four hours with the particulars of his claim, in writing, together with the address of the claimant, and with such other information as to the said inspector or other officer shall seem necessary.
- Cattle claimed to be delivered to police. In default of claimant substantiating his claim cattle to be slaughtered. 17. The said municipal inspector or other officer shall, as soon as such particulars have been furnished, cause the said cattle, sheep, or goats to be produced before the magistrate, who shall thereupon summarily investigate and adjudicate upon the claim. Should, however, the claimant fail to furnish the particulars of his claim as before required, it shall be lawful for the said municipal inspector or other officer at the expiration of the twenty-four hours to permit the animal to be slaughtered.
- Notice to be given to council when butchers intend leaving the municipality. 18. Every licensed butcher and every person holding a license for a stall in a public market, who intends leaving the municipality, shall give at least two days' previous notice in writing of such his intention to the council, and he shall be required to state in such notice the name in full of his agent or attorney who will carry on his business or trade as such butcher during his absence, and the name of every such agent or attorney shall be duly registered by himself or his agent in the register which shall be kept in the municipal office for that purpose, and such registration shall be entered within seven days of the licensed butcher leaving the district of Kandy. Every such agent or attorney shall be liable and amenable to all rules, regulations, and laws to which any licensed butcher or stall-renter is or shall be liable, relative to and in respect of the slaughter-house and market. Should any licensed butcher or person holding a license for a stall in a public market fail to give the notice above required, the chairman may revoke the license issued to such butcher or person licensed to occupy a stall in a public market.
- Butcher failing to give notice. 19. It shall not be lawful for any person who is not a licensed butcher to slaughter any cattle, sheep or goat, or pig without a special license from the chairman, or contrary to the tenour of such license. A fee, to be determined from time to time by the Council, shall be levied for every such license.
- Fee for special license. 20. The following fees shall be charged :
- | | Cents. |
|--|--------|
| For a permit to slaughter buffaloes or oxen—for each animal | 50 |
| For a permit to slaughter sheep and goats—for each animal | 12½ |
| For a permit to slaughter pigs—for each pig | 25 |
| For housing and feeding each head of cattle—for every twenty-four hours or any part of twenty-four hours ... | 25 |
| For housing and feeding any sheep or goat—for every twenty-four hours or any part of twenty-four hours ... | 12½ |
| For housing and feeding any pig—for every twenty-four hours or any part of twenty-four hours... .. | 12½ |
- It shall be lawful for the council to alter the above fees from time to time, and such altered fees shall, after publication in the *Government Gazette*, become payable instead of the above.

CHAPTER VIII.

Encroachments and Obstructions.

- Council may in certain cases demand production of title deeds. 1. Whenever it shall appear to the council that any building, enclosure, or obstruction has been raised or made in any street, or on any waste or other ground within the limits of the municipality vested in the council, or that the line of any street has been altered without proper authority, it shall be lawful for the chairman to demand in writing of the person claiming to be the owner of the land or premises on which such building, enclosure, or obstruction shall have been raised or made, or through or over which such alteration of the line of a street has been made, the production of every deed, document, and instrument upon which such person founds such claim, and of the plan, if any, of such premises. If the occupier of such land or premises be not himself the alleged owner, he shall be bound to give full information respecting the name and residence of such alleged owner upon being requested so to do by the chairman, and such alleged owner shall be bound to produce, within ten days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said land or premises, with the plan, if any, of such land or premises, and which shall be in his possession, or if any such deed, document, or instrument, or plan shall not be in his possession, shall inform the chairman upon application in whose possession they are, and every person having in his possession any such deed, document, instrument, or plan shall be bound to produce the same within ten days after having been requested so to do in writing by the chairman.

Demand of production of deed to include power of examination.

2. The deeds, documents, instruments, and plan in the preceding clause mentioned shall be produced on the premises to which the same may relate, or at such other place as the chairman may require, and the power of demanding the production thereof in the preceding clause given shall be deemed and taken to include the power to make such examination of such deeds, documents, and instruments as shall be necessary, and to take copies; and every person concerned shall permit such examination of such deed, document, or instrument, and the taking of copies thereof by the chairman.

Proof of right to apparent encroachment to rest upon the owner.

3. It shall be lawful for the chairman or any person authorized by him in writing, after reasonable notice to the occupier, to enter upon any land or premises upon which any such building, enclosure, encroachment, or alteration of the line of a street as is mentioned in by-law 1 of this chapter shall have been raised or made as aforesaid, and upon any other premises whatsoever which it may be necessary for him to inspect or survey, and to make such inspection and survey of all such premises as may be necessary to enable the chairman to ascertain whether such building, enclosure, or obstruction is an encroachment upon any street or upon any land vested in the council, or whether the line of the street has been actually altered.

4. Should it appear to the council after such survey that the building, enclosure, or obstruction aforesaid is an encroachment upon the street, or that the line of the street has been altered without proper authority, the chairman shall give notice in writing to the occupier of the land or premises upon which such building, obstruction, encroachment, or alteration of the line of the street shall have been raised or made, that a survey of the premises has been made by the authority of the council and is open to the inspection of such occupier at a place to be therein mentioned, and that unless within one month from the service of such notice he or the person under whom he holds shall take legal proceedings for establishing his title to such land, and for preventing the removal of any such building, obstruction, or encroachment, or the restoration of the former line of the street unlawfully altered, the said council will proceed with the removal or restoration thereof. If no legal proceedings are taken within the time specified, or being taken are not duly prosecuted, the council shall cause any such building, obstruction, or encroachment to be forthwith removed, or such altered street to be restored to its former line. And it shall be lawful for the council, or any person thereto authorized in writing by the council, to enter into any house, garden, enclosure, or other premises, and to cause to enter therein such persons with such instruments and things as may be necessary to effect such removal or restoration. And the expenses thereby incurred shall be paid by the person who claimed to be the owner of the land or premises on which the building, obstruction, encroachment, or alteration of the line of street was raised or made, and shall be recoverable in the manner provided by "The Municipal Councils' Ordinance, 1887." When legal proceedings are taken as aforesaid, it shall be incumbent on the claimant to prove his title to the land or premises on which the said building, obstruction, encroachment, or alteration of line of street was raised or made.

Construction of a drain through land intervening between land to be drained and public drain or sewer.

5. When it shall be found necessary under section 195 of Ordinance No. 7 of 1887 to construct or lay a covered drain or pipe communicating with some sewer or drain, and it is requisite for the construction or laying of such drain or pipe to carry the same through any land or lands intervening between the house or building required to be drained and a public drain or sewer, it shall be lawful for the chairman, or for an officer of the municipality acting under his written authority in that behalf, to enter into or upon such intervening land or lands, and to carry on and complete the construction or laying of such drain or pipe after giving two days' notice to the owner or occupiers of such intervening land or lands of the chairman's intention to do so.

CHAPTER IX.

Tax on Dogs.

Amount of tax.

1. A tax, the amount of which shall be fixed from time to time by resolution of the council, provided that it shall not exceed one rupee and fifty cents per annum, shall be chargeable and recovered on every dog kept by any person within the municipality, irrespective of the age of such animal. The occupier of any house or premises which is the ordinary place of resort of any dog shall be deemed and held to keep such dog.

Dog tax payable on or before such date as the chairman shall direct.

2. The said tax shall be payable on or before such date in each year as the chairman shall direct, and if the amount of such tax be not paid into the municipal office within the time appointed, the chairman shall issue a warrant to some collector or other officer of the municipality directing him to levy the same and the costs of

recovery by seizure and sale of any property of the persons who have made default in the payment thereof, such sale being conducted, and the proceeds thereof disposed of, in all respects in accordance with the provisions of the Ordinance No. 7 of 1887.

Persons acquiring dogs to give notice.

3. Every person who shall acquire, keep, or become possessed of a dog shall give notice thereof to the council within one month of his acquiring or becoming possessed of such dog, with full description of the animal, and the secretary shall register the same in a book to be kept for that purpose.

Occupiers of houses to furnish returns when necessary.

4. It shall be lawful for the council from time to time to require every occupier of a house to fill up a schedule in the form I in the appendix hereto, showing the number and description of dogs kept in such house or premises attached thereto and to whom they respectively belong, and every such occupier shall be bound to accept, duly fill in with correct information, and return, such schedule within one week from receipt thereof.

CHAPTER X.

Seizure of Unwholesome Meat, &c.

Proceeding upon the seizure of meat, &c., unfit for food.

It shall be lawful for a municipal inspector, upon the seizure by him as unwholesome or unfit for human food of any meat, poultry, fish, game, flesh, vegetable, fruit, or other provisions introduced into or exposed for sale within the municipality, to convey the same to the health officer, or, in his absence, or if there be no such officer, to the magistrate; and if it appear to such health officer or magistrate that such meat, poultry, fish, vegetable, fruit, or other provisions are unfit for human food, he shall order the same to be destroyed, or to be so disposed of as to prevent it being exposed for sale or used for such food.

CHAPTER XI.

Dangerous or Offensive Trades.

License required for manure depôt.

1. No person shall keep or deposit, or cause to be kept or deposited, for sale or storage any guano, bone dust, or any manure or substance whatsoever from which noxious or offensive smells arise, in any place or depôt within the limits of the municipality, unless such place or depôt be licensed therefor by the chairman, which license shall be in the form J in the appendix hereto, and shall be in force from the date of issue until the thirty-first day of December then next ensuing.

Fee for registration of kilns, &c.

2. It shall be lawful for the chairman to demand and recover a fee of five rupees for every license granted by him under section 259 of Ordinance No. 7 of 1887 for every lime or brick kiln, tannery, or pottery within the municipality; and also to demand and recover a further fee of one rupee for the registration of every such license granted in respect of lime and brick kilns, tanneries, and potteries; and to demand and recover a fee of two rupees and fifty cents for each license granted for any of the other purposes specified in the said section.

Places of business under section 259 liable to inspection.

3. The management and conduct of any business or businesses carried on from and after the coming into operation of these by-laws, in any place whatsoever within the municipality, for any or either of the purposes enumerated in section 259 of the Ordinance No. 7 of 1887, shall be always open, and subject to visitation and inspection by the chairman and all persons acting under his authority.

Holder of license to submit to conditions, &c.

4. Every holder of a license issued under the said section shall submit, at all times during the continuance of the license, to all such conditions or directions as may from time to time be given by the chairman with regard to the mode of making, carrying, storing, or keeping any dangerous or offensive substances, or with regard to the circumstances under which the same may be manufactured, carried, stored, or kept, or with regard to the nature of the goods (if any) which may be permitted or (as the case may be) prohibited to be carried or stored therewith, or with regard to the examining, testing, or proving from time to time the nature or strength of the said dangerous substances and things, or any of them.

Conservance of cattle stall.

5. The owner or tenant of every cattle stall, cattle halting-place, or gála shall have the same covered with a tiled roof and paved with brick, stone, concrete, cement, or asphalt, provided with suitable paved or cemented drains for conveying the urine and washings into a covered receptacle constructed in such manner as the chairman shall direct, the contents of which shall be daily removed at the expense of such owner or tenant and disposed of so that no nuisance is caused thereby. Every such stall, halting-place, or gála shall be daily washed, and always kept clean and whitewashed at least once in

three months. All dung and dry refuse shall be deposited daily by the owner or tenant of such cattle stall, halting place, or gála in a proper receptacle outside, and will be thence removed by the municipality.

Filth, dust, &c., to be removed daily from stables, cart stands, &c.

6. Every owner or occupier of any place within municipal limits used for any of the purposes specified in section 259 of "The Municipal Councils' Ordinance, 1887," and every owner or occupier of a livery or hack-stable, or cart stand, cattle yard, bakery, coachbuilding yard, or other manufactory, shall remove or cause to be removed, twice in every twenty-four hours, morning and afternoon, all filth, dirt, or dust, to be deposited in such places as the chairman may approve; and arrangements for boiling or preparing the food of cattle and attendants shall be so made as not to be a nuisance to the neighbourhood.

Cart stands, &c., to be drained.

7. Every cart stand, stable, cattle stall, and sheep-pen shall be drained and metalled to the satisfaction of the chairman.

CHAPTER XII.

Municipal Water Service.

Water-rate how recoverable.

1. The water-rate which the municipality is authorized and empowered by "The Kandy Waterworks Loan Ordinances, 1884 and 1895," to impose and enforce, and any other sums which may become due under the provisions of this chapter, shall be leviable as if the same were a tax under "The Municipal Councils' Ordinance, 1887."

Appointment of officers.

2. It shall be lawful for the council to appoint such officers as may be necessary to execute the works and to carry out the duties hereinafter mentioned, and pay them such salaries or allowances as the council shall deem right.

Expenses of collection, &c., to be paid from water-rate.

3. The expenses annually incurred in or about the supply of water and in the collection of the water-rate shall be defrayed from the proceeds of such water-rate.

Waterworks vested in council.

