



# Ceylon Government Gazette

Published by Authority.

No. 5,566—FRIDAY, AUGUST 12, 1898.

PART I.—General: Minutes, Proclamations, Appointments, and General Government Notifications.

PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Marine and Mercantile.

PART V.—Municipal and Local.

*Separate paging is given to each Part in order that it may be filed separately.*

## Part II.—Legal and Judicial.

	PAGE		PAGE
Passed Ordinances ...	406	Lists of Jurors and Assessors...	—
Draft Ordinances ...	—	Notices in Testamentary Actions ...	440
Notices from Supreme Court Registry ...	—	Notices in Insolvency Cases ...	443
Notices from Council of Legal Education...	—	Notices of Fiscals' Sales ...	444
Notifications of Criminal Sessions of Supreme Court ...	—	Notices from District and Minor Courts...	—

### List of all Moneys received and paid on account of Estates under Official Administration in the District Court of Tangalla during the Half-year ended June 30, 1898.

RECEIPTS.	Amount. Rs. c.	PAYMENTS.	Amount. Rs. c.
Amount realized by the Secretary as official administrator in testamentary case No. 286	454 19	Payments made in the said testamentary case No. 286 ...	380 70
	454 19	Balance in hands of the Secretary	73 49
	454 19		454 19

District Court,  
Tangalla, August 5, 1898.

G. W. WOODHOUSE,  
Acting District Judge.

### List of Uncertificated Insolvents in the District Court of Tangalla for the Half-year ended June 30, 1898.

Nil

District Court,  
Tangalla, August 5, 1898.

G. W. WOODHOUSE,  
Acting District Judge.

NOTICE is hereby given that the post of Fiscal's Marshal, Balangoda, will be abolished from and after August 20, 1898. and that the district will be worked from the head office at Ratnapura as before.

GEORGE M. FOWLER,  
Fiscal

Fiscal's Office,  
Ratnapura August 6, 1898.

405

ALLANSON BAILEY, Fiscal for the Central Province, do hereby appoint Mr. James Edwin Gunawardana to be Marshal from August 15 to 30, 1898, for the Division of Nuwara Eliya, under Ordinance No. 4 of 1867, and authorize him to perform during the said period the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,  
Kandy, August 8, 1898.

ALLANSON BAILEY,  
Fiscal

B 1

## PASSED ORDINANCES.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 10 of 1898.

An Ordinance relating to the Branding, Sale, and Transfer of Cattle.

WEST RIDGEWAY.

Preamble.	<b>W</b> HEREAS it is expedient to make provision for the branding, sale, and transfer of cattle: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:
● Short title.	1 This Ordinance may be cited as "The Cattle Ordinance, 1898."
Definition of cattle.	2 In this Ordinance "cattle" shall mean bulls, cows, bullocks, buffaloes, heifers, steers, and calves.
Repealing clause.	3 (1) So much of sub-section 6 of section 6 of Ordinance No. 24 of 1889 as relates to registering, branding, regulating the sale, removal, and prevention of stealing, of cattle, and the whole of section 20 of Ordinance No. 9 of 1893, are hereby repealed, but this repeal shall not affect the past operation of those enactments or of any rules made thereunder, or the validity or invalidity of anything done or suffered under those enactments before the passing hereof, or interfere with the institution or prosecution of any proceeding in respect of any offence committed against or any penalty incurred under the said enactments or either of them.  (2) Notwithstanding this repeal, every rule made or purporting to be made under the repealed provisions of sub-section 6 of section 6 of Ordinance No. 24 of 1889 shall continue and be in force within the subdivision for which such rule purports to be made, until one or more regulations made under this Ordinance have been published and brought into operation within such subdivision, and any contravention or breach of any such rule, of which any person is guilty after the passing of this Ordinance, may be punished in like manner and by the same courts and tribunals as if it were a contravention or breach of a rule made under this Ordinance.
Power to make regulations.	4 The Governor may, with the advice of the Executive Council, from time to time make, and when made revoke or vary, such regulations as may seem necessary or expedient for the sale, removal, registration, and branding of cattle, for the prevention of cattle stealing, and for the issue of cattle vouchers.
Matters in respect of which regulations may be made.	5 The regulations made under the last preceding section may provide amongst other things :  (1) For prohibiting the sale or transfer of cattle except upon a voucher as near as is material in the Form A in the schedule hereto, certified by an officer appointed for the purpose ; (2) For filling the duplicate of vouchers issued by any officer appointed under the provisions of this Ordinance ; (3) For prohibiting the removal of cattle for agricultural purposes, or for tending, milking, or grazing, or for use in a tavalam, except upon a permit as near as is material in the Form B in the schedule hereto ; (4) For the issue of vouchers in the Form A and of permits in the Form B in the schedule hereto, and for the custody of registers of cattle branded ; (5) For prohibiting the alteration of or addition to, defacement, or destruction, of any voucher or permit ; (6) For prohibiting the possession by any person of any voucher or permit for the removal of cattle, unless

such person have in his possession a head of cattle corresponding to such voucher or certificate of removal ;

- (7) For prescribing the circumstances under which a voucher or permit may be dispensed with ;
- (8) For prescribing the additional facts to be inserted in a permit when a head of cattle is removed to be tended for share ;
- (9) For prescribing the circumstances under which an owner of cattle not holding a voucher may obtain a voucher after proof of title ;
- (10) For the grouping together of two or more villages or groups of villages into a district for the purpose of branding cattle, to be called a "branding district" ;
- (11) For the fixing of a communal brandmark for each branding district ;
- (12) For fixing the place or places in each branding district where cattle of such a district shall be brought to be branded ;
- (13) For fixing the days in each quarter of the year in which cattle may be branded in each branding district ;
- (14) For prohibiting the branding of cattle in any branding district except at the place or places and on the days fixed for the branding of cattle in such district ;
- (15) For requiring notice of such places and dates being given in such district ;
- (16) For compelling owners of cattle within such district to produce all unbranded cattle which by the regulations are required to be branded, and which are above the age of eighteen months, at the places and on the dates fixed for the branding of cattle ;
- (17) For requiring the presence of each village headman within a branding district at the place fixed for the branding of the cattle of his village on each of the days fixed for branding ;
- (18) For prohibiting the branding of cattle from any village except in the presence of the headman of such village ;
- (19) For prohibiting the branding of cattle owned by the headman of any village except in the presence of a headman of an adjoining village ;
- (20) For directing the officer authorized to brand cattle to satisfy himself before branding a calf that such calf is the produce of the dam produced ;
- (21) For compelling each branding officer to keep a register as near as is material in the Form C in the schedule hereto of all cattle branded by him, and to insert in such register a description of each animal branded ;
- (22) For prohibiting the altering, defacing, or adding to of any brand, or the re-branding of any head of cattle without the special permission in writing of the president of the gansabhawa, the chairman of the village council, or the police magistrate having jurisdiction over the place where the animal is kept ;
- (23) For prescribing the circumstances under which branding by caste marks and for sickness may be effected, and for prohibiting branding merely for ornamental purposes ;
- (24) For authorizing and requiring the seizure by the police and headmen, and the production before the chairman of the village council for the district, or if there is no village council before the police magistrate, of all stray cattle, cattle not branded in conformity with the regulations, cattle for which proper vouchers or permits for removal cannot be produced, or cattle bearing altered or defaced brands, and for authorizing the sale of such cattle when there is no claimant, or when the chairman or magistrate is not satisfied that they are the lawful property of the claimant ;

- (25) For the transmission of the duplicates of cattle vouchers and permits for removal, and of the registers of cattle branded, to the government agent or assistant government agent of the district in which the vouchers, permits for removal, or registers were written ;
- (26) For prohibiting the possession by any unauthorized person of brands similar to those used for communal branding ;
- (27) For fixing the fees to be paid for the issue of vouchers for the registering of cattle, and the issue of a copy of an entry in a branding register.
- (28) For the appointment of officers to carry out the provisions of this Ordinance.

Provided always that nothing in this section contained shall in any way restrain or be construed to restrain the generality of the powers conferred on the Governor, with the advice of the Executive Council, by section 4 ; but such powers shall extend to all matters, whether similar or not to those in this section mentioned, as to which it may be expedient to make regulations for the better carrying into effect of the objects of this Ordinance.

Regulations to be published.

6 All regulations made under the provisions of the two preceding sections shall be published by Proclamation in the *Government Gazette*, and the Governor, with the advice of the Executive Council, may by such Proclamation limit the area within which such regulations or any of them shall be in force in any revenue province, revenue district, revenue division, or smaller area the limits of which shall respectively be set out in the Proclamation, and such regulations when proclaimed shall have the same force as if they had been enacted in this Ordinance.

Provided, however, that all such regulations, together with a statement showing the districts or areas to which the regulations are to be applied, shall be laid before the Legislative Council, if in session, within one month of such publication, and if not in session within one month of the commencement of the session next ensuing ; and in either case they shall lie on the table during four sittings at least of the Council, and any regulation which has been disapproved by a resolution of the Council shall cease to have any force or effect.

Exemption from regulations relating to branding.

7 It shall be lawful for the Governor, with the advice of the Executive Council, from time to time by Proclamation to exclude any particular description of cattle from the operation of any one or more of such regulations relating to the branding of cattle, provided that if and whenever the owner of such cattle desires to brand them or any of them, such cattle shall only be branded in accordance with the regulations in force in the area within which such cattle are kept.

Penalty for unlawful possession of cattle without voucher or permit.

8 Any person having in his possession, without a voucher or permit for removal, cattle for the possession of which a voucher or permit for removal is rendered necessary by the regulations made under section 5, shall, unless he satisfy the magistrate that he is lawfully entitled to the possession of such cattle (the burden of proving which shall be upon such person), be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees, and in default of payment to imprisonment, rigorous or simple, for any period not exceeding three calendar months.

Other offences.

9 If any person without lawful authority or excuse (proof whereof shall lie on him) contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of this Ordinance or of any regulations made thereunder he ought not to do or omit ; or if he obstructs or impedes or assists in obstructing or impeding any officer appointed under this Ordinance to brand or register cattle, or any headman or police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, he shall be guilty of an offence against this

Ordinance, and shall be liable to a fine not exceeding twenty rupees, or to imprisonment, rigorous or simple, for a period not exceeding fourteen days.

Every prosecution for an offence under this section may be prosecuted before the village tribunal, village committee, or police court having territorial jurisdiction to entertain the same.

Amendment of  
7th column of  
Schedule II. of  
Ordinance No. 3  
of 1883.

10 In the 7th column of Schedule II. of the Criminal Procedure Code the words "one hundred rupees" shall be substituted for the words "fifty rupees," as applying to section 368 of the Ceylon Penal Code.

#### SCHEDULE.

##### Form A.

(See Section 5, Sub-section 1.)

##### CATTLE VOUCHER.

(In foil and counterfoil.)\*

No. ————— District.

Issued to ————— on the ————— day of —————, 18 —.

1. Description of animal :—  
1 Colour, 2 Age, 3 Kind, 4 Sex, 5 Peculiarity, 6 Brandmarks ...
2. The name and the residence of the seller or donor ...
3. The name and residence of the person receiving ...
4. Whether the animal was born in the fold of the seller or donor ; if not, how acquired ...
5. Description of previous vouchers, if any ...
6. The village where the animal was kept before the transfer ...
7. The place to which it is to be removed ...
8. The date of this voucher, and the place where it is executed ...
9. Signature of the seller or donor ...
10. Signature of the person receiving ...
11. Signature and name of attesting headman ...
12. Names and signatures of the two witnesses ...

N.B.—No subsequent sale of the animal referred to herein shall be the subject of endorsement on this voucher, but such sale must be on a fresh voucher, to the counterfoil of which all former vouchers must be attached.

\* Original to be delivered to the purchaser ; duplicate to be given to the Kachcheri.

##### Form B.

(See Section 5, Sub-section 3.)

##### PERMIT FOR REMOVAL OF CATTLE.

No. ————— [Obverse.]

Issued to ————— on the ————— day of —————, 18 —.

1. Description of animal :—  
1 Colour, 2 Age, 3 Kind, 4 Sex, 5 Peculiarity, 6 Brandmarks ...
2. Name and residence of driver ...
3. Name and residence of owner ...
4. Owner's title (briefly) ...
5. The village from which the animal is being taken ...
6. The village to which the animal is being taken ...
7. Purpose for which the animal is being removed ...
8. Date and place of issue ...
9. Signature of owner ...
10. Signature of driver ...
11. Signature of headman ...

This permit will only be of force as an authority for removal for a space of one month from the date of granting.

[Reverse.]

PERMIT given by the Village Headman or Arachchi of the Division for removal of Cattle for the purpose of Tending.

[When cattle are given for the purpose of tending, this side of the permit should be completely filled up ; if not for tending, it should be left blank.]

I, —————, do hereby give over on this day, the animal referred to in this voucher to —————, for —————, subject to the following conditions :—

This permit should be kept with the person receiving the cattle, and it should be returned to the owner when the animal referred to therein is returned. When the animal is to be returned to the owner, the Arachchi of the division in which the person who tends resides should authorize the removal of the animal on this permit itself as hereinunder prescribed.

I, —————, of ————— division, do hereby certify that I have authorized ————— to remove and deliver to the owner the animal taken by him to tend, together with its offspring, bearing the following brandmarks :—

## Form C.

(See Section 5, Sub-section 21.)

\* REGISTER of Cattle branded in presence of the Village Headman of \_\_\_\_\_,  
in \_\_\_\_\_ Korale.\*

No.	Full Name of Owner or Owners.	Village.	Black Cattle or Buffalo.	Sex.	Age at time of Branding.	Brands in full, <i>i.e.</i> , Communal Brand and other Brands.		Owner's Title, <i>i.e.</i> , whether Born in Pinfold, or, if not, how acquired, and Number of Certificate, if any.
						Right	Left	

Passed in Council the Twenty-seventh day of July, One thousand Eight hundred and Ninety-eight.

H. WHITE,  
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of July, One thousand Eight hundred and Ninety-eight.

E. NOEL WALKER,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

## No. 11 of 1898.

An Ordinance to amend "The Municipal Councils' Ordinance, 1887."

## WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient that the stamp duty imposed by Ordinance No. 9 of 1892 on all licenses issued in respect of arrack taverns within the Municipality of Colombo, and accruing to the general revenue, should be transferred to and vest in the Municipal Council of Colombo for the purposes of the Ordinance No. 7 of 1887, as amended by Ordinance No. 26 of 1890 and Ordinance No. 1 of 1896, and it is necessary in that behalf to amend "The Municipal Councils' Ordinance, 1887," hereinafter called the "principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Tavern license duties vested in Municipal Council of Colombo.

1 After sub-section (c) of section 132 of the principal Ordinance there shall be added the following section:

132 (a) The Municipal Council of Colombo shall be entitled to take and receive for its municipal fund all stamp duties payable for and in respect of the licenses issued to sell by retail arrack and rum at taverns situated within the limits of the Municipality of Colombo, under or by virtue of Ordinance No. 9 of 1892.

Passed in Council the Twenty-seventh day of July, One thousand Eight hundred and Ninety-eight.

H. WHITE,  
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of July, One thousand Eight hundred and Ninety-eight.

E. NOEL WALKER,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the  
advice and consent of the Legislative Council thereof.

No. 12 of 1898.

An Ordinance to further amend "The Municipal Councils'  
Ordinance, 1887."

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to further amend the Ordinance No. 7 of 1887, intituled "An Ordinance relating to Municipal Councils," hereinafter called "the principal Ordinance": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title

1 This Ordinance and "The Municipal Councils' Ordinances, 1887, 1890, and 1896," shall be read as one, and may be cited collectively as "The Municipal Councils' Ordinances, 1887, 1890, 1896, and 1898."

2 After clause (g 2) of section 122 of the Ordinance No. 7 of 1887 as amended by section 20 of the Ordinance No. 1 of 1896, there shall be added the following clause:

(g 3) Prohibiting the holding of cattle markets except in duly licensed places, and granting licenses for holding such markets or withdrawing such licenses for breach of the conditions thereof.

Insertion of  
section 127 (a).

3 After section 127 of the principal Ordinance the following section shall be inserted and numbered 127 (a), namely:

Council may  
assess Crown  
property which  
is leased.

(1) All houses, buildings, lands, and tenements within the municipality belonging to the Crown, and leased or let by the Crown to any person, shall be liable to be assessed in respect of the rate or rates leviable under the preceding section; and every lessee or occupier of any such premises shall be liable to pay, and shall pay to the municipal council the rate or rates leviable in respect of the house, building, land, or tenement so held or occupied.

