

ORDINANCES

OF THE

GOVERNMENT OF CEYLON.



VOLUME IV. — 1894-1898.

NEW SERIES.

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1898.

CONTENTS.

LIST OF ORDINANCES CONTAINED IN THIS VOLUME.

1894.

	PAGE
No. 5—An Ordinance to repeal the Ordinance No. 5 of 1879, and to make certain offences against the Indian Act No. X. of 1887 punishable in Ceylon	1
6—An Ordinance to enable the Postmaster-General to detain any Postal Packet containing or bearing any fictitious Postage Stamp	14
7—An Ordinance to incorporate the Board of Directors of the Jaffna College	15
8—An Ordinance to abolish the Import Duty on certain kinds of Metals	20
9—An Ordinance to amend “the Village Communities’ Ordinance, 1889”	21
10—An Ordinance to amend “The Gemming Ordinance, 1890”	22
11—An Ordinance to suppress Intermeddlers with Suitors in Courts of Justice	23
12—An Ordinance to authorize the destruction of valueless Documents preserved in Courts of Justice	25
13—An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1893	28
14—An Ordinance for making provision for the Supplementary Contingent Charges for the year 1894	28
15—An Ordinance to amend the Law providing for the granting of Pensions to Widows and Children of Deceased Public Officers of this Colony	29
16—An Ordinance for making provision for the Contingent Services for the year 1895	29
17—An Ordinance relating to Habitual Criminals and to Convicts licensed to be at large	30
18—An Ordinance for the prevention of Accidents by Gunpowder and other Explosives	34
19—An Ordinance to amend the Ordinance No. 5 of 1891, relating to the Incorporation of the Public Service Mutual Provident Association	46

1895.

No. 1—An Ordinance to amend and consolidate the Law relating to the registration of Births and Deaths	47
2—An Ordinance to consolidate and amend the Laws relating to the registration of Marriages other than the Marriages of Kandyans or of Muhammadans	76

	PAGE
No. 3—An Ordinance to continue in force “ The Wharf and Warehouse Ordinance, 1876 ”	107
4—An Ordinance relating to the publication of intended sales or other alienations of Immovable Property affected by the “ Thésavajumai ” of the Northern Province of Ceylon	109
5—An Ordinance to provide for the protection of Person and Property from the risks incidental to the supply and use of Electricity for lighting and other purposes	110
6—An Ordinance to regulate and restrict the wearing of Naval and Military Uniforms	112
7—An Ordinance to amend Ordinance No. 12 of 1859, intituled “ The Ceylon Savings Bank Ordinance, 1859 ”	113
8—An Ordinance to repeal the Ordinance No. 29 of 1884, and to amend “ The Kandy Waterworks Loan Ordinance, 1884 ”	114
9—An Ordinance to consolidate the Law relating to Oaths and Affirmations in Judicial Proceedings and for other purposes	116
10—An Ordinance to incorporate the Ceylon Chamber of Commerce	119
11—An Ordinance to amend in some respects Ordinance No. 2 of 1883, intituled “ The Ceylon Penal Code ”	134
12—An Ordinance to extend the Jurisdiction of Courts of Requests and to amend the Procedure therein	136
13—An Ordinance to amend “ The Explosives Ordinance, 1894 ”	143
14—An Ordinance to consolidate, define, and amend the Law of Evidence	145
15—An Ordinance for making provision for the Supplementary Contingent Charges for the year 1895	203
16—An Ordinance for making provision for the Contingent Services for the year 1896	203
17—An Ordinance to amend “ The Buddhist Temporalities Ordinance, 1889 ”	203

1896.

No. 1—An Ordinance to amend “ The Municipal Councils’ Ordinance, 1887 ”	208
2—An Ordinance to provide for the regulation and inspection of Mines and Machinery	226
3—An Ordinance to consolidate and amend the Law in respect to the Collection of Tolls	229
4—An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1894	251
5—An Ordinance to enable one Judge of the Supreme Court to hear all pending Appeals from District Courts which relate to matters not exceeding Three Hundred Rupees	253
6—An Ordinance to amend “ The Masters Attendant’s Ordinance, 1865 ”	253
7—An Ordinance to amend the Ordinance No. 19 of 1891, intituled “ An Ordinance relating to Markets in the Northern Province ”	254
8—An Ordinance to dispense with Commitments for Trial to District Courts in cases where the Police Court and District Court are presided over by the same Officer	255
9—An Ordinance to amend “ The Village Communities’ Ordinance, 1889 ”	257
10—An Ordinance to amend “ The Marriage Registration Ordinance, 1895 ”	258

	PAGE
No. 11—An Ordinance for amending and codifying the Law relating to the Sale of Goods	259
12—An Ordinance to incorporate the Consistory of the Dutch Reformed Church at Wolfendahl, Colombo	276
13—An Ordinance relating to Pilgrimages	279
14—An Ordinance to consolidate and amend the Law relating to the construction, upkeep, and repair of Branch Roads	281
15—An Ordinance for the repression of Crime in this Colony	298
16—An Ordinance for making provision for the Supplementary Contingent Charges for the year 1896	306
17—An Ordinance for making provision for the Contingent Services for the year 1897	306
18—An Ordinance to amend Ordinance No. 17 of 1869, intituled "An Ordinance for the General Regulation of Customs in the Island of Ceylon"	306
19—An Ordinance to declare certain By-laws to be in force within the Municipality of Kandy	307
20—An Ordinance to abolish the Local Board and to provide for the improvement and sanitation of the Town of Nuwara Eliya	343
21—An Ordinance to consolidate and amend the Law providing for the granting of Pensions to Widows and Orphans of Deceased Public Officers of this Colony	367
22—An Ordinance to amend the Ordinance No. 20 of 1892, intituled "An Ordinance for exempting from Customs Duty certain articles imported or purchased for the use of Her Majesty's Naval and Military Forces"	375
23—An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1895	377

1897.

No. 1—An Ordinance relating to Claims to Forest, Chena, Waste, and Unoccupied Lands	377
2—An Ordinance to empower Banking Companies to become incorporated under the Joint Stock Companies' Ordinances	385
3—An Ordinance to make provision for preventing the introduction and spread of the Plague and other Contagious and Infectious Diseases	422
4—An Ordinance to amend "The Police Ordinance, 1895"	417
5—An Ordinance to amend the Ordinance No. 8 of 1806, intituled "An Ordinance to dispense with Commitments for trial to District Courts in cases where the Police Court and District Court are presided over by the same Officer"	417
6—An Ordinance to amend "The Inventions Ordinance, 1892"	418
7—An Ordinance to amend the Ordinance No. 13 of 1896, intituled "An Ordinance relating to Pilgrimages"	419
8—An Ordinance to amend the Ordinance No. 15 of 1889, intituled "An Ordinance relating to Land Surveyors, Auctioneers, and Brokers"	420
9—An Ordinance to increase the Duty on the import of Opium and to prohibit the importation of Bhang and Ganja into this Island	421
10—An Ordinance to exempt Partition Actions from Stamp Duty	423
11—An Ordinance to amend the Ordinance No. 17 of 1894, intituled "An Ordinance relating to Habitual Criminals and to Convicts licensed to be at large"	425

	PAGE
No. 12—An Ordinance to amend “The Public Officers’ Security Ordinance, 1890”	426
13—An Ordinance for making provision for the Supplementary Contingent Charges for the year 1897	426
14—An Ordinance for making provision for the Contingent Services for the year 1898	427
15—An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1896	427
16—An Ordinance to exempt from Customs Duty Frozen Meat, and to allow a rebate of such Duty on Kerosine Oil used in Oil Engines	427

1898.

No. 1—An Ordinance to consolidate and amend the Law providing for the granting of Pensions to Widows and Orphans of Deceased Public Officers of this Colony	430
2—An Ordinance to appropriate a percentage of Nine and a half per centum of the Colonial Revenues as a Contribution for the Defence of the Island	439
3—An Ordinance to amend the Ordinance No. 15 of 1896, intituled “An Ordinance for the repression of Crime in this Colony” 441	441
4—An Ordinance to authorize a loan of Rs. 50,000 to the Colombo Municipal Council for the purpose of making provision for the disposal of Night Soil in the Town of Colombo	443
5—An Ordinance relating to General Cemeteries and Burial and Cremation Grounds situated within the limits of Local Board Towns	444
6—An Ordinance to amend “The Inventions Ordinance, 1892”	448
7—An Ordinance to impose an Export Duty on Arrack	448
8—An Ordinance to amend “The Wharf and Warehouse Ordinance, 1876”	449
9—An Ordinance to amend “The Masters Attendant’s Ordinance,” No. 6 of 1865	453
10—An Ordinance relating to the branding, sale, and transfer of Cattle	454
11—An Ordinance to amend “The Municipal Councils’ Ordinance, 1887”	461
12—An Ordinance to further amend “The Municipal Councils’ Ordinance, 1887”	461
13—An Ordinance relating to Local Boards of Health and Improvement	463
14—An Ordinance to amend the Ordinance No. 20 of 1896, relating to the Nuwara Eliya Board of Improvement	498
15—An Ordinance for consolidating and amending the Procedure in the Courts of Criminal Judicature	500
16—An Ordinance to amend Ordinance No. 2 of 1883, intituled “The Ceylon Penal Code”	704
17—An Ordinance to amend “The Courts’ Ordinance, 1889”	706

	NO.	YEAR	PAGE
Criminals, habitual—See Convicts.			
Criminal Procedure, commitment to District Courts for trial dispensed with ...	8	1896	...255
" " Chapter 21, Criminal Procedure Code, inapplicable ...	5	1897	...417
" " Schedule II., col. 7, § 368 amended ...	10	1898	...458
" " consolidation and amendment ...	15	1898	...515
Crown Lands, claims to forest, chena, waste, and unoccupied lands ...	1	1897	...377
Customs, import duty on certain metals abolished ...	8	1894	... 20
" " frozen meat and kerosine oil ...	16	1897	...427
" " opium ...	9	1897	...421
" amendment of No. 17 of 1869, § 2, " True wholesale market value " ...	18	1896	...306
" amendment of No. 20 of 1892, § 1 (c) (d) ...	22	1896	...375
Dairies, supervision of ...	1	1896	...217
Deaths—See Registration.			
Defence Contribution Fund ...	2	1898	...439
Destruction of valueless documents in courts ...	12	1894	... 25
Dhobies—See Laundries.			
Diseases—See Contagious Diseases.			
District Courts—See Appeals.			
Electricity, protection of persons and property ...	5	1895	...110
Evidence, law of ...	14	1895	...145
Explosives, prevention of accidents by, repeal of No. 12 of 1873 and No. 10 of 1893 ...	18	1894	... 34
" amendment of No. 18 of 1894 ...	13	1895	...143
Forest—See Crown Lands.			
Frozen Meat, duty on ...	16	1897	...427
Ganja—See Bhang.			
Gemming Ordinance, No. 5 of 1890, amendment and repeal of ...	10	1894	... 22
General Cemeteries—See Cemeteries.			
Goods—See Sale of.			
Gunpowder—See Explosives.			
Habitual Criminals—See Convicts.			
Identification of habitual criminals ...	17	1894	... 30
Infectious Diseases—See Contagious Diseases.			
Incorporation of Banking Companies—See Joint Stock Companies.			
" of Board of Directors of Jaffna College ...	7	1894	... 15
" of Public Service Mutual Provident Association, amendment of No. 5 of 1891, § 13 ...	19	1894	... 46
Indian Shipping Act, No. X. of 1887, and repeal of No. 5 of 1879 ...	5	1894	... 1
Inquirers into Crime—See Crime.			
Intermeddlers with suitors ...	11	1894	... 23
Inventions Ordinance, 1892, registration of assignments, &c. ...	6	1897	...418
" " § 5 (3) amended ...	6	1898	...448
Jaffna College, incorporation of Board of Directors ...	7	1894	... 15
Joint Stock Companies, incorporation of Banking Companies ...	2	1897	...385
Judicial Proceedings, oaths and affirmations in ...	9	1895	...117
Kandy—See Municipal Councils.			
" Waterworks, amendment and repeal of Ordinances ...	8	1894	...411
Kerosine for oil engines, rebate of duty on ...	16	1897	...427