4. All public tanks, reservoirs, cisterns, standpipes, fountains, sluices, wells, conduits, pipes, pumps, and other waterworks existing within the municipality at the time of the coming into operation of these by-laws or afterwards made, laid, or erected, and all buildings, works, materials, and things connected with or appertaining to such waterworks shall be vested in the council.

Council may provide filtering tanks, &c.

5. The council may cause such filtering tanks, reservoirs, aqueducts, or other works to be constructed, and such fountains and standpipes to be erected, and such pipes to be laid as it may from time to time consider necessary for the use of the inhabitants of the municipality.

Power to break up streets, &c., and enter private land.

6. In laying down any such pipes, the council may, if it consider it necessary, carry such pipes through, across, or under any street, or place laid out or intended for a street, or under any building or through any cellar or vault, or into, through, or under any enclosed or other land whatsoever. Provided that the council shall in every case in which it deals with private property under this by-law give notice of its intention to do so to the owner of such property, and shall on completion of the work pay to him reasonable compensation. If any dispute shall arise as to the amount or apportionment of such compensation, such amount and apportionment shall be summarily ascertained and determined by the magistrate, whose decision shall be subject to an appeal to the Supreme Court.

No person to foul water

7. No person shall do anything whereby the water in any reservoir, fountain, cistern, standpipe, pipes, or other waterworks belonging to the council shall be in any degree polluted, fouled, or corrupted, and no person shall in any way damage or tamper with any such waterworks.

or to wash at any standpipe, &c.

8. No person shall bathe or wash any part of his or her body, or wash any cattle, horse, dog, or other animal whatsoever, or any vehicle, clothes, utensils, or other article whatsoever, at or near any reservoir, standpost, fountain, cistern, pipe, or other waterworks vested in the council, whether now existing or to be hereafter erected or built, in the streets, thoroughfares, or other public places within the municipality.

Persons paying rate entitled to free use of water for domestic purposes

9. Every person paying the water-rate mentioned in by-law 1 of this chapter shall be entitled to have, free of further charge, in respect thereof, a supply of water from the public municipal fountains or standpipes for the domestic use of himself and his household.

"Domestic purposes," what not included in.

10. A supply of water for domestic purposes shall not include a supply of water for horses or cattle, or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

- Council may allow private service.
11. The council may at its discretion, on application by the owner or occupier of any house, allow a private service of water to such house for domestic purposes in such quantities and under such conditions as the council shall deem reasonable. When a private service is allowed, the connection between the municipal main and the premises to be served, as well as the necessary service pipes and fittings, shall be made, laid, and affixed by municipal workmen under the supervision of the superintendent of works, at the expense of the person applying for such private service. The council may require the estimated cost of such private service to be paid into the municipal fund before the work in connection therewith is commenced.
- Water pipes not liable to be seized for debt.
12. No communication pipe or service pipes or fittings shall be liable to be seized for any debt.
- Pipes not to be laid from mains to the house without sanction of council.
13. No person shall lay or have any communication or service pipe or pipes for the conveyance of water from any of the municipal mains into any house, land, or premises, or alter, extend, or disconnect any existing service pipes without the sanction or consent, in writing, of the council; nor shall any such pipes be laid except by the employés of the council, nor until the council shall have approved of the point or place at or through which the same shall be laid.
- Communication pipes for groups of houses.
14. Unless the council shall otherwise permit, every house or premises to which water has been or may hereafter be laid on shall have its own separate communication pipe, and no house shall have more than one communication pipe, or have its service pipes connected with any service pipe, cistern, or other water fittings of any other house.
- If laid, council may order removal of them and recover expenses.
15. If any person shall, contrary to the provisions of the preceding by-laws, lay, or alter, or extend any communication or service pipe or pipes, it shall be lawful for the council to direct and order the said pipe or pipes to be removed; and if the same be not removed within three days of the service of notice upon such person requiring him to do so, the council may cause the same to be removed, and the expenses thereby incurred shall be recovered from such person in the manner provided by "The Municipal Councils' Ordinance, 1887."
- Communication of pipes.
16. No pipes for the conveyance of, or in connection with, the water supplied by the council shall communicate with any cistern, butt, or other receptacle used or intended to be used for rain water.
- Cisterns in the ground cannot be used for storage of water.
17. No cistern buried or excavated in the ground shall be used for the storage of water supplied by the council, unless the use of such cistern shall be allowed in writing by the council.
- Receptacle for storage of water.
18. No wooden receptacle without a proper metallic lining shall be brought into use for the storage of water supplied by the council.
- Waste of water.
19. No owner or occupier of a house shall allow water from any cistern, pipe, or tap on his premises to run to waste. Should any leakage occur in any communication or service pipe or in any cistern, tap, or other water fittings in any house or premises, the owner or occupier shall, within twenty-four hours, give notice of the same to the secretary.
- When water required for other than domestic purposes, &c., meter to be affixed.
20. Should water be required for other than domestic purposes in any house or premises having a private service, or should the council have reason to believe that in such house or premises water from the municipal waterworks is used by others than the members of the household, or for other than domestic purposes, or is wasted or unduly consumed, it shall be lawful for the council to fix a meter on the pipe supplying such house or premises, and the owner or occupier shall be liable to pay at such rates as may from time to time be determined by the council for all water shown by the meter to have been consumed in excess of one thousand gallons for every rupee of water-rate paid in respect of such house or premises.
- Council to provide meters.
21. The council shall provide and fix all meters, and may charge for the use of any such meter such rent as the council may deem reasonable.
- Council may remove meter for testing, &c.
22. The council may from time to time remove any meter for the purpose of testing the accuracy thereof, or for examination or repair, or for the purpose of substituting another meter, or in case of discontinuance of any private service.
- Meter to be repaired only by employés of council.
23. No meter shall be altered or repaired except under the direction of or by persons employed by the council.
- Council may shut off water.
24. It shall be lawful for the council to stop or cut off the supply of water between such hours as it shall deem necessary.
- Council not liable for failure of water caused by unavoidable circumstances.
25. The council shall not be liable to any penalty or damages for not supplying water to the municipality if the want of such supply arises from unusual drought or other unavoidable cause or accident.

Owner, &c., of house having a private service not to supply water to others.	26. No owner or occupier of any premises having a private water-service shall supply to any other person, or wilfully permit him to take, any water from any cistern or pipe in such premises, unless for the purpose of extinguishing a fire, or unless such other person shall also be an occupier having a private service, and the pipes supplying him shall be, without his default, out of repair.
Misuse of water an offence.	27. No person who has not a supply of water from the municipal waterworks for other than domestic purposes shall use for any other than domestic purposes any water supplied to or obtained by him from such waterworks.
Council may authorize entering and examination of premises having a private service.	28. Any person authorized by the Council may at any time between eight of the clock in the morning and five of the clock in the evening, after giving one hour's notice to the owner or occupier, enter any building or premises in order to examine the condition of the pipes, works, and fittings therein, and to ascertain if there be any waste or misuse of water. If such person is without reasonable cause refused admittance for the purpose aforesaid, or is prevented without reasonable cause from making such examination, or if necessary preventing waste of water, the council may stop the supply of water to such building or premises.
Water may be cut off for contravention of by-laws, &c.	29. The council may also stop the supply of water to any building or premises having a private supply should the owner or occupier be in default of payment of the water-rate fifteen days after the same has become due, or if such owner or occupier does, or causes or permits to be done, anything in contravention of any of the provisions of the by-laws in this chapter, or wrongfully fails to do anything which ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water belonging to the municipal waterworks.
Persons authorized by council may enter and cut off pipes, &c.	30. In all cases in which the council is by these by-laws authorized to cut off or stop the supply of water to any building or premises or to remove any pipe or pipes, and in all cases in which any building or premises having a private service shall have become unoccupied, any person thereto authorized by the council and his workmen may, after giving six hours' notice to the owner or occupier, enter such building or premises between the hours of eight of the clock in the morning and five of the clock in the evening, and cut off any pipes by which water shall be conveyed from the municipal main to such premises, and remove any pipe, meter, or fittings, the property of the council.
Interpretation clause.	31. Whenever used in this chapter, the word "main" shall mean the pipe and all its main branches by which water is conveyed from the municipal reservoir to the town of Kandy ; "Communication pipe" shall mean the pipe which extends from the main up to the stop valve placed at or near the point of entrance into any building or premises ; and "Service pipe" shall mean the pipe and all its branches laid from the said stop valve into any building or premises.

CHAPTER XIII.

Prevention of Nuisances and Public Safety and Convenience.

Removal of contents of privies.	1. It shall be lawful for the council at any time to require the owner or occupier of any house, building, enclosure, or premises within the limits of the municipality, by notice printed or in writing, to remove or cause to be removed the contents of any privy, pit, or water-closet, in or belonging to such house, building, enclosure, or premises, to such place or places and within such time as shall be set forth and stated in the notice above referred to. Such owner or occupier as aforesaid shall be bound to comply with the requirements of such notice ; and should he fail or neglect to do so within three days from the time when such notice shall have been served on him, the chairman may cause the necessary work to be done, and for that purpose shall have power to enter into and upon any such house, out-house, building, enclosure, or premises, with such labourers, implements, and things as may be required ; and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as provided by "The Municipal Councils' Ordinance, 1887."
Burying contents of privy within one hundred feet of a dwelling-house prohibited.	2. Any person who shall bury or cause to be buried, or heap or cause to be heaped up, the contents of any privy, pit, or water-closet within any house, building, or premises, or in or on any land within one hundred feet of any dwelling-house, shall be guilty of an offence, and shall at once remove the same upon receiving notice to do so to such place and within such time as the council shall direct. In default of compliance with such notice within the time appointed, the chairman shall cause the necessary work to be done, and the expenses thereby incurred shall be paid by the person in default, and shall be recoverable as provided by "The Municipal Councils' Ordinance, 1887."

- Owners and occupiers to employ only licensed persons.
3. The owner or occupier of any house or land within the municipality, being desirous of emptying, or being compelled as provided in by-law No. 1 of this chapter, to empty the contents of any privy on the said house or land, shall give notice to the council of the day and hour in which he intends to have the work done, upon which the council shall grant a permit to such owner or occupier to have the work done by a nightman licensed as hereinafter provided under the supervision of a municipal inspector, and upon such terms and conditions as shall be stated in such permit, and no such owner or occupier shall employ on such work persons other than those licensed by the council.
- Licensed scavenger or nightman.
4. Every person desirous of being employed as a licensed scavenger or nightman within the limits of the municipality shall first obtain a license from the council (in the form K in the appendix hereto), and for such license he shall pay a fee of one rupee and fifty cents.
- Licensed person to be bound by rules on back of license.
5. Every licensed nightman shall be subject to and bound to obey the rules and regulations which shall be endorsed on the back of his license, and upon an infringement by him of any of such rules and regulations the council shall be entitled to revoke his license forthwith.
- Nightman removing soil not to loiter.
6. No nightman, sweeper, or other person carrying night soil through the street shall loiter, or deposit any vessel containing or intended to contain night soil, on or by the side of any public road or street.
- Carriage or cart removing night soil not to stand about.
7. No person in charge of a cart, wagon, or carriage used for the purpose of receiving and removing night-soil, sewage, or other matter from any cesspool, privy, or depôt shall suffer such cart, wagon, or carriage to stand or remain in any public street, passage, highway, or thoroughfare for any longer time than shall be necessary for the loading thereof.
- Removal of night-soil.
8. The night-soil of the public latrines of the municipality and from private latrines shall be removed by such routes only as the council shall appoint, and no person employed in such removal shall unnecessarily stop or delay on the said routes.
- Night soil, &c., to be deposited only in places provided.
9. No person shall deposit any night soil, dung, or other filth, dust, dirt, ashes, rubbish, or refuse in or upon any place except such places as are provided under section 172 of the Ordinance No. 7 of 1887 for the deposit of such night soil, dung, and other filth and dust, dirt, ashes, and rubbish.
- Householders to deposit rubbish in proper receptacles.
10. All householders or persons who are desirous that the ashes, sweepings, refuse, or other rubbish from their premises shall be removed by the scavengers of the council shall deposit the same in proper covered tubs, boxes, or other like receptacles on the curbstones or edge of footpaths outside their respective dwellings or shops, at such hours daily (Sundays excepted) as the municipal council shall from time to time appoint by notice duly given; and shall remove the said tubs, boxes, or other like receptacles within half an hour after the emptying of such tubs, boxes, or other like receptacles by the scavengers. No person shall place any ashes, sweepings, refuse, or other rubbish on any street except in covered tubs, boxes, or other receptacles as aforesaid.
- Owner of alleys to supply receptacles.
11. All owners of alleys, or houses, or buildings let in apartments, flats, or portions, shall provide the occupier of every separate tenement or portion of such alley, house, or building with proper covered tubs, boxes, or other receptacles for the deposit of sweepings, refuse, or other rubbish from such alleys, houses, or buildings.
- Offensive ditch, gutter, drain, or privy.
12. No person shall have in or upon any house, building, or land owned by him (the same not being then occupied) any foul or offensive ditch, gutter, drain, or privy, or shall suffer the same to be and remain in want of repair.
- Picketing animals, &c., forbidden on any public ground.
13. No person shall picket animals, or collect carts, or form an encampment upon any public ground within the municipality without the written permission of the council or the chairman.
- Stabling in verandahs, &c., forbidden.
14. No person shall make use of the pavement or the verandah of his house, or of any place not properly adapted for the purpose, in front of his house, or by the side of any street, as a stable or stall for keeping a horse, cattle, or any other animal.
- Horses, &c., not to be groomed on street.
15. No person shall wash, or groom, or permit or cause to be washed or groomed, any horse or other animal in or on any pavement or street, or wash any carriage or vehicle, or permit or allow any carriage or vehicle to be washed on any pavement or street.
- Interment of carcasses of animals.
16. The occupier of any house or premises within or upon which any cattle, horse, sheep, goat, or pig may die, shall, within four hours after its death, or if death occurs at night, within two hours after daylight, either remove the carcass at his own expense to such place as may be appointed by the council for that purpose, or report its death to the municipal inspector of the ward in which such premises may be situated, and in such latter case shall pay to the inspector the expense of removing or burying the carcass at such rate as the chairman shall determine.