Warrant of  
seizure for  
non-payment of  
rates, how  
limited.

(2) The warrant to be issued by the chairman under section 149 in respect of any rate or rates due under the preceding sub-section shall not direct the seizure and sale of any such house, building, land, or tenement, or the leasehold or other interest of any such lessee or occupier in the same, but shall be limited to directing the seizure and sale of all other the movable or immovable property of such lessee or occupier.

Property of the  
Crown not liable  
to seizure.

And no property whatever of the Crown, whether movable or immovable, shall be liable to be seized or sold for the recovery of any rate or rates, tax or taxes, which may be due from any person holding, occupying, or enjoying any house, building, land, or tenement the property of the Crown, under any agreement, contract, or permit, either express or implied, with or from the Crown.

Municipal  
council may  
contract for  
electric lighting.

4 After section 160 (a) of the principal Ordinance as amended by section 12 of the Ordinance No. 26 of 1890, the following section shall be added and numbered 160 (b), namely—

The municipal council, with the sanction of the Governor in Executive Council, may contract with any person or persons, corporation, or company to supply the municipality with electric or other light, and to construct all necessary works therefor, upon such terms and conditions as may be approved by His Excellency the Governor in Executive Council.

Passed in Council the Twenty-eighth day of July, One thousand Eight hundred and Ninety-eight.

H. WHITE,  
Clerk to the Council.

Assented to by His Excellency the Governor the Sixth day of August, One thousand Eight hundred and Ninety-eight.

E. NOEL WALKER,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 13 of 1898.

An Ordinance relating to Local Boards of Health and Improvement.

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to local boards of health and improvement in this island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

I.—Preliminary.

Short title.

1 This Ordinance may be cited for all purposes as "The Local Boards' Ordinance, 1898," and shall come into operation on the First day of September, 1898.

Repeal.

2 There shall be repealed as from the commencement of this Ordinance:

- (a) The Ordinances specified in the Schedule A to this Ordinance; and
- (b) So much of any other Ordinance as is inconsistent with this Ordinance.

Proviso.

Provided that this repeal shall not affect:

- (a) Anything duly done or suffered under any enactment hereby repealed; or
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or
- (d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

Where any unrepealed Ordinance incorporates or refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to incorporate or refer to the corresponding provisions of this Ordinance.

Interpretation clause:

3 In this Ordinance, unless the context otherwise requires:

"Government agent."

"Government agent" shall mean the government agent of the province within which a town, brought under the operation of this Ordinance, is situated.

"Assistant government agent."

"Assistant government agent" shall mean the assistant government agent of the district within which a town, brought under the operation of this Ordinance, is situated.

"Annual value."

"Annual value" shall mean the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any house, building, land, or tenement if he undertook to pay all public rates and taxes, and if his landlord undertook to bear the cost of repairs and upkeep necessary to maintain it so as to command that rent.

"Street."

"Street" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway within the town.

"Board."

"Board" used with reference to any town shall mean the local board of health and improvement constituted under any repealed Ordinance.



“ Bridge.”	“ Bridge ” shall include all bridges, culverts, sluices, dams, and bunds.
“ Person.”	“ Person ” shall include any association of persons, whether incorporated or not.

## II.—*Creation and Constitution of Local Boards.*

Governor may bring towns under the operation of this Ordinance by Proclamation.

4 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation, to be for that purpose published in the *Government Gazette*, to bring any town or towns under the operation of this Ordinance, and to define the limits of such town or towns respectively for the purposes of this Ordinance, and such Proclamation to amend, alter, or revoke, as and whenever the Governor shall, with like advice, determine.

Boards how constituted.

Provided that no Proclamation shall be necessary to bring under the operation of this Ordinance any town which has already been brought under the operation of the Ordinance No. 7 of 1876, in which town this Ordinance shall come into operation on the day in section (1) mentioned.

Boards how constituted.

5 (1) In every town brought under the operation of this Ordinance as aforesaid there shall be a local board of health and improvement consisting of three official and three unofficial members. The official members shall consist of the government agent and two other persons to be appointed by the Governor. Provided, however, that the resident assistant government agent (if any), or (if none) then some person to be appointed in writing by the government agent in that behalf, may, whenever so directed by the government agent, exercise all the powers conferred and discharge all the duties imposed upon the government agent by this Ordinance. All official members appointed by the Governor shall hold office during the Governor's pleasure. The unofficial members shall be elected or appointed as hereinafter provided.

(2) The official members appointed by the Governor under the provisions of the Ordinance No. 7 of 1876, for any town, shall continue to be the official members of the board of such town during the Governor's pleasure.

(3) The unofficial members elected or appointed for any town under the provisions of the said Ordinance shall continue to be the unofficial members of the board of such town for which they were respectively elected or appointed, and shall cease to hold office when the term of office for which they were respectively elected or appointed shall have expired.

(4) Such official and unofficial members shall be succeeded by the official and unofficial members respectively appointed or elected under this Ordinance.

Qualification of unofficial members.

6 Every male inhabitant of any town brought under the operation of this Ordinance, of the age of twenty-one years and upwards, who is possessed of immovable property situate therein of the value of not less than one thousand rupees, and who does not hold any office of emolument under Government, and who has not been convicted of any infamous crime, shall be eligible as an unofficial member of the board for such town.

Qualifications of electors.

7 Every occupier of any house within any such town, either as proprietor or tenant, of the annual value or rent of not less than fifty rupees, or who shall be the husband of a wife or the eldest son of a widow, who is the proprietor or tenant of any such house, shall be entitled to vote at any election of unofficial members for the board for such town: Provided that when any such house as aforesaid shall be jointly occupied by more persons than one, as proprietors or tenants, each of such joint occupiers, the annual value of whose share (if a proprietor) amounts to not less than fifty rupees or who (if a tenant) pays fifty rupees or more per annum for his occupation, shall be entitled to vote. If

none of such joint occupiers possesses the qualifications entitling him to vote, the joint occupiers may elect among themselves one to vote for all, and if they cannot agree in electing one they shall not be entitled to vote at all. Provided also that no male under the age of twenty-one years shall be entitled to vote, nor any female.

Notice of election to be published.

8 As soon as convenient after the publication of the Proclamation bringing any town under the operation of this Ordinance, the government agent shall give public notice of his intention to hold an election of unofficial members of the board of health and improvement for such town. Such notice shall be published in the English, Sinhalese, and Tamil languages not less than one calendar month before the day for holding the election, and shall be affixed on the walls of the kachcheri and district court (if any), and on such other conspicuous places in the said town as the said government agent may think fit with a view to ensuring publicity. Such notice shall state the time and place of election.

Government agent to inquire into qualification of electors. May administer oath.

9 The government agent shall be authorized to investigate and determine any claim to be entitled to vote at any election held under the provisions of this Ordinance, and shall have power to administer an oath or affirmation to any person whom he shall think fit to examine with reference to such claim. Any person giving false evidence on oath or affirmation at such investigation shall be liable to be prosecuted and punished for perjury. The decision of the government agent on any claim to be entitled to vote shall be final.

Mode of election.

10 The government agent shall preside at the meeting for any election held under this Ordinance, and shall determine the mode of voting. Every candidate shall be proposed at the said meeting by some person duly qualified to vote thereat, and shall be seconded by some other such qualified person. Every vote which at such election shall be given to any person who has not been so proposed and seconded shall not be taken into account in such election, but shall be wholly void and ineffective. Each elector shall have as many votes as there are unofficial members to be elected; and the candidates or candidate (as the case may be) having the highest number of votes shall be elected. Provided that when, by reason of any two or more candidates having obtained an equal number of votes, any voting shall be indecisive as to them, such candidates shall forthwith be voted for a second time, and he who shall obtain the greatest number of votes shall be elected the member; but if such second voting shall also be rendered indecisive by reason of an equality of votes, the chairman of the meeting shall decide the election by his casting vote.

Members of board to be elected biennially.

11 The members elected under the Ordinance No. 7 of 1876, and the first members elected under this Ordinance, shall go out of office on the last day of December of the second year from their election, and in place of such members so going out of office a like number of other members to be elected as hereinafter provided shall come into office and remain in office during the next ensuing two years, and at the expiration of such period of two years shall in like manner go out of office and be succeeded by other members for a like term of two years, and so on during the continuance of this Ordinance. Provided that any outgoing members may be re-elected.

Outgoing members may be re-elected.

Mode of future elections.

12 On any day in the said month of December preceding the day on which the elected members go out of office as provided by section 11, a meeting shall be holden for the election of members for the two years next succeeding, reckoned from the first day of January next following the day of such election. Every such election shall be notified and held in the manner, and shall be subject to the rules and regulations, hereinbefore provided in sections 8, 9, and 10, save that fourteen days' notice of election shall be sufficient.

How membership vacated.

13 Any unofficial member who shall cease to be qualified as required by this Ordinance, or shall be absent from the meetings of the board, of which he is a member, for more than three months at one time, or shall be declared a bankrupt or insolvent, or shall be convicted of any infamous crime, or shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, or who shall accept any office of emolument under the board, or become directly or indirectly interested in any contract with the board, shall *ipso facto* vacate his office; and in case any person elected a member shall die or become disqualified or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member, or in case of any casual vacancy happening in any other manner whatever in such office, the chairman shall forthwith call a meeting of electors for the purpose of filling up such vacancy, and the person then elected shall serve until the next general election of members.

Mode of filling casual vacancies.

Irregular election to be again holden.

14 If by reason of any failure or neglect, or any other cause whatever, any meeting for the election of members shall not be duly and regularly holden, or if at any such meeting a member shall not be duly elected, then and in every such case the chairman, as soon as convenient after any such event shall have been notified to him, upon being satisfied that the said election was not duly and regularly holden or any member not duly elected, shall, according to the circumstances of each case, either declare the election void altogether or void as to any particular member or members, and shall by a notice of not less than seven nor more than fourteen days call a meeting of electors for the purpose of electing a member, in the same manner as is hereinbefore directed. No objection to any election shall be entertained after the lapse of fourteen days from the holding of the same.

No objection to an election to be entertained after fourteen days.

On failure of people to elect, Governor may appoint the unofficial members.

15 (1) In case the electors shall, after due notice of election has been given as provided by this Ordinance, fail to elect the requisite number of unofficial members, it shall be lawful for the Governor to appoint any person or persons, whether holding any office of emolument under Government or not, to be a member or members in order to make up the number of unofficial members required for the board. Members so appointed shall be deemed to be unofficial members for the purposes of this Ordinance. Provided, however, that in case the electors fail to elect as aforesaid, it shall not be incumbent upon the Governor to appoint any unofficial member or members, but the board shall be complete for all the powers, functions, and purposes of this Ordinance, notwithstanding the non-election or non-appointment of any unofficial members or member.

Proviso: board to be complete without any such appointment.

Duration of office of unofficial members.

(2) The unofficial members appointed by the Governor shall cease to hold office on the thirty-first day of December of the year in which a general election of members is held as provided in section 12, provided that such members or any of them may, if necessary, be re-appointed by the Governor.

No member to receive any salary or reward for his services.

16 No member of any board shall have or receive any salary, or shall exact, take, or accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Ordinance, or on any account whatsoever relative to this Ordinance, or shall have any direct or indirect interest in any contract with the board.

Government agent to be *ex-officio* chairman and treasurer.

17 The government agent shall be *ex-officio* chairman and treasurer of the board, and shall, when present, preside at every meeting thereof. In his absence the resident assistant government agent (if any), or (if none) then the person appointed by the government agent as provided for by section 5, shall preside at the meeting as *ex-officio* chairman. If the *ex-officio* chairman is absent at any meeting, the members present shall appoint their own chairman to preside at such meeting.

When *ex-officio* chairman absent members to appoint their own chairman.

Actions by or against boards not to abate.

18 Every suit, prosecution, appeal, or other proceeding commenced or carried on either by or against any board prior to the coming into operation of this Ordinance, shall continue and take effect in the same manner in all respects as it would have continued and taken effect in relation to such board if this Ordinance had not been passed.

Decrees, rates, and taxes made prior to coming into operation of this Ordinance to be enforced.

19 All decrees and orders made prior to the coming into operation of this Ordinance, all rates and taxes made, assessed, or imposed under the Ordinance No. 7 of 1876, and all rents, tolls, or other payments due or to become due under the said Ordinance, and all fines and penalties incurred prior to the coming into operation of this Ordinance, shall be enforced, levied, recovered, and proceeded for, and all executive proceedings commenced prior to the coming into operation of this Ordinance shall be continued, proceeded with, and completed, in like manner as if this Ordinance had not been passed.

### III.—*Meetings of the Board.*

Meetings of the board how and when convened.

20 Meetings of the board shall be held for the despatch of business upon such day or days in every month as shall be fixed by any by-law to be made by the board as herein-after provided. Provided that it shall be lawful for the *ex-officio* chairman to convene a special meeting whenever he shall consider such desirable; and it shall be incumbent upon him to convene a special meeting whenever so requested in writing by any two or more members of the board. Two days' notice of the day appointed for any such special meeting shall be given to or left at the residence of each member of the board.

Powers of board to be vested in the majority.

Quorum.

Chairman to have a casting vote.

21 All acts whatsoever authorized or required by virtue of this Ordinance to be done by any board may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, such members being not less than three in number when the board consists of more than four members, and not less than two in number when the board consists of less than four members, unless when by any of the provisions of this Ordinance one member is expressly empowered to decide upon and do any act, matter, or thing. Provided that when the votes of the members present in regard to any question shall be equally divided, the chairman shall, besides his vote as a member, have a casting vote.

### IV.—*Actions by and against Boards.*

Board may sue and be sued.

Costs to be paid out of the funds of the board.

Service of process to be made on the secretary.

22 In any suit, action, or legal proceeding which may be brought by or against any board, such board may sue and be sued by the style or description of the local board of health and improvement of the town for which it is constituted, and no action or suit shall abate by reason of the death, resignation, retirement, or removal of any member. All costs, charges, and expenses arising from or in respect of any suit, action, or legal proceeding, which any board may become liable to pay or be chargeable with, shall be paid from the funds of such board; and no member shall become personally liable for the payment thereof. The service of all processes in any legal proceeding against any board shall be made upon the secretary thereof.

### V.—*Books and Accounts.*

Minutes of proceedings of board to be entered in a book.

23 All acts, orders, and proceedings of the board shall be entered in a book to be kept by it for that purpose, and shall be signed by the chairman for the time being and one of the members then present, and all such acts, orders, and proceedings shall then be deemed and taken to be original acts, orders, and proceedings, and any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, provided that it purport to be signed and certified as a true copy or extract by the chairman or secretary of the board.

Books of accounts to be kept by board, which shall be open to inspection.

24 The board shall from time to time order and direct a book or books to be provided and kept at its office (which shall not, under any pretence whatever, be taken from thence, except by process of a competent court), in which shall be entered true and regular accounts of all sums of money received, paid, and expended for or on account of the purposes of this Ordinance, and of the several articles, matters, and things for which sums of money shall have been disbursed and paid; and such book or books shall at all reasonable times be open to the inspection of the board and of every resident householder within the town, without fee or reward; and the board and other persons aforesaid, or any of them, may take copies of or extracts from the said book or books without paying for the same.

Annual accounts to be prepared and deposited with board, and an abstract published in the *Government Gazette*.

25 In the month of January in every year a true account of all moneys received and paid by virtue of this Ordinance during the preceding year ending on the thirty-first day of December, and a statement of the assets and liabilities existing at that date, shall be made in writing, and a copy or duplicate of such account and statement, verified on oath before any justice of the peace by the treasurer of the board and certified by one of the members to be correct, shall be deposited with the board, and shall be open to the inspection of any resident householder within the town or any party interested; and an abstract thereof shall be published in the *Government Gazette*, for general information, before the first day of March following.

Annual estimate of revenue and expenditure to be made and deposited with the board, and an abstract published in the *Gazette*.

26 The board shall also, in the month of January in every year, draw out an estimate of the probable revenue and expenditure for the year, showing the several taxes or rates to be levied or assessed during the same, which estimate shall be signed by the chairman and one of the members, and an attested copy thereof deposited in its office, and shall there be open to the inspection of any resident householder or any party interested; and an abstract thereof shall be published in the *Government Gazette* for general information before the thirty-first day of the said month.

Accounts of board to be subject to audit by the Auditor-General.

27 The accounts which each board is required to keep as aforesaid shall be subject to audit by the Auditor-General, who shall have power at all times, by himself or any person appointed by him in writing, to inspect all books and documents of account and to call for the production of all documents or vouchers necessary for the verification of such accounts.