	NO.	YEAR	PAGE
Land— <i>See</i> Crown Lands.			
" partition and sale, actions for, stamp duties, remuneration to commissioners, taxation of costs	10	... 1897	...423
" sales of, under Tésavañamai	... 4	... 1895	...109
" Surveyors— <i>See</i> Auctioneers.			
Laundries, supervision of	... 1	... 1896	...221
License to convicts	... 17	... 1894	... 30
Local Board— <i>See</i> Nuwara Eliya.			
" of Health, law consolidated	... 13	... 1898	...463
" Towns— <i>See</i> Cemeteries.			
Machinery, regulation and inspection of	... 2	... 1896	...226
Market, Northern Province, amendment of No. 19 of 1891	7	... 1896	...254
Marriage, registration of	... 2	... 1895	... 76
" repeal of No. 2 of 1895, § 15	... 10	... 1896	...258
Master Attendant, amendment of No. 6 of 1865, § 6 (11), § 23	... 6	... 1896	...253
" Pilots, appointment of, liability of and for	... 9	... 1898	...453
Metals, import duty on certain, abolished	... 8	... 1894	... 20
Military expenditure, Nos. 12 of 1867 and 4 of 1869 repealed	... 2	... 1898	...439
" uniforms, wearing of	... 6	... 1895	...112
Mines, regulation and inspection of	... 2	... 1896	...226
" of gold, &c., on private lands, amendment of No. 5 of 1890	... 10	... 1894	... 22
Municipal Councils, amendment of No. 7 of 1887	... 1	... 1896	...208
" " " § 132 (c)	... 11	... 1898	...461
" " " §§ 122 (q 2), 127, 160 (a)	... 12	... 1898	...462
" " Colombo, loan for disposal of nightsoil	4	... 1898	...443
" " Kandy by-laws	... 19	... 1896	...307
Naval uniforms, wearing of	... 6	... 1895	...112
Nuwara Eliya Local Board abolished: Board of Improvement	... 20	... 1896	...343
" " No. 20 of 1896, §§ 30, 32, 54 amended, compensation, costs	... 14	... 1898	...498
Nuisances— <i>See</i> Local Boards.			
Oaths in judicial proceedings	... 9	... 1895	...116
Opium, increase of duty on	... 9	... 1897	...421
Ordinances amended, 12 of 1859, §§ 10, 23	... 7	... 1895	...113
" " 12 of 1862, §§ 5, 6, 10, 12, 18, 20-22, 24, 25, 28	... 5	... 1898	...444
" " 10 of 1863, § 10	... 10	... 1897	...423
" " 6 of 1865, §§ 6 (11), 23	... 6	... 1896	...253
" " 6 of 1865	... 9	... 1898	...453
" " 16 of 1865, § 12	... 4	... 1897	...417
" " 17 of 1869, § 2	... 18	... 1896	...306
" " 17 of 1869, Schedule B, metals	... 8	... 1894	... 20
" " 17 of 1869, opium, bhang, and ganja	9	... 1897	...421
" " 17 of 1869, frozen meat and kerosine	16	... 1897	... 428
" " 14 of 1871	... 16	... 1897	...428
" " 10 of 1876	... 8	... 1898	...448
" " 6 of 1880, § 3	... 6	... 1896	...253
" " 2 of 1883, § 315	... 15	... 1896	...305
" " 2 of 1883, § 362	... 11	... 1895	...134
" " 2 of 1883, §§ 38 (b), 67, 393, 427, 450	16	... 1898	...704
" " 3 of 1883, Schedule II., § 315, col. 7	15	... 1896	...305
" " 3 of 1883, Schedule II., col. 7, § 368	10	... 1898	...458
" " 18 of 1884, §§ 5-7	... 8	... 1895	...114
" " 39 of 1884	... 10	... 1898	...458
" " 2 of 1885	... 5	... 1898	...444
" " 20 of 1885, § 12	... 15	... 1894	... 29
" " 17 of 1886, §§ 2, 3	... 5	... 1898	...444

		NO.	YEAR	PAGE
Ordinances amended,	7 of 1887, §§ 3, 9e, 10, 11d, 15-18,			
	26, 47, 48, 55, 56, 59, 62, 67, 122			
	(f, j, n, p, q), 151, 164, 175-177,			
	181, 188, 195, 198-201, 209, 246,			
	250	...	1	1896 ...208
"	7 of 1887, § 132 (c)	...	11	1898 ...461
"	7 of 1887, §§ 122 (q 2), 127, 160 (a)	12	...	1898 ...462
"	1 of 1889, § 77	...	12	1895 ...137
"	1 of 1889, § 84	...	17	1898 ...706
"	2 of 1889, §§ 809, 818, 820, 823, 825,			
	825, 829, 832	...	12	1895 ...137
"	3 of 1889, §§ 2, 3, 13, 17, 18, 29, 36,			
	39	...	17	1895 ...203
"	9 of 1889, § 3	...	9	1897 ...421
"	15 of 1889, §§ 4 (2), 5, Schedule A	8	...	1897 ...420
"	24 of 1889, § 6	...	9	1894 ... 21
"	24 of 1889, §§ 26, 28, 49, 50	...	9	1896 ...257
"	3 of 1890, Schedule B, Part II.,			
	exemptions	...	10	1897 ...423
"	5 of 1890, §§ 2, 4 (2)	...	10	1894 ... 22
"	5 of 1891, § 13	...	19	1894 ... 46
"	19 of 1891, § 16	...	7	1896 ...254
"	13 of 1892	...	6	1894 ... 15
"	16 of 1892	...	6	1897 ...418
"	16 of 1892, § 5 (3)	...	6	1898 ...448
"	17 of 1894, §§ 2, 5	...	11	1897 ...425
"	18 of 1894	...	13	1895 ...143
"	3 of 1895	...	8	1898 ...449
"	8 of 1896	...	5	1897 ...417
"	13 of 1896, preamble, § 1	...	7	1897 ...419
"	15 of 1896, Chapter IV. added,			
	§§ 21, 25	...	3	1898 ...441
"	20 of 1896, §§ 30, 32, 54	...	14	1898 ...498
Ordinances extended,	10 of 1876	...	3	1895 ...107
"	4 of 1878, § 2	...	9	1897 ...421
Ordinances repealed,	1 of 1842	...	4	1895 ...109
"	3 of 1842	...	9	1895 ...116
"	3 of 1846	...	14	1895 ...202
"	6 of 1847	...	1	1895 ... 47
"	"	...	2	1895 ... 76
"	9 of 1852	...	14	1895 ...202
"	13 of 1863	...	2	1895 ... 76
"	8 of 1845	...	2	1895 ... 76
"	8 of 1866, §§ 10, 11	...	3	1897 ...413
"	17 of 1866	...	12	1894 ... 25
"	12 of 1867	...	2	1898 ...439
"	14 of 1867	...	3	1896 ...238
"	18 of 1867	...	1	1895 ... 47
"	4 of 1868	...	3	1896 ...238
"	2 of 1869	...	3	1896 ...238
"	4 of 1869	...	2	1898 ...439
"	18 of 1869	...	3	1896 ...238
"	2 of 1871	...	3	1896 ...238
"	9 of 1871	...	3	1896 ...238
"	24 of 1871	...	3	1896 ...238
"	12 of 1872	...	3	1896 ...238
"	12 of 1873	...	18	1894 ... 34
"	14 of 1873	...	13	1896 ...280
"	6 of 1874	...	14	1896 ...281
"	11 of 1874	...	3	1896 ...238
"	7 of 1875	...	3	1896 ...238
"	7 of 1876	...	13	1898 ...492
"	14 of 1876	...	3	1896 ...238
"	15 of 1877	...	1	1895 ... 47
"	"	...	2	1895 ... 76
"	20 of 1877	...	3	1896 ...238

	NO.	YEAR	PAGE
Ordinances repealed, 4 of 1878, §§ 2, 4, 6, 7, 10, 11, ¹³			
(partially) ...	9	1897	422
5 of 1878 ...	3	1896	238
5 of 1879 ...	5	1894	1
6 of 1879 ...	3	1896	238
10 of 1879 ...	3	1896	238
15 of 1880 ...	3	1896	238
3 of 1881 ...	3	1897	413
10 of 1881 ...	3	1896	238
6 of 1882 ...	13	1898	492
14 of 1882 ...	3	1896	238
2 of 1883, §§ 55, 56 ...	15	1898	637
3 of 1883 ...	15	1898	637
10 of 1884 ...	3	1896	238
29 of 1884 ...	8	1895	115
36 of 1884 ...	15	1898	637
39 of 1884, Schedule A (partially) ...	9	1897	422
41 of 1884 ...	3	1896	238
12 of 1885 ...	3	1896	238
20 of 1885 ...	21	1896	375
9 of 1887 ...	13	1898	492
12 of 1887 ...	3	1896	238
1 of 1888 ...	15	1898	637
1 of 1889, § 38 ...	15	1898	637
2 of 1889, §§ 810, 811 (part), 813, Schedule III. (part) ...	12	1895	141
9 of 1889, § 2-4 (partially) ...	9	1897	423
24 of 1889, Part VI. ...	15	1896	305
24 of 1889, § 6 (6) partially ...	10	1898	454
1 of 1890 ...	21	1896	375
3 of 1890, Schedule B., Part II. (part of) ...	12	1895	141
3 of 1890, Schedule B., Part I., partition deeds ...	9	1897	423
5 of 1890, §§ 4 (1), 8, 9, 10 (a), 11, 13, schedule ...	10	1894	22
8 of 1890 ...	8	1898	449
22 of 1890 ...	15	1898	637
26 of 1890, § 13 ...	1	1896	208
27 of 1890 ...	13	1898	492
6 of 1891 ...	15	1898	637
20 of 1891 ...	1	1895	47
11 of 1892 (Births and Deaths) (Marriages) ...	1	1895	67
12 of 1892, § 11 ...	2	1895	96
20 of 1892, § 1 (c) (d) ...	7	1895	113
27 of 1892 ...	22	1896	375
28 of 1892 ...	15	1898	637
28 of 1892 ...	14	1896	281
2 of 1893, §§ 3, 4 (partially) ...	9	1897	423
9 of 1893, § 20 ...	10	1898	455
10 of 1893 ...	18	1894	34
15 of 1894 ...	21	1896	375
2 of 1895, §§ 15, 56 ...	4	1896	252
2 of 1895, § 15 ...	10	1896	258
8 of 1896 ...	15	1898	637
15 of 1896 ...	15	1898	637
20 of 1896, § 54 (part) ...	14	1898	499
21 of 1896 ...	1	1898	430

Orphans—See Pension Fund.