- Removal of dangerous trees. 17. Whenever any tree, or the fruit or any other part of a tree, within the limits of the municipality, shall be deemed by the council to be likely to fall upon any house or building, or to endanger the occupiers thereof, or if the same be near any road or street and likely to affect the safety of passengers going along or using such road or street, it shall be lawful for the council to cause notice in writing to be given to the owner or to the occupier of the ground upon which the tree stands to remove the said tree, fruit, or part thereof; and if such owner or occupier do not begin to take down the same within twenty-four hours after such notice and complete the work with due diligence, the council shall cause the work to be done, and the expenses thereby incurred shall be paid by such owner or occupier, and shall be recoverable as provided by "The Municipal Councils' Ordinance, 1887."
- Prohibitions. 18. It shall not be lawful for any person to do any of the following acts :
- Timber of twenty feet length to be removed in double or sling cart. (1) To remove timber or other substance of more than twenty feet in length in any cart without having one end thereof secured to another or sling cart.
- Iron bars to be fastened. (2) To carry timber or other substance of more than twenty feet in length without one end being carried by another person.
- Firewood carts. (3) To remove iron bars in any cart without duly fastening each end of the said bars so as to prevent the noise they would otherwise make.
- Timber, &c., not to project laterally. (4) To load firewood, casks, or any other articles in carts to any height exceeding six feet above the platform of such cart.
- Carts improperly loaded may be detained. (5) To load on any cart or vehicle any timber, firewood, casks, straw, or other goods of any description whatsoever so as to project laterally beyond the wheels of the said cart or vehicle.
19. It shall be lawful for any municipal or police officer, and they are hereby required to detain any cart in which any timber or other article aforesaid has been loaded or is being conveyed contrary to the provisions of the preceding by-law until such timber or other article has been so loaded or arranged that it can be conveyed in a manner not prohibited by the said by-law.
- Carts carrying materials in insecure or careless manner. 20. No person shall drive any cart or hackery conveying dirt, rubbish, cabook, granite, bricks, lime, or other articles or materials whatsoever without properly securing the same therein so as to prevent any from falling into the public street.
- Heavy carts not to be taken along certain roads. 21. No person shall drive a cart drawn by bullocks or any cart or vehicle carrying goods or heavy articles along Lady Gordon's or Lady Horton's walk, or Lady MacCarthy's road.
- Carriages and vehicles not to use pavements. 22. No person shall push, draw, or drive any cart, carriage, or vehicle of any description whatsoever, whether on or without springs, on any footpath or pavement intended or made for foot passengers by the side or sides of any road or street, or through any esplanade, nor shall any person use, or cause to be used, any such footpath or pavement, or any part or parts thereof, or any part of any street, for location either permanently or temporarily of any stall or stalls for the sale of any article or articles of any description whatsoever, or for any purpose calculated to cause inconvenience or obstruction to foot passengers or vehicles.
- Cattle not to be driven on footpath. 23. It shall not be lawful for any person to ride any animal, or to drive any cattle, or to ride any bicycle, tricycle or other similar vehicle on or along the bund of the lake or any path or pavement set apart for the exclusive use of foot passengers.
- External walls of houses adjoining streets. 24. The external walls of houses and yards adjoining the public streets shall be kept in proper repair with lime plastering, and shall be limewashed once a year, unless specially exempted by the chairman.
- Posters only to be put up on authorized places. 25. It shall not be lawful for any person to attach or affix any posters, placards, handbills, or other notices to or on any wall, building, house, premises, tree, or other place, save and except in such places as the council from time to time shall appoint or direct.
- Seizure of cattle. 26. It shall and may be lawful for any person thereto authorized by the chairman to seize any ox, horse, sheep, goat, or other animal which he may find tied, tethered, straying, improperly driven, or tended, upon any thoroughfare within the municipality, or cause the same to be seized, unless such animal belong to any cart to which it is tied or tethered, whilst the same is being loaded or unloaded; provided that every such animal seized by him as aforesaid shall be forthwith delivered into the custody of the police officer in charge of the police station at Kandy; and every such officer seizing or receiving any such animal as aforesaid shall forthwith report such seizure to the council, and such council shall, if at the time of such report no claim be made to such animal, direct such officer to take the necessary steps for the safe custody and maintenance thereof, and to publish such seizure in the usual manner; and no such animal seized as aforesaid shall be delivered to the owner thereof, unless upon payment to such council of the sum of one rupee, for the use of the person by whom

the same shall have been seized, and of a further sum of twenty-five cents for each day during which the same shall have been kept in the custody of the said officer for the use of such officer; and if no person shall claim such animal, or pay such dues as aforesaid, within ten days after the animal shall have been so seized, it shall be lawful for such officer, and he is hereby required, to sell the same by public auction, and after payment of one rupee to the person by whom the same may have been seized, and of the sum due to himself for the custody and maintenance thereof, to pay the remainder of the proceeds of such sale, if any, to the secretary of the municipal council.

CHAPTER XIV.

Infectious Diseases.

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| Removal of smallpox or cholera patients to hospital. | 1. It shall be lawful for the chairman to cause persons infected with smallpox or cholera in any house or place in which there are no means of isolating the patients from the other inmates, or where the retention of the patient is in the opinion of the medical authorities of the town likely to prove a source of danger to others, to be removed to some public hospital or other place provided by Government. |
| Removal of patient from one locality to another. | 2. It shall be lawful for the chairman to allow any patient to be removed to any locality which such patient or his or her friends may choose, and to which the medical authorities of the town do not object, instead of the public hospital or place provided by Government. |
| No removal except by sanction of chairman. | 3. Except as provided in the above by-law, it shall not be lawful for any person to remove or assist in removing any person suffering from smallpox or cholera from the house or place in which such person shall be to any other house or place without the sanction in writing of the chairman. |
| Quarantine of infected hospitals. | 4. All buildings appropriated as hospitals for smallpox or cholera shall be placed under quarantine whilst used for the above purpose; and no person other than the duly appointed attendants shall be allowed ingress or egress into or from such hospital, for any purpose whatsoever, except with the sanction of the medical officer in charge.
The word "hospital" shall include all buildings containing an infected patient. |
| Infected houses to be placed under quarantine after removal of patients. | 5. Any house or building from which an infected patient shall have been removed shall, when deemed necessary by the chairman or the principal medical officer of the station, be placed under quarantine immediately on such removal for such time not exceeding seven days as the chairman or the said medical officer shall think sufficient; and no person other than the duly appointed attendant shall be allowed ingress or egress into or from such building for any purpose whatsoever except with the sanction of the said medical officer. The cost of charges for the maintenance of the inmates of any building placed as aforesaid under quarantine may, if found necessary, be met by the council. |
| Isolation of infected houses. | 6. It shall be competent for the chairman or the said medical officer, if necessary, for the more effectually placing any building or buildings under quarantine, to surround and enclose the same with a fence, or in such other manner as the chairman or the said medical officer shall consider advisable, or to block up and prevent people going through any road, street, path, or way. |
| Evacuations of patients to be buried. | 7. The owner or occupier of any house, building, or land shall cause all discharges and evacuations from patients suffering from smallpox or cholera to be forthwith covered with a layer of at least six inches of dry earth and buried to a depth of two feet without delay. In no case must they, or any washings or other substance capable of conveying contagion, be emptied or placed in a cesspool. |
| Medical certificate required for a patient to quit a hospital. | 8. No patient shall be allowed to quit a hospital until it is duly certified by the medical officer that he or she is in a fit state to depart. |
| Bathing-places of patients restricted. | 9. No convalescent patient shall be allowed to bathe in any public place, except those specially provided for such patients. |
| Infected articles to be disinfected or destroyed. | 10. All clothing, mats, and utensils of all kinds used by or for a person affected with smallpox or cholera shall be either burnt or disinfected, as the chairman or medical officer shall direct. |
| Infected houses to be disinfected. | 11. It shall be competent for the chairman or the medical officer to order any house or portion of a house, or article therein, which, by reason of the presence of a person affected with smallpox or cholera, is likely to have retained infection, to be disinfected, or cleansed in such manner as the chairman or the medical officer shall direct. |
| Assemblies near infected houses may be prohibited. | 12. The chairman or municipal magistrate shall have the power of prohibiting the collection or assembling of people within certain defined limits of any infected building. |

- Burial of corpse. 13. No corpse of any person dying of smallpox or cholera shall remain unburied more than six hours.
- Depth of grave. 14. No corpse of a person dying from smallpox or cholera shall be buried at a depth of less than six feet.

CHAPTER XV.

Carriages licensed to ply for Hire.

- Chairman to determine number of passengers, and such number to be painted on the carriage. 1. The chairman, acting on behalf of the council, or any officer of the council thereunto authorized by the chairman, shall determine the number of passengers to be carried in each licensed carriage, and such number as well as the registered number of the carriage, and the year for which it is licensed, shall be painted in a conspicuous part (to be determined by the chairman) of such carriage, and shall at all times be plainly and distinctly visible and legible, provided, however, that, such painting may be dispensed with at the discretion of the chairman and no license shall be issued unless the requirements of this by-law are first complied with. An infant carried in arms, or on the lap, or one child not so carried under eight years of age, shall not be deemed a passenger, but two children under eight years of age, not so carried, shall be considered an adult passenger, and so on in same proportion for any number of children. No person to whom any license shall have been granted shall refuse to carry the full number so determined, or shall carry more than the said number.
- Every carriage to have two lamps. 2. Every licensed carriage shall at all times have and carry two good and sufficient lamps, one on either side of the driver, ready for lighting, and the same shall be lighted, if the carriage be used, between the hours of 6.30 P.M. and 5.30 A.M.
- Inspectors to inspect carriage on chairman's authority. 3. The owner of every licensed carriage shall keep the same and its appurtenances clean and in good repair, and shall not permit it to be used if the said carriage or any part of it, or the horse drawing the same, is in any way unfit for use, and it shall be lawful for any municipal inspector or officer of police to seize any carriage which he shall find being used, while either the carriage, horse, or harness is unsafe or not in a fit state to be used, and to convey the same to the nearest police station, to be produced as soon as possible before the magistrate, and charge the owner of the said licensed carriage with a breach of this by-law.
- If carriage unfit for use, owner to be noticed not to hire out. 4. A municipal inspector, being thereto authorized by the chairman in writing, shall, at least once a month, or oftener if the chairman or such inspector deem necessary, inspect all carriages licensed to ply for hire within the municipality, and the harness and the horse or horses used in drawing such carriage, and the other equipments, and shall submit a report thereof to the council.
- Carriages produced for inspection. 5. If any such carriage or horse or horses, harness, or other equipment, shall at any time upon such inspection be found unfit for public use, notice in writing prohibiting the use of the carriage shall be given by the chairman, acting on behalf of the council, to the owner of such carriage, and after such notice the owner shall not use or suffer to be used or let for hire such carriage until the prohibition aforesaid shall have been cancelled.
- Notice of change of horse. 6. For the purpose of such inspection the owner of every licensed carriage shall produce or cause to be produced every month, on any day between the fifteenth and twenty-third (Saturdays, Sundays, and holidays excepted), at the municipal office or some other place to be appointed by the council, between such hours as the chairman or the municipal inspector authorized as hereinbefore provided shall appoint, the said carriage with the horse described in the license harnessed thereto.
- License not transferable. 7. The owner of any licensed carriage who desires to use a horse other than that described in the license issued in respect of such carriage, shall give notice of such change to the chairman and forward his license to the municipal office for insertion of the description of such horse, and send the animal to the municipal office for inspection by the municipal inspector authorized by the chairman to inspect the same, on any day, except Saturdays, Sundays, and holidays, between the hours of 3 P.M. and 5 P.M.
- Council to appoint stands. 8. It shall not be lawful for the proprietor of any licensed carriage to transfer the license to any other person. Should he sell or transfer to another person any carriage which shall have been licensed, he shall give notice to the chairman of such sale or transfer and return to the municipal office the license granted to him in respect of such carriage.
9. The council shall from time to time appoint places as public stands for licensed carriages, and may at any time, by resolution, abolish any such public stand, or alter the number or situation of such public stands.