#### VI.—*Funds of Boards.*

Moneys levied and fines imposed under this Ordinance to form local fund and be vested in members as trustees for benefit of town.

28 All such moneys as shall have been or shall be levied for the purposes of any board under the authority of any repealed Ordinance, or of this Ordinance, or any Ordinance to be hereafter enacted, or which may be made over at any time from the general revenue to any board for the purposes of this Ordinance, and all fines levied and penalties recovered under authority of any repealed Ordinance or of this Ordinance or "The Nuisances Ordinance, 1862," or in promotion of the duties cast upon any board by this or any repealed Ordinance, shall form a local fund, of which the members of such board shall be trustees, and be applied by them to the conservancy and improvement of the town for which such board is constituted, and to the maintenance of the public health therein, and, with the previous sanction in writing of the Governor in Executive Council, to purposes of public recreation; and the payment of the salaries and wages of, and retiring pensions and gratuities to, the officers and servants employed by the board, and gratuities to the children or widows of such servants, the cost of watchmen or other officers, if any, employed by the board in such town in lieu of the police, and all other expenses incurred in and about the carrying out of the provisions of this Ordinance.

Other constituents of local fund.

29 The board of any town shall be entitled to take and receive for the local fund the following duties and sums payable under the Ordinances hereinafter cited, or any other

Ordinance or Ordinances to be hereafter enacted for the purposes or instead of the said cited Ordinances respectively or any of them ; (that is to say,)

- (1) All stamp duties payable for or in respect of the licenses of any boats licensed by the master attendant of the port of such town (if the town is a seaport), under or by virtue of "The Masters Attendant's Ordinance, 1865;" all stamp duties payable for or in respect of the licenses of any carts, boats, or coaches registered in the kachcheri of such town, under or by virtue of "The Carriers' Ordinance, 1865;" and all stamp duties payable for or in respect of the licenses of any carriages kept or used within such town, under or by virtue of "The Carriage Ordinance, 1873."
- (2) All the sums paid for fees and stamp duties for licenses issued in respect of the premises within, or to the inhabitants of, such town under section 4 of "The Nuisances Ordinance, 1862;" under the Ordinance No. 4 of 1878, intituled "An Ordinance to amend the law relating to the possession and use of Opium and Bhang, as amended by the Ordinance No. 2 of 1893 ; under Ordinance No. 19 of 1869, intituled "To make provision relating to the possession and use of Firearms ;" under "The Licensing Ordinance, 1891;" under the Butchers' Ordinance, 1893;" under "The Sale of Poisons Regulation Ordinance, 1876;" under "The Petroleum Ordinance, 1887;" and under "The Explosives Ordinances, 1894 and 1895;" or under any of the above enactments.
- (3) All such sums as shall be paid by the inhabitants of such town as stamp duties for the certificates of advocates and proctors under Ordinance No. 12 of 1848, intituled "An Ordinance for making provision in certain respects touching the admission of Advocates and Proctors ; and for the annual registration of practising Proctors;" for certificates of notaries under the Ordinance No. 2 of 1877, intituled "An Ordinance to amend and consolidate the Law relating to Notaries;" and for articles of clerkship or contract to serve as clerk for admission as an advocate, proctor, notary, or apothecary, under "The Stamp Ordinance, 1890," or under any of the above enactments.

Provided that, in any town where there is no kachcheri the board of such town shall be entitled to take and receive for the local fund all stamp duties for or in respect of licenses issued by the government agent of the province within which any such town is situate, under or by virtue of "The Carriers' Ordinance, 1865," for carts, boats, or coaches kept within such limits, as the Governor in Executive Council shall determine.

#### VI.—Rates and Taxes.

Board may assess rates on property.

30 It shall be lawful for each board, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to impose and levy, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description and all lands and tenements whatsoever within the town, for which such board is constituted ; such rate or rates to endure for any period not exceeding twelve months.

Provided that such rates shall not exceed the sum of five per centum per annum on such annual value, over and above the sum necessary for the maintenance of the police of such town.

Provided also that all buildings appropriated to religious or educational purposes or in charge of military sentries, and all burial and cremation grounds, shall be exempted from

the payment of such rates. Provided also that it shall be lawful for the board to exempt from payment on the ground of poverty the owner of any house, land, or building rateable under this Ordinance.

Value of property for police assessment to be adopted for assessment under this Ordinance.

31 (1) In any town in which a police force has been or is hereafter established the valuation of lands, houses, and tenements, which shall have been made or shall hereafter from time to time be made for the purposes of police assessment tax under the Ordinances No. 16 of 1865 and No. 7 of 1866, or any Ordinance or Ordinances hereafter in that behalf to be enacted, shall be taken as the valuation for the purposes of assessment under this Ordinance.

Valuation of property for assessment under this Ordinance in any town in which no police force is established.

(2) In any town in which a police force has not been or is not established, or from which the police force has been under the Ordinance No. 27 of 1890, or shall be under this Ordinance, withdrawn wholly or in part, the valuation of houses, buildings, lands, and tenements in which such assessment rate shall be levied shall be made in manner provided in the Ordinances No. 16 of 1865 and No. 7 of 1866, for the purpose of creating a fund for the maintenance of a police force in any town.

The Governor may exempt any town from the police tax and withdraw the police wholly or in part.

32 The Governor, with the advice of the Executive Council, may by Proclamation in the *Government Gazette* exempt the inhabitants of any town from payment of the police tax and order the withdrawal of the whole or any part of the police force therein, and may with the like advice revoke such exemption and order of withdrawal. After such revocation the liability of the inhabitants to pay the police tax shall be revived.

Cost of special police protection chargeable to local fund.

33 If in any town from which the police shall be withdrawn, wholly or in part, special police protection is in the opinion of the Governor requisite on any particular occasion, the Inspector-General of Police may by order of the Governor provide such protection, and the board shall pay from the local fund the entire cost thereof, or such portion as the Governor in Executive Council may consider equitable.

Assessment rate under this Ordinance to be paid and recovered in the same manner as police assessment tax.

34 The rate imposed under section 30 of this Ordinance shall be paid and recovered in the same manner as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said last mentioned Ordinances relating to the payment and recovery of such police tax. The government agent or assistant government agent shall collect and recover such rate and shall pay it over to the board.

Board empowered to enforce labour commutation.

35 It shall be lawful for any board to impose and enforce an annual tax payable in six days' labour, or in money not exceeding two rupees and fifty cents in commutation of such labour, upon all persons residing within the limits of the town who, if the Ordinance No. 31 of 1884 had not been passed, would have been liable, under the provisions of the Ordinance No. 10 of 1861, to the performance of labour for the maintenance of the roads or other public means of communication by land or by water.

Taxes on carriages and animals not plying for hire.

36 It shall be lawful for any board, and such board is hereby authorized and empowered, to impose and levy an annual tax on all carriages, carts, hackeries, horses, ponies, mules, bullocks, asses, and dogs kept or used within the town for which such board is constituted and which are not (as respects carts, carriages, and coaches) the carts, carriages other than hackeries, and coaches referred to in section 29, at the rates not exceeding those specified in the Schedule C, and such tax shall be payable at such times as the chairman of such board shall direct, and shall be recovered in the manner hereinafter mentioned.

Provided that such tax shall not apply to or include the vehicles and animals kept or used by the Governor and his personal staff, gun-carriages or ordnance carts or wagons, artillery and cavalry horses, or horses of the mounted

orderlies or police, or the respectively authorized number of horses belonging to military officers doing staff, regimental, or other public duty in such town, or vehicles kept for sale by *bonâ fide* dealers in such vehicles.

Tax on vehicles and animals payable half-yearly in advance.

Not payable by person in possession for less than sixty days in half year.

Transferee not liable.

Tax how recoverable.

Chairman may compound with livery stable keepers and others.

List of persons liable to be taxed to be entered in a book.

Returns may be required for the purpose of making a list.

Power to inspect stables, &c., and to summon persons liable to the payment of the tax.

Penalty for disobeying summons or hindering the chairman.

37 (1) The tax leviable under section 36 shall be payable half-yearly in advance for each half of the year; the amount payable for each half year shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found so soon as it has been for sixty days kept or used within such town. But no person shall be liable under this section for any vehicle or animal which has been in his possession for less than thirty days in any half year.

(2) No person by reason of the transfer of ownership shall be liable to pay the tax for any vehicle or animal on which tax had already been paid for the half year in which the ownership was transferred.

(3) If any person liable to pay the tax leviable under section 36 fails to pay the same within seven days after demand, the chairman shall report such failure to the police court, which shall proceed to recover such sum as if it were a fine imposed by that court.

38 The chairman may compound, for any period not exceeding one year, with livery stable keepers and other persons keeping or using carriages and horses for hire, for a certain sum to be paid for the horses so kept by such persons in lieu of the tax imposed under section 36.

39 The chairman shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the kachcheri or local board office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax under section 36, a description of the vehicles and animals in respect of which they are liable, and the amount of the tax assessed thereon.

40 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 to 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 and signed and dated, and returned to the kachcheri or local board 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.

41 It shall be lawful for the chairman or any person appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to taxation under section 36. And the chairman may summon any person whom he has reason to believe to be liable to the payment of such tax, or any other person, and may examine any such person as to the number and description of the horses, carriages, and dogs in respect of which any person is liable to be taxed.

42 Whoever, on being summoned under the preceding section, fails, without lawful excuse, to appear in pursuance of the summons, and whoever hinders or obstructs the chairman or any person appointed by him as aforesaid from entering or inspecting or leaving any such stable, coach-house, or place, shall be liable to a fine not exceeding fifty rupees.



VII.—*Waterworks.*

Waterworks.

43 The board may provide the town with a supply of water, and for that purpose may from time to time, with the approval of the Governor in Executive Council, contract with any person whomsoever, or purchase, take upon lease, hire, or construct and maintain such waterworks, and do and execute all such works, matters, and things as shall be necessary and proper.

Water-rate.

44 (1) To provide for the cost and maintenance of such waterworks it shall be lawful for the board to levy a water-rate on such annual value of all houses, buildings, lands, and tenements within the limits of the town as shall be determined for the purposes of the assessment rate levied under this Ordinance.

(2) Such water-rate shall be fixed from time to time by the Governor in Executive Council, but shall in no case exceed six per centum on such annual value as aforesaid, and shall be collected, recovered, and paid over to the board by the government agent in the same manner as the rate imposed under section 30 of this Ordinance.

(3) The Governor in Executive Council may, by notification in the *Government Gazette*, exempt either wholly or partially from the water-rate any premises which, in his opinion, are not sufficiently supplied with water from such waterworks, and may from time to time revoke such exemption.

Ratepayer entitled to water free of charge from public standpipes.

45 (1) Every person paying such water-rate shall be entitled to have free of further charge in respect thereof a supply of water from the public standpipes for the domestic use of himself and his household.

For domestic purposes.

(2) 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.

Contract for private service and for supply of water for other than domestic purposes.

(3) The board may supply water for other than domestic purposes, or allow a private service of water to any house for domestic purposes, in such quantities and upon such terms and conditions as may be agreed upon between them and the persons desirous of being so supplied.

No assessment, valuation, &amp;c., to be impeached for want of form.

46 No assessment or valuation, and no charge or demand of any rate or tax under the authority of this or of the preceding chapter, and no seizure or sale, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to such rate or tax, or any mistake in the amount of assessment or the mode of seizure and sale, provided the directions of this or of the preceding chapter or of any regulation or by-law lawfully made by the board be in substance and effect complied with; and no proceedings under this Ordinance shall be quashed or set aside in any court of justice for want of form.

The board may borrow on security of rates and taxes.

47 It shall be lawful for the board, with the sanction of the Governor in Executive Council, to borrow from the Ceylon Government or from any person or body of persons, whether incorporated or not, such sum or sums of money as may be necessary for carrying out any waterworks or any work of a permanent character undertaken under the provisions of this Ordinance. Every such loan shall be subject to such rate of interest and to such conditions for the repayment thereof as the Governor in Executive Council may sanction. And for the purpose of securing the repayment of the sum or sums so borrowed, and the interest accruing thereon, the board may mortgage and assign over to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, the rates and taxes imposed and levied under this Ordinance, or any portion thereof. Provided that any loans raised under the authority

Proviso.



Proviso. of this Ordinance. Provided that nothing in this section contained shall be deemed to affect or prejudice any right or title of the Crown to any such land or quarries, or to any such lakes and streams which Her Majesty may at any time resume or dispose of for public purposes. Provided also that nothing herein contained shall affect or be construed to affect any right or title which Her Majesty's Board of Ordinance has or may have in the property hereinbefore mentioned or in any part thereof.

Further proviso. 53 The property of and in all the lamps, lamp irons, lamp-posts, sluices, dams, pipes, posts, chains, pales, and rails in, about, or belonging to the streets and places within the limits of the town, and of and in all iron, timber, stone, bricks, and other materials and furniture and things belonging thereto (except when the same shall be otherwise regulated by contract with the board), shall be and the same is hereby vested in the board, and may be used, sold, and disposed of by it from time to time as it shall deem necessary; and the money arising from such sale shall be applied towards the purposes of this Ordinance.

Other property vested in board. 54 All public streets and bridges and public markets, and the lands used as such within each town brought under the operation of this Ordinance (except such streets and bridges as shall be specially exempted by the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose from time to time issued), and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall be vested in the board of such town for the purposes of this Ordinance.

#### IX.—Powers, Duties, and Functions of Boards.

Public streets and bridges to be vested in board. 55 From and after the time when this Ordinance shall come into operation in any town, all the powers, duties, and authorities vested or expressed to be vested in the board of health by "The Nuisances Ordinance, 1862," and the Ordinance No. 8 of 1866, intituled "An Ordinance to prevent the spread of Contagious Diseases in this Island," or either of them, or by any by-law made in pursuance or by authority of those Ordinances or either of them, shall, so far as respects such town, be transferred to and become vested in and be exercised by the board of such town.

Powers given to boards of health under Ordinances No. 15 of 1862 and No. 8 of 1866 to be vested in these boards. 56 In addition to the power of enacting by-laws expressed to be conferred upon the board of health by the 5th section of "The Nuisances Ordinance, 1862," and now vested in the board, it shall be lawful for every board from time to time to make such by-laws not inconsistent with the provisions of this Ordinance as it may deem expedient for any of the following purposes :

- Power to make by-laws.
- (1) For regulating the time and place of its own meetings, and the order to be observed thereat ;
  - (2) For making, repairing, cleaning, watering, and lighting the streets, roads, canals, and bridges of the town ;
  - (3) For regulating weights and measures ;
  - (4) For the assize of bread ;
  - (5) For the establishment and regulation of its own markets and levy of rents and fees therein, and for supervision and control of private markets, bakeries, dairies, laundries, washing places, common lodging houses, and latrines ;
  - (6) For the establishment and regulation of slaughter-houses, whether its own or of private persons ;
  - (7) For the regulation of dangerous or offensive trades ;
  - (8) For the seizure and forfeiture of unwholesome flesh, fish, or other provisions introduced into the town or exposed for sale therein ;
  - (9) For the suppression of cruelty to animals ;
  - (10) For regulating the mode and times of fishing ;
  - (11) For taking care of waste or public lands ;

- (12) For the putting up and preservation of boundaries and fences of lands, whether public or private ;  
 (13) For the setting apart and regulation of bathing places ;  
 (14) For the destruction of dogs ;  
 (15) For—

- (a) Determining the amount to be paid in commutation of the labour due under section 35 of this Ordinance, and for enforcing the recovery of such commutation ;  
 (b) Calling out and compelling the performance of such labour ;  
 (c) Enforcing in case of default the performance of increased or double labour, or the payment of increased or double commutation, and costs ; and  
 (d) Recovering all other taxes payable under this Ordinance.

Provided that such increased or double labour as aforesaid shall not exceed in the aggregate twelve days' labour, and such increased or double commutation in lieu of the same, exclusive of costs, shall not exceed five rupees from any person in one year.

Provided further, that until such by-laws are made by any board under (a), (b), and (c) of this sub-section, the provisions of the Ordinance No. 10 of 1861 and of the Ordinance No. 31 of 1884 shall, so far as the same may be made applicable, be acted upon and deemed of force as if the same were inserted herein, and that all the powers and authorities vested under the said Ordinances in the chairman of any district or provincial road committee shall, so far as respects any town, be vested in and exercised by the chairman of the board of such town, and all powers vested or expressed to be vested in division officers by the said Ordinance shall be vested in such persons as may be appointed by the board in this behalf.