Partition—See Lands, partition of.

Pension Fund, Widows' and Orphans', amendment of

No. 20 of 1885, § 12 ...	15	1894	29
law consolidated ...	21	1896	367
No. 21 of 1896 repealed ...	1	1898	430

	NO.	YEAR	PAGE
Pilgrimages, regulations for ...	13	1896	...279
" No. 13 of 1896 amended ...	7	1897	...419
Plague— <i>See</i> Contagious Diseases.			
Police, No. 16 of 1865, § 12, amended ...	4	1897	...417
Postal and Telegraph communications, fictitious postage stamps ...	6	1894	... 14
Public Officers' Security, No. 14 of 1890, §§ 2, 8, amended	12	1897	...426
Public Service Mutual Provident Association, amendment of No. 5 of 1891, § 13 ...	19	1894	... 46
Quarantine and Prevention of Diseases ...	3	1897	...412
Road Ordinance— <i>See</i> Local Boards.			
Registration of Births and Deaths, consolidation of laws	1	1895	... 47
" of Marriages other than of Kandyans or of Mohammedans ...	2	1895	... 76
" repeal of No. 2 of 1895, § 16 ...	10	1896	...258
Repression of Crime ...	15	1896	...298
Roads— <i>See</i> Branch Roads.			
Sale of Cattle— <i>See</i> Cattle.			
" Goods, codification of law ...	11	1896	...259
" Lands— <i>See</i> Land.			
Savings Bank, amendment of Ordinances ...	7	1895	...113
Shipping Act (Indian), No. X. of 1887, and repeal of No. 5 of 1879 ...	5	1894	... 1
Suitors, intermeddlers with ...	11	1894	... 23
Supreme Court— <i>See</i> Appeals.			
Surveyors— <i>See</i> Auctioneers.			
Tésavalamai—sales of immovable property ...	4	1895	...109
Thoroughfares— <i>See</i> Boards of Health.			
Tolls, consolidation of laws ...	3	1896	...229
Transfer of Cattle— <i>See</i> Cattle.			
Uniforms, Naval and Military ...	6	1895	...112
Unoccupied Lands— <i>See</i> Crown Lands.			
Village Communities, amendment of No. 24 of 1889, § 6	9	1894	... 21
" " " §§ 26, 28, 49, 50	9	1896	...257
" " repeal of No. 24 of 1889, Part VI.	15	1896	...305
Waste Lands— <i>See</i> Crown Lands.			
Waterworks— <i>See</i> Local Boards.			
" Kandy, amendment and repeal of Ordinances ...	8	1895	...114
Wharf & Warehouse Co., extension of No. 10 of 1876 ...	3	1895	...107
" " No. 10 of 1876 amended ...	8	1898	...449
" " No. 8 of 1890 repealed ...	8	1898	...449
Widows— <i>See</i> Pension Fund.			
Wolfendahl Church— <i>See</i> Church.			

APPENDIX.

Proclamations promulgated in Ceylon during the years 1895 to 1897.

ORDINANCES

OF THE

GOVERNMENT OF CEYLON.

NEW SERIES.

VOLUME IV.

No. 5 of 1894.

An Ordinance to repeal the Ordinance No. 5 of 1879, and to make certain offences against the Indian Act No. X. of 1887 punishable in Ceylon.

A. E. HAVELOCK.

WHEREAS by the Ordinance No. 5 of 1879, intituled "An Ordinance to repeal the Ordinance No. 10 of 1862, and to make certain offences against the Indian Act No. VIII. of 1876 punishable in Ceylon," certain offences against the said last mentioned Act are made punishable in Ceylon: And whereas the said Indian Act No. VIII. of 1876 has been repealed by the Indian Act No. X. of 1887, intituled "An Act to consolidate and amend the Law relating to Native Passenger Ships," which said last mentioned Act came into force in India by notification in the *Gazette of India* dated the 26th day of May, 1887: And whereas it is expedient to make punishable in Ceylon certain of the acts and defaults made punishable by the said Indian Act No. X. of 1887: It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

Repeal of Ordinance
No. 5 of 1879.

Interpretation
clause:

"Ship."
"Master."

1 The said Ordinance No. 5 of 1879 is hereby repealed.

2 In this Ordinance the word "ship" means any vessel to which the said Indian Act No. X. of 1887 applies.

The word "master" includes every person (other than a pilot) having command or charge of a ship.

Native Passenger Ships.

Penalty on master bringing passengers without certificates required by Indian Act or from unauthorized port.

3 The master of any ship who shall bring any passengers to Ceylon without the certificates required by the said Indian Act No. X. of 1887, or who shall bring to Ceylon any passengers from any port or place within British India other than such ports or places as the Indian local Government having jurisdiction in respect thereof shall appoint in that behalf, shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees for every passenger conveyed in such ship, or to imprisonment not exceeding one month, or to both.

Penalty on owner or master failing to post up copy of certificates.

4 Any owner or master of a ship bringing passengers to Ceylon which shall not have a copy of each of the certificates required by the said Indian Act No. X. of 1887 posted up in a conspicuous part thereof so as to be visible to persons on board, shall be guilty of an offence, and liable to a fine not exceeding two hundred rupees or to imprisonment for any term not exceeding one month, or to both.

Penalty on master failing to comply with sections 22, 23, and 24 of Indian Act.

5 Any master of any ship arriving in Ceylon who shall fail to produce to the principal officer of customs at the port of arrival the statement of passengers required by section 22 of the said Indian Act No. X. of 1887, and the additional statements (if any) required by section 24 of the said Act, with the deaths of the passengers duly noted, as required by section 23 of the said Act, shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees or to imprisonment for a term not exceeding three months, or to both.

Penalty for failing to supply passengers with prescribed provisions.

6 Any master of a ship arriving with passengers at any port of Ceylon who shall have wilfully and without satisfactory excuse omitted to supply to any passenger during the voyage the allowance of food, fuel, and water prescribed by any rule made under the said Indian Act No. X. of 1887, and for the time being in force, shall be liable to a fine not exceeding twenty rupees for every passenger who has sustained detriment by such omission.

Penalty for excess of number specified in certificate.

7 If any ship has on board any number of passengers which is greater than the number allowed by the certificate required by the said Indian Act No. X. of 1887, or if arriving from a port where no certificate could be procured has on board a number of passengers exceeding the number allowed by the said Indian Act, the owner and master shall for every passenger over and above the number allowed by the certificate or by the said Act, as the case may be, be each liable to a fine not exceeding twenty rupees.

Penalty for landing passenger at a place other than that at which he has contracted to land.

8 If the master of any ship lands any passenger at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or by unavoidable accident, the master shall for every such offence be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding one month, or to both.

Native Passenger Ships.

9 The principal officer of customs at the port at which any ship shall arrive in Ceylon carrying passengers from India, or any person authorized by him in writing, shall be at liberty at all times to enter and inspect any such ship and the fittings, provisions, and stores therein; and any person impeding or refusing to allow such entry or inspection shall be guilty of an offence, and liable to a fine not exceeding five hundred rupees or to imprisonment for a term not exceeding three months, or to both.

Principal officer of customs empowered to enter and inspect ships.
Penalty for obstructing officer of customs.

10 Any ship whose owner or master shall have become liable to a penalty under this Ordinance may, if found within two years in any port of Ceylon, be seized and detained by the principal officer of customs of the port, or any person authorized by him in writing in that behalf, until all such penalties have been adjudicated and the payment thereof with all costs has been enforced.

Ship may be detained until penalties paid.

11 All offences against this Ordinance, wherever committed, may be tried by the police court of the district in which the offender is found; and such police court shall have power to sentence the offender to the full amount of the penalty or punishment prescribed by this Ordinance for his offence, notwithstanding that such penalty or punishment may be beyond the ordinary jurisdiction of such police court.

Offences punishable by the police court.

12 If the owner or master of any ship who has been sentenced to pay any fine shall fail to pay the same within the time and in the manner prescribed by the sentence, the police magistrate may, in addition to the means otherwise prescribed by law for enforcing payment of fines or penalties, direct by warrant the amount remaining unpaid to be levied by seizure and sale of the ship, her tackle, furniture, and apparel, or any part thereof.

Ship may be seized for payment of fine.

13 Any police magistrate imposing any penalties under this Ordinance may, if he thinks fit, direct the whole or any part thereof to be applied in compensation to any person for any detriment which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the prosecution.

Application of penalties.

14 Every document which shall purport to be an official copy of any certificate or statement required by the said Indian Act No. X. of 1887, and shall purport to be certified as correct by the collector of sea customs at the port of departure of the ship to which such statement or certificate refers, shall, if accompanied by a certificate purporting to be made by the Principal Collector of Customs of this island that such copy has been received from the said port of departure, be admissible, without further proof, as evidence of such certificate or statement and of the contents thereof; and it shall not be necessary to prove that the person so certifying to the correctness of such copy was such collector of sea customs at the said port of departure.

Proof of certificates and statements.

15 Any rules published in the *Government Gazette* by the authority of the Governor, and purporting to be rules made by the Governor-General of India in Council under

Proof of rules.

Native Passenger Ships.

section 53 of the said Act No. X. of 1887, shall, without further proof, be taken to be the rules in force made by the said Governor-General in Council under the said 53rd section of the said Act.

Schedule
contains true
copy of Indian
Act.

16 The Act set out in the schedule hereto shall be taken as a true copy of the said Indian Act No. X. of 1887, and shall be admissible in evidence for all purposes connected with or relating to this Ordinance, without proof.

SCHEDULE.

Act No. X. of 1887.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

Received the Assent of the Governor-General on the 24th February, 1887.

An Act to consolidate and amend the Laws relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the laws relating to native passenger ships: It is hereby enacted as follows:

CHAPTER I.

Preliminary.

Title.