- Notice to be given of opening of stands. 10. Whenever it shall be determined to appoint any public stand, the council shall cause due notice to be given by beat of tom-tom or in such other public manner as to them may seem fit, that the same will be opened for public use on a date to be fixed in the said notice.
- After such notice licensed carriages to ply from stand. 11. After any such public stand or stands shall have been appointed, every licensed carriage shall (unless let for hire by special agreement, and except while being kept at the residence of the proprietor) be sent by the proprietor to one or other of such public stands, and the driver shall keep such carriage on such stand and remain with it himself between the hours of 6.30 A.M. and 7.30 P.M., except during a reasonable interval for rest.
- Position to be taken by carriage at stand. 12. Every carriage on its arrival at a public stand shall be drawn up at the end, and be last in the line, of any carriages already occupying such stand; and at every such stand all carriages shall be arranged in single rank only.
- Space after every fourth carriage in stand. 13. After every fourth carriage on every public stand there shall be left, should such stand be on a public street, a space of at least eight feet for passengers on foot to pass through.
- Driver of licensed carriage not to loiter in street. 14. The driver of a licensed carriage shall not at any time suffer the same to stand in any street (except for the purpose of setting down or taking up passengers) or to loiter in any street, nor shall he obstruct the driver of any other carriage in taking up or setting down any person, or wilfully, wrongfully, or forcibly prevent or endeavour to prevent the driver of any other carriage from taking a fare.
- Driver to wear a jacket and carry a badge bearing number of license. 15. The driver of every licensed carriage shall be cleanly dressed, and shall wear a jacket or coat, and shall carry a badge, which shall be provided by the council (the owner paying the cost of same), and shall bear a number corresponding with the number mentioned in the license granted in respect of such carriage.
- Owner or driver* of carriage bound to let same on hire. 16. The owner or driver of any licensed carriage shall be bound and compelled at all times to let such carriage for hire, whether the same be on a public stand or at the residence of the owner, or at any other place wheresoever, to any person applying for the same, and to carry such person from any one place to another on any carriage road within the municipality, unless the said carriage shall have been previously engaged, or the carriage or harness or the horse used in drawing the carriage shall be unfit for use, or unless he has some other like reasonable cause for refusing. Provided that the proof that there was reasonable cause for refusing shall lie on the owner or driver, and that any person so applying for such carriage shall, upon demand being thereto made, immediately, and before such carriage is used, pay to the owner or driver the fare authorized by law; and provided further that no licensed carriage shall be compelled to carry passengers more than ten miles during any period of twelve hours.
- Proviso. 17. If after a licensed carriage has been bespoken or engaged by any person, the owner or driver thereof shall refuse or decline to carry out his engagement, or after refusing to carry or convey the person by whom the said conveyance was first bespoken or engaged, shall thereafter hire the said carriage to another, such owner or driver shall be guilty of an offence.
- Fare payable on demand. 18. The following shall be the rates of fare; no fares for carriages, other than hackeries, shall be charged by distance, unless by special agreement:—
- Refusal of driver to hire after engagement.
- Rates and fares.

	Between 6 A.M. & 7 P.M.		Between 7 P.M. & 6 A.M.	
	Rs.	c.	Rs.	c.
<i>For carriages drawn by one horse:—</i>				
From 6 A.M. to 7 P.M. ...	4	0	—	—
From 6 A.M. to 12 noon or from 12 noon to 7 P.M.	2	0	—	—
For the first half hour ...	0	50	0	60
For the first hour ...	1	0	1	20
For the second hour or portion of such hour	0	50	0	65
For every subsequent hour ...	0	30	0	40

For carriages drawn by two horses:—

The rate as for a carriage drawn by one horse to be increased by one-half.

For a hackery drawn by one bullock:—

For every hour between 6 A.M. and 7 P.M....	0	25	0	30
Per mile ...	0	8	0	10

Jinrickshas:—

For first half hour ...	0	25	0	30
For first hour ...	0	50	0	65
For any subsequent half hour or part thereof	0	10	0	15

It shall be lawful for the council from time to time to alter the above rates of fare, and such altered rates shall, after publication in the *Government Gazette*, become payable instead of the above.

Table of fares to be affixed inside carriages.

19. The table of fares in force at the time, printed or inscribed on a card or plate, shall be fixed inside on some conspicuous part of every carriage plying for hire, and such card or plate shall be left so affixed and legible and undefaced during all the time the carriage shall ply or be used for hire.

Property found in carriages.

20. In case of any property being left in any such carriage by any person who may have hired or used the same, the owner or driver of such carriage shall, within six hours after such property shall have been found in such carriage, take the same to, or cause it to be taken, in the state in which it was found, to the municipal office, and there deliver the same to the secretary, or any person authorized to receive the same on his behalf, to be there deposited for reclamation; and the owner or driver delivering such property shall be entitled to a remuneration of twenty-five cents, payable by the owner of such property (if the same does not consist of jewellery) before the same be allowed to be removed. If, however, the property found consist of jewellery, the owner thereof shall pay to the owner or driver a fee or remuneration of one rupee. If the property so found on any such carriage and deposited in the municipal office shall not be claimed by the true owner thereof within one month of such deposit, the property shall be sold by public auction, after due notice of such intended sale in one or more of the local papers, and the proceeds of such sale, less expenses incurred in and about the publication of such sale, shall go to the municipal fund.

Term of license.

21. The license issued shall be in the form L in the appendix, and shall be subject, in addition to the by-laws, to the conditions and provisos which shall be inserted therein, and such license shall not be transferable.

Power of council to refuse license and recall license which may have been granted.

22. It shall be lawful for the chairman, acting on behalf of the council, at any time to refuse the grant of a license when applied for by any person, if any reasonable or just ground exists for so doing, and also to cancel and recall any license which may have been issued, on account of any misconduct on the part of the owner or driver, or should such owner or driver commit a breach of any of the by-laws in this chapter, or of the conditions upon which license has been granted.

23. Wherever in this chapter the following words are used, they shall have the meaning here assigned to them, viz. :

"Licensed" shall mean licensed under the provisions of "The Carriage Ordinance, 1873."

"Carriage" shall mean carriage, jinricksha, or other vehicle used for the conveyance of passengers.

"Driver" shall mean the person driving or in charge of a carriage, and shall include the person drawing a jinricksha.

CHAPTER XVI.

Public Bathing Places.

Public bathing places : wells to be walled.

1. Every well, the water of which is used for bathing purposes and is open to the public, shall have a protecting wall of the height of not less than two feet, and be cemented outside for a depth of two feet below the surface of the ground.

and drained.

2. The ground immediately surrounding every such public well shall be so sloped as to allow the water to run down into a built drain leading to a proper outlet.

Washing of clothes, &c., at wells forbidden.

3. It shall not be lawful to wash clothes, mats, or other articles of domestic use at or near any such public well.

Tubs to be painted.

4. The tubs used for bathing at such public wells as aforesaid shall be painted at least once every year, and daily cleansed.

No diseased persons to bathe thereat.

5. No person suffering from scabies (itch) or any other infectious or contagious disease, or who has recently recovered therefrom, shall bathe, wash, or in any way use the water at any such public well, or at any place set apart by the council as a bathing-place.

Penalty on lessee for failure to observe regulations.

6. The owner or lessee of any such public well shall himself comply with the requirements of the foregoing by-laws, and shall not permit any infringement of the same.

Bathing in the lake forbidden.

7. No person shall bathe or wash his body in any part of the Kandy lake, or under or near the bridge at the lake spill, except in the tank below the spill, which has been set apart by the council as a bathing-place, or except at any other place that may hereafter be set apart as a bathing-place.

Fishing prohibited.

8. It shall not be lawful for any person to fish in the Kandy lake or in any part thereof without a permit from the chairman, or in either of the ponds at Udawattakele or in the waterworks reservoir at Dunumadalawa-oya.

Washing of animals not allowed in lake.

9. It shall not be lawful for any person to wash or cause to be washed any cattle, horse, goat, pig, sheep, dog, or any other animal, or any clothes, mats, or other articles, in the said Kandy lake or at any place set apart as a bathing-place, or in any stream flowing into such bathing-place; or to lead, drive, or take any such animal into the said lake or any such bathing-place or stream for any purpose whatsoever.

CHAPTER XVII.

Relating to Guides.

Licensed guides to wear uniform

1. Every licensed guide, appointed under the provisions of the Ordinance No. 15 of 1887, shall wear a dark blue serge coat with green facings, with the badge, required by the 5th section of the said Ordinance, worn upon the right breast; the coat to be supplied by the municipal council free of charge, and to be returned to the council on the termination of the license, or before the issue of a new coat.

and carry pocket register.

2. Every licensed guide shall carry about him a pocket register to be produced when called for by any one who hires him, or by any police officer or officer of the municipal council; the pocket register shall be provided, free of charge, by the municipal council at the time the guide receives his license, and shall be kept in a form to be prescribed by the chairman.

Fees for licensed guides.

3. The following fees may be lawfully demanded by every licensed guide from any person who may engage the services of such guide :—

	Cents.
For the first hour or portion thereof ...	50
For every additional hour or portion thereof ...	25

CHAPTER XVIII.

Relating to Burials and Burial Grounds.

Burials and cremations where allowed.

1. Except with the special permission of the council, no burial or cremation of any person dying within the municipality shall take place except in the cemetery duly proclaimed under Ordinance No. 12 of 1862, or in premises specially registered in the office of the council (under Ordinance No. 2 of 1894) as a burial ground or cremation ground. No person shall bury or cremate, or cause to be buried or cremated, or assist in burying or cremating, any dead body contrary to the provisions of this by-law.

Burial and cremation grounds to be registered.

2. The proprietor, trustee, or other person entitled to the possession of a burial or cremation ground shall apply in writing to the chairman to have the same registered as such, stating the name of the keeper, if any, of the ground, and annexing to his application a figure of survey of the premises certified by the Surveyor-General or a duly licensed surveyor. And the person named as keeper in such application shall subscribe the same in acknowledgment of his acceptance of the office and duties of such keeper.

Who is to be the keeper.

3. If no keeper be named, or if the keeper so named shall not have signed the application in manner aforesaid, then the person on whose application registration of a burial or cremation ground is made shall be held to be the keeper of that ground, and to be responsible for any breach of regulations.

In case of death, &c., of keeper fresh registration required.

4. In the event of the death, or inability from any cause to fulfil his duties, of the keeper of a burial or cremation ground, fresh registration of such ground shall be required; and no burial or cremation shall take place in such ground until such fresh registration has been effected, except on the special license of the chairman, or in his absence of the health officer.

Certificate before burial.

5. From and after the date on which the provisions of sections 31 to 36 of "The Births and Deaths Registration Ordinance, 1895," shall have come into operation in the town of Kandy, no burial or cremation shall take place until the certificate required by section 32 has been produced to the keeper of the burial or cremation ground.

Keeper to keep register.

6. It shall be the duty of the keeper of every burial or cremation ground within the municipality to keep a register of all burials or cremations carried out on the premises of which he is the keeper, in the form prescribed by the chairman, and to cause to be delivered a copy of this register to the municipal office every day.

Chairman may inspect burial and cremation grounds.

7. It shall be lawful for the chairman, or any person authorized in writing by him for the purpose, to visit and inspect at any time any burial or cremation ground, and to have access to all books or documents relating thereto.

Grounds to be kept clean.

8. It shall be the duty of every keeper of a burial or cremation ground to keep the same clean and in good order to the satisfaction of the chairman.

Fees to be approved by chairman.

9. A table of fees for burial and cremation shall be submitted by the keeper of every burial or cremation ground for the approval of the chairman, and only such fees as are approved by the chairman shall be charged.

Burial grounds to be enclosed by wall or fence.

10. Every burial or cremation ground shall be enclosed by a substantial wall or fence to the approval of the chairman.

APPENDIX.

Form A. (Chapter II., Section 9.)

MUNICIPALITY OF KANDY.

In the matter of _____.
To _____.

You are required to appear before this Council (or a committee of this Council, as the case may be) at _____ (here insert place of meeting) at _____ o'clock on _____, 189—, to give evidence touching the above matter.

By order of the Chairman,

Municipal Office,
Kandy, _____, 189—.

Secretary.

Form B. (Chapter III., Section 3.)