- (16) For fixing and levying charges for the occupation of pounds for stray cattle and the cost of the keep of the animals impounded ;  
 (17) For regulating the dimensions and securing the proper ventilation, draining, scavenging, and sanitary condition of huts and houses to be constructed ;  
 (18) For levying fees for and regulating the grazing of cattle on waste and other lands not being private property ;  
 (19) For protecting fish, game, and wild birds, and for regulating the use of firearms within the town ;  
 (20) For preventing waste, misuse, undue consumption, or contamination of the water supplied by the board, and for the preservation and maintenance of the waterworks.  
 (21) For every other purpose which may be necessary or expedient for the due conservancy of the town, the preservation of the public health therein, and the promotion of the comfort and convenience of the people thereof.

Power to alter, amend, or cancel by-laws.

**57** Every board may from time to time alter, amend, or repeal any by-law or all such by-laws and substitute another or others therefor not inconsistent with the provisions of this Ordinance. No by-law or alteration, amendment, or repeal of or substitution for any by-law shall have effect until the same is confirmed by the Governor, with the advice of the Executive Council. Such by-laws when so confirmed and published in the *Government Gazette* shall be as valid and effectual as if they had been herein enacted.

By-laws in Schedule D to be in force unless suspended.

**58** Until by-laws are made by the board of any town under section 57, and so far as such by-laws do not extend to modify or alter the by-laws contained in Schedule D, the by-laws contained in that schedule shall be deemed to be and be the by-laws enacted by such board for the purpose of this Ordinance, and shall be in force in such town.

Board may appoint secretary and other officers.

59 It shall be lawful for the board of any town to appoint a secretary and such other officers or servants as may be necessary for carrying out the purposes of this Ordinance, and to pay such secretary, officers, and servants out of the local fund such salary or wages as to such board may seem fit; and all officers and servants appointed under the Ordinance No. 7 of 1876 shall continue to be the officers and servants of such board as though they had been appointed under this Ordinance.

Power of the board to improve streets;

60 It shall be lawful for the board, with the sanction of the Governor and Executive Council, to do any of the things following:

(1) To build and construct bridges and tunnels, and to turn, divert, discontinue, stop up, widen, open, enlarge, or otherwise improve any street, making due compensation out of the local fund to the owners or occupiers of any property required for such purposes, or injured by the carrying out thereof;

to purchase and sell lands.

(2) To purchase or take on lease land or buildings for the purposes of this Ordinance and pay for the same out of the local fund, and sell the same or any other property vested in the board;

If necessary, land may be acquired under the law for the acquisition of land for public purposes.

61 When there is any hindrance to the acquisition by purchase of any land or building required for the purpose of this Ordinance, the Governor, upon the application of the board, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of private land for public purposes; and the Governor may vest such land or building in the board on its paying the compensation awarded.

Other powers of the board.

62 It shall be lawful for the board, in addition to any other powers vested in it, to do any of the things following:

- (1) To water the streets;
- (2) To remove encroachments and obstructions in or upon any street;
- (3) To paint up the names of streets and the numbers of houses or tenements on any private property;
- (4) To shut up and secure deserted houses;
- (5) To provide and maintain common latrines;
- (6) To construct wells and provide bathing places;
- (7) To erect lamps and light the town or any part thereof;
- (8) To make and repair main and other drains or sewers;
- (9) To establish pounds for stray cattle;
- (10) To erect buildings for the purposes of this Ordinance, and to let the same.

Duties of the board to abate nuisances and cleanse and keep in repair streets, &c.

63 It shall be the duty of the board to abate all nuisances in the town, to cleanse and keep and maintain in proper cleanliness, order, and repair all public streets and bridges (except such as shall be exempted by the Governor under section 55) and all public wells and tanks within the limits of the town.

Board may regulate processions and music in the streets.

64 It shall be lawful for the board to grant permission for any religious or public procession or the performance of any music in the streets of the town, and to regulate and restrict such processions and music in such manner as the board shall think fit, regard being had to the comfort and convenience of the inhabitants.

Powers of provincial and district committees vested in board.

65 All powers, duties, and responsibilities vested or expressed to be vested in provincial and district committees respectively, or in the chairman or secretary thereof, under or by virtue of "The Road Ordinance, 1861," or the Ordinance No. 31 of 1884, shall be vested in the board, within

and so far as relates to any town brought under the operation of this Ordinance and the inhabitants thereof, except so far as such powers, duties, and responsibilities are inconsistent with any of the provisions of this Ordinance.

Erection of new buildings to be under the control of the board.

66 It shall not be lawful for any person to erect any building or block of buildings, or to add to any building or block of buildings already existing when this Ordinance comes into operation, without fourteen days' previous notice to the board; and the board may require the person giving such notice to furnish a plan of the building if deemed necessary, and may give written directions, not inconsistent with this Ordinance and with any by-laws made thereunder, either prohibiting the erection or addition to such building if deemed likely to cause public inconvenience or to injure the health of the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:

- (1) Space to be left about the building or block of buildings to secure free circulation of air and to facilitate scavenging;
- (2) Dimensions of doors and windows, level of the floor, height of the roof, general ventilation, and drainage;
- (3) Number and nature of latrines;
- (4) Foundation and stability of structure; and
- (5) The line of frontage and, where the building abuts on or is within thirty feet of a public street, the front elevation.

Provided that the board shall make full compensation to the owner for any damage he may sustain in consequence of the unconditional prohibition of the erection of, or the addition to, any building or block of buildings.

67 If any such buildings be built without such notice to the board or otherwise than as required by the board, the board may give notice to the builder or builders thereof to take down and remove the same within one month, and if such buildings be not taken down or removed according to such notice, the board may cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the said builder or builders and shall be recoverable as hereinafter provided.

Houses or huts not to be built or roofed with cadjan without permission.

68 It shall not be lawful for any person to erect or construct any house, hut, shed, or other building, whether to be used as dwellings or stables or for any other purpose, having its external roof or walls made of grass, leaves, mats, or other such inflammable material, without first obtaining the permission of the chairman; and if any such house, hut, shed, or other building be built without such permission the chairman shall give notice to the owner thereof, or of the ground upon which the same is erected or constructed, or is being erected or constructed, by affixing a notice to some conspicuous part of such house, hut, shed, or other building, to take down and remove the same forthwith or within such time as the chairman may direct. If such house, hut, shed, or other building be not taken down and removed forthwith, or within the time fixed by such notice, the chairman shall cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the owner thereof, or of the ground upon which the same is built, and shall be recoverable as hereinafter provided.

Power of the board as to existing buildings.

69 Whenever the board is satisfied that any building or block of buildings, whether existing at the time when this Ordinance comes into operation or subsequently erected, is by reason of the occurrence of an epidemic, or of the manner in which such buildings are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants or the neighbourhood, the board shall give notice to the owners or occupiers thereof, or, at its option, the owner of the land on which such buildings are constructed, within such reasonable time as may be

fixed by the board for that purpose, to execute such operations, including alteration of such buildings, as the board may deem necessary for the avoidance of such risk. And in case such owner or occupier shall refuse or neglect to execute such operations within the time appointed, any officer appointed by the board in that behalf may cause the said buildings to be taken down or such operations to be performed in respect thereof as the board may deem necessary to prevent such risk. If such buildings be pulled down, the said officer shall cause the materials of each building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the building, or if the owner be unknown, or the title disputed, shall be held in deposit by the treasurer, until the person interested therein shall obtain the order of a competent court for the payment of the same. Provided always that in case any building or block of buildings existing at the time when this Ordinance comes into operation should be pulled down under this section by order of the board, or in pursuance of its notice, compensation shall further be made to the owner thereof, and the amount thereof in case of dispute shall be ascertained and determined as hereinafter provided.

Proviso.

Projecting houses when taken down to be set back.

70 When any house or building, any part of which projects beyond the regular line of a street or beyond the front of the house or building on either side thereof, has either entirely or in greater part been taken down, burned down, or has fallen down, the chairman may require the same, when being rebuilt, to be set back to or towards the line of the street or the line of the adjoining houses or buildings, and the portion of land added to the street by so setting back the house or building shall thenceforth be deemed part of the street. Provided always that the board shall be liable to pay full compensation to the owner of any such house or building for any damage he may thereby sustain.

Houses in a ruinous and dangerous state.

71 If any house, building, or wall or anything affixed thereon be deemed by the board to be in a ruinous state, whether dangerous or not, or likely to fall, it shall immediately, if it appears to be necessary, cause a proper hoarding or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the board shall cause all or so much of such house, building, wall, or thing as it shall think necessary to be taken down, repaired, or otherwise secured; and all the expenses incurred by the board shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

Sale of materials of ruinous houses.

72 If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the board may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such houses, building, or wall. Provided always that, in case no demand for such overplus as aforesaid shall within twelve months be made by any person entitled to call for the same, the board shall be at liberty to pay the amount of such overplus to the credit of the local fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The board, although it sells such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Ordinance are given to it for compelling the payment of the whole of the said expenses.

Proviso.

Overcrowding of houses.

73 Whenever it shall appear to the board that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, or of the neighbourhood, and the inhabitants shall consist of more than one family, the board shall cause proceedings to be taken before the police court to abate such overcrowding, and the said court shall thereupon make such order as it may think fit; and each of the persons permitting such overcrowding shall be liable to a penalty not exceeding ten rupees for each day after the date of such order during which such overcrowding shall continue.

Power of board to inspect and limewash houses.

74 It shall be lawful for the board at any time between sunrise and sunset by any of its officers (on giving six hours' notice) to enter into and inspect all houses and buildings, and by an order in writing to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleaned for sanitary reasons; and if the owner or occupier of such house or building neglect to comply with such direction within two days from the time when the order shall have been served upon him, the board may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Penalty for making unauthorized drains into public sewers.

75 Whoever, without the written consent of the board first obtained, makes or causes to be made any drain into any of the public sewers or drains, shall be liable to a penalty not exceeding fifty rupees, and the board may cause such drain to be demolished, altered, re-made, or otherwise dealt with as it may think fit; and all the expenses incurred thereby shall be paid by the person making such drain and shall be recoverable as hereinafter provided.

Building over sewers, &c., not to be erected without consent of board.

76 No building shall be newly erected over any public sewer, drain, culvert, gutter, or watercourse without the written consent of the board; and if any building be so erected, the board may cause the same to be pulled down or otherwise dealt with as it may think fit; and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

Board may order or cause additional latrines to be constructed.

77 In case the board shall be of opinion that any latrine or latrines or additional latrine or latrines shall be necessary to be attached to or provided for any house or building or land, the owner of such house or building or land shall within fourteen days after notice in this behalf by the board cause such latrine or latrines to be constructed in accordance with the requisition of such notice, and in case the requisitions of such notice shall not have been complied with to the satisfaction of the board by such owner within the period aforesaid, the board shall be at liberty to cause such latrine or latrines to be constructed, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

Board may cause persons employing large numbers of men to provide and maintain latrine or latrines, &c.

78 It shall be lawful for the board to compel any person employing large bodies of workmen or labourers to provide and maintain such latrine or latrines as may to it seem fit, and to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such latrine or latrines, or to keep the same clean and in proper order, the board may construct and cause such latrine or latrines to be kept in good order and cleaned, and the expense incurred by the board in respect thereof shall be paid by the person aforesaid, and shall be recoverable as hereinafter provided.

Neglecting to enclose private latrine.

79 The owner or occupier of any house or building or land having a latrine on his premises shall have such latrine shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any latrine open with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply



Proviso.

with, or shall commit any breach of any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach. Provided that the board may, in its discretion, permit the continuance for such time as it may think fit of any such latrine open or with a door or trap-door opening on to any street, where such latrine already exists and does not create a nuisance.

If owners neglect to keep drains, &c., in good order, board may cause the same to be done and charge the owner with the expenses.

80 All drains, latrines, and cesspools within the town shall be under the survey and the control of the board, and shall be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, latrine, or cesspool belongs neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same in good order in the manner required by the board, the board may cause such drain or latrine or cesspool to be altered, repaired, and put in good order in the manner required; and the expense incurred by the board in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Penalty for persons making or altering drains, &c., contrary to the orders of the board.

81 If any drain or latrine or cesspool be constructed after this Ordinance comes into operation, contrary to the direction and regulations of the board, or contrary to the provisions of this Ordinance, or if any person, without the consent of the board, construct any new drain or latrine or cesspool, or construct, rebuild, or unstop any drain or latrine or cesspool which has been ordered by the board to be demolished or stopped up, or not to be made, every person so doing shall be liable to a fine not exceeding fifty rupees, and the board may cause such amendment or alteration to be made in any such drain or latrine or cesspool as it may think fit, and the expenses thereof shall be paid by the person by whom such drain or latrine or cesspool was improperly constructed, rebuilt, or unstopped, and shall be recoverable from him as hereinafter provided.

Inspection of drains and latrines.

82 The board or any officer appointed by it for that purpose may, subject to the restrictions of this Ordinance, inspect any such drain or latrine or cesspool, and for that purpose at any time may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened, where such board or officer may think fit, doing as little damage as may be; and if upon such inspection it appears that the drain or latrine or cesspool is not in good order and condition, or that it has been constructed after this Ordinance comes into operation contrary to the regulations and directions of the board, the expenses of such inspection shall be paid by the person to whom such drain or latrine or cesspool may belong, and shall be recoverable as hereinafter provided; but if such drain or latrine or cesspool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Ordinance, the board or officer as aforesaid shall cause the ground to be closed and made good, as soon as may be, and the expenses of the opening, closing, and making good such drain or latrine or cesspool shall in that case be defrayed by the board.

Power to fill up unwholesome tanks on private premises.

83 When any private tank or low marshy ground or any waste or stagnant water, being in any private land, appears to the board to be injurious to health or to be offensive to the neighbourhood, the board shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if the said owner shall refuse or neglect to comply with such requisition during seven days from the service thereof, the board or its officers and workmen may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Place of deposit for filth.

84 The board from time to time shall provide places convenient for the deposit of the night soil, dung, and other filth, and the dust, dirt, ashes, and rubbish collected and removed under the authority of this Ordinance, and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Ordinance. Provided that no such dust, dirt, ashes, rubbish, night soil, dung, and other filth collected and removed under the authority of this Ordinance shall be deposited in the neighbourhood of human habitations or in any place so as to cause a nuisance.

Proviso.

All rubbish, &c., collected to be the property of board.

85 All dirt, dust, ashes, rubbish, sewage, soil, dung, and filth collected from streets, houses, latrines, sewers, and cesspools shall be the property of the board, and the board shall have power to sell or dispose of the same as it may think proper; and the money arising from the sale thereof shall be paid to the credit of the local fund.

Power to cut overhanging trees.

86 It shall be lawful for the board, or any officer appointed by it for that purpose, 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 shall grow in or overhang any thoroughfare or cause any obstruction therein, and for that purpose to enter upon any land or premises with such persons, animals, and implements as may be necessary, and to proceed to do therein all such things as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots.

#### X.—Miscellaneous.

Governor may make rules for grants of pensions, &c.

87 The Governor in Executive Council may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance, or gratuities to the children or widows of such servants.

The local board shall, subject to such rules, pay such pensions and gratuities out of the local fund.

Board may enter into contracts.

88 It shall be lawful for any board from time to time to enter into any contract with any person for any work to be done or materials to be furnished for carrying out any of the purposes of this Ordinance. Such contracts shall be signed by the chairman and one or more of the members and by the other party contracting; but no contract above the value of five hundred rupees shall be entered into unless fourteen days' notice be previously given in one or more of the public newspapers published in this island calling for tenders for the execution of such work or the supply of such materials. Provided always that it shall not be compulsory on the board to accept the lowest or any tender.

Governor may contribute any portion of the cost of any special work estimated at more than 100 rupees.

89 In the event of any special work of local improvement being undertaken by any board, which shall be estimated to cost more than one hundred rupees, the Governor may, with the advice of the Executive Council, contribute from the general revenue such proportion of the cost thereof as he may think fit.

Service of notice on owners and occupiers of buildings and lands.

90 When any notice is required by this Ordinance to be given to the owner or occupier of any house, building, or land, such notice, addressed to the owner or occupier, as the case may require, 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 up 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. Provided always that, when the owner and his residence are known to the board, it shall be its duty, if such owner be residing within the town, to cause every such notice to be given to the owner; and if he be not resident within the town, it shall send every such notice by the post addressed to his residence.

Proviso.

Board in default of owner or occupier may execute works and recover expenses.