1 This Act may be called "The Native Passenger Ships Act, 1887."

Extent and
application.

2 (1) It extends to the whole of British India, and applies—

- (a) To all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;
- (b) To all native Indian subjects of Her Majesty without and beyond British India; and
- (c) Subject to the exceptions mentioned in sub-section (2), to ships carrying as passengers more than thirty natives of Asia or Africa.

(2) But it does not apply—

- (i.) To any ship-of-war, troopship, transport, or other ship belonging to the Royal Navy or Her Majesty's Indian Marine Service; or
- (ii.) To any other ship for the time being in the service of Her Majesty; or
- (iii.) To any ship-of-war belonging to any foreign Prince or State; or
- (iv.) To any steamship not carrying as passengers more than sixty natives of Asia or Africa; or
- (v.) To any ship not intended to carry natives of Asia or Africa as passengers to or from any port in British India.

(3) Notwithstanding anything in sub-sections 1 and 2, the local Government may, with the previous sanction of the Governor-General in Council, declare all or any of the provisions of this Act to apply to sailing ships, or any class of sailing ships, carrying as passengers more than fifteen natives of Asia or Africa, and to steamships, or any class of steamships, carrying as passengers more than thirty such natives.

Commencement.

3 This Act shall come into force on such day as the Governor-General in Council, by notification in the *Gazette of India*, appoints.

Repeal.

4 (1) On and from that day the enactments mentioned in the schedule shall be repealed to the extent specified in the third column thereof.

Native Passenger Ships.

(2) But all ports, places, and officers appointed, rules, declarations, and exemptions made, bonds executed, directions given, and certificates granted under any of those enactments shall, so far as may be, be deemed to be respectively appointed, made, executed, given, and granted under this Act ; and

(3) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

5 In this Act, unless there is something repugnant in the subject or context—

Definitions.

(1) "Ship" means a ship to which this Act applies ;

(2) "Passenger" means a passenger by a ship who is a native of Asia or Africa of the age of twelve years or upwards and is not on the articles of the ship as one of the crew ; but it does not include either a passenger in attendance on a person who is not a native of Asia or Africa, or a child under one year of age ; and, in the computation of passengers for any of the purposes of this Act, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one passenger ;

(3) "Long voyage" means, subject to the provisions of this Act, any voyage during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port ;

(4) "Short voyage" means, subject to the provisions of this Act, any voyage during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port ;

(5) "Voyage," when used without the prefix "long" or "short," means the whole distance between the ship's port or place of departure and her final port or place of arrival ;

(6) "Chief customs officer" means the chief executive officer of sea-customs in any port or place to which this Act applies ; and

(7) "Magistrate" means a person exercising powers not inferior to those of a magistrate of the second class.

CHAPTER II.

Rules for all Voyages.

6 (1) A ship carrying passengers shall not depart or proceed from, or discharge passengers at, any port or place within British India other than a port or place appointed in this behalf by the local Government.

Ships to sail only from places appointed by the Government.

(2) After a ship has departed or proceeded on a voyage from a port or place so appointed, a person shall not be received on board as a passenger except at some other port or place so appointed.

7 (1) The master, owner, or agent of a ship so departing or proceeding shall give notice to an officer appointed in this behalf by the local Government that the ship is to carry passengers, and of her destination, and of the proposed time of sailing.

Notice to be given of day of sailing.

(2) The notice shall be given not less than twenty-four hours before that time.

8 After receiving the notice, the officer aforesaid or a person authorized by him shall be at liberty at all times to enter on the ship and inspect her and her fittings and the provisions and stores in her.

Power to enter on and inspect ship.

Native Passenger Ships.

Ship not to sail without two certificates.

9 (1) A ship intended to carry passengers shall not commence a voyage from a port or place appointed under this Act unless the master holds two certificates to the effect mentioned in the two next following sections.

(2) The officer whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds those certificates.

Contents of certificate A.

10 The first of the certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted, and ventilated, and the number of passengers which she is capable of carrying.

Contents of certificate B.

11 The second of the certificates (hereinafter called "certificate B") shall state—

- (a) The voyage which the ship is to make, and the intermediate ports, if any, at which she is to touch ;
- (b) That she has the proper complement of officers and seamen ;
- (c) That food, fuel, and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed by those rules ;
- (d) That the master holds certificate A ;
- (e) If the ship is to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning, or with other sufficient protection against the weather ;
- (f) If she is to carry passengers to any port in the Red Sea, that she is propelled principally by steam, and if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in accordance with the rules under this Act ; and
- (g) Such other particulars, if any, as may be prescribed by those rules.

Grant of certificates.

12 The person by whom certificate A and certificate B are to be granted shall be the officer appointed under section 7.

Substitute for certificate A.

13 Where the master of a ship produces to that officer either of the following certificates, namely—

- (a) A valid certificate granted by the Board of Trade or by a British Colonial Government ; or
- (b) A certificate granted under the authority of a British Indian Government, on a date not more than one year before the proposed day of sailing, and in force and applicable to the voyage on which the ship is to proceed, or the service on which she is about to be employed,

the officer may, if the particulars required by section 10 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Act.

Survey of ship.

14 (1) After receiving the notice required by section 7, the officer appointed under that section may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted, and ventilated for the voyage which she is to make :

Native Passenger Ships.

Provided that he shall not cause a ship holding a certificate mentioned in section 13, clause (a) or clause (b), to be surveyed, unless, by reason of the ship having met with damage or having undergone alterations, or on other reasonable ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted, or ventilated for the voyage.

(2) If the officer causes a survey to be made of a ship holding any such certificate, and the surveyors report that the ship is seaworthy and properly equipped, fitted, and ventilated for the voyage, and that there was no reasonable ground why the officer should have thought it likely that she would be found unseaworthy or not properly equipped, fitted, or ventilated for the voyage, the expense of the survey shall be paid by the local Government.

15 (1) The officer authorized to grant a certificate under this Act in respect of a ship shall not grant it unless he is satisfied that she has not on board any cargo likely from its quality, quantity, or mode of stowage to prejudice the health or safety of the passengers.

Discretion as to grant of certificate.

(2) But, save as aforesaid, and subject to the provisions of subsection (3), it shall be in the discretion of the officer to grant or withhold the certificate.

(3) In the exercise of that discretion that officer shall be subject to the control of the local Government, and of any intermediate authority which that Government appoints in this behalf.

16 The master or owner shall post up in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of each of the certificates granted under this Act in respect of the ship, and shall keep those copies so posted up throughout the voyage.

Copy of certificates to be exhibited.

17 If an officer appointed in this behalf by the local Government is satisfied that a passenger has brought on board a ship for his own use food of the quality and in the quantity for the time being prescribed by the rules under this Act, the requirements of this Act respecting the supply of food for passengers shall not apply so far as regards the supply of food for that passenger.

Supply by passengers of their own food.

CHAPTER III

Rules for Short Voyages.

18 (1) For seasons of fair weather, a ship performing a short voyage shall, subject to the provisions of this Act, contain in the between-decks at least six superficial feet and thirty-six cubic feet of space available for every between-decks passenger, and on the upper deck at least four superficial feet available for each such passenger and six superficial feet available for each upper-deck passenger.

Space to be available for passengers.

(2) For seasons of foul weather, a ship propelled by sails and performing a short voyage shall, subject as aforesaid, contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every between-decks passenger, and on the upper deck at least four superficial feet available for each such passenger and twelve superficial feet available for each upper-deck passenger.

(3) For seasons of foul weather, a ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall, subject as aforesaid, contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every between-decks passenger, and on the upper deck at least four superficial feet available for each such passenger and nine superficial feet available for each upper-deck passenger.

Native Passenger Ships.

(4) But in seasons of foul weather a ship shall not carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning, or with other sufficient protection against the weather.

Ship taking additional passengers at intermediate place.

19 If a ship performing a short voyage takes additional passengers on board at an intermediate port or place, the master shall obtain from the officer appointed at that port or place under section 7 a supplementary certificate stating—

- (a) The number of passengers so taken on board; and
- (b) That food, fuel, and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed by those rules:

Provided that, if the certificate B held by the master of the ship states that food, fuel, and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for her by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the full number of passengers which she is capable of carrying, the master shall not be bound to obtain any such supplementary certificate.

Deaths on voyage.

20 When the ship reaches her final port or place of arrival, the master shall notify to such officer as the Governor-General in Council appoints in this behalf the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

Rules for Long Voyages.

Space to be available for passengers.

21 (1) A ship propelled by sails and performing a long voyage shall, subject to the provisions of this Act, contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every passenger.

(2) A ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall, subject as aforesaid, contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every passenger.

Statements concerning passengers.

22 The master of a ship departing or proceeding on a long voyage from any port or place in British India shall sign two statements, specifying the number and the respective sexes of all the passengers, and the number of the crew, and shall deliver them to the officer appointed under section 7, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

Deaths on voyage.

23 The master shall note in writing on the statement returned to him, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall, when the ship arrives at her port or place of destination, or at any port or place at which it may be intended to land passengers, and before any passengers leave the ship, produce the statement, with any additions thereto made, to a person lawfully exercising consular authority on behalf of Her Majesty at the port or place, or to the chief customs officer thereat, or the officer (if any) appointed there under section 7.

Native Passenger Ships.

24 (1) In either of the following cases, namely—

- (a) If after the ship has departed or proceeded on a long voyage any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers ; or
- (b) If the ship upon her voyage touches or arrives at any such port or place, having previously received on board additional passengers at any place beyond British India,

Ship taking additional passengers at intermediate place.

the master shall obtain a fresh certificate to the effect of certificate B from the officer appointed at that port or place under section 7, and shall make additional statements specifying the number and the respective sexes of all the additional passengers.

Certain ships to be propelled by steam.

(2) All the foregoing provisions of this Act with respect to certificate B and statements concerning passengers shall be applicable to any certificate granted or statement made under this section.

25 A ship carrying passengers from or to any port in British India to or from any port in the Red Sea shall be propelled principally by steam.

Certain ships to carry medical officer.

26 A ship carrying more than one hundred passengers from or to any port in British India to or from any port in the Red Sea shall have on board a medical officer licensed in accordance with the rules under this Act.

Ships carrying passengers to or from port in Red Sea to touch at Aden.

27 A ship carrying passengers from or to any port in British India other than Aden to or from any port in the Red Sea shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

Bill of health at Aden.

28 The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of passengers than the number allowed for the ship by or under this Act, and may refuse to grant it if the requirements of any rule under this Act are not complied with on board the ship.

Bond where ship clears for port in Red Sea.

29 In the case of a ship carrying passengers from any port in British India other than Aden to any port in the Red Sea, the officer whose duty it is to grant a port clearance for the ship shall not grant the clearance unless and until the master, owner, or agent of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of five thousand rupees, conditioned—

- (a) That the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers ; and
- (b) That the master and medical officer (if any) of the ship shall comply with, on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships carrying passengers between ports in British India and ports in the Red Sea as the Governor-General in Council may make under this Act.