Return required by Section 138* of the Municipal Councils' Ordinance, No. 7 of 1887.

To _____.

Street.	No. of House.	Owner.	Occupier.	Rent or Annual Value.	REMARKS. [Here state by whom kept in repair, and by whom taxes paid.]
					(a) Cost of repairs borne by _____ (landlord or tenant, as the case may be). (b) Public rates and taxes paid by _____ (landlord or tenant, as the case may be).

Kandy, _____.

• Signature _____.

* 138. In order to enable the municipal council to assess the annual value of any houses, buildings, or lands liable to the rate or rates, it shall be lawful to the chairman to require the owners or occupiers of such houses, buildings, or lands to furnish returns of the rent or annual value thereof, and for the like purposes it shall be lawful to the chairman, or any person appointed by him for the purpose, at any time, between sunrise and sunset, to enter and inspect such houses, buildings, or lands. Whoever refuses or fails to furnish the return herein specified for the space of one week from the day on which he shall have been required so to do, and whoever knowingly makes an incorrect or false return, and whoever hinders, obstructs, or prevents the chairman or any person appointed by him as aforesaid from entering or inspecting, or if need be surveying any such houses, buildings, or lands, shall be liable to a fine not exceeding fifty rupees.

The above-named _____ is hereby required to furnish the above return within one week from this date,

By order of the Chairman,

The Municipal Office,
Kandy, _____, 189—.

Secretary.

Form C. (Chapter III., Section 4.)

Return required by Section 146† of the Municipal Councils' Ordinance, No. 7 of 1887.

Occupant _____.

_____ Street.

House No. _____.

No. of carriages of whatever description, other than a cart, hackery, or jinricksha _____.

No. of carts or hackeries of whatever description _____.

No. of jinrickshas _____.

No. of horses, ponies, or mules _____.

No. of bullocks or asses _____.

No. of children's carriages, the wheels whereof exceed twenty-four inches in diameter _____.

Kandy, _____.

Signature of Occupant.

† 128. It shall be lawful to the municipal council, and they are hereby authorized and empowered, with the sanction of the Governor in Executive Council, to levy an annual tax on all carriages, carts, hackeries, ponies, mules, bullocks, and asses kept or used within the municipality.

145. The chairman shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the municipal office, and to be open to the inspection of any persons interested therein, a list of the persons liable to the tax under section 128, a description of the vehicles and animals in respect of which they are liable, and the amount of tax assessed thereon.

146. In order to enable the chairman to make such list, the chairman or any officer authorized by him, shall send to all persons supposed to be liable for the payment of such tax, a schedule, to be filled up with such information respecting the vehicles and animals kept by them as the chairman may judge necessary for the assessment of the tax. The schedule shall be filled up in writing, signed, dated, and returned to the municipal office by every person to whom it has been sent, whether or not liable to the payment of such tax; and whoever refuses to accept, or refuses, neglects, or omits duly to fill up and return such schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable to a fine not exceeding fifty rupees.

The abovenamed _____ is hereby required to fill up and return this schedule within one week.

The Municipal Office,
Kandy, _____, 189 —.
Date of service : _____

By order of the Chairman,

Secretary.

Form D. (Chapter III., Section 6.)

Name of Notary.	No. of Clerks Articled	Names of Clerks.	Date of Articles.	Periods of Service of Articled Clerks.

The abovenamed _____ is hereby required to fill up and return this form within fifteen days.

The Municipal Office,
Kandy, _____, 189 —.

By order of the Chairman,

Secretary.

Form E. (Chapter VI., Section 9.)

Market Stall License.

No. —.

_____ is hereby authorized to occupy the stall No. — in the public market for the sale of _____, on payment by him of a monthly rent of Rs. —, subject to the conditions stated on the back of this license.

This license to be in force during the pleasure of the Municipal Council.

Dated at Kandy this _____ day of _____, 189 —.

Secretary, Municipal Council.

Conditions on which License is issued.

1. The monthly rent shall be paid regularly in advance.
2. The license is not transferable.
3. The licensee shall conform to the market rules and regulations contained in chapter VI. of the by-laws, and to by-law 18, chapter VII.

I agree to the several conditions :

Kandy, _____, 189 —.

Signature of Licensee.

Form F. (Chapter VII., Section 3.)

Permit.

No. —.

Kandy, _____, 189 —.

The bearer, _____, has permission to slaughter the animal described as follows :—

Description : _____

Colour : _____.

Age : _____ years _____ months.

Brandmarks on right _____.

Brandmarks on left _____.

Remarks : _____.

Butcher's signature : _____.

Inspector on Duty.

Form G. (Chapter VII., Section 11.)

_____ having this day slaughtered _____ head of cattle examined and passed by _____, admit to stall No. _____ the meat carried by him. in cart No. _____.

Kandy, _____, 189 —.

Slaughterhouse-keeper.

Form H. (Chapter VII., Section 14.)

Register of Cattle inspected by _____, on the _____.

De- scription.	Colour.	Age.	Brandmarks.		Name of Butcher.	Remarks.
			Right side.	Left side.		

Form I. (Chapter IX., Section 4.)

Return required by Section 4 of the By-laws relating to tax on Dogs

No. _____.
House No. _____.
Street _____.
Householder's name _____.

No. of Dogs kept.	Description.				Owner's Name.
	Breed.	Sex : Male or Female.	Colour.	Remarks.	
1					
2					
3					
4					
5					
6					

Date of Service : _____.

Kandy, _____.

Signature of Householder.

By-law relating to tax on Dogs.

4. It shall be lawful for the council from time to time to require every occupier of a house to fill up a schedule in the Form I in the appendix hereto, showing the number and description of dogs kept in such house, and to whom they respectively belong ; and every such occupier shall be bound to accept, duly fill in with correct information, and return such schedule within one week from receipt thereof.

The above-named _____ is hereby required to fill up and return the above schedule within one week.

By order of the Council,

The Municipal Office,
Kandy, _____, 189 —.

Secretary.

Form J. (Chapter XI., Section 1.)

_____ has permission to store _____ at _____.
This license shall be in force till 31st December, 189 —.

The Municipal Office,
Kandy, _____, 189 —.

Chairman.

Form K. (Chapter XIII., Section 4.)

License.

_____, of _____, has been authorized by the Municipal Council to carry on the work of a scavenger or nightman within the limits of the Municipality of Kandy, conforming himself to all rules and regulations and by-laws in that case made and provided.

This license is liable to be revoked upon a breach by the holder thereof of any rules and regulations referred to herein.

The Municipal Office,
Kandy, _____, 189 —.

Secretary.

Rules and Regulations referred to.

1. That the holder of the license shall be entitled to charge every owner or occupier engaging his services according to the scale which shall be laid down by the municipal council, having regard to the nature and difficulty of the work to be performed.

2. That the holder of this license shall clean and empty all privies in respect of which his services shall be engaged between the hours of 10 P.M. and 3 A.M., and shall use disinfectants, to be supplied by the municipal council at a moderate cost, when carrying on the work, and shall bury and properly cover over the contents of such privies in such places only as shall be approved of the council.

FORM L. (Chapter XV., Section 21.)

Carriage License. (Not Transferable.)

No. _____.

Kandy, the _____ day of _____, 189 —.

Whereas _____, occupying premises No. _____, in _____ street in Kandy, has applied for a license under the Ordinance No. 17 of 1873, and made and signed the declaration of ownership thereby required, license is hereby granted to him to keep the said _____ bearing No. _____ for the purpose of letting the same for hire by the job, or conveying any person for hire thereby from the date hereof until the thirty-first day of December next, subject to the by-laws of the council and the conditions hereto annexed.

Given under my hand the day and year first above written.

Entd. _____.

Chairman, Municipal Council.

Conditions.

1. The conveyance when not kept in the house of the owner shall be sent to a carriage stand, and not allowed to loiter about the streets.

2. The carriage shall have and carry two good and sufficient lamps, one on either side of the driver, ready for lighting, and the same shall be lighted if the carriage be used between the hours of 6.30 P.M. and 5.30 A.M.

3. A table of fares as fixed by the by-laws, printed on a card or plate, shall be affixed inside in some conspicuous part of every carriage plying for hire, and such card or plate shall be left so affixed and legible and undefaced during all the time the carriage shall ply or be used for hire.

4. No carriage which is unsafe or in bad repair, or otherwise unfit for the accommodation of passengers, shall be used.

5. The driver shall be cleanly dressed and shall wear a jacket or coat and shall carry a badge. Such badge to be provided by the municipal council, and to bear the number of the carriage license.

6. Such _____ shall not carry more than _____ persons, including the driver.

I do hereby agree to act and abide by the above rules and regulations.

Kandy, _____, 189 —.

Licensee.

M I N U T E.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance for amending and codifying the Law relating to the sale of Goods.

Preamble.

WHEREAS it is expedient to amend and codify the law relating to the sale of goods: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

PART I.

FORMATION OF THE CONTRACT.

Contract of Sale.

Sale and agreement to sell.

1 (1) A contract of sale of goods is a contract whereby the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration, called the price. There may be a contract of sale between one part-owner and another.

(2) A contract of sale may be absolute or conditional.

(3) Where under a contract of sale the property in the goods is transferred from the seller to the buyer the contract is called "a sale"; but where the transfer of the property in the goods is to take place at a future time, or subject to some condition thereafter to be fulfilled, the contract is called "an agreement to sell."

(4) An agreement to sell becomes a sale when the time elapses or the conditions are fulfilled subject to which the property in the goods is to be transferred.

Capacity to buy and sell.

2 Capacity to buy and sell is regulated by the general law concerning capacity to contract and to transfer and acquire property.

Provided that where necessaries are sold and delivered to a minor, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

"Necessaries" in this section means goods suitable to the condition in life of such minor or other person, and to his actual requirements at the time of the sale and delivery.

Formalities of the Contract.

Contract of sale how made.

3 Subject to the provisions of this Ordinance and of any Ordinance in that behalf, a contract of sale may be made in writing or by word of mouth, or partly in writing and partly by word of mouth, or may be implied from the conduct of the parties.

Provided that nothing in this section shall affect the law relating to corporations.

No contract to be in force unless in writing and signed.

4 (1) A contract for the sale of any goods shall not be enforceable by action, unless the buyer shall accept part of the goods so sold and actually receive the same, or pay the price or a part thereof, or unless some note or memorandum in writing of the contract be made and signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract, notwithstanding that the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured, or provided, or fit, or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

(3) There is an acceptance of goods within the meaning of this section when the buyer does any act in relation to the goods which recognizes a pre-existing contract of sale, whether there be an acceptance in performance of the contract or not.

Subject-matter of Contract.

Existing or future goods.

5 (1) The goods which form the subject of a contract of sale may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract of sale, in this Ordinance called "future goods."

(2) There may be a contract for the sale of goods the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where by a contract of sale the seller purports to effect a present sale of future goods, the contract operates as an agreement to sell the goods.

Goods which have perished.

6 Where there is a contract for the sale of specific goods and the goods without the knowledge of the seller have perished at the time when the contract is made, the contract is void.

Goods perishing before sale, but after agreement to sell.

7 Where there is an agreement to sell specific goods, and subsequently the goods, without any fault on the part of the seller or buyer, perish before the risk passes to the buyer, the agreement is thereby avoided.

The Price.

Ascertainment of price.

8 (1) The price in a contract of sale may be fixed by the contract, or may be left to be fixed in manner thereby agreed, or may be determined by the course of dealing between the parties.

(2) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Agreement to sell at valuation.

9 (1) Where there is an agreement to sell goods on the terms that the price is to be fixed by the valuation of a third party, and such third party cannot or does not make such valuation, the agreement is avoided; provided that if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third party is prevented from making the valuation by the fault of the seller or buyer, the party not in fault may maintain an action for damages against the party in fault.

Conditions and Warranties.

Stipulations as to time.

10 (1) Unless a different intention appears from the terms of the contract, stipulations as to time of payment are not deemed to be of the essence of a contract of sale. Whether any other stipulation as to time is of the essence of the contract or not depends on the terms of the contract.

(2) In a contract of sale, "month" means *prima facie* calendar month.

When condition to be treated as warranty.

11 (1) Where a contract of sale is subject to any condition to be fulfilled by the seller, the buyer may waive the condition, or may elect to treat the breach of such condition as a breach of warranty, and not as a ground for treating the contract as repudiated.

(2) Whether a stipulation in a contract of sale is a condition the breach of which may give rise to a right to treat the contract as repudiated, or a warranty the breach of which may give rise to a claim for damages, but not to a right to reject the goods and treat the contract as repudiated, depends in each case on the construction of the contract. A stipulation may be a condition, though called a warranty in the contract.

(3) Where a contract of sale is not severable, and the buyer has accepted the goods, or part thereof, or where the contract is for specific goods the property in which has passed to the buyer, the breach of any condition to be fulfilled by the seller can only be treated as a breach of warranty, and not as a ground for rejecting the goods and treating the contract as repudiated, unless there be a term of the contract, expressed or implied, to that effect.