91 Whenever under the provisions of this Ordinance any work is required to be executed by the owner or occupier of any house, building, or land, and default is made in the execution of such work, the board, whether any penalty is or is not provided for such default, may cause such work to be executed, and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Power to levy charges on occupier who may deduct the same from his rent.

92 If the defaulter be the owner of the house, building, or land, the board may, by way of additional remedy, whether an action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the house, building, or land under such owner; and in default of payment thereof by such occupier on demand, the same shall be levied by distress of the goods and chattels of such occupier; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from such occupier in respect of any such expenses, and to retain possession until such expenses shall be fully reimbursed to him.

Occupiers not to be liable to more than the amount of rent due.

93 No occupier of any house, building, or land shall be liable to pay more money in respect of any expenses charged by this Ordinance on the owner thereof than the amount of rent due from him for the premises, in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the board, truly to disclose the amount of his rent and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier. Provided further that nothing herein contained shall be taken to affect any special contract made between any owner and occupier respecting the payment of the expense of any such works as aforesaid.

Proviso.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

94 Whenever default is made by the owner of any house, building, or land in the execution of any work required to be executed by him, the occupier of such house, building, or land may, with the approval of the board, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner. The owner shall not be entitled to eject the occupier until such expense shall have been fully paid or deducted as aforesaid.

Proceedings if an occupier opposes the execution of the Ordinance.

95 If the occupier of any house, building, or land prevent the owner thereof from carrying into effect, in respect of such house, building, or land, any of the provisions of this Ordinance after notice of his intention so to do has been given by the owner to such occupier, the board, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Ordinance, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order, and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty rupees, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Remedy if neither the owner nor occupier be able to pay.

96 If neither the owner nor the occupier be able to pay the expenses incurred by the board, the same shall be a charge upon the house, building, or land in respect of which the expenses were incurred, and payable as a debt due to the board.

Right of entry in houses.

97 Whenever under the provisions of this Ordinance the board or others acting under their orders or authority, or having themselves authority under this Ordinance, shall have occasion to enter into any house for purpose of inspection or for the purpose of performing or executing any duty or power vested in them under this Ordinance, they shall be empowered to do so.

Board may direct prosecution.

98 The board may direct any prosecution for any nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Ordinance, and may order the expenses of such prosecution or other proceedings to be paid out of the local fund.

No action to be instituted against board until after one month's notice nor after three months after cause of action.

99 No action shall be instituted against the board or members or any of the officers of the board or any person acting under the direction of the board for anything done or intended to be done under the powers of this Ordinance until the expiration of one month next after notice in writing shall have been given to the board or to the defendant, stating with reasonable certainty the cause of such action and the name and the place of abode of the intended plaintiff and of his proctor or agent, if any, in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action, except such as is stated in the notice so delivered, and unless such notice be proved the court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action and not afterwards; and if any person, to whom such notice of action is given, shall before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action, when brought, and the defendant shall be entitled to be paid his costs by the plaintiff; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the court where such action shall be pending, at any time before issue joined to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Board may make compensation out of local fund.

100 The board may make compensation out of the local fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the board, its officers, or servants, under and by virtue of this Ordinance.

Compensation, damages, and costs to be determined by court.

101 Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Ordinance directed to be paid, the amount and, if necessary, the apportionment of the same in case of dispute, may be summarily ascertained and determined by any court having jurisdiction in the matter.

Recovery of damages.

102 If the amount of compensation, damages, costs, or expenses be not paid by the party liable to pay the same within seven days after demand, such amount may be reported to such court, and recovered in the same way as if it were a fine imposed by such court.

No person liable to fine or penalty unless complaint be made one month after the offence is committed.

103 No person shall be liable to any fine or penalty under this Ordinance, unless the complaint shall have been made before a competent court within one month next after the commission of the offence.

Damage to property of board to be made good in addition to penalty.

104 If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Ordinance, any damage to the property of the board shall have been committed by such person, he shall be liable

to make good such damage, as well as to pay such penalty, and the amount of such damage shall, in case of dispute, be determined by the court by which the party incurring such penalty shall have been convicted, and the amount of such damage shall be recovered as if it were a fine imposed by the court.

Recovery of expenses on account of improvement to private property.

105 When the board shall have incurred any expense in executing any of the works, which under this Ordinance the owner of any houses, buildings, or lands is required to execute, the board may either recover the amount of such expenses in the manner hereinbefore provided, or, if it think fit, may take engagements from the said owners for the payment by instalments of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of nine per centum per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates payable under this Ordinance may be recovered.

Acts and notices may be done and given by secretary or any other officer authorized thereunto.

106 All acts and notices which the board or members are empowered to do or give by this or any other Ordinance may be done and given by the secretary of the board or by any other of its officers, he or they being authorized thereunto by the board.

Punishment for breach of by-laws.

107 The breach of any by-law hereby enacted or of any by-law or regulation hereafter made under the provisions of this Ordinance shall be an offence, and shall be punishable by a fine not exceeding twenty rupees, and in the case of a continuing offence by a further fine not exceeding five rupees for each subsequent day on which such offence is committed. Such offence shall be cognizable by a police court, and such court shall have power to inflict the full amount of fine to which the offender shall be liable, notwithstanding that such fine may exceed in amount the ordinary jurisdiction of such court.

Provided that no complaint shall be preferred in any court for any breach of any by-law or regulation, except with the previous sanction of the chairman.

Punishment for obstructing officers of board.

108 Whoever shall wilfully obstruct any person in the performance of any duty or the exercise of any authority vested in or conferred upon him under or by virtue of any of the provisions of this Ordinance, shall be guilty of an offence, and shall be liable upon conviction to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour for any term not exceeding three months, or to both.

Penalty for misuse of power by officers.

109 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 fifty rupees.

#### SCHEDULE A.

Ordinance No. 7 of 1876.	Ordinance No. 9 of 1887.
Ordinance No. 6 of 1882.	Ordinance No. 27 of 1890.

#### SCHEDULE B.

##### Form of Mortgage.

No. —

By virtue of "The Local Board of Health and Improvement Ordinance, 1898," the Local Board of \_\_\_\_\_, in consideration of the sum of Rs. \_\_\_\_\_ paid to the credit of the funds of the said Local Board by A. B., of \_\_\_\_\_, for the purposes of the said Ordinance, grant and assigns unto the said A. B., his heirs, executors, administrators, and assigns, such portion of the rates and taxes arising or accruing by virtue of the said Ordinance, from (*here describe the rates or taxes proposed to be mortgaged*) as the said sum of Rs. \_\_\_\_\_

doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes, to hold to the said A. B., his heirs, executors, administrators, and assigns from this day until the said sum of Rs. \_\_\_\_\_, with interest at \_\_\_\_\_ percent per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of \_\_\_\_\_ years from the date hereof, and in the meantime interest thereon to be payable half-yearly) (*in case any period be agreed upon for that purpose*).

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, One thousand Eight hundred and Ninety \_\_\_\_\_.

A. B., Chairman.

\_\_\_\_\_ } Members.

#### SCHEDULE C.

	Rs.	c.
For every carriage of whatever description other than a cart, hackery, or jinricksha ...	5	0
For every cart or hackery of whatever description ...	4	0
For every jinricksha ...	2	50
For every horse, pony, or mule ...	2	50
For ever bullock or ass ...	1	0
For every dog ...	0	50

Children's carriages, the wheels of which do not exceed 24 inches in diameter, are exempted.

#### SCHEDULE D.

##### By-laws.

##### CHAPTER I.

##### *Time and Place of Meetings and order to be observed thereat.*

Time and place of meetings.

1. The ordinary meetings of the board shall be held on such days and at such time and place as the board shall from time to time by resolution determine, provided that it shall be lawful for the board to adjourn any meeting to any other day or hour. The resolution determining the time and place of the ordinary meetings shall be published for general information in the *Government Gazette*, and a copy thereof affixed at the office of the board.

Precedence.

2. For all purposes connected with the board at its meetings the precedence and seniority of the members shall be regulated as follows:—

- (a) The *ex-officio* chairman.
- (b) The members appointed by the Governor in the order in which they have been gazetted.
- (c) The elected members in the order of the priority of their elections.

Chairman to preserve order.

3. The chairman shall preserve order and decide on all disputed points of order.

Procedure at meetings.

4. As soon after the hour appointed for any meeting (whether ordinary or special) as a quorum shall assemble, the member entitled to preside shall take the chair, and the board shall proceed to business. Should a quorum not be present at the expiration of half an hour from the time appointed for the meeting, the meeting shall stand adjourned, if an ordinary meeting to the day appointed for the next ordinary meeting, or if a special meeting *sine die*.

Notice of question or motion.

5. Any member desiring to ask a question or to make a motion, unless in the course of discussion, or in case of emergency by special leave of the board, shall give notice of such question or motion either at some previous meeting of the board or by notice in writing at least four days before the day on which he intends to ask such question or make such motion.

Copy to be delivered to secretary.

6. Every member in giving such notice shall deliver to the secretary a copy of such question or motion.

Questions, &c. to be in order of notice.

7. All questions asked and motions made at a meeting shall be made in the order of the notices thereof, unless the board shall unanimously decide otherwise.

Motion negatived not to be made again within three months.

8. A motion negatived at a meeting shall not be again made until after the expiration of at least three months, and no motion in any way contrary to one passed by the board at a meeting shall be entertained until after the expiration of the same period.

Petition to be respectful.

9. Any member presenting a petition or other communication will be held responsible for its contents being throughout respectful, and no document shall be laid before the board unless the name and address of the drawer be legibly recorded on it.

- Proceeding upon petitions. 10. When a petition or other communication is presented the purport thereof shall be concisely stated, and on the motion of any member, duly seconded, the question shall be put whether or not the document shall be read.
- Order of business. 11. The business of the ordinary meetings of the board shall be conducted in the following order :—  
 (a) The minutes of the former meeting shall be read and confirmed, after being, if necessary, corrected.  
 (b) Memorials, petitions, or other communications addressed to the board shall be laid before the meeting and orders made thereon.  
 (c) The other business shall be considered in the order set down in the order book hereafter mentioned.
- Secretary to keep order book. 12. The secretary shall keep an order book in which shall be entered and numbered in succession the subjects to be brought under discussion at each meeting, and he shall serve on each member or leave at his residence two days at least before each meeting a notice containing the order of the day copied from the order book.
- Minute book and journal. 13. He shall keep a book, to be called the minute book, in which shall be minuted during each sitting in the order in which they occur the proceedings of the board. And he shall keep another book, to be called the journal, in which he shall cause all minutes of proceedings to be fairly transcribed, and such journal shall form the book required to be kept and to be signed by the chairman and one member then present under the 23rd section of this Ordinance.
- Complaint book. 14. The secretary shall also keep and submit to the board at every meeting a complaint book, and he shall provide that this book shall be accessible to the public at his 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 board may sit. Every inhabitant of the town shall have access to this book on his furnishing the secretary with his correct name and address.
- Reports of inspectors, &c., to be laid on table. 15. The secretary shall at each sitting of the board lay on the table all reports made to the chairman by the inspectors and other officers of the board, and notes of any action taken thereon by the chairman since the last previous meeting of the board.

## CHAPTER II.

*Establishment and regulation of Public Markets.*

- Opening of public markets. 1. Whenever it shall be determined to establish a public market the local board shall give not less than ten days' notice of the time when the same will be opened, and such notice shall be published by beat of tom-tom.
- Sale of goods prohibited in any other place than the public market without license. 2. After any such public market shall have been established and opened, no person shall, without a license granted by the board, publicly expose for sale any meat, poultry, fresh fish, fresh fruit, or vegetables in any place within the limits of the local board other than the public market.
- Form of license to sell elsewhere than in market. 3. All licenses referred to in the last section shall be in the Form A annexed, and shall be in force for the period mentioned therein and no longer, which period shall not be more than twelve months or less than one month.  
 Such licenses shall be paid for in advance at a rate not exceeding 50 cents for each month. Provided that it shall be lawful for the board at any time to cancel any such license or licenses.
- Recovery of rents. 4. The several rents, tolls, and fees payable in respect of a public market shall be paid in advance from time to time on demand to the board, or their lessee, or other person authorized by the board or their lessee to receive the same.
- Recovery by distress. 5. If any person liable to the payment of any rent, toll, or fee authorized as aforesaid do not pay the same when demanded, the board, or any person authorized by the board to collect the same, may levy the same by seizure and sale of all or any of the articles in the market belonging to or in the possession or custody of the person liable to pay such toll, rent, or fee.
- Table of fees. 6. A table of the rents, tolls, and fees leviable at each market shall be printed in English, Sinhalese, and Tamil, and placed in a conspicuous place at each market, and it shall be unlawful for any person to demand or receive higher sums than those authorized by such notice.
- Payment of fees for stalls for which no monthly permits are issued. 7. All payments to be made in respect of any stall for which no monthly permit has been issued shall be paid daily to the officer authorized by the board to collect the same.

Occupation of stalls other than those assigned.

Fresh fish only to be sold in the fish market.

Fish, cooked food, &c., not to be sold in the vegetable market.

Occupants not to enclose market or to leave goods in it during the night.

Occupant to keep stall clean.

Persons with cutaneous diseases not to occupy a market.

Occupants to behave in an orderly manner.

Hours during which market shall be open.

Butchers not to keep any meat except in a public market.

Meat unfit for sale.

Market-keeper or lessee to preserve order within limits of the market.

Carts not to remain within market premises for a longer period than is necessary.

Board may prohibit sale of certain fish or fruit.

8. No person holding a permit to use a stall in the market shall occupy any stall other than the one assigned to him in his permit, and no person shall keep or expose for sale in any stall any article the keeping or sale of which therein shall have been prohibited by the board, by notice posted in the market.

9. No person shall sell or expose for sale in any fish market or stall any provisions or things other than fresh fish.

10. No person shall sell or expose for sale in any vegetable or fruit market or stall any meat or flesh or salted fish or cooked food.

11. No occupant of a stall shall enclose in any way any portion of a market, or erect any awning or screen or fixture of any kind, nor shall he leave any goods in any market between the hours of 9 P.M. and 6 A.M. without having first obtained the sanction of the chairman.

12. Every occupant of a stall or seat in any market shall keep such stall or seat clean and free from filth or rubbish.

13. No person affected with or suffering from any cutaneous, contagious, or infectious disease shall occupy any stall, seat, or place in any public market, or expose for sale thereat any provisions whatsoever.

14. All persons using or occupying any public market shall behave in an orderly manner, and shall not commit any nuisance in or about such market.

15. All public markets shall be open daily from 6 A.M. to 9 P.M., and it shall be the duty of the board to make provision for the proper lighting of the market.

16. No licensed butcher shall sell or keep for sale any meat or any portion of a slaughtered animal except in a public market and in the stall rented by him.

17. It shall be competent for an inspector of the board to order the removal from a public market of any meat, fish, vegetable, or fruit certified by a competent medical officer to be unfit for sale, and to order its burial at the expense of the owner.

18. It shall be the duty of the market-keeper or of the lessee of the market to maintain order within the limits of the market, and every person who shall obstruct or resist any person appointed by the board to superintend any public market, or to collect the rents, tolls, or fees, or to enforce order or cleanliness therein, whilst in the execution of his duty, shall be guilty of an offence.

19. No cart or vehicle shall remain within any market premises for a longer period than is necessary for loading or unloading.

20. Whenever it shall appear to the board that the use or consumption by the public of any particular kind of fish is injurious, or that during the prevalence of any epidemic the use or consumption of any particular kind of fruit or vegetable is hurtful, it shall be lawful for the board, by beat of tom-tom or other sufficient notice, to prohibit for such time as to the board shall appear necessary the sale of any such fish, fruit, or vegetable in any market or other place within the limits of the local board, and after such notice to cause the same to be seized and destroyed in such manner as the board or chairman may direct.

#### Form A.—Form of License.

\_\_\_\_\_ having paid \_\_\_\_\_, is hereby licensed by resolution of the Local Board of \_\_\_\_\_, passed on \_\_\_\_\_, to sell \_\_\_\_\_ at \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Chairman, Local Board.

#### CHAPTER III.

*For taking care of Waste or Public Lands, levying Fees for Grazing, and putting up Boundaries.*

Animal not to be allowed to graze on public land without permit.

1. No horses, cattle, sheep, goats, or swine shall be tethered or grazed upon any public ground vested in the board without a license from the chairman. Such license may be granted for a year or any shorter period at the discretion of the chairman, and shall be subject to such fee as the board shall from time to time appoint.



Animal without license may be seized.

And sold if not claimed in ten days.

Board may let out grazing grounds.