30 (1) The local Government may direct that no passengers shall be received on board any ship or any ship of a specified class carrying passengers from any port in British India to any port in the Red Sea unless and until the passenger has been inspected, at such time and place, and in such manner, as the local Government may fix in this behalf, by a medical officer to be appointed by that Government for the purpose.

Power for local Government to direct medical inspection of passengers.

(2) If in the opinion of the officer making an inspection under this section a passenger is suffering from any dangerously infectious or contagious disease, the passenger shall not be permitted to embark.

Native Passenger Ships.

CHAPTER V.

Penalties.

Penalty for ship unlawfully departing or receiving passengers on board.

31 If a ship departs or proceeds on a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section 6, sub-section (1), or section 9, or if a person is received as a passenger on board a ship in contravention of the provisions of section 6, sub-section (2), the master or owner shall, for every passenger carried in the ship, or for every passenger so discharged or received on board, be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and the ship, if found within two years in any port or place within British India, may be seized and detained by a chief customs officer until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act :

Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

Penalty for opposing entry on or inspection of ships.

32 If a person impedes or refuses to allow the entry or inspection authorized by or under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for not exhibiting copy of certificates.

33 If a master or owner without reasonable excuse, the burden of proving which shall lie upon him, fails to comply with the requirements of section 16 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Penalty for not complying with requirements as to statements concerning passengers and certain other matters.

34 If a master fails to comply with any of the requirements of section 22 or section 23, as to the statements concerning passengers, or wilfully makes any false entry or note in or on any such statement, or without reasonable excuse, the burden of proving which shall lie upon him, fails to obtain any such supplementary certificate as is mentioned in section 19, or to report deaths as required by section 20, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers as is mentioned in section 24, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for fraudulent alteration in ship after certificate obtained.

35 If a master, after having obtained any of the certificates mentioned in section 9, section 19, or section 24, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her passengers, or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for failing to supply passengers with prescribed provisions.

36 If a master without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any passenger the allowance of food, fuel, and water prescribed by the rules under this Act, he shall be punished with fine which may extend to twenty rupees for every passenger who has sustained detriment by the omission.

Penalty for having excessive number of passengers on board.

37 (1) If a ship carrying passengers to or from any port or place in British India has on board a number of passengers which is greater than the number allowed for the ship by or under this Act, the master and owner shall, for every passenger over and above that number, be each punished with fine which may extend to twenty

Native Passenger Ships.

rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such passenger :

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(2) Any officer authorized in this behalf by the local Government may cause all passengers over and above the number allowed by or under this Act to disembark, and may forward them to any port at which they may have contracted to land, and recover the cost of so forwarding them from the master or owner of the ship as if the cost were a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

38 If a ship carrying passengers from any port or place beyond British India to any port or place in British India has on board a number of passengers greater either than the number allowed for the ship by or under this Act or than the number allowed by the license or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every passenger in excess of that number, be each punished with fine which may extend to twenty rupees.

Penalty for bringing passengers from foreign port in excess of authorized number.

39 If the master of a ship lands any passenger at any port or place other than the port or place at which the passenger may have contracted to land, unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Penalty for landing passenger at a place other than that at which he has contracted to land.

40 If a ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the passengers with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty for making voyage in contravention of contract with passengers.

41 If a ship carrying passengers from or to any port in British India to or from any port in the Red Sea is not propelled principally by steam as required by section 25, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty on master and owner of certain ships not propelled by steam.

42 If a ship carrying more than one hundred passengers from or to any port in British India to or from any port in the Red Sea has not on board a medical officer as required by section 26, the master of the ship shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master of certain ships sailing without medical officer.

43 If in the case of a ship to which section 27 applies the master without reasonable excuse, the burden of proving which shall lie upon him, fails to touch at Aden, or leaves that port without having obtained a bill of health under that section, he shall for every such offence be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for not obtaining bill of health at Aden.

44 If in the case of any such ship as is referred to in the last foregoing section the master or the medical officer, if any, of the ship, without reasonable excuse, the burden of proving which shall lie upon him, breaks, or omits, or neglects to obey, any rule under this Act applicable to the ship, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master or medical officer of certain ships disobeying rules.

Native Passenger Ships.

Penalty on master receiving passenger in contravention of section 30.

45 If the master of a ship to which a direction under section 30 applies knowingly receives on board the ship any person in contravention of that section, he shall be punished with fine which may extend to five hundred rupees for each person so received, or with imprisonment which may extend to three months, or with both.

Procedure.

Adjudication of offences, and levy of fine by distress on ship.

46 (1) Offences against this Act shall be punishable by a magistrate.

(2) If the person on whom a fine is imposed under this Act is the master or owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture, and apparel.

Jurisdiction.

47 For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the magistrate of the place where the offender is found.

Authority to institute proceedings for penalties.

48 The penalties to which masters and owners of ships are made liable by this Act shall be enforced only on information laid at the instance of officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the chief customs officer.

Application of fines.

49 A magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed, or in or towards payment of the expenses of the prosecution.

Depositions of absent witnesses.

50 (1) Whenever in the course of any legal proceeding under this Act the testimony of a witness is required in relation to the subject-matter of the proceeding, any deposition which he may have previously made in relation to the same subject-matter before any justice or magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the court in which the proceeding is instituted :

Provided that the deposition shall not be admissible unless—

- (a) It is authenticated by the signature of the justice, magistrate, or consular officer ;
- (b) It was made in the presence of the person accused ; and
- (c) The fact that it was so made is certified by the justice, magistrate, or consular officer.

(2) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition ; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

Supplemental Provisions.

Information to be sent to ports of embarkation and discharge.

51 (1) The chief customs officer, or other officer, if any, appointed by the local Government in this behalf, at any port or place within British India at which a ship carrying passengers touches or arrives, shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting the ship, and the

Native Passenger Ships.

passengers carried therein, to the officer at the port or place from which the ship commenced her voyage, and to the officer at any other port or place within British India where the passengers or any of them embarked or are to be discharged.

(2) The chief customs officer, or other officer, if any, appointed by the local Government in this behalf, at any port or place in British India at which a ship to which this Act applies touches or arrives, may enter on the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and other matters have been complied with.

52 In any proceeding for the adjudication of any penalty incurred under this Act any document purporting to be a report of such particulars as are referred to in sub-section (1) of the last foregoing section, or a copy of the proceedings of any court of justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

**Report of
consul.**

53 (1) The Governor-General in Council may make rules consistent with this Act to regulate, in the case of any ship or class of ships, all or any of the following matters :

**Power for
Governor-
General in
Council and
local
Government to
make rules.**

- (a) The scale on which food, fuel, and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the food, fuel, and water ;
- (b) The medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness, and decency ;
- (c) The licensing and appointment of medical officers in cases where they are required by this Act to be carried ;
- (d) The boats, anchors, and cables to be provided on board ;
- (e) The instruments for purposes of navigation to be supplied ;
- (f) The apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires ;
- (g) The provision of appliances for saving life and of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys ;
- (h) The functions of the master, medical officer (if any), and other officers of the ship during the voyage ;
- (i) The access of between-decks passengers to the upper deck ; and
- (j) Generally to carry out the purposes of this Act.

(2) The local Government may, with the previous sanction of the Governor-General in Council, make rules consistent with this Act to regulate, in the case of any ship or class of ships—

- (a) The local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Act in that behalf ; and
- (b) The time within which the ship or any ship of the class is to depart or proceed on her voyage after commencing to take passengers on board.

(3) In making a rule under this section the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and when the breach is a continuing breach with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

(4) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

54 The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties which are conferred and imposed by this Act or may be conferred and imposed thereunder.

**Appointment of
officers.**

Fictitious Postage Stamps.

Power to declare what shall be deemed "seasons of fair weather" and "long voyages."

55 The Governor-General in Council may declare, by notification in the *Gazette of India*, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather," and, for sailing-ships and steamships respectively, a "long voyage" and a "short voyage."

Power to prescribe space to be available for passengers.

56 The Governor-General in Council may by order prescribe in the case of any ship or class of ships and for all or any voyages the number of superficial or of cubic feet of space to be available for passengers; and the order shall be alternative to, or override, as the Governor-General in Council may direct, the provisions of sections 18 and 21 so far as they apply to that ship or class of ships.

Power to exempt ship from provisions of Act.

57 (1) The local Government, with the previous sanction of the Governor-General in Council, may, subject to such conditions as it thinks fit, exempt any ship or class of ships from any provision of this Act.

(2) In imposing a condition under this section the local Government may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and when the breach is a continuing breach with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

SCHEDULE.

(See section 4.)

Enactments Repealed.

Number and Year.	Title.	Extent of Repeal
VIII. of 1876 ...	Native Passenger Ships Act, 1876	The whole
XVII. of 1883 ...	Native Passenger Ships Act, 1883	The whole
VII. of 1884 ...	Indian Steamships Act, 1884 ...	Section 41

Passed in Council the Seventh day of November, One thousand Eight hundred and Ninety-four.

H. WHITE,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Third day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

No. 6 of 1894.

An Ordinance to enable the Postmaster-General to detain any Postal Packet containing or bearing any fictitious Postage Stamp.

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to make provision enabling the Postmaster-General to detain (if necessary) any postal packet found in the post containing or bearing any

Jaffna College.

fictitious postage stamp: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 This Ordinance may be cited for all purposes as "The Ceylon Postal and Telegraph Amendment Ordinance, 1894," and shall be read as one with "The Ceylon Postal and Telegraph Ordinance, 1892."

2 The Postmaster-General or any postmaster may detain (if necessary) any postal packet found in the post containing or bearing any fictitious postage stamp, that is to say, any facsimile, or imitation, or representation of any stamp for denoting any rate or duty of postage, including any stamp for denoting a rate or duty of postage of the United Kingdom, of any of Her Majesty's colonies, or of any foreign country; or purporting to be prepaid with any postage stamp which has been previously used to prepay any other postal packet.

3 Any postal packet detained under the provisions of section 2 may be either returned or given up to the sender thereof, or dealt with or disposed of in such other manner as may be authorized by the Postmaster-General.

Passed in Council the Seventh day of November, One thousand Eight hundred and Ninety-four.

H. WHITE,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Third day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

No. 7 of 1894.**An Ordinance to incorporate the Board of Directors of the Jaffna College.**

A. E. HAVELOCK.

WHEREAS several of the inhabitants of the Northern Province have established an institution called and known as "The Jaffna College," at Batticotta, in the district of Jaffna, and it is found desirable to constitute certain persons one body politic and corporate for the purpose of effectually transacting all affairs connected with the said college according to the constitution agreed to by its founders: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 The persons named in the schedule A hereto, being the present directors of the said college, and such persons as may hereafter be appointed from time to time directors of the said college, as declared and set forth in the schedule

Short title.