(4) Nothing in this section shall affect the case of any condition or warranty fulfilment of which is excused by law by reason of impossibility or otherwise.

Implied
undertaking as
to title, &c.

12 In a contract of sale, unless the circumstances of the contract are such as to show a different intention, there is—

- (1) An implied condition on the part of the seller that in the case of a sale he has a right to sell the goods, and that in the case of an agreement to sell he will have a right to sell the goods at the time when the property is to pass.
- (2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods.
- (3) An implied warranty that the goods shall be free from any charge or encumbrance in favour of any third party, not declared or known to the buyer before or at the time when the contract is made.

Sale by
description.

13 Where there is a contract for the sale of goods by description, there is an implied condition that the goods shall correspond with the description; and if the sale be by sample as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

Implied
conditions as to
quality or fitness.

14 Subject to the provisions of this Ordinance and of any Ordinance in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract of sale, except as follows:

- (1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, so as to show that the buyer relies on the seller's skill or judgment, and the goods are of a description which it is in the course of the seller's business to supply (whether he be the manufacturer or not), there is an implied condition that the goods shall be reasonably fit for such purpose; provided that in the case of a contract for the sale of a specified article under its patent or other trade name, there is no implied condition as to its fitness for any particular purpose.
- (2) Where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality; provided that if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed.
- (3) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.
- (4) An express warranty or condition does not negative a warranty or condition implied by this Ordinance unless inconsistent therewith.

Sale by Samples.

15 (1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.

(2) In the case of a contract for sale by sample—

- (a) There is an implied condition that the bulk shall correspond with the sample in quality.

- (b) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample.
- (c) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

EFFECTS OF THE CONTRACT.

Transfer of Property as between Seller and Buyer.

Goods must be ascertained.

16 Where there is a contract for the sale of unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained.

Property passes when intended to pass.

17 (1) Where there is a contract for the sale of specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, and the circumstances of the case.

Rules for ascertaining intention.

18 Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer :

Rule 1.—Where there is an unconditional contract for the sale of specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made, and it is immaterial whether the time of payment or the time of delivery or both be postponed.

Rule 2.—Where there is a contract for the sale of specific goods, and the seller is bound to do something to the goods for the purpose of putting them into a deliverable state, the property does not pass until such thing be done, and the buyer has notice thereof.

Rule 3.—Where there is a contract for the sale of specific goods in a deliverable state, but the seller is bound to weigh, measure, test, or do some other act or thing with reference to the goods for the purpose of ascertaining the price, the property does not pass until such act or thing be done, and the buyer has notice thereof.

Rule 4.—When goods are delivered to the buyer on approval, or “on sale or return,” or other similar terms, the property therein passes to the buyer—

(a) When he signifies his approval or acceptance to the seller, or does any other act adopting the transaction.

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then, if a time has been fixed for the return of the goods, on the expiration of such time, and if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 5.—(1) Where there is a contract for the sale of unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be express or implied, and may be given either before or after the appropriation is made.

- (2) Where, in pursuance of the contract, the seller deliver^s the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract.

Reservation of right of disposal.

19 (1) Where there is a contract for the sale of specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of disposal of the goods until certain conditions are fulfilled. In such case, notwithstanding the delivery of the goods to the buyer, or to a carrier or other bailee for the purpose of transmission to the buyer, the property in the goods does not pass to the buyer until the conditions imposed by the seller are fulfilled.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the seller or his agent, the seller is *primâ facie* deemed to reserve the right of disposal.

(3) Where the seller of goods draws on the buyer for the price, and transmits the bill of exchange and bill of lading to the buyer together to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honour the bill of exchange, and if he wrongfully retains the bill of lading the property in the goods does not pass to him.

Risk *primâ facie* passes with property.

20 Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer, the goods are at the buyer's risk whether delivery has been made or not.

Provided that where delivery has been delayed through the fault of either buyer or seller, the goods are at the risk of the party in fault as regard any loss which might not have occurred but for such fault.

Provided also that nothing in this section shall affect the duties or liabilities of either seller or buyer as a bailee of the goods of the other party.

Transfer of Title.

Sale by person not the owner.

21 (1) Subject to the provisions of this Ordinance, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Provided also that nothing in this Ordinance shall affect—

(a) The provisions of "The Factors Act," or any Imperial enactment, or any local Ordinance, enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract of sale under any statutory power of sale or upon the order of a court of competent jurisdiction.

Sale under voidable title

22 When the seller of goods has a voidable title thereto, but his title has not been avoided at the time of the sale the buyer acquires a good title to the goods, provided he buys them in good faith and without notice of the seller's defect of title.

Re-vesting of property in stolen goods on conviction of offender.

23 (1) Where goods have been stolen and the offender is prosecuted to conviction, the property in the goods so stolen re-vests in the person who was the owner of the goods, or his personal representative, notwithstanding any intermediate dealing with them.

(2) Notwithstanding any enactment to the contrary, where goods have been obtained by fraud or other wrongful means not amounting to theft, the property in such goods shall not re-vest in the person who was the owner of the goods, or his personal representative, by reason only of the conviction of the offender.

Seller or buyer in possession after sale.

24 (1) Where a person having sold goods continues or is in possession of the goods, or of the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

(2) Where a person having bought or agreed to buy goods obtains, with the consent of the seller, possession of the goods or the documents of title to the goods, the delivery or transfer by that person, or by a mercantile agent acting for him, of the goods or documents of title, under any sale, pledge, or other disposition thereof, to any person receiving the same in good faith and without notice of any lien or other right of the original seller in respect of the goods, shall have the same effect as if the person making the delivery or transfer were a mercantile agent in possession of the goods or documents of title with the consent of the owner.

(3) In this section the term "mercantile agent" shall mean a mercantile agent having in the customary course of his business as such agent authority either to sell goods, or to consign goods for the purpose of sale, or to buy goods, or to raise money on the security of goods.

Effect of writs of execution.

25 A writ of execution against goods shall bind the property in the goods of the execution-debtor as from the time when the writ is delivered to the fiscal to be executed; and, for the better manifestation of such time, it shall be the duty of the fiscal, without fee, upon the receipt of any such writ, to endorse upon the back thereof the hour, day, month, and year when he received the same.

Provided that no such writ shall prejudice the title to such goods acquired by any person in good faith and for valuable consideration, unless such person had at the time when he acquired his title notice that such writ or any other writ, by virtue of which the goods of the execution-debtor might be seized or attached, had been delivered to and remained unexecuted in the hands of the fiscal.

(2) In this section the term "fiscal" includes any officer charged with the enforcement of a writ of execution.

PART III.

Performance of the Contract.

Duties of seller and buyer.

26 It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract of sale.

Payment and delivery are concurrent conditions.

27 Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price, and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

Rules as to
delivery.

28 (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, the place of delivery is the seller's place of business, if he have one, and if not, his residence. Provided that, if the contract be for the sale of specific goods, which to the knowledge of the parties when the contract is made are in some other place, then that place is the place of delivery.

(2) Where under the contract of sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, there is no delivery by seller to buyer unless and until such third person acknowledges to the buyer that he holds the goods on his behalf; provided that nothing in this section shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

Delivery of
wrong quantity.

29 (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts the goods so delivered he must pay for them at the contract rate.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

Instalment
deliveries.

30 (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by instalments.

(2) Where there is a contract for the sale of goods to be delivered by stated instalments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more instalments, or the buyer neglects or refuses to take delivery of or pay for one or more instalments, it is a question in each case depending on the terms of the contract and the circumstances of the case, whether the breach of contract is a repudiation of the whole contract or whether it is a severable breach giving rise to a claim for compensation, but not to a right to treat the whole contract as repudiated.

Delivery to
carrier.

31 (1) Where, in pursuance of a contract of sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer, is *prima facie* deemed to be a delivery of the goods to the buyer.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omits so to do, and the goods are lost or damaged in course

of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer by a route involving sea transit, under circumstances in which it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their sea transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such sea transit.

Risk where goods are delivered at distant places.

32 Where the seller of goods agrees to deliver them at his own risk at a place other than that where they are when sold, the buyer must, nevertheless, unless otherwise agreed, take any risk of deterioration in the goods necessarily incident to the course of transit.

Buyer's right of examining the goods.

33 (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

Acceptance.

34 The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when after the lapse of a reasonable time he retains the goods without intimating to the seller that he has rejected them.

Buyer not bound to return rejected goods.

35 Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he intimates to the seller that he refuses to accept them.

Liability of buyer for neglecting or refusing delivery of goods.

36 When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. Provided that nothing in this section shall affect the rights of the seller where the neglect or refusal of the buyer to take delivery amounts to a repudiation of the contract.

PART IV.

Rights of Unpaid Seller against the Goods.

Unpaid seller defined.

37 (1) The seller of goods is deemed to be an "unpaid seller" within the meaning of this Ordinance—

(a) When the whole of the price has not been paid or tendered ;

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has not been fulfilled by reason of the dishonour of the instrument or otherwise.

(2) In this part of this Ordinance the term "seller" includes any person who is in the position of a seller, as, for instance, an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price.

Unpaid seller's rights.

38 (1) Subject to the provisions of this Ordinance, and of any Ordinance in that behalf, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has by implication of law—

- (a) A lien on the goods or right to retain them for the price while he is in possession of them.
- (b) In case of the insolvency of the buyer, a right of stopping the goods *in transitu* after he has parted with the possession of them.
- (c) A right of re-sale as limited by this Ordinance.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and co-extensive with his rights of lien and stoppage *in transitu* where the property has passed to the buyer.

Unpaid Seller's lien.

Seller's lien.

39 (1) Subject to the provisions of this Ordinance, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely :

- (a) Where the goods have been sold without any stipulation as to credit ;
- (b) Where the goods have been sold on credit, but the term of credit has expired ;
- (c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

Part delivery.

40 Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien or retention on the remainder, unless such part delivery has been made under such circumstances as to show an agreement to waive the lien or right of retention.

Termination of lien.

41 (1) The unpaid seller of goods loses his lien or right of retention thereon—

- (a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the right of disposal of the goods.
- (b) When the buyer or his agent lawfully obtains possession of the goods.
- (c) By waiver thereof.

(2) The unpaid seller of goods, having a lien or right of retention thereon, does not lose his lien or right of retention by reason only that he has obtained judgment or decree for the price of the goods.

Stoppage in transitu.

Right of stoppage *in transitu*.

42 Subject to the provisions of this Ordinance, when the buyer of goods becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them *in transitu*; that is to say, he may resume possession of the goods as long as they are in course of transit, and may retain them until payment or tender of the price.

Duration of transit.

43 (1) Goods are deemed to be in course of transit from the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee.

(2) If the buyer or his agent in that behalf obtains delivery of the goods before their arrival at the appointed destination, the transit is at an end.

(3) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent, that he holds the goods on his behalf, and continues in possession of them as bailee for the buyer, or his agent, the transit is at an end, and it is immaterial that a further destination for the goods may have been indicated by the buyer.

(4) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, the transit is not deemed to be at an end even if the seller has refused to receive them back.

(5) When goods are delivered to a ship chartered by the buyer it is a question depending on the circumstances of the particular case whether they are in possession of the master as a carrier or as agent to the buyer.

(6) Where the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf, the transit is deemed at an end.

(7) Where part delivery of the goods has been made to the buyer or his agent in that behalf, the remainder of the goods may be stopped *in transitu* unless such part delivery has been made under such circumstances as to show an agreement to give up possession of the whole of the goods.

How stoppage
in transitu is
effected.

44 (1) The unpaid seller may exercise his right of stoppage *in transitu* either by taking actual possession of the goods, or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice to be effectual must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may communicate it to his servant or agent in time to prevent a delivery to the buyer.

(2) When notice of stoppage *in transitu* is given by the seller to the carrier, or other bailee in possession of the goods, he must re-deliver the goods to, or according to the directions of, the seller. The expenses of such re-delivery must be borne by the seller.

Re-sale by Buyer or Seller.

Effect of
sub-sale or
pledge by buyer.

45 Subject to the provisions of this Ordinance, the unpaid seller's right of lien or retention or stoppage *in transitu* is not affected by any sale or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

Provided that where a document of title to goods has been lawfully transferred to any person as buyer or owner of the goods, and that person transfers the document to a person who takes the document in good faith and for valuable consideration, then, if such last-mentioned transfer was by way of sale, the unpaid seller's right of lien or retention or stoppage *in transitu* is defeated, and if such last-mentioned transfer was by way of pledge or other disposition for value, the unpaid seller's right of lien or retention or stoppage *in transitu* can only be exercised subject to the rights of the transferee.

Sale not
generally
rescinded by
lien or stoppage
in transitu.