Animal seized to be pounded.

Charges for pound.

Owners to surround houses and gardens with wall or fence.

2. Any person thereto authorized in writing by the chairman may seize any horse, sheep, goat, or other animal which he may find tethered or grazing without such license as aforesaid on any public ground within the town. No animal so seized shall be released except upon payment of a fee of one rupee and the charges leviable for pounding it in the cattle pound if it has been so impounded.

3. Any animal seized and not claimed within ten days may be sold by public auction.

4. The board may farm or let out the public grazing grounds or any part thereof for any period not exceeding twelve months on such condition as to the board may seem fit.

5. All cattle, sheep, and goats straying on the public roads or paths within the town shall when seized be placed in the pound established by the board for that purpose. And the following charges shall be paid before removal of any animal so impounded :—

For occupation ... 25 cents a head for a day or part of a day.  
For food, if supplied 15 cents a head for a day or part of a day.

6. Every owner or occupier of any house, garden, building, or land within the town shall keep such house, garden, building, or land surrounded with a wall or good fence of not less than four feet in height from the level of the ground.

#### CHAPTER IV.

##### *Public Bathing-places and places for Washing Clothes.*

Places may be set apart for public bathing.

No person to bathe at public place not set apart.

Places for washing clothes, &c.

List of places set apart to be published

No person suffering from cutaneous or contagious disease to bathe or wash clothes at such places or suffer animal to enter.

1. It shall be lawful for the board from time to time to set apart for public bathing such places as it may deem proper, and the hours during which they may be used.

2. No person shall resort to any other public place in the town for the purpose of bathing ; and no person shall bathe at the places set apart except during the hours determined by the board.

3. No person shall wash clothes or mats or other articles, or hang or spread them out to dry at any public place within the town except at such places as shall be set apart by the board for the purpose.

4. A list of the places so set apart for public bathing and washing of clothes shall be published in the *Government Gazette*, and copies of the list affixed at the office of the board.

5. No person suffering from any cutaneous, infectious, or contagious disease shall bathe or wash clothes or any other articles in any place set apart as hereinbefore provided for bathing or washing clothes, and no person shall allow any animal belonging to him or under his control to enter or remain in or upon or drink at any such place.

#### CHAPTER V.

##### *Tax on Dogs.*

Tax when payable.

1. A tax of fifty cents shall be leviable upon each dog within the local board limits. The tax shall be due on January 1 in each year, and shall be paid before March 1 in each year. Provided, however, that no tax shall be levied on any dog in respect of which it is proved to the satisfaction of the chairman that tax has already been paid for the then current year to any other local board or to any municipality within the island.

Occupier of house to furnish list of dogs.

2. To facilitate the recovery of the tax, the occupier of every house within the town shall, on or before February 15 in each year, furnish an officer thereunto authorized by the board with a list in the Form B annexed of the dogs kept in such house, and the names of the owners thereof.

Board to provide collar.

3. On payment of the tax on any dog the board shall furnish the owner with a stamped collar to be worn by such dog, on payment of a fee of 25 cents.

Dogs without collar may be seized.

4. Any dog found in any street, thoroughfare, or public place without a collar duly stamped supplied by the board, or by any other local board, or by any municipality within the island, may be seized by any officer of the board or other person specially authorized in that behalf, and may, if unclaimed, or if claimed, and a sum of fifty cents, together with a charge of six cents per diem for every day during which such dog has been under seizure be not forthwith paid by the claimant, be destroyed after the expiration of forty-eight hours after such seizure.

Notice to be given by person becoming possessed of a dog.

5. Every inhabitant within the local board limits becoming possessed of any dog or dogs after the furnishing of the list referred to in by-law 2 of this chapter shall furnish the officer of the board mentioned in the said by-law with a list of such dog or dogs within one month after acquiring the same, and such dog or dogs shall, subject to the provisions of by-law 1 of this chapter, become liable to the tax for the current year within fifteen days after the list required by this by-law becomes due.

Form B.—List of Dogs.

Street : \_\_\_\_\_  
House No. \_\_\_\_\_  
Occupier's name : \_\_\_\_\_

No.	Description.			Name of Owner
	Breed.	Sex.	Colour.	
1				
2				
3				
4				

CHAPTER VI.

*Sanitation and general Conservancy.*

Occupier to remove rubbish.

1. Every occupier of a house within the town shall remove or cause to be removed daily to such place as the board shall appoint the dust, ashes, sweepings, rubbish, filth, and manure collected or found in or about the said house and premises belonging thereto.

Rubbish to be removed by scavengers to be placed in boxes.

2. All householders or other persons who are desirous that the dust, ashes, sweepings, rubbish, or other refuse from their premises should be removed by the scavengers of the board shall deposit the same in proper covered boxes or other receptacles on the edge of the road outside their respective dwellings or shops daily, between such hours as shall be appointed by the board, and it shall not be lawful for any person to place or cause to be placed such dust, ashes, sweepings, rubbish, or other refuse in or upon any street unless the same shall be contained in proper covered boxes or receptacles as aforesaid, or after the hours notified by the board, and every such person shall remove such boxes or receptacles within the space of one hour after the same shall have been emptied by the scavengers.

Passed in Council the Twenty-eighth day of July, One thousand Eight hundred and Ninety-eight.

H. WHITE,  
Clerk to the Council.

Assented to by his Excellency the Governor the Sixth day of August, One thousand Eight hundred and Ninety-eight.

E. NOEL WALKER,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 14 of 1898.

An Ordinance to amend the Ordinance No. 20 of 1896, relating to the Nuwara Eliya Board of Improvement.

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 20 of 1896, intituled "An Ordinance to abolish the Local Board and to provide for the Improvement and Sanitation of the Town of Nuwara Eliya": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Amendment of section 30.

1 Section 30 of the Ordinance No. 20 of 1896 shall be amended in the following respects:

In sub-section (4) thereof there shall be added, after the words "for the assize of bread," the words "and regulation of bakeries."

Between sub-sections (4) and (5), there shall be added the words "For regulating dairies and granting licenses for sale of milk."

For sub-section (5) shall be substituted the words "For the establishment and regulation of its own markets and levy of fees thereon, and for supervision and control of other markets to whomsoever belonging."

Between sub-sections (7) and (8) there shall be added the words "For supervising and controlling the work of dhobies."

Between sub-sections (13) and (14) there shall be added the following words: "For the regulation of buildings and building operations."

Between sub-sections (18) and (19) there shall be added the following words: "For the registration, inspection, and proper regulation of burial and cremation grounds."

Between sub-sections (19) and (20) there shall be added the words "For prohibition of cesspools and establishment and regulation of closets on the dry-earth system."

The Governor may apply to the Board any section of the Ordinance No. 13 of 1898.

2 After section 32 of the Ordinance No. 20 of 1896 there shall be added the following section:

32 (a) It shall be lawful for the Governor, with the advice of the Executive Council, to order that such of the sections of the Ordinance No. 13 of 1898, intituled "The Local Boards' Ordinance, 1898," as to him may seem expedient, shall apply, *mutatis mutandis*, to the Board of Improvement, and the town, of Nuwara Eliya; and upon such order being notified in the *Government Gazette* the said sections, *mutatis mutandis*, shall become as effectual as if they had been enacted in this Ordinance.

Amendment of section 54.

3 In the first line of section 54 the words "in any street" between "if" and "any house" shall be repealed.

Compensation, costs, &c., how to be determined.

4 Except when otherwise provided, in all cases where compensation, damages, costs, or expenses are by this Ordinance directed to be paid, the amount, howsoever large, and its apportionment among disputing claimants, shall be ascertained and determined by the Commissioner of the Court of Requests for Nuwara Eliya according to the procedure enjoined for such courts in the Civil Procedure Code.

To be read as one with the Ordinance No. 20 of 1896.

5 This Ordinance shall be construed and read as one with "The Nuwara Eliya Board of Improvement Ordinance 1896."

Passed in Council the Twenty-eighth day of July, One thousand Eight hundred and Ninety-eight.

H. WHITE,  
Clerk to the Council.

Assented to by his Excellency the Governor the Sixth day of August, One thousand Eight hundred and Ninety-eight.

E. NOEL WALKER,  
Colonial Secretary.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. { In the Matter of the Estate of Mymoon Natchia, of Messenger street in Colombo, deceased. No. C/1,060.

**T**HIS matter coming on for disposal before N. E. Cooke, Esq., Acting District Judge of Colombo, on the 16th day of June, 1898, in the presence of E. G. Jayawardene, Proctor, on the part of the petitioner Arisi Marikar Samsie Lebbe Marikar, of Messenger street in Colombo; and the affidavit of the said Arisi Marikar Samsie Lebbe Marikar, dated 13th June, 1898, having been read :

It is ordered that the said Arisi Marikar Samsie Lebbe Marikar be and he is hereby declared entitled to have letters of administration to the estate of Mymoon Natchia, deceased, issued to him, as stepbrother of the said deceased, unless the respondents—1, Ponny Ummah, of Mutwal in Colombo; and 2, Arisi Marikar Mohamadoe Mohideen, of Messenger street in Colombo—shall, on or before the 21st day of July, 1898, show sufficient cause to the satisfaction of this court to the contrary.

N. E. COOKE,  
Acting District Judge.

The 16th day of June, 1898.

The date for the respondents to show cause against the *Order Nisi* is hereby extended to the 18th day of August, 1898.

F. R. DIAS,  
Acting District Judge.

July 21, 1898.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. { No. C/1,076.

In the Matter of the Last Will and Testament of the Right Hon. Hercules George Robert, Baron Rosmead, late of No. 42, Princes Gardens, in the County of London, England, deceased.

**T**HIS matter coming on for disposal before F. R. Dias, Esq., Acting District Judge of Colombo, on the 4th day of August, 1898, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner Harry Gordon Bois, of Colombo; and the affidavit of the said Harry Gordon Bois, dated the 3rd August, 1898, having been read :

It is ordered that the will of the Right Hon. Hercules George Robert, Baron Rosmead, deceased, dated 5th June, 1897, an exemplification of probate thereof is now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said Harry Gordon Bois is the attorney of Nea Arthur Ada Rose D'Amour, Dowager Baroness Rosmead; Hercules Arthur Temple, second Baron Rosmead; and Frederick Charles Burnett, the executors named in the said will, and that as such he is entitled to have letters of administration, with copy of the said will annexed, issued to him, unless any person shall, on or before the 18th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

FELIX R. DIAS,  
Acting District Judge.

The 4th day of August, 1898.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. { In the Matter of the Estate of Erawalaneketige Coronis Fernando, late of Wetara in the Udugaha pattu of Salpiti korale, deceased. No. C/1,073

**T**HIS matter coming on for disposal before F. R. Dias, Esq., Acting District Judge of Colombo, on the 4th day of August, 1898, in the presence of D. C. Pedris, Proctor, on the part of the petitioner Singarakkara Neketige Porlentina Fernando, of Wetara in the Udugaha pattu of Salpiti korale; and the affidavit of the said Singarakkara Neketige Porlentina Fernando, dated 2nd August, 1898, having been read : It is ordered that the said Singarakkara Neketige Porlentina Fernando be and she is hereby declared entitled to have letters of administration to the estate of Erawalaneketige Coronis Fernando, deceased, issued to her, as widow of the said deceased, unless the respondents—1, Erawalaneketige Pabilis Fernando; and 2, Erawalaneketige Mango Fernando, both of Wetara in the Udugaha pattu of Salpiti korale—shall, on or before the 18th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

F. R. DIAS,  
Acting District Judge.

The 4th day of August, 1898.

In the District Court of Negombo.

*Order Nisi declaring Will proved.*

Testamentary Jurisdiction. { In the Matter of the Last Will and Testament of Sembukuttiarachchige Abilina Silva Hamine, of Balagalla, deceased. No. 345.

Jayacodiarachchige Don Migel Appuhamy, of Balagalla..... Petitioner.  
Vs.

1, Jayacodiarachchige Don Costantino; 2, Jayacodiarachchige Dona Cecilia Hamine, assisted by her husband Solomon Peter Wijewardena Jayatilleka, Notary Public; 3, Jayacodiarachchige Don Hendrick Appuhamy; 4, Jayacodiarachchige Don Francis Charles Appuhamy; 5, Jayacodiarachchige Don Gabriel Appuhamy; 6, Jayacodiarachchige Don John de Hendrick Isaac Appuhamy; 7, Jayacodiarachchige Don Davit Appuhamy; 8, Jayacodiarachchige Dona Francina Hamine, all of Balagalla... Respondents.

**T**HIS matter coming on for disposal before W. F. H. de Saram, Esq., District Judge of Negombo, on the 14th day of July, 1898, in the presence of Mr. Wijetunge, Proctor, on the part of the petitioner Jayacodiarachchige Don Migel Appuhamy, of Balagalla; and the affidavit of the petitioner, dated 10th May, 1898, having been read, as well as the affidavit of the attesting notary and subscribing witnesses, dated 25th May, 1898 :

It is ordered that the will of Sembukuttiarachchige Abilina Silva Hamine, of Balagalla, deceased, dated 14th August, 1896, and now filed of record in this case, be and the same is declared proved, unless the said respondents or any other person shall, on or before the 23rd day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said Jayacodiarachchige Don Migel Appuhamy, of Balagalla, as husband of the deceased, is entitled to have letters of administration with copy of the said will annexed, unless the said respondents shall, on or before the 23rd day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

W. F. H. DE SARAM,  
District Judge.

Dated 14th July, 1898.

## In the District Court of Kandy.

*Order Nisi.*

## Testamentary Jurisdiction.—No. 2,066.

James Alexander Peries Abeywardane, of Kurunegala..... Petitioner.

And

1, Ethel Hilda Peries Abeywardane ; Arthur Oswald Peries Abeywardane, both of Kurunegala, by their guardian *ad litem* Edward Albert Peries Abeywardane, Proctor, Kegalla..... Respondents.

**T**HIS matter coming on for disposal before J. H. de Saram, Esq., District Judge of Kandy, on the 21st day of July, 1898, in the presence of Mr. R. W. Jonklaas, Proctor, on the part of the petitioner James Alexander Peries Abeywardane, of Kurunegala ; and the affidavit of the said petitioner, dated the 18th July, 1898, having been read :

It is ordered that letters of administration to the estate of Selina Margaret Peries Abeywardane, deceased, be issued to the petitioner, as husband of the deceased, unless Ethel Hilda Peries Abeywardane and Arthur Oswald Peries Abeywardane, both of Kurunegala, shall, on or before the 26th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,  
District Judge.

The 21st day of July, 1898.

## In the District Court of Kandy.

*Order Nisi.*

Testamentary Jurisdiction. { In the Matter of the Estate of the late Edwin Alfred Fernando, deceased, of Gampola.

**T**HIS matter coming on for disposal before J. H. de Saram, Esq., District Judge of Kandy, on the 28th day of July, 1898, in the presence of Mr. J. H. Sproule, Proctor, on the part of the petitioner Edith Fernando, of Colombo; and the affidavits of the said petitioner, dated 22nd June and 13th July, 1898 ; and the affidavit of John Gamble, of Colombo, dated 22nd June, 1898, having been read : It is ordered that letters of administration to the estate of Edwin Alfred Fernando, deceased, be issued to the petitioner, as widow of the said deceased, unless Andrew Fernando, of Pickering's road, Colombo, and Charles Matthew Fernando, of Kandy, shall, on or before the 26th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,  
District Judge.

The 28th day of July, 1898.

## In the District Court of Jaffna.

*Order Nisi.*

Testamentary Jurisdiction. { In the Matter of the Estate of the late Savunthalaippillai *alias* Kowmariammai, wife of Kathirache Modliar Mayilvaganam, of Valluveddi, deceased.

Kathirache Modliar Mayilvaganam, of Valluveddi..... Petitioner.

Vs.

1, Murukecher Kathiravelpilly ; 2, his wife Chevakolunthopilly, of Valluveddy ; 3, Kathiravelpilly Sevappragasam, of Nallur ; 4, Kathiravelpilly Gnasampantham, of Kandy ; 5, Kathiravelpilly Chinkaravelu *alias* Apparswamy, of Nallur ; 6, Kathiravelpilly Chuntharam, of Valluveddi ; 7, Kathiravelpilly Sathalingam *alias* Sathasevam, of Colombo ; 8, Poompavaipilly, daughter of Kathiravelpilly, of Valluveddi ; 9, Chittirapavai, daughter of Kathiravelpilly, of Valluveddi ; 10, Chinnattankam, daughter of Kathiravelpilly, of Valluveddi ; and 11, Annammah, daughter of Kathiravelpilly, of Valluveddi..... Respondents.