To be read as one with Ordinance No. 13 of 1892.

Postal officer authorized to detain postal packets containing or bearing fictitious postage stamps.

Postal packets when detained to be dealt with as authorized by the Postmaster-General.

Preamble.

Incorporated under the name of "The Board of Directors of the Jaffna College."

Jaffna College.

B hereto, shall be one body politic and corporate by the name of "The Board of Directors of the Jaffna College," and by the said name they shall have perpetual succession, and shall and may use a common seal, with power to change and alter the same at their pleasure.

Corporation may sue and be sued, &c.

2 They and their successors by the same name may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all and any courts whatsoever, and before any judge, magistrate, or judicial officer within this island in all manner of actions, suits, complaints, matters, and causes whatsoever.

May hold movable and immovable property.

3 They and their successors by the name aforesaid shall be able and capable in law of holding all such estate, movable and immovable, as hath been already acquired by them, and of having, taking, and holding for ever hereafter other estate, movable and immovable, either by purchase, gift, devise, or legacy, to and for the use and benefit of the said college; and of selling, disposing of, or exchanging the same.

Power to sell lands.

All securities for money in the name of trustees of the said college vested in the corporation.

4 And all mortgages and other securities for money, lands, and tenements held in the island in the name of any persons as trustees of the said college shall be and the same are hereby declared to be transferred and vested in the said "Board of Directors of the Jaffna College" and their successors in the corporate name, as fully as if the same had been assigned and transferred by the trustees in whose names the same are now held to the said corporation. And the said corporation shall have full power to assign, transfer, and dispose of all such mortgages and other securities to which they shall be entitled as the said corporation shall think proper.

Short title.

5 This Ordinance shall be called "The Ordinance for incorporating the Board of Directors of the Jaffna College," and may be cited as such for all purposes.

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SCHEDULE A.

The Board of Directors of the Jaffna College.

W. C. Twynam, Esq., C.M.G.	...	Government Agent, Northern Province
Rev. S. W. Howland, D.D.	...	American Missionary
Rev. T. S. Smith, M.A.	...	do.
Rev. R. C. Hastings	...	do.
Rev. J. J. Pickford	...	C. M. S. Missionary
Rev. George Champion	...	Naive Minister
Rev. B. H. Rice	...	do.
Rev. T. P. Hunt	...	do.
C. W. Cathiravalupilly, Esq.	...	Police Magistrate
T. M. Tanpoo, Esq.	...	Proctor
A. Hensman, Esq.	...	do.
T. C. Changarapilly, Esq.	...	do.
J. P. Cooke, Esq.	...	Teacher
L. S. Strong, Mudaliyar	...	Medical Practitioner
W. Paul, Esq.	...	do.

Jaffna College.

SCHEDULE B.

Constitution agreed to by the Founders of the Jaffna College.

I.—The institution shall be called "The Jaffna College."

II.—It shall be conducted as a Christian college, whose directors and instructors shall be members of any denomination of Protestant Christians.

III.—The object shall be to give all pupils admitted into the college a thorough general education and daily Bible instruction.

IV.—The general government and direction of the college shall be vested in a board of directors, not more than eighteen and not less than fifteen in number, distributed (for purposes of retirement and election of directors as in article VI. provided) into three sections, designated as sections A, B, and C, each section not exceeding six in number.

V.—The board of directors of the college shall, upon enactment of this constitution, consist of the following directors, distributed for such purposes as aforesaid into the following sections, viz:—

Section A.

J. J. Pickford, C.M.S.	|	T. C. Changarapilly, Esq., Proctor
Geo. Champion, Native Minister		J. P. Cooke, Esq., Teacher
T. M. Tampoo, Esq., Proctor		

Section B.

T. S. Smith, American Missionary	|	L. S. Strong, Mudaliyár, Medical Practitioner
S. W. Holland, do.		William Paul, Esq., do.
B. H. Rice, Native Minister		

Section C.

W. C. Twynam, Esq., C.M.G.	|	C. W. Cathiravalupilly, Esq., Magistrate
R. C. Hastings, American Missionary		A. Hensman, Esq., Proctor
T. P. Hunt, Native Minister		

The directors named in section A and their substitutes, elected as in article VIII. hereof provided, may hold office until the first election of directors, as in article VI. hereof provided; and those named in section B and their substitutes until the second election; and those named in section C and their substitutes until the third election respectively as hereinafter provided.

VI.—The first election of directors shall be held at the first annual general meeting to be holden under this constitution as in article IX. hereof provided, and at the said election the directors then forming section A shall retire from office, but shall be eligible for re-election.

The directors then forming sections B and C shall elect directors (not exceeding six in number) to form section A of the directorate body for the period of three years next ensuing.

The second and third election of directors shall in like manner be held at the second and third annual general meetings respectively which shall be holden under this constitution, the directors then forming section B retiring at the second, and those forming section C at the third annual general meeting, but in each case being eligible for re-election; and this rotation of retirement of each of the three sections successively with like eligibility for re-election shall be observed in the elections to be holden in each successive year thereafter.

Jaffna College.

VII.—At each such election every Protestant Christian who shall then be resident in the peninsula of Jaffna, and willing to interest himself in the working of the college, shall be eligible for election as a director, whether by race he is a native of Ceylon or a foreigner of any other nationality, provided always that the number of foreigners so elected shall never at any one time exceed a moiety of the members of the directorate.

VIII.—A director shall vacate his office by death, or resignation, or by ceasing to reside within the peninsula of Jaffna for a period of six months consecutively. Whenever any such vacancy shall occur the directors may elect as substitute for such director in the section to which he belonged any person who, under the requirements of article VII., would be eligible to be elected as a director at an annual general meeting, and such substitute shall be and officiate as a director until the section into which he shall be so elected shall retire from office, or he himself shall vacate his office in any manner before mentioned.

IX.—The annual general meeting of the board of directors shall be held at such time shortly after the close of each collegiate year, when defined as in article XIV. hereof provided, and at such place as the directors for the time being shall determine, notice whereof in writing shall be posted or given by the secretary to each director seven days previously thereto; and at each such meeting shall be presented by the principal a full report of the operations and condition of the institution, and by the treasurer a statement of accounts properly audited by the auditor, showing all moneys received and disbursed during the year then lately ended.

X.—A meeting of the board of directors shall be held at least once in every year upon such date or dates and at such place or places as the board of directors shall from time to time determine, and at such other times as on the requisition in writing of six directors or of the standing committee (as in article XVI. provided) shall be by the secretary notified to each director.

XI.—At any meeting of the board duly convened and holden nine directors shall form a quorum.

XII.—The officers of the board of directors shall consist of a president, auditor, treasurer, and secretary, each of whom shall be elected out of the body of directors by the members of the board present at the meeting of directors, held immediately after the election of a new section of the board as provided in article VI., and shall continue to hold office until the close of the annual general meeting which shall be held next thereafter. Should any office be vacated at any time other than at the annual general meeting, the directors may at any subsequent meeting in like manner appoint another director thereto.

XIII.—The board of directors may from time to time make by-laws and rules to define the duties of its several officers and to regulate the manner in which its meetings shall be convened, held, and adjourned, and for the conduct of its proceedings. Such by-laws and rules when made shall not be revoked or altered save at a meeting of the said board duly convened by notice to all the directors for the time being specifying the proposed alteration.

XIV.—The board of directors shall have power to make and enforce such laws and regulations as may be necessary for the conduct and management of the institution; to elect the principal and to appoint all other instructors and officers, and at their discretion to remove any of them; to decide upon the conditions of admission of students; to

Jaffna College.

prescribe the general course of study; to determine the general arrangement of terms and the limits of the collegiate year; and to assign its respective duties to any department of education or management for which the board of directors may arrange.

XV.—The board of directors may in their discretion from time to time appoint a standing committee, to be composed of the principal of the college as an *ex-officio* member and of not less than five nor more than seven members of their own directorate body, and may make rules for the conduct of business by the said standing committee, and (subject to the provisions herein contained) define the duties to be by them discharged.

XVI.—The standing committee when so appointed shall have power to consider and decide all questions pertaining to the management of the institution which may arise in the intervals between any meetings of the board of directors, but shall submit each such decision to the said board at its next meeting, thereafter to be by the directors then confirmed or disallowed both in relation to the occasion in which it originated (so far as action thereon has been deferred or may thereafter yet be taken) and in regard to all like questions which may in the future arise, and for this purpose the standing committee shall have power to convene special meetings of the board of directors whenever to it shall seem expedient.

XVII.—The board of directors shall be responsible for the safe keeping and disposition of all funds received by them for the college from whatever source.

XVIII.—The principal and professors or teachers of the college for the time being shall constitute its faculty.

XIX.—Any person of any race or creed may be admitted by the faculty as student of the college, who bears a good moral character and satisfies the requirements prescribed from time to time by the directors or the faculty as conditions for their admission, and undertakes to conform to the rules and regulations for the conduct and management of the institution.

XX.—Any articles of this constitution may be by the directors repealed or amended, and a new provision in lieu thereof may be substituted for or added to the then existing articles; provided, first, that such change shall be voted by two-thirds of the directors for the time being present at any meeting at which, with due notice to all the directors, the alteration shall have been proposed and discussed; and secondly, that the general purpose for which the institution was founded shall be respected; and thirdly, that such change shall be approved by His Excellency the Governor, acting with the advice of the Executive Council.

Passed in Council the Seventh day of November, One thousand Eight hundred and Ninety-four.

H. WHITE,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Third day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

*Import Duty on Metals.***No. 8 of 1894.****An Ordinance to abolish the Import Duty on certain kinds of Metals.**

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to abolish the import duty on metals intended for use in local manufactures, levied under the Ordinance No. 17 of 1869: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Abolition of
customs duty
on certain
metals.

1 From the date of the passing of this Ordinance there shall cease to be levied the several duties of Customs respectively set forth in figures against the different classes of metals specified in the schedule hereto annexed, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding.

SCHEDULE.

	Per owt.
	Rs. c.
Brass, sheets	3 0
Iron, angle, and Swedish bar	0 25
Iron, bar, flat, square, bolt or round, rod, and nail rod	0 20
Iron, pig	0 12½
Iron, plates and sheets (not galvanized)	0 25
Lead, sheet, pipe, and pig	0 50
Tin and Zinc in cake or slab	0 50
Steel, blister	0 50
Steel, cast	0 62½
Tin plates	0 75

Passed in Council the Fourteenth day of November, One thousand Eight hundred and Ninety-four.