46 (1) Subject to the provisions of this section, a contract of sale is not rescinded by the mere exercise by an unpaid seller of his right of lien or retention or stoppage *in transitu*.

(2) Where an unpaid seller who has exercised his right of lien or retention or stoppage *in transitu* re-sells the goods the buyer acquires a good title thereto as against the original buyer.

(3) Where the goods are of a perishable nature, or where the unpaid seller gives notice to the buyer of his intention to re-sell, and the buyer does not within a reasonable time pay or tender the price, the unpaid seller may re-sell the goods and recover from the original buyer damages for any loss occasioned by his breach of contract.

(4) Where the seller expressly reserves a right of re-sale in case the buyer should make default, and on the buyer making default re-sells the goods, the original contract of sale is thereby rescinded, but without prejudice to any claim the seller may have for damages.

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

Remedies of the Seller.

Action price.

47 (1) Where, under a contract of sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract of sale, the price is payable on a day certain irrespective of delivery, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract.

Damages for non-acceptance.

48 (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

Remedies of the Buyer.

Damages for non-delivery.

49 (1) Where the seller wrongfully neglects or refuses to deliver the goods to the buyer, the buyer may maintain an action against the seller for damages for non-delivery.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is *prima facie* to be ascertained by the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

Specific performance.

50 In any action for breach of contract to deliver specific or ascertained goods the court may, if it thinks fit, on the application of the plaintiff, by its judgment or decree direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price, and otherwise, as to the court may seem just. And the application by the plaintiff may be made at any time before judgment or decree.

Remedy for breach of warranty.

51 (1) Where there is a breach of warranty by the seller, or where the buyer elects, or is compelled, to treat any breach of a condition on the part of the seller as a breach of warranty, the buyer is not by reason only of such breach of warranty entitled to reject the goods; but he may—

- (a) Set up against the seller the breach of warranty in diminution or extinction of the price; or
- (b) Maintain an action against the seller for damages for the breach of warranty.

(2) The measure of damages for breach of warranty is the estimated loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(3) In the case of breach of warranty of quality such loss is *prima facie* the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

(4) The fact that the buyer has set up the breach of warranty in diminution or extinction of the price does not prevent him from maintaining an action for the same breach of warranty if he has suffered further damage.

Interest and special damages.

52 Nothing in this Ordinance shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI.

Supplementary.

Exclusion of implied terms and conditions.

53 Where any right, duty, or liability would arise under a contract of sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by usage, if the usage be such as to bind both parties to the contract.

Reasonable time a question of fact.

54 Where by this Ordinance any reference is made to a reasonable time, the question what is a reasonable time is a question of fact.

Rights, &c., enforceable by action.

55 Where any right, duty, or liability is declared by this Ordinance, it may, unless otherwise by this Ordinance provided, be enforced by action.

Auction sales.

56 In the case of a sale by auction—

- (1) Where goods are put up for sale by auction in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale.
- (2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer or in other customary manner. Until such announcement is made any bidder may retract his bid.
- (3) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person. Any sale contravening this rule may be treated as fraudulent by the buyer.
- (4) A sale by auction may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller.

Where a right to bid is expressly reserved, but not otherwise, the seller, or any one person on his behalf, may bid at the auction.

Repeal.

57 Sub-section 3 of section 25 of the Ordinance No. 7 of 1840 is hereby repealed: Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Ordinance or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

Savings.

58 (1) The rules in insolvency relating to contracts of sale shall continue to apply thereto, notwithstanding anything in this Ordinance contained.

(2) The rules of the English law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Ordinance, and in particular the rules relating to the law of principal and agent and the effect of fraud, misrepresentation, duress, or coercion, mistake, or other invalidating cause, shall apply to contracts for the sale of goods.

(3) The provisions of this Ordinance relating to contracts of sale do not apply to any transaction in the form of a contract of sale which is intended to operate by way of mortgage, pledge, charge, or other security.

(4) Nothing in this Ordinance shall prejudice or affect the landlord's right of hypothec or lien for rent.

Interpretation of terms.

59 In this Ordinance, unless the context or subject-matter otherwise requires—

“Action” includes claim in reconvention.

“Buyer” means a person who buys or agrees to buy goods.

“Contract of sale” includes an agreement to sell as well as a sale.

“Delivery” means voluntary transfer of possession from one person to another.

“Document of title to goods” includes any bill of lading, dock warrant, warehouse-keeper's certificate, and warrant or order for the delivery of goods, and any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by endorsement or delivery, the possessor of the document, to transfer or receive goods thereby represented.

“Factors Act” means the Act of the Imperial Parliament, 52 and 53, Vict. cap. 45.

“Fault” means wrongful act or default.

“Future goods” means goods to be manufactured or acquired by the seller after the making of the contract of sale.

“Goods” includes all movables except moneys. The term includes growing crops and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

“Lien” includes the right of detention.

“Plaintiff” includes the defendant claiming in reconvention.

“Property” means the general property in goods and not merely a special property.

“Quality of goods” includes their state or condition.

“Sale” includes a bargain and sale, as well as a sale and delivery.

“Seller” means a person who sells or agrees to sell goods.

“Specific goods” mean goods identified and agreed upon at the time a contract of sale is made.

“Warranty” means an agreement with reference to goods which are the subject of a contract of sale, but collateral to the main purpose of such contract, the breach of which gives rise to a claim for damages, but not a right to reject the goods and treat the contract as repudiated.

(2) A thing is deemed to be done “in good faith” within the meaning of this Ordinance when it is in fact done honestly, whether it be done negligently or not.

(3) A person is deemed to be insolvent within the meaning of this Ordinance, who either has ceased to pay his debts in the ordinary course of business, or cannot pay his debts as they become due, whether he has committed an act of insolvency or not, and whether he has become an insolvent or not.

(4) Goods are in a “deliverable state” within the meaning of this Ordinance when they are in such a state that the buyer would under the contract be bound to take delivery of them.

Commencement.

60 This Ordinance shall come into operation on the First day of January, 1897.

Short title.

61 This Ordinance may be cited as “The Sale of Goods Ordinance, 1896.”

By His Excellency the Governor's command,

Colonial Secretary's Office,
Colombo, October 7, 1896.

W. T. TAYLOR,
Acting Colonial Secretary.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance relating to Annual Pilgrimages.

Preamble.

WHEREAS it is expedient to make regulations for the control of persons proceeding annually on pilgrimages : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Governor empowered to make certain orders and to appoint officers to enforce them.

1 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by notification in the *Government Gazette*, to make regulations for any of the following purposes, and to appoint officers to enforce the observance of such regulations :

- (1) To restrict the number of persons who shall be allowed to proceed on any pilgrimage from the different parts of this island, and the period of their stay at the place to which such pilgrimage is made.
- (2) To regulate the collection of people at such place and their march to and from such place, and at the different starting and halting places.
- (3) To impose such conditions and restrictions as may be necessary to promote cleanliness and to check the breaking out and spread of infectious diseases.

Disobedience of such orders or obstructing officers enforcing them made penal.

2 If any person shall disobey or contravene any regulation made under the provisions of the preceding section, or shall obstruct, hinder, or resist any officer appointed to enforce any such regulation, or any officer of the police force, or any headman, police or peace officer aiding and assisting in enforcing any such regulation, he shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding one thousand rupees, or to rigorous or simple imprisonment for a term not exceeding one year.

Officers to assist in enforcing orders.

3 It shall be the duty of the officers appointed to enforce the regulations made under the provisions of the second section hereof, and of all officers of the police force, and of all headmen, police and peace officers generally, to aid and assist in the prevention of offences against this Ordinance, or the regulations made thereunder ; and every officer or headman who, being made cognizant of any such offence, shall fail to make complaint thereof, or shall fail to act promptly and vigorously thereupon, or who shall wantonly exceed or abuse his authority in the execution of any act or the exercise of any power under this Ordinance, or the regulations made thereunder, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding five hundred rupees.

Cases may be tried before police courts though otherwise out of their jurisdiction.

4 It shall be lawful for a police court to take cognizance of any offence committed under this Ordinance or the regulations made thereunder, and to award in respect thereof so much of the punishment assigned thereto as police courts are empowered by law to award.

Repeal.

5 The Ordinance No. 14 of 1873, intituled " An Ordinance relating to the Annual Pilgrimage to Kataraḡana," is hereby repealed.

By His Excellency the Governor's command,

W. T. TAYLOR,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, October 13, 1896.

MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance to dispense with Commitments for Trial to District Courts in Cases where the Police Court and District Court are presided over by the same Officer.

Preamble.

WHEREAS it is expedient to provide that in all cases where a district court and police court are presided over by one and the same officer, such officer as district judge should try and determine all cases triable by a district court without such cases being committed for trial to such court: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Trials by district judge without commitment where district judge and police magistrate are the same person.

1 In all cases falling under heads 2 and 5 of section 152 of "The Criminal Procedure Code, 1883," in which the offence is one triable by the district court, and in all cases falling under heads 1, 3, and 4 of section 152 of the said Code, where it shall appear after the examination required by section 156 of the said Code that the offence is one which the police court has no power to try summarily, but is triable by the district court, it shall not be obligatory on the police magistrate, where he is also district judge, to proceed in manner provided by chapter XVI. of the said Code, and to commit such cases for trial; but it shall be lawful for him, without any such commitment in his capacity of district judge, to hear, try, and determine all such cases, and in the trial thereof to observe the procedure prescribed by chapter XIX. of the said Code so far as it is applicable, anything in the said Code or any other Ordinance to the contrary notwithstanding.

Powers and jurisdiction of district judges under this Ordinance.

2 When proceeding under this Ordinance the district judge shall have and may exercise all or any of the powers conferred on him by "The Criminal Procedure Code, 1883," or any other Ordinance, and shall have jurisdiction to impose any sentence or sentences which a district court is empowered to impose under the provisions of the said Code, or any other Ordinance.

By His Excellency the Governor's command,

W. T. TAYLOR,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, October 15, 1896.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Kalutara.

Wellawattage Don Suaris de Silva Appuhamy,
administrator of the estate of Dona
Carlina Amarasinha Hamine of Katu-
kurunda Plaintiff.

No. 1,146. Vs.

1, Kumbalatar Arachchige Dona Heen Hamy
and Kumbalatar Arachchige Dona Nona
Hamy, widow of K. Don Hendrick Appu-
hamy, of Paiyagala Defendants.

NOTICE is hereby given that on Tuesday, November
10, 1896, at 11 o'clock in the forenoon, will be sold
by public auction at the premises the following property,
for the recovery of Rs. 1,017-33, with interest on Rs. 610-50
at 12½ per cent. per annum from August 11, 1894:—

An undivided 23-24 parts of the soil and of the trees of
the southern half part of the garden called Galagawawatta,
together with the row of boutique standing thereon, situate
at Paiyagala; bounded on the north by Galalangawatta
and Gangagawawatta, east by the river (ganga), south by
Daladawatta, and west by the high road; mortgaged with
the second plaintiff by bond No. 4,557, dated December
2, 1890, be and the same are hereby declared bound and
executable for the decree in the above case.

Deputy Fiscal's Office, H. W. BRODHURST,
Kalutara, October 13, 1896. Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Sena Yeena Peena Yoosuf Saiboo of Kandy ... Plaintiff.

No. 10,789. Vs.

Arlambalan's daughter Theywany Pulle *alias*
Sinnatchy of Pussellawa Defendant.

NOTICE is hereby given that on November 7, 1896,
at 12 o'clock noon, will be sold by public auction
at the premises the following property of the defendant:—

All that tract of land of 1 rood and 11 perches, forming
part of Black Forest estate, situate at Pussellawa, together
with the eight boutiques bearing Nos. 92 to 99 standing
thereon; bounded on the north by a stream, on the north-
east and south-east by Black Forest estate, on the south
by the Parsonage grounds, and on the west by the high
road to Nuwara Eliya.

Amount of writ Rs. 677-12.

Fiscal's Office, C. S. VAUGHAN,
Kandy, October 12, 1896. Fiscal.

Southern Province.

In the District Court of Galle.

Mena Ravenna Mana Ana Muttaya Chetty of
India Plaintiff.

No. 4,144. Vs.

Idroos Lebbe Markar Senul Abdeen of Galu-
piyadda Defendant.

NOTICE is hereby given that on Saturday, November
7, 1896, commencing at 1 o'clock in the afternoon,
will be sold by public auction at the spot the following
property, viz.:—

1. All that house and premises marked No. 9, presently
No. 33, situate at Church street in Qr. Lr. E. within the
Fort of Galle, containing in extent 8-8 square perches.

2. All that 2-40 parts of the soil and trees of a portion
of the garden called Manaladitottam, situate at Galu-
piyadda.

3. All the soil and trees of a portion of the garden
Pokunewatta *alias* Kurakkantottam, situate at Galu-
piyadda, containing in extent 1 rood 39-55 square perches.