**T**HIS matter of the petition of Kathirache Modliar Mayilvaganam, of Valluveddi, praying for letters of

administration to the estate of the above-named deceased Savunthalaippilly *alias* Kowmariammai, wife of Kathirache Modliar Mayilvaganam, of Valluveddi, coming on for disposal before C. Eardley-Wilmot, Esq., District Judge, on the 4th day of July, 1898, in the presence of Mr. R. Sivaprakasam, Proctor, on the part of the petitioner ; and affidavit of the petitioner, dated the 22nd June, 1898, having been read : It is declared that the petitioner is the widower of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 19th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

C. EARDLEY-WILMOT,

Signed this 4th day of July, 1898. District Judge.

## In the District Court of Jaffna.

*Order Nisi.*

Testamentary Jurisdiction. { In the Matter of the Estate of the late Nakanatar Kantayah, of Valvetty in Jaffna, late of Taiping in the Straits Settlements, deceased.

Ledchumippilly, widow of Nakanatar Kantayah, of Valvetty..... Petitioner.

Vs.

Kantayah Kulantaivelu, of Valvetty..... Respondent.

**T**HIS matter of the petition of Ledchumippilly, widow of Nakanatar Kantayah, of Valvetty, praying for letters of administration to the estate of the above-named deceased Nakanatar Kantayah, of Valvetty, coming on for disposal before C. Eardley-Wilmot, Esq., District Judge, on the 15th day of July, 1898, in the presence of Mr. K. Sivaprakasam, Proctor, on the part of the petitioner ; and affidavit of the petitioner, dated the 14th day of July, 1898, having been read : It is declared that the petitioner is the widow of the said intestate, and as such is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondent or any other person shall, on or before the 16th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

C. EARDLEY-WILMOT,

Signed this 15th day of July, 1898. District Judge.

## In the District Court of Galle.

*Order Nisi.*

Testamentary Jurisdiction. { In the Matter of the Estate of the late Wickremanayaka Liyanage Mango Nona, deceased, of Ahangama.

**T**HIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 21st day of June, 1898, in the presence of Mr. Abeyesinghe, Proctor, on the part of the petitioner Warnasuriya Weligamage Appu Sinno, of Ahangama ; and the affidavit of the said Warnasuriya Weligamage Appu Sinno, of Ahangama, dated 8th June, 1898, having been read : It is ordered and declared that the said Warnasuriya Weligamage Appu Sinno, of Ahangama, is widower of the above-named deceased, and that he is as such entitled to have letters of administration of the estate of the above-named deceased be issued to him accordingly, unless the respondents—(1) Warnasuriya Weligamage David ; (2) Warnasuriya Weligamage Alice Nona ; (3) Warnasuriya Weligamage Arlina ; (4) Warnasuriya Weligamage Bastian de Silva, all of Weligama, of whom the 1st, 2nd, and 3rd respondents are minors, by their guardian *ad litem* the 4th respondent—shall, on or before the 16th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

F. J. DE LIVERA,  
District Judge.

The 21st day of June, 1898.

## In the District Court of Galle.

*Order Nisi.*

Testamentary  
Jurisdiction.  
No. 3,241.

In the Matter of the Estate of the late Patuwata Vitanage Babappu and his wife Wadumestrige Punchi Babe, deceased, of Patuwata.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 28th day of June, 1898, in the presence of Mr. G. C. A. Jayasekara, Proctor, on the part of the petitioner Gallage Dineshamy, of Patuwata; and the affidavit of the said petitioner, dated 27th June, 1898, having been read: It is declared that the said Gallage Dineshamy, of Patuwata, is an heir of the above estate, and that he as such is entitled to have letters of administration of the above estate issued to him accordingly, unless the heirs—1, Patuwata Vitanage Daniel Appu; 2, Bastian Appu; 3, Lyris Appu; 4, Nonnohamy, wife of applicant, all of Patuwata; and 5, Patuwata Vitanage Punchi Nona, wife of 6, Kaluachchige Babun Appu, both of Tiranagama—shall, on or before the 18th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

The 28th day of June, 1898.

F. J. DE LIVERA,  
District Judge.

## In the District Court of Galle.

*Order Nisi declaring Will proved.*

Testamentary  
Jurisdiction.  
No. 3,242.

In the Matter of the Last Will and Testament of Bastian Mendis Gunasekera Wijesiriwardena, Mudaliyar, deceased, and lawful wife Garumuni Asisa de Soiza, Lama Etani.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 30th day of June, 1898, in the presence of Mr. Nicholas Dias Abeyesinghe, Proctor, on the part of the petitioner, David Mendis Gunasekera Wijesiriwardena, of Balapitiya; and the affidavit of the said David Mendis Gunasekera Wijesiriwardena, of Balapitiya, dated 21st June, 1898, having been read:

It is ordered that the will of Bastian Mendis Gunasekera Wijesiriwardena, Mudaliyar, and his wife G. A. de Soiza, Lama Etani, deceased, dated 11th day of January, 1898, and now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said David Mendis Gunasekera Wijesiriwardena, of Balapitiya, 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 the respondent, Garumuni Asesa de Soiza, Lama Etani, of Balapitiya, shall, on or before the 18th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

The 30th day of June, 1898.

F. J. DE LIVERA,  
District Judge.

## In the District Court of Galle.

*Order Nisi declaring Will proved.*

Testamentary  
Jurisdiction.  
No. 3,243.

In the Matter of the Last Will and Testament of Don Andris Samarajiwa and Kapugamageganage Oyzo Haminey, both of Hatuwapiyadigama.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 30th day of June, 1898, in the presence of Mr. Nicholas Dias Abeyesinghe, Proctor, on the part of the petitioners (1) Don Hendrick Samarajiwa and (2) Don Andris Samarajiwa, both of Hatuwapiyadigama; and the affidavit of the said (1) Don Hendrick Samarajiwa and (2) Don Andris Samarajiwa, dated 24th May, 1898, having been read:

It is ordered that the will of Don Andris Samarajiwa and Kapugamageganage Oyzo Hamy, deceased, dated 9th November, 1894, and now deposited in this court, be and the same is hereby declared proved.

It is declared that the said (1) Don Hendrick Samarajiwa and (2) Don Andris Samarajiwa, both of Hatuwapiyadigama, are the executors named in the said will, and that they are as such entitled to have probate of the same issued to them accordingly, unless any person or persons shall, on or before the 18th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

The 30th day of June, 1898.

F. J. DE LIVERA,  
District Judge.

## In the District Court of Galle.

*Order Nisi declaring Will proved.*

Testamentary  
Jurisdiction.  
No. 3,244.

In the Matter of the Last Will and Testament of Louis Samarasinghe, late of Galle, deceased, and his lawful wife Catherina Amarasinghe Haminey, of Galle.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 2nd day of July, 1898, in the presence of Mr. Nicholas Dias Abeyesinghe, Proctor, on the part of the petitioner Catherina Amarasinghe Haminey, dated 14th December, 1897, having been read:

It is ordered that the will of Louis Samarasinghe, deceased, dated 6th August, 1897, marked letter A, and now deposited in court, be and the same is hereby declared proved.

It is further declared that the said Catherina Amarasinghe Haminey is sole heir and executrix named in the said will, and that she is as such entitled to have probate of the same issued to her accordingly, unless any person or persons shall, on or before the 24th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

The 2nd day of July, 1898.

F. J. DE LIVERA,  
District Judge.

## In the District Court of Kurunegala.

*Order Nisi.*

Testamentary  
Jurisdiction.  
No. 608.

In the Matter of the Estate of the Wanniadipati Mudiyansele Ranhami Arachchi, deceased, of Galkadawala in Mioyen Egoda korale.

Wanniadipati Mudiyansele Nilhami, of Galkadawala.....Petitioner.

And

1, Wanninaiake Mudiyansele Tikiri Etena; 2, Wanniadipati Mudiyansele Menik Etena; 3, Wanniadipati Mudiyansele Ukku Banda, all of Galkadawala in Mioyen Egoda korale.....Respondents.

THIS matter coming on for disposal before Samuel Haughton, Esq., District Judge, Kurunegala, on the 29th day of July, 1898, in the presence of Mr. Markus on the part of the petitioner; and the affidavit of Wanniadipati Mudiyansele Nilhami, the petitioner, dated 27th July, 1898, having been read:

It is ordered that Wanniadipati Mudiyansele Nilhami, of Galkadawala, eldest son of the late Wanniadipati Mudiyansele Ranhami Arachchi, is entitled to have letters of administration of the estate of the said Ranhami Arachchi issued to him, unless the respondents shall, on or before the 26th day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

The 29th July, 1898.

SAMUEL HAUGHTON,  
District Judge.

In the District Court of Badulla.

*Order Nisi.*

No. B/133.

In the Matter of the Intestate Estate of the late Rankotpedegedera Sedara Duraya, of Hinnarangolla in Dambaurinpalata.

Rankotpedegedera Menika Duraya, of Hinnarangolla.....Petitioner.

Against

1, Rankotpedegedera Giravi; 2, Rankotpedegedera Dingiri; 3, Rankotpedegedera Kira... Respondents.

THIS matter coming or for final disposal before J. G. Fraser, Esq., District Judge of Badulla, on the 22nd

day of July, 1898, in the presence of the petitioner Rankotpedegedera Menika Duraya, of Hinnarangolla; and the petition and affidavit of the said Menika Duraya, dated the 22nd day of July, 1898, having been read: It is ordered that the said Rankotpedegedera be and he is hereby declared entitled to have letters of administration to the estate of the deceased Rankotpedegedera Sedara Duraya issued to him, unless the respondent above-named or any other person shall, on or before the 12th September, 1898, show sufficient cause to the satisfaction of this court to the contrary.

J. G. FRASER,  
District Judge.

The 22nd July, 1898.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,943.

In the matter of the insolvency of Vayna Pana Lana Ramasamy Chetty, of Sea street, Colombo.

WHEREAS the above-named Vayna Pana Lana Ramasamy Chetty was on July 27, 1898, 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 September 1 and 15, 1898, 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,

Colombo, August 3, 1898. GEO. VAN GUNSTER,  
for Secretary.

In the District Court of Galle.

No. 302.

In the matter of the insolvency of Batadeniya Gamage Conne Appu, of Fort, Matara.

WHEREAS the above-named Batadeniya Gamage Conne Appu was on August 4, 1898, adjudged insolvent by the District Court of Galle, 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 September 2 and 30, 1898, 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,

Galle, August 4, 1898. JAMES KRAUSE,  
Secretary.

No. 303.

In the matter of the insolvency of Kunji Wappu Uduma Lebbe Markar, of Galle.

WHEREAS the above-named Kunji Wappu Uduma Lebbe Markar was on August 8, 1898, adjudged insolvent by the District Court of Galle, 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 September 16 and October 14, 1898, 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,

Galle, August 10, 1898. JAMES KRAUSE,  
Secretary.

In the District Court of Kurunegala.

No. 66.

In the matter of the insolvency of Mohamadu Hoossain Meah, of Kurunegala.

NOTICE is hereby given that a certificate as of the second class was on July 25, 1898, awarded to the above-named insolvent.

By order of court,

Kurunegala, August 4, 1898. J. L. FELSINGER,  
Secretary.

## NOTICES OF FISCALS' SALES.

## Western Province.

In the District Court of Colombo.

Ana Mohammado Rawter, of 44, Malay street,  
Slave Island, Colombo.....Plaintiff.  
Cassim Yoosuf, of Slave Island,  
Colombo.....Substituted Plaintiff.  
No. 6,028/C. Vs.

1, Dorai Majeed, of Glennie street; and 2,  
Noor Mohammada *alias* Noor Saibo, of  
Kew road, both of Slave Island, Colombo...Defendants.

NOTICE is hereby given that on Tuesday, September 6, 1898, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property, viz. :—

An undivided one-half part or share of the land bearing present assessment No. 61, together with the buildings standing thereon, situated at Union Place, Slave Island, in Colombo; and bounded on the north by private garden, now belonging to Saibo Sultan and others, on the east by the high road, on the south by lot No. 20, now a by-road, and on the west by lot No. 17, now the property of Dr. Vangeyzel; containing in extent 3 square roods 33 $\frac{3}{4}$  square perches (save and except therefrom a portion towards the north-east in extent 12 $\frac{1}{2}$  perches).

Fiscal's Office, ALLAN DRIEBERG,  
Colombo, August 10, 1898. Deputy Fiscal.

In the District Court of Colombo.

Ravenna Mana Kavenna Ravenna Mana  
Kadappa Chetty, of Colombo, executor of  
the last will and testament of Ravenna  
Mana Kavenna Ravenna Mana Ramen  
Chetty, of Colombo, deceased.....Plaintiff.  
No. 9,134/C. Vs.

1, William Wijekoon, of Chilaw; 2, J. A.  
Wijekoon, of Colombo; 3, D. K. Jaya-  
netti, of Colombo; 4, F. W. Goonetilleka,  
of Colombo; 5, H. E. Paranavitane, of  
Colombo.....Defendants.

NOTICE is hereby given that on Monday, September 5, 1898, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said first and second defendants in the following property, viz. :—

All that house and ground bearing assessment No. 20, situated at Grandpass road in Colombo; bounded on the north and north-east by the properties of the late Joronis Soyza and Mammala Marikar Srema Lebbe, on the west and north-west by the new road or Layard's Broadway, on the south and south-west by the properties of Don Adrian Perera Jayatilleke Kankany and Meera Lebbe Casi Lebbe, and on the east by the high road (south-east by Grandpass road); containing in extent 2 acres more or less.

Fiscal's Office, ALLAN DRIEBERG,  
Colombo, August 10, 1898. Deputy Fiscal.

In the District Court of Colombo.

Koona Mana Nawana Supramanian Chetty,  
of Sea street, Colombo.....Plaintiff.  
No. 11,073/C. Vs.

1, Sinne Lebbe Marikar Lavena Marikar;  
2, Ummany Umma, husband and wife;  
and 3, Sinne Lebbe Marikar Ismail Lebbe  
Marikar, all of Colombo.....Defendants.

NOTICE is hereby given that on Tuesday, September 6, 1898, at 11 o'clock in the forenoon, will be sold by public auction at the premises the following

property mortgaged and decreed to be sold by the decree entered in the above case, viz. :—

All that lot bearing No. 3 of the garden called Casie Chettigewatta with the buildings constructed thereon, bearing assessment No. 9, situated and lying at Maradana, within the four gravets of Colombo; bounded on the north-west by the portion marked as lot 4 of the said Casie Chettigewatta, the property of Sinne Casie Moogoot or Asya Natchia, widow of Ibrahim Candoe, deceased, on the north-east by the lake, on the south-west by the Maradana Cinnamon Gardens, and on the south-east by the lot No. 2 of Sego Lebbe Sinne Marikar; containing in extent thirty-two square perches and eighty-two hundredths of a perch, and all the right, title, and interest, claim and demand thereto of the defendants.

Fiscal's Office, ALLAN DRIEBERG,  
Colombo, August 10, 1898. Deputy Fiscal.

In the District Court of Colombo.

Pana Lana Pana Lana Periya Tamby Chetty, of  
No. 48, Sea street, Colombo.....Plaintiff.  
No. C/11,204. Vs.

Don Fredrick Appuhany, of Walana in  
Pandure.....Defendant.

NOTICE is hereby given that on Tuesday, September 6, 1898, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 804.37, with interest thereon at the rate of 9 per cent. per annum from June 15, 1898, till payment in full, viz. :—

1. Half part of the soil and of the trees with the buildings standing thereon (excluding one-eighth part of the planter's half share of the second plantations) of a portion of Gorakagahawatta of the extent of 1 $\frac{1}{2}$  acre more or less, situate at Walana; bounded on the north by Gorakagahadeniya *alias* the ditch of Delgahawatta, east and south by the ditches of the portions of Gorakagahawatta belonging to the heirs of Duvage Don Adirian, and by the drain of the high road.

2. Half part of the soil and of the remaining trees, excluding the planter's half share of the trees of the land called Ketakelagahawatta, of the extent of 15 acres more or less, at do.; bounded on the north by the cart road and the land belonging to Adambarage people and others, east by the land belonging to Mututantirige people, south by the land belonging to Tantulage people, land belonging to Sirikattuge people, land belonging to a co-heir of the aforesaid land, and the land belonging to Don Brampy Karunaratna, Notary, and others, and west by the old road.

Deputy Fiscal's Office, CHAS. D. VIGORS,  
Kalutara, August 9, 1898. Deputy Fiscal.