H. WHITE,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Third day of December. One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

*Village Communities.***No. 9 of 1894.****An Ordinance to amend "The Village Communities' Ordinance, 1889."****A. E. HAVELOCK.**

WHEREAS doubts have arisen as to whether the inhabitants of any subdivision which has been brought within the operation of "The Village Communities' Ordinance, 1889," hereafter referred to as "the principal Ordinance," have power to enforce a contribution in labour towards any of the purposes mentioned in section 6 of the said Ordinance, and it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 In section 6 of the principal Ordinance, after sub-section 17 and before sub-section 18, the following sub-sections shall be inserted and numbered respectively (17*a*), (17*b*), and (17*c*), namely :

Amendment of section 6 of the principal Ordinance as to imposing labour.

"For imposing and enforcing an annual tax payable in labour in respect of all or any of the purposes mentioned in sub-sections (1), (2), (13), (16), and (17), upon the inhabitants of the subdivision, provided that no inhabitant shall be liable to perform more than ten days' labour in any one year."

"For determining the number of days' labour to be imposed in respect of any one or more of such purposes."

"For calling out and compelling the performance of such labour."

2 This Ordinance shall commence and come into operation on the First day of January, 1895, and its provisions shall apply to the inhabitants of any subdivision which has been or shall hereafter be brought within the operation of the principal Ordinance.

Commencement of Ordinance.

3 This Ordinance may be cited as "The Village Communities' Ordinance, 1894," and this Ordinance and the principal Ordinance may be cited collectively as "The Village Communities' Ordinances, 1889 and 1894."

Short title.

Passed in Council the Twenty-first day of November, One thousand Eight hundred and Ninety-four.

H. WHITE,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Third day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

*Gemming.***No. 10 of 1894.****An Ordinance to amend "The Gemming Ordinance, 1890."****A. E. HAVELOCK.**

Preamble.

WHEREAS it is expedient to amend "The Gemming Ordinance, 1890," 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:

Amendment of section 2 of the Ordinance No. 5 of 1890.

1 In section 2 of the principal Ordinance, for the definition "mine" shall be substituted the following:

"Mine" includes one or more mines opened, worked, or used in any land in respect of which a license has been issued under section 4 for the purpose of searching for or obtaining gold, silver, gems, or precious stones, and includes all shafts, levels, planes, works, machinery, tramways, and sidings both below and above ground, which may be sunk, driven, erected, or constructed in and adjacent to such mine or mines.

Section 4, sub-sections (1) and (2), amended.

2 In section 4, sub-section (1), of the principal Ordinance, the words "on condition that the licensee shall, in commutation of the share due to Her Majesty and her successors of the gold, silver, gems, or precious stones which may be obtained from such mine, pay in advance the fees provided for in section 8," shall be repealed.

And in sub-section (2), for the words "five rupees" there shall be substituted "one rupee."

Section 8, as to permit and license fees thereon, repealed.

3 Section 8 of the principal Ordinance is hereby repealed

Section 9 amended.

4 In section 9 of the principal Ordinance, the words "and the permit required by section 8 for every person employed in or about any mine" are hereby repealed.

Section 10, sub-section (a), repealed.

5 In section 10 of the principal Ordinance, sub-section (a) is hereby repealed.

Section 11 amended.

6 For section 11 of the principal Ordinance shall be substituted the following:

"11 Any person who shall open, work, or use, or cause or suffer to be opened, worked, or used, any mine in breach of, or in any way contrary to, the provisions of this Ordinance, or of any rules made under section 10, or otherwise than in strict accordance with the license in that behalf granted, or after such license shall have been revoked, or who shall refuse to produce any license whenever required to do so, shall be guilty of an offence, and be liable on a first conviction to a fine not exceeding fifty rupees, or to rigorous imprisonment not exceeding three months, or both, and on every subsequent conviction to a fine not exceeding one hundred rupees, or to rigorous imprisonment not exceeding six months, or both."

Intermeddlers with Suitors in Courts of Justice.

7 In section 13 of the principal Ordinance, the words "or for having been employed, or for having employed another in or about a mine without a permit" in the third, fourth, and fifth lines thereof; and the words "or permit, as the case may be," between the words "holds a license" and "shall lie on the party accused;" and the words "or permit" after the words "deemed to have no license," are hereby repealed.

Section 13 amended.

8 For the form of license set out in the schedule to the principal Ordinance shall be substituted the following form :

Form of license amended.

In terms of section 4 of the Ordinance No. 5 of 1890, I, _____, do hereby license _____ to open, work, and use one or more mines for the purpose of searching for or obtaining (gold or silver or gems, as the case may be) in the land called _____, situated at _____, bounded on the north, &c. (state the boundaries of the land), subject to the following conditions (state conditions, if any).

Given at _____, this _____ day of _____, 189 —.

Government Agent.

9 This Ordinance shall come into operation on the First day of December, 1894, and shall be read as one with the principal Ordinance.

Commencement.

Passed in Council the Twenty-first day of November, One thousand Eight hundred and Ninety-four.

H. WHITE,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Third day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

No. 11 of 1894.

An Ordinance to suppress Intermeddlers with Suitors in Courts of Justice.

A. E. HAVELOCK.

WHEREAS it is expedient to provide against the mischiefs caused by touts and vagrants meddling with parties who seek redress in courts of justice: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble

1 In this Ordinance, unless there be something repugnant in the subject or context—

Interpretation clause.

"Legal practitioner" means an advocate or proctor or any person authorized by any law for the time being to practise in any court of this island.

"Legal practitioner."

"Court" means the Supreme Court, any district court, court of requests, police court, or court of a municipal magistrate.

"Court."

Intermeddlers with Suitors in Courts of Justice.

Non-summary offences under this Ordinance.

2 Any person who—

- (a) Solicits or receives from any legal practitioner any gratification in consideration of procuring or having procured him employment as such legal practitioner ;
- (b) Retains any gratification, or withholds without just cause a portion, out of remuneration entrusted to be paid to any legal practitioner for such employment ;
- (c) Not being authorized under any law to practise in any court, solicits or receives from any person any gratification in consideration of procuring or having procured the employment of a legal practitioner as such ;
- (d) Being a legal practitioner, tenders or gives any gratification, or consents to the retention of any gratification, for procuring or having procured the employment as such practitioner of himself or any other legal practitioner ;

shall be guilty of an offence, and shall on conviction be punished with a fine not exceeding five hundred rupees.

Legal practitioner convicted under this Ordinance liable to be removed from office.

3 Any legal practitioner who shall be convicted of any offence under this Ordinance shall be liable to be removed or suspended from office by the judges of the Supreme Court, on the motion of the Attorney-General or Solicitor-General.

Proceedings in court in regard to non-summary offences.

4 It shall be competent to any person to prefer to a police court a complaint or report that an offence under section 2 of this Ordinance has been committed within the territorial jurisdiction of such court, when such court shall proceed with the inquiry as provided in chapter XVI. of the Criminal Procedure Code, and shall in due course forward the proceedings taken in the case to the Attorney-General, whereupon the Attorney-General may, in his discretion, direct the accused to be either discharged or committed for trial before any district court having jurisdiction, or may make any other order as provided in chapter XX. of the Criminal Procedure Code.

Persons without lawful excuse accosting suitors by words or signs triable summarily.

5 Any person who, without lawful excuse, accosts, or attempts by words, signs, or otherwise to meddle with any suitor or other person having business in any court, shall be guilty of an offence, and be liable on conviction to be punished with a fine not exceeding one hundred rupees.

Accused may give evidence on his own behalf.

6 Any person charged with any offence under this Ordinance may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon may give evidence in the same manner and with the like effect and consequences as any other witness.

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

H. WHITE,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fifth day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

*Destruction of valueless Documents.***No. 12 of 1894.****An Ordinance to authorize the destruction of valueless Documents preserved in Courts of Justice.**

A. E. HAVELOCK.

WHEREAS it is expedient to prevent the accumulation, in the record-rooms of courts of justice, of divers documents which are not of sufficient value to justify their preservation therein : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 There shall be repealed, as and from the date of the passing of this Ordinance, the Ordinance No. 17 of 1866, entitled "An Ordinance to authorize the destruction of old and useless Processes and Documents."

Repeal.

2 This Ordinance shall come into operation on such day as the Governor may appoint by Proclamation in the *Government Gazette*.

Commencement of Ordinance.

3 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in that behalf made, to bring any court of justice in the island under the operation of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall, with the like advice, determine.

Governor may bring any court of justice under the operation of this Ordinance.

4 When any court of justice has been so proclaimed, it shall be the duty of the officer presiding over it to cause to be prepared in duplicate a register of all the records of his court, extant and missing, according to the form I. given in the first schedule hereto, and he shall certify to the correctness of such register.

Register of extant and missing records.

5 The different classes of documents enumerated in A of the second schedule hereto shall not be destroyed, but the summonses, subpoenas, and other intermediate processes filed therein may be destroyed. Provided that no such processes shall be destroyed except in cases which have been determined more than ten years previous to the date of destruction.

What documents are not to be destroyed.

6 The different classes of documents enumerated in B of the second schedule hereto may be destroyed, provided that in regard to the money cases, lunacy cases, and district court criminal cases therein mentioned, the material particulars of each such case shall have been accurately abstracted and entered in a register as near as may be according to the forms II., III., and IV. in the first schedule hereto. Provided also that at least three months before the date fixed for such destruction it shall have been notified by order of court, within the jurisdiction of such court, by proclamation in court and beat of tom-tom, printed notices, or advertisements in one or more local newspapers, that any person interested in any record may personally, by proctor, or by duly

What documents may be destroyed.

Destruction of valueless Documents.

authenticated petition, claim, upon good cause shown, that such record may not be destroyed; in which event it shall be competent to the court to make such order thereon as to it shall seem meet.

Responsibility of the judge of each court.

7 The preservation and destruction of the documents of each court in terms of this Ordinance shall be carried out under the personal direction of the officer presiding over such court.

8 A true extract from any register made in terms of this Ordinance, duly certified by the officer presiding over a court, shall be received as *prima facie* evidence of the matters and things therein contained.

FIRST SCHEDULE.

Form I.—Register of Extant and Missing Records in the ———.

Year.	Number of Records in series of Hundreds.	Number of <i>Missing</i> Records.
1845	1 to 99	6, 7, 8, 15, 16
1845	100 to 199	143, 148, 160
1846	200 to 299	240, 260, 276
1846	300 to 399	362, 375, 376, 378, 390
1847	400 to 499	429, 430, 475, 478, 492, 493, 497, 498
1848	500 to 599	Nil
1849	600 to 699	Nil

I hereby certify that this is a correct register of the extant and missing records of this court filed from the ——— day of ———, 18 —, to the ——— day of ———, 18 —.

(Signed) ———

Form II.—Register of Money Cases destroyed in the ——— Court of ———.

Number of Plaintiff.	When instituted.	Name and Residence of Plaintiff.	Name and Residence of Defendant.	Nature of Suit.	Amount claimed.	Final Judgment or Decree of Court.	Date of such Judgment or Decree.	Judgment or Decree in Appeal.	Date of such Judgment or Decree.	Remarks.