4. All that undivided 2-24 parts of the garden Bakmi-
gahawatta *alias* Sattambigewatta, situate at Dangedara,
containing in extent 32-48 square perches, and an undi-
vided one-fourth part of the house of 11 cubits standing
thereon.

5. All that undivided three-fourths of half part of
Bakmigahawatta *alias* Sattambigewatta, together with an
undivided three-fourth parts of the 11 cubits tiled house
marked No. 952 standing thereon, situate at Galupiyadda,
containing in extent 32-48 square perches.

6. The defendant's right, title, and interest to and
upon the bond No. 3,052, dated January 19, 1883, attested
by C. D. A. Senaviratna, notary; mortgaged upon the
writing obligatory dated September 1, 1893, and declared
executable under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 3,487-42, with
interest on Rs. 3,000 at 15 per cent. per annum from
February 24, 1896.

Fiscal's Office, C. T. LEEMBRUGGEN,
Galle, October 12, 1896. Deputy Fiscal.

In the District Court of Galle.

Emelia Anthonisz of Galle Fort, widow of
the late Henry Martin Anthonisz of Galle ... Plaintiff.

No. 4,150. Vs.

1, Howpe Lianage Don Cornelis de Silva; 2,
Nanayakkara Wassan Pallege Don Cornelis
Appuhamy, both of Kumbalwella Defendants.

NOTICE is hereby given that on Wednesday,
November 11, 1896, commencing at 2 o'clock in
the afternoon, will be sold by public auction at the spot
the following property, viz.:—

1. All the soil and fruit trees of a divided 9-48 parts
of Udugampolagedarawatta *alias* Weerabaddanagewatta,
situate at Kumbalwella, containing 2 roods and 7-4
perches.

2. All the soil and trees of half of 1-24 part of Udu-
gampolagedarawatta *alias* Weerabaddanagewatta and half
part of the 11 cubits tiled house standing thereon, situate
at do.

3. Half part of the soil and soil share trees of Galke-
tiyawatta, exclusive of the planter's shares of the
plantations made by Iswara Kankanage Siman and of
the new plantation, situate at do., containing 9 acres
1 rood and 37-79 perches; mortgaged by writing
obligatory dated July 9, 1892, and declared executable
under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 606-19, with
interest on Rs. 496-19 at 9 per cent. per annum from
June 11, 1896.

Fiscal's Office, C. T. LEEMBRUGGEN,
Galle, October 12, 1896. Deputy Fiscal.

In the District Court of Kalutara.

Kurukulasuria Patabendige Anthonis de
Silva Araseenaratna, presently of Katu-
kurunda Plaintiff.

No. 1,372. Vs.

1, Alice Abeyanayaka, School Mistress, of
Bentota; 2, Dona Robartina Abeyanayaka
Hamine, of Welapura Kalutara Defendants.

NOTICE is hereby given that on Wednesday,
November 18, 1896, at 10 o'clock in the forenoon,
will be sold by public auction at the premises the right,
title, and interest of the said defendants in the following
property, viz.:—

1. Half part of the soil and of the trees of the land
called Laddusiyawatta, containing in extent 2 acres
and 3 perches, situated at Pahurumulla in Bentota,
valued Rs. 750.

2. Half part of the soil and trees and of the buildings standing thereon of the portion of the land called Hunukotuwewatta, containing in extent 33.30 perches, situated at Malalagoda in Bentota, valued Rs 750, being properties mortgaged with the plaintiff by bond No. 66,021, dated February 18, 1895, and declared bound and executable under the judgment entered in this case.

This writ is issued for the recovery of Rs. 442.98, with further interest on Rs. 350 at 12 per cent. per annum from April 30, 1895.

H. J. WOUTERSZ,
Deputy Fiscal's Office, Deputy Fiscal.
Balapitiya, October 10, 1896.

In the District Court of Galle.

Malliyawadu Arnolis de Silva *alias* Janis de Silva Plaintiff.

No. 4,202. Vs.

1, Sinna Marikkan Kader Mohideen; 2, Mahammadu Casim Bawa Alia Marikkan; and 3, Mahammadu Casim Bawa Abdul Carim, all of Welitara..... Defendants.

NOTICE is hereby given that on Wednesday, November 11, 1896, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

All the soil and trees of the garden called Malwatta *alias* Andiyawagakarawatta, situate at Welitara, together with the four tiled and plastered houses standing thereon; being property mortgaged by writing obligatory dated August 28, 1891, and ordered and decreed to be sold under the judgment entered in this case, No. 4,202, D. C. Galle.

This writ is issued for the recovery of Rs. 401.33, with interest on Rs. 308.33 at 9 per cent. per annum from May 18, 1896.

H. J. WOUTERSZ,
Deputy Fiscal's Office, Deputy Fiscal.
Balapitiya, October 9, 1896.

North-Western Province.

In the District Court of Chilaw.

Sena Muna Muttappa Chetty of Puttalam Plaintiff.

No. 1,070. Vs.

L. Thamby Nagudu Marikkar, Peace Officer of Pudukudi Irippu Defendant.

NOTICE is hereby given that on Saturday, November 14, 1896, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

Undivided 2-32 and 12-32 shares from the garden called Alaiyadittam, situated at Kiriyanakalli, in Pitigal korale north, Chilaw District; bounded on the north by the partition fence of the land of Thamby Marikkar Pariyari and others, on the east by high road leading to Puttalam, on the south by the partition fence of the garden of Kuppe Tamby and others, and on the west by the stream called Alai; subject to an existing mortgage amounting to nearly Rs. 1,000.

Amount recoverable Rs. 579.70, and interest on Rs. 500 at the rate of one and a half per cent. per mensem from June 28, 1894, and poundage.

B. CONSTANTINE,
Deputy Fiscal's Office, Deputy Fiscal.
Chilaw, October 7, 1896.

In the District Court of Colombo.

Saraffaly Fakurdeen and Company, Bankshall street, Colombo..... Plaintiffs.

No. 6,812. Vs.

Catheravalo Ramalingam, administrator of the estate of C. Tambiah, deceased..... Defendant.

NOTICE is hereby given that on Friday, November 6, 1896, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant, as administrator of the estate of C. Tambiah, deceased, in the following property, viz. :—

Four pieces of lands adjoining each other and forming into one property and known as Narayanawatta, of about 750 acres in extent, with the plantations standing thereon, situate at Walahapitiya in Yatakalan pattu of the Pitigal korale central, Chilaw District; bounded on the north by cart road, east by property of Advocate Ramanathan, south by a tank and by gardens of Marsalinu Fernando and others, west by gardens of Walahapitiya villagers and by cart road.

On Saturday, November 7, 1896, at 10 o'clock in the morning.

The property known as Lakshawewatta, of about 260 acres in extent, with the plantations standing thereon, situate at Tabbowa in Medapalata of the Pitigal korale central aforesaid; bounded on the north by fence of gardens of Peris Appuhami and others, east by cart road leading to Pilakatumulla, south by high road, and on the west by garden belonging to the heirs of Andris Peris.

On Saturday, November 7, 1896, at 2 o'clock in the afternoon.

The property known as Leththawanawatta, of about 100 acres in extent, situate at Dunkannawa in Medapalata aforesaid; and bounded on the north by high road, east by gardens belonging to the heirs of Lowe Mudaliyar, south by garden belonging to Shroff Mudaliyar, west by garden belonging to the heirs of Juse Annavirala.

Amount recoverable Rs. 6,300, with interest thereon at 9 per cent. per annum from January 31, 1895, and poundage.

B. CONSTANTINE,
Deputy Fiscal's Office, Deputy Fiscal.
Chilaw, October 7, 1896.

In the District Court of Chilaw.

Kawenna Nana Kana Kanappa Chetty and another of Negombo..... Plaintiffs.

No. 1,369. Vs.

Jayasuriya Kuranage Martinu Perera and others of Nainamadama..... Defendants.

NOTICE is hereby given that on Saturday, November 7, 1896, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

1. The southern one-third share and all the plantations and the tiled house standing on the land called Kadurugahawatta, of the extent of 2 acres 1 rood and 20.41 square perches on the whole, and also 2.5 share from the remaining northern 2-3 share of the said land, situated at Nainamadama; and bounded on the north by Dewata road, on the east by land of Masange Thomas Fernando, on the south by land belonging to Moises Fernando, and on the west by land belonging to Francisco Tamel.

2. A portion of the extent of about 100 coconut trees plantable soil of the land called Gothatugahawatta, situate at Nainamadama; and bounded on the north by the garden belonging to the heirs of Santiago Perera, on the east by Agare, on the south by the garden of Juse Perera and others, and on the west by the garden belonging to Siman Fernando and others.

3. 27-30 shares of the land called Madangahawatta *alias* Siyambalagahawatta, of about 1 acre in extent, situate at Nainamadama; and bounded on the north by the

and belonged to Juan Perera, deceased, on the east by Agare, on the south by land belonging to Marsalino Fernando, and on the west by the garden of Siman Tissera.

4. An exact half share of the land called Kadurugahawatta, of about 1½ acre in extent on the whole, situate at Nainamadama; and bounded on the north by the live fence of the garden of Kamel Perera, on the east and south by lands belonging to Mariyanu Fernando, and on the west by the fence of the garden of Thobias Perera Annavirala.

Amount recoverable Rs. 2,208-50, and interest on Rs. 2,000 at 13 per cent. per annum from December 4, 1895, and poundage.

Deputy Fiscal's Office,
Chilaw, October 7, 1896.

B. CONSTANTINE,
Deputy Fiscal.

Province of Sabaragamuwa.

NOTICE is hereby given that on Saturday, April 24, 1897, at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property, for default and neglect of the proprietor of Hean's Land, situated in the Kolonna korale, in the District of Ratnapura, to pay the sum of Rs. 844-73, being the proportion assessed by the Provincial Road Committee, Southern Province, at a meeting held on March 30, 1896, as due by the said estate for the construction of Deniyaya-Aningkanda road under Ordinance No. 6 of 1874, viz. :-

All the timber on Hean's land situated as aforesaid.

E. B. ALEXANDER,
Fiscal's Office,
Ratnapura, October 5, 1896.

for H. L. MOYSEY,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,837. In the matter of the insolvency of Sellapperumage Deonis Fernando of Moratuwa.

WHEREAS the above-named Sellapperumage Deonis Fernando was on September 30, 1896, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned, and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on October 29, 1896, and November 12, 1896, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,
H. E. DE SILVA,
Colombo, September 30, 1896. for Secretary.

No 1,838. In the matter of the insolvency of Manuel Silva Wijayasinha of Colombo.

WHEREAS the above-named Manuel Silva Wijayasinha was on September 30, 1896, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned, and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on October 29, 1896, and November 12, 1896, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,
H. E. DE SILVA,
Colombo, September 30, 1896. for Secretary.

No. 1,823. In the matter of the insolvency of Henry Henderson of Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 12, 1896, to accept a composition.

By order of court,
H. E. DE SILVA,
for Secretary.

No. 1,762. In the matter of the insolvency of Hector Cross Buchanan and Frederic William Bois, of Colombo, as partners in the firm of Alstons, Scott & Co., and as individuals.

NOTICE is hereby that a meeting of creditors will be held in the above matter at the sitting of this court on November 12, 1896, for the purpose of considering an offer made by the Pattagama Cinchona Company, Limited, to pay a sum of Rs. 6,000 in full settlement and discharge of the said Company's liability of Rs. 7,881-27 (exclusive of interest) to above estate.

By order,
J. B. MISSE,
Colombo, October 13, 1896. Secretary.

No. 1,762. In the matter of the insolvency of Hector Cross Buchanan and Frederic William Bois, of Colombo, as partners in the firm of Alstons, Scott & Co. and as individuals.

NOTICE is hereby given that a meeting of creditors will be held in the above matter at the sitting of this court on November 12, 1896, for the purpose of proof of further claims.

By order,
J. B. MISSE,
Colombo, October 13, 1896. Secretary.

I, H. L. MOYSEY, Esq., Fiscal of the Province of Sabaragamuwa, do hereby appoint Mr. Harry Abayawickrema Gunasekera to be Marshal for Kadawata and Meda korales, in the District of Ratnapura, under the provisions of the Fiscals' Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

This 5th day of October 6, 1896. H. L. MOYSEY,
Fiscal.

I, H. L. MOYSEY, Esq., Fiscal of the Province of Sabaragamuwa, do hereby appoint Mr. Thomas Daniel Malalasingha Jayasundara to be Marshal for Atakalan korale, Kolonna korale, and Uda pattu of Kukulu korale, in the District of Ratuapura, under the provisions of the Fiscals' Ordinance No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

This 5th day of October, 1896. H. L. MOYSEY,
Fiscal.

NOTICE is hereby given that the sittings of the Courts will be held at Pasyala from October 26 to 31, 1896, both days inclusive.

Avisawella, October 6, 1896.

PETER DE SARAM,
Police Magistrate and Commissioner.