## Central Province.

In the District Court of Kandy.

K. K. N. K. S. V. Nagappa Chetty.....Plaintiff.  
No. 12,164. Vs.

L. B. Dodanwala.....Defendant.

NOTICE is hereby given that on September 8, 1898, commencing at 12 o'clock noon, will be sold by public auction at the premises the following property of the defendant, viz. :—

(1) Bogahakumbura of 3 pelas and 5 kurunies; bounded on the east by Mahakumbura, on the south by



the ella of Diyakelina Walawalawwewatta, on the west by the imawella of Dawakekumbura, and on the north by the ella of Banakiyanawatta.

(2) An undivided  $\frac{1}{4}$  shares out of Medarigodahena of 3 amunams and 1 pela, situate at Dodanwala; bounded on the east by kumbura, on the south by the ditch, on the west by the ditch, and on the north by the ditch.

(3) An undivided  $\frac{1}{4}$  shares out of Diyawarakawehena of 3 amunams; bounded on the east by agala, on the south by the limit of Mahagedarawatta, on the west by del tree and Hulankaduwehriya, and on the north by dead stream; and

(4) An undivided  $\frac{1}{4}$  shares out of Korelayekumbura of 1 amunam and 2 pelas, situate at Gettepola in Yatinuwara; bounded on the east by ela and Managoda ella, on the south by imaniyara of Radapela, on the west by ela and ella, and on the north by the limit of Pansalekumbura.

Amount of writ, Rs. 400-65.

Fiscal's Office,  
Kandy, August 9, 1898.

F. J. SMITH,  
Deputy Fiscal.

### Northern Province.

In the District Court of Jaffna.

Bajananand Dwar Kadas, of Jaffna Town..... Plaintiff.  
No. 1,151. Vs.  
N. M. Walker, residing at Vavuniya, and  
Henry Joseph Milliar Todd, of Karam-  
pagam in Pallai..... Defendants.

NOTICE is hereby given that on Monday, September 5, 1898, in the forenoon, will be sold by public auction on the lands hereinafter described the right, title, and interest of the said second defendant in the following property, viz:—

1. In a cocoanut estate called Karampagam estate, situated at Karampagam, and containing or reputed to contain in extent 407 acres and 24 perches, with its appurtenances; bounded or reputed to be bounded on the east by a sand road, north by a sand road and by property of Vallipuram and others, west by property of Murugesar and others, and south by a lane and by property of Swampillai and others.

2. In a cocoanut estate called Victoria Dramore, situated at Vidattalpalai, and containing or reputed to contain in extent 175 acres 1 rood and 32 perches, with its appurtenances; bounded or reputed to be bounded on the east by the limit of the village of Karampagam, north by Barbarton's road, west by property of Periyatampi and others, and south by property of Vinasittampi and others, for the recovery of Rs. 1,000, with interest in arrear thereon at the rate of 9 per cent. per annum from October 17, 1897, till payment in full, and costs of suit being Rs. 158-12, and charges deducting part of the interest that has been paid.

Fiscal's Office,  
Jaffna, August 6, 1898.

C. L. TRANCHELL,  
for Fiscal.

In the District Court of Colombo.

W. C. Brodie, C. B. Brodie, and W. C.  
Brodie, junior, trading as Brodie & Co.,  
Colombo..... Plaintiffs.  
No. C/9,897 Vs.  
M. Geddes, of Pallai, Jaffna..... Defendant.

NOTICE is hereby given that on Monday, September 5, 1898, at 10 o'clock in the forenoon, will be sold by public auction on the land hereinafter described the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 739-50, with interest at 9 per cent. per annum from December 3, 1896, till payment in full and costs and charges, viz:—

In an undivided one-sixth share of a cocoanut estate called Tanmakkeni Tachchankadu estate, situated at Tanmakkeni, and containing or reputed to contain in extent 788 acres, with its appurtenances; and bounded or reputed to be bounded on the east by lane and tank and

by property of Kumaravelu and others, north by road, west by property of Antoni and others and by Crown land, and south by Crown land and by property of Kantaiya and others.

Fiscal's Office,  
Jaffna, August 6, 1898.

C. L. TRANCHELL,  
for Fiscal.

In the District Court of Colombo.

W. C. Brodie, C. B. Brodie, and W. C.  
Brodie, junior, trading as Brodie & Co.,  
Colombo..... Plaintiffs.  
No. C/9,897 Vs.  
M. Geddes, of Pallai, Jaffna..... Defendant.

NOTICE is hereby given that on Monday, September 5, 1898, at 10 o'clock in the forenoon, will be sold by public auction on the lands hereinafter described the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 739-50, with interest at 9 per cent. per annum from December 3, 1896, till payment in full and costs and charges, viz:—

In an undivided half share, exclusive of the life-interest of the defendant's mother, of a piece of land called Mavilankayadittalaimadai and Puliyaadittalaimadai, situated at Chundikkuli, and containing or reputed to contain in extent 13 $\frac{1}{4}$  lachams varaku culture with its appurtenances; bounded or reputed to be bounded on the east by lane, north by property of Joseph Benedict and brothers and sisters, west by property of John Edward Manavalpillai Satturukkalsinghe, and south by Seabeach road.

Fiscal's Office,  
Jaffna, August 6, 1898.

C. L. TRANCHELL,  
for Fiscal.

### Southern Province.

In the Court of Requests of Balapitiya.

Yagama Charles de Silva, of Madampe..... Plaintiff.  
No. 2,359. Vs.  
Don Siman de Silva Gunawardena Appuhamy  
and another, of Ambalangoda..... Defendants.

NOTICE is hereby given that on Wednesday, September 21, 1898, at 3.30 o'clock in the afternoon, will be sold by public auction at the spot the following property, viz:—

Twelve acres extent out of 34 $\frac{1}{4}$  acres planted of Koratumananawatta, being the one-eighteenth part of Galpotte Elamananawatta, in extent 500 acres, situate at Karandeniya, specially mortgaged with the plaintiff and declared bound and executable under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 102-05, with interest on Rs. 60 at 25 per cent. per annum from January 10, 1898.

Fiscal's Office,  
Galle, August 9, 1898.

C. T. LEEMBRUGGEN,  
for Fiscal.

In the District Court of Galle.

K. P. K. Kuttiyan Chetty..... Plaintiff.  
No. 4,577. Vs.  
Lewaka, Nachchiya, of Galle, and three  
others..... Defendants.

NOTICE is hereby given that on Tuesday, September 6, 1898, at 2.30 o'clock in the afternoon, will be sold by public auction at the spot the following property, viz:—

All that house and premises marked No. 32, standing in the quarter letter F, situate at Church street, within the Fort of Galle, mortgaged by writing obligatory No. 4,880, dated May 13, 1893, and declared executable under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 778-99, with interest on Rs. 709-37 at 9 per cent. per annum from July 1, 1897, less Rs. 100 paid.

Fiscal's Office,  
Galle, August 9, 1898.

C. T. LEEMBRUGGEN,  
for Fiscal.

In the District Court of Galle.

Suna Pana Kana Runa Carupen Chetty, of Galle.....Plaintiff.  
No. 4,711. Vs.

1, Bawadu Markar Mohammado Abdulla and others, all of Galle.....Defendants.

NOTICE is hereby given that on Saturday, September 3, 1898, commencing at 1 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  $\frac{3}{4}$  parts of the defined  $\frac{1}{2}$  part of the garden called Siyambalagahawatta, situate at Galupiyadda, exclusive of the soil and trees of the strip of land given over to Salu Muttu, wife of Slema Lebbe Bawa, together with  $\frac{3}{4}$  parts of the stone-built tiled house standing thereon.

2. All the soil and fruit trees of the  $\frac{3}{4}$  parts of the gardens called Kambarangahawatta and Daluwatta, situate at Galupiyadda, exclusive of the planter's share of the second plantation.

3. One-fourth part of all the soil and fruit trees of a defined  $\frac{1}{2}$  part of the garden called Siyambalagahawatta, situate at Galupiyadda, together with  $\frac{1}{4}$  part of the stone-built tiled house standing thereon.

4. An undivided  $\frac{3}{4}$  parts of all the soil and fruit trees of a  $\frac{1}{2}$  part of the garden called Narangahawatta, situate at Galupiyadda, together with an undivided  $\frac{3}{4}$  parts of  $\frac{1}{4}$  part of the tiled house standing thereon; mortgaged by writing obligatory No. 3,240, dated April 17, 1896, and declared executable under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 1,661-18 $\frac{1}{2}$ , with interest on Rs. 1,550-62 at 9 per cent. per annum from August 26, 1897, till payment in full.

Fiscal's Office, C. T. LEEBRUGGEN,  
Galle, August 9, 1898. for Fiscal.

In the District Court of Galle.

M. A. R. A. R. Muttaiya Chetty, of Galle.....Plaintiff.  
No. 4,835. Vs.

1, Sinna Tamby Cadirawel Chetty; 2, Sinna Tamby Supparamanian Chetty, both of Galupiyadda, and another.....Defendants.

NOTICE is hereby given that on Wednesday, September 7, 1898, at 3.30 o'clock in the afternoon, will be sold by public auction at the spot the following property, viz. :—

1. All that house and premises formerly marked No. 6 and presently marked No. 49, situate at quarter letter B, within the Fort of Galle.

On Saturday, September 10, 1898, at 3 P.M., at the spot, viz. :—

2. All the soil and fruit trees of a defined half part (exclusive of the half of one-fifth part, and half part of the ten fruit-bearing cocoanut trees, and half part of the planter's share of the plantation standing thereon) of the garden called Bramgewatta *alias* Kajugahawatta, situate at Galupiyadda.

On Monday, September 12, 1898, commencing at 3 P.M., at the spot, viz. :—

3. All that garden called Gurukandewatta *alias* Gurukandabodawatta or Uswatta, together with the building standing thereon at Unawatuna.

4. One-fourth part of the remaining fruit trees and soil of the garden called Gurukandabodawatta *alias* Uswatta, with all the buildings thereon, excluding the planter's share of the eight fruit-bearing cocoanut trees standing thereon, situate at Unawatuna, in extent 1 acre 3 roods and 38-86 perches.

5. All that half part or share from and out of all that garden called Uswatta *alias* Gurukandabodawatta and the plantation and buildings thereon, situate at Unawatuna.

On Wednesday, September 14, 1898, at 4 P.M., at the spot, viz. :—

6. All that garden called Kahawennekurunduwatta, situate at Habaraduwa, in extent 18 acres and 2 roods.

On Saturday, September 17, 1898, at 3.30 P.M., at the spot, viz. :—

7. All the soil and fruit trees of the defined portion of the garden called Mahamodarawatta, situate at Mahamodara; containing in extent 2 acres and 12 perches, together with all the buildings, oil mill, machinery, tools, implements, and all and whatsoever the other appurtenances thereto standing thereon; mortgaged by writing obligatory No. 3,388, dated August 19, 1896, and declared bound and executable under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 76,827-91, with interest on Rs. 75,775 at 9 per cent. per annum from October 30, 1897, till payment in full, less Rs. 10,521 recovered.

Fiscal's Office, C. T. LEEBRUGGEN,  
Galle, August 9, 1898. for Fiscal.

### Eastern Province.

In the District Court of Trincomalee.

1, S. Kanagasiam; 2, P. V. Vanniyatampi Vannipam; 3, P. V. Chinniya Vannipam, of Trincomalee, executors of the estate of K. Saddanadapillai.....Plaintiffs.  
No. 710. Vs.

Sinnatampi Veluppillai, of Nilaveli ..... Defendant.

NOTICE is hereby given that on Saturday, September 10, 1898, commencing at 11 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

60 tulams of tobacco called Terivu.  
16 bundles of tobacco called Terivu.  
5 tulams of tobacco called Kuddy.  
10 bundles of tobacco called Kuddy.  
2 tulams of tobacco called Kaddaiterivu.  
16 bundles of tobacco called Kaddaiterivu.  
12 tulams of tobacco called Edaiterivu.  
18 bundles of tobacco called Edaiterivu.  
13 tulams of tobacco called Sallu.  
16 bundles of tobacco called Sallu.  
60 tulams of tobacco called Terivu.  
10 tulams of tobacco called Edaiterivu.  
6 bundles of tobacco called Edaiterivu.  
5 tulams of tobacco called Sallu.  
1 double bullock cart.  
1 Coast bull; colour, white; branded  $\text{R. S.}$  and other marks.  
1 Coast bull; colour, white; branded  $\text{R. S.}$  and other marks.

Writ amount Rs. 896-25, with further interest on Rs. 150 at 9 per cent. per annum from June 16, 1897.

Deputy Fiscal's Office, C. M. LUSHINGTON,  
Trincomalee, August 2, 1898. Deputy Fiscal.

### North-Western Province.

In the Court of Request of Kurunegala.

Kuna Mana Nalla Carpen Chetty, of Kurunegala.....Plaintiff.  
No. 5,403. Vs.

Don Cornelis de Alwis, of Kurunegala ..... Defendant.

NOTICE is hereby given that on Saturday, September 3, 1898, 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. :—

1. The residing garden of the defendant, bearing assessment No. 22, of about three acres in extent, with the buildings and plantations standing thereon, situated on the Colombo road in the town of Kurunegala.

2. The garden Pansalawatta, bearing assessment No. 24, of about three kurunies of kurakkan sowing extent, with the plantations standing thereon, situate as aforesaid.

Amount involved Rs. 258-25, with interest and poundage.

N. S. CASSIM,  
for Fiscal.

Fiscal's Office,  
Kurunegala, August 9, 1898.

In the District Court of Colombo.

Hewadewage Harmanis Fernando, of Colombo...Plaintiff.  
No. 10,935. Vs.

Ana Kana Sawul Hamido and another, of  
Chilaw .....Defendants.

NOTICE is hereby given that on Saturday, September 10, 1898, 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. :—

The tiled upstairs boutique and the premises situate at Bazaar street, Chilaw; bounded on the north by high road, east by wall of the boutique of Sawary Francisco Fernando, south by land of Deogu Pinto and others, west by wall of the boutique of Francisco Manuel Fernando.

Amount recoverable Rs. 500, with legal interest thereon from January 26, 1898, costs Rs. 71-40 and poundage.

C. R. CUMBERLAND,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Chilaw, August 8, 1898.

In the District Court of Puttalam.

Dr. J. M. de Rosairo.....Plaintiff.  
No. 1,275. Vs.

E. F. de Rosairo, Mudaliyar.....Defendant.

NOTICE is hereby given that on Friday, September 9, 1898, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

The house and premises bearing assessment No. 11, in the town of Puttalam; bounded on the north by partition

fence of garden belonging to the estate of Abdul Kader Annaviar Mohideen Packir, on the east by open land adjoining Pavoditeru, on the south by Second Cross street, and on the west by the partition fence of the house and garden of A. de Rosairo, Mudaliyar, and Joseph Thamu Brass.

Amount involved, Rs. 2,808-23.

Deputy Fiscal's Office,  
Puttalam, August 9, 1898.

E. T. NOYES,  
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Kandy.

Edward Peto, of Bopitiya, Deltota.....Plaintiff.  
No. 12,290. Vs.

A. K. Leitch, of Bopitiya, Deltota, presently  
at Katukele .....Defendant.

NOTICE is hereby given that on Saturday, September 3, 1898, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest in and to the lease of the said defendant in the following property, viz. :—

All that and those the high lands of 250 acres in extent, situate at Ambadeniya in Tunpalata pattu of Paranakuru korale, in the District of Kegalla, and comprised within the following boundaries: on the north by Weragoda and Miyanapalaweganima or village boundary, on the south by Habalakkweganima or village boundary, on the west by Maha-oya, and on the east by Meepitiyanima or village boundary, comprising in extent in its entirety 311 acres 3 roods and 8 perches according to the figure and survey bearing date December 1, 1892, made by John Edward Rodrigu, Licensed Surveyor, save and excepting therefrom the following lands to the extent of 61 acres 3 roods and 18 perches, within the boundaries above described, consisting of paddy fields to the extent of 16 acres, garden to the extent of 8 acres, chena lands registered in the names of praweni tenants to the extent of 30 acres, Galpaye forest reserved for timber to the extent of 6 acres, and reservation of the water-courses to the extent of 1 acre 3 roods and 18 perches.

Writ is issued to levy the sum of Rs. 10,350, with interest thereon at 9 per cent. per annum from May 21, 1898, till payment in full.

TIMOTHY F. ABAYAKOON,  
Deputy Fiscal's Office,  
Kegalla, August 10, 1898.