I hereby certify that this is a correct register of the destroyed money cases filed in court from the ——— day of ———, 18 —, to the ——— day of ———, 18 —.

(Signed) ———

Destruction of valueless Documents.

Form III.—Register of Lunacy Cases destroyed
in the — Court of —.

Number.	Date.	How instituted.	Name and Residence of alleged Lunatic.	Final Order.	Remarks.

I hereby certify that this is a correct register of the destroyed lunacy cases filed in court from the — day of —, 18 —, to the — day of —, 18 —.

(Signed) _____

Form IV.—Register of Criminal Cases destroyed
in the — Court of —.

No. of Case.	When instituted.	Name and Residence of Complainant.	Name and Residence of Accused.	Crime or Offense charged.	Date of Judgment.	Sentence.	Remarks.	Judgment in Appeal.	Remarks.

I hereby certify that this is a correct register of the destroyed criminal cases filed in court from the — day of —, 18 —, to the — day of —, 18 —.

(Signed) _____

SECOND SCHEDULE.

Form A.—Classes of Documents not to be destroyed.

1. Land cases.
2. Testamentary cases.
3. Matrimonial cases.
4. Regular guardianship cases, as distinguished from those in which applications for a guardian *ad litem* only have been allowed.
5. Insolvency cases.
6. Lunacy cases in which a person has been adjudged insane.
7. Cases which have been decided in appeal.
8. Other cases of public interest.

*Final Supply, 1893.**Supplementary Supply, 1894.***Money cases in which—**

9. (a). Mortgage decrees have been entered.
10. (b). Unclaimed suitors' moneys are lying in deposit.
11. (c). Satisfaction of judgment-decree or order has not been recorded.
12. (d). Judgment being revived or writ issued, ten years have not elapsed.
13. Cases prior to 1833 and a few cases later than 1833 as specimens of procedure.
14. Calendars, registers, or lists of cases made under the authority of any law or any order of the Government.
15. Notarial and other documents which may be useful as evidence of civil rights.

Form B.—Classes of Documents which may be destroyed, subject to the provisos of Section 6.

1. Money cases, save those excepted as in form A under heads 9, 10, 11, and 12.
2. Lunacy cases over five years old, save those in which an adjudication of lunacy has been recorded.
3. All Justice of the Peace cases.
4. All inquest proceedings prior to 1884.
5. Non-summary inquiry cases over five years old.
6. District Court criminal cases over five years old.
7. Petitions, reports, cattle vouchers, &c., over five years old.

Provided that notarial and other documents which may be found in the foregoing classes of records, and which may be useful as evidence of civil rights, shall be removed from such records and not destroyed.

Passed in Council the Fifth day of December, One thousand Eight hundred and Ninety-four.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Twelfth day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

No. 13 of 1894.

An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1893.

[December 12, 1894.]

No. 14 of 1894.

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1894.

[December 12, 1894.]

*Widows' and Orphans' Fund.**Supply, 1894.***No. 15 of 1894.**

An Ordinance to amend the Law providing for the granting of Pensions to Widows and Children of Deceased Public Officers of this Colony.

A. E. HAVELOCK.

WHEREAS doubts have arisen as to the liability of public officers to contribute to the Widows' and Orphans' Pension Fund in case the abatement of 4 per cent. from the salaries of such officers is not made by the Treasurer, as provided in section 12 of the Ordinance No. 20 of 1885, and it is expedient to remove such doubts and to amend the law in regard thereto: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble

1 This Ordinance shall be construed and read as one with "The Widows' and Orphans' Pension Fund Ordinance, 1885," hereinafter called "the principal Ordinance."

To be read as one with the principal Ordinance.

2 To section 12 of the principal Ordinance shall be added the following words:

Amendment of section 12 of principal Ordinance.

"In case any abatement as herein provided is not made, it shall be the duty of the public officer to pay to the Treasurer, within fifteen days of the receipt of his salary, as his contribution, a sum equal to an abatement of 4 per cent. from his salary; and all arrears of such contribution since the passing of the principal Ordinance shall be taken to be a debt due to the directors of the fund, and shall be payable forthwith or by such instalments as the directors may determine, together with interest thereon at 6 per cent. per annum, or such lesser rate as they may determine, anything in the Ordinance No. 22 of 1871 to the contrary notwithstanding. And it shall be lawful for the Treasurer to deduct from any salary which may be due, or become due, to any officer so indebted, the whole or any part of such debt, on an order to that effect passed by the directors of the fund."

Passed in Council the Eighth day of December, One thousand Eight hundred and Ninety-four.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Twelfth day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

No. 16 of 1894.

An Ordinance for making provision for the Contingent Services for the year 1895.

[December 18, 1894.]

Habitual Criminals.

Repealed 7 1899
 No. 17 of 1894.

An Ordinance relating to Habitual Criminals and to Convicts licensed to be at large.

A. E. HAVELOCK.

Preamble.

WHERRAS it is expedient to provide for the identification and supervision of habitual criminals and their more effective punishment, as also for enlarging convicts upon licenses and controlling them when at large: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Commencement.

1 This Ordinance shall come into force on the First day of January, 1895.

Definitions.

2 For the purposes of this Ordinance—

“Crime” shall mean a breach of any one of the sections of the Penal Code included in the schedule A hereto;

“Habitual criminal” shall mean a person convicted of a crime, against whom a previous conviction of a crime within seven years of the aforesaid conviction, exclusive of such time as he shall have been under sentence of imprisonment, is proved, or a person liable under section 91 of the Criminal Procedure Code to execute a bond with sureties for his good behaviour;

“Measurement” includes every method of identification sanctioned by the Governor in terms of section 3 hereof;

“Superintendent of police” shall include additional superintendent of police, assistant superintendent of police, and the chief headman of the district.

Rules to be made by Governor.

3 The Governor, with the advice of the Executive Council, may from time to time make rules (1) prescribing the methods of identifying habitual criminals or persons suspected of having been previously convicted; (2) regulating the supervision of habitual criminals; and (3) prescribing the conditions under which convicts may be at large and under the supervision of the police.

All rules so made, and not inconsistent with the provisions of this Ordinance, shall be published in the *Government Gazette*, and shall have the force of law.

And such rules, with the like advice, may from time to time be repealed, altered, or amended as to the Governor shall seem necessary.

Power to remand persons charged, for purposes of identification.

4 When a person formally charged with a crime, upon *prima facie* evidence led, is suspected of having been previously convicted of a crime, it shall be lawful for the complainant or a police officer to apply to the police magistrate before whom such person stands charged for an order of remand to cause inquiries to be made, and to have the measurement of such person taken for purposes of identification; and the police magistrate, if satisfied that it is a proper

Habitual Criminals.

case, shall remand such person from time to time for such period as to the police magistrate shall seem necessary, provided that no person shall be remanded at any one time for a longer period than three weeks or more often than three times for such purpose.

5 If a person formally charged as aforesaid is found to have been previously convicted of a crime within seven years of the last conviction, exclusive of such time as he shall have been under sentence of imprisonment, and if the sentence or sentences then passed on him exceeded in the aggregate rigorous imprisonment for three months, it shall not be lawful to deal with him in a summary manner, but the police magistrate shall, anything in the Criminal Procedure Code to the contrary notwithstanding, commit him for trial before the district or Supreme Court, as may be determined by the Attorney-General or Solicitor-General. And if such person is found to have been previously convicted twice or oftener within the said period of seven years, and if the sentences then passed on him exceeded in the aggregate rigorous imprisonment for eighteen months, he shall be committed before the Supreme Court.

Habitual criminals, before what courts to be tried.

6 When a person is convicted of a crime and a previous conviction of a crime is proved against him, the court of trial may, in addition to any other punishment which it may award to him, direct that he shall be subject to the supervision of the police for a period not exceeding seven years, commencing immediately after his discharge from the jail.

Power of court to direct supervision of habitual criminals after discharge from jail.

7 Every person made subject as aforesaid to the supervision of the police shall, before discharge from jail, notify the place where he intends to reside to the superintendent of the prison in which he is detained, and within seven days of his release he shall report himself to the superintendent of police in charge of the district in which he resides, and shall, whenever he changes such residence within such district, notify each change to the said superintendent; and whenever he changes his residence from one district to another, he shall notify the change to the superintendent of police of the district which he is leaving and the superintendent of police of the district into which he is going to reside.

Duty of habitual criminal to report himself.

8 If any person, subject to the supervision of the police as aforesaid, remains in any place for forty-eight hours without notifying the place, or changes of residence in manner provided in section 7, or fails to report himself once in every three months to the superintendent of police of the district in which he resides, he shall in every such case, unless he satisfies the court that he did his best to act in conformity with such provisions, be guilty of an offence under this Ordinance, and be liable on conviction to rigorous imprisonment for any period not exceeding six months.

Punishment for neglect of such duty.

9 A previous conviction may be proved against any person by the production of a true extract of the substance and effect only of the charge and conviction under the hand

Mode of proving previous conviction.

Habitual Criminals.

of the chief clerk, secretary, or registrar of the court in which such person was convicted, and by proof of identity of the person against whom the conviction is sought to be proved with the person named in the true extract; and such extract shall be admissible in evidence without proof of the signature or official character of the person who appeared to have signed the same.

Grant of licenses to convicts to be at large.

10 It shall be lawful for the Governor, with the advice of the Executive Council, by an order in writing, to grant to any convict undergoing sentence of imprisonment in any prison in this colony a license, in the form set forth in the schedule B hereto, to be at large in the colony or in any part thereof during such portion of his period of imprisonment, and upon such conditions, as to the Governor shall seem fit. The Governor may revoke or alter such license with the like advice of the Executive Council.

Reasons involving forfeiture of licenses.

Non-production of license, or breach of any conditions of license, declared an offence.

11 If any holder of a license, granted as aforesaid, be convicted of any crime set forth in schedule A hereto, his license shall be forthwith forfeited by virtue of such conviction.

12 If any holder of a license granted as aforesaid—

- (1) Fail to produce his license when required to do so by any judge or police or other magistrate before whom he may be brought charged with any offence, or by any constable or officer of the police in whose custody he may be, and fails to make any reasonable excuse why he does not produce the same; or
- (2) Breaks any of the other conditions of his license that is not of itself punishable either upon indictment or upon summary conviction;

he shall be deemed guilty of an offence punishable by imprisonment, rigorous or simple, for any period not exceeding six months.

Arrest of license holder on suspicion.

13 Any constable or police officer may without warrant take into custody any holder of such a license whom he may reasonably suspect of having committed any offence, or having broken any of the conditions of his license, and may detain him in custody until he can be taken before a competent magistrate and dealt with according to law.

Duty of magistrate to report conviction to Governor.

14 Where any holder of a license granted as aforesaid is convicted of an offence punishable under section 12, the magistrate convicting the prisoner shall report such conviction to the Governor, whereupon it shall be competent to the Governor to revoke the license of such prisoner.

Consequences of forfeiture or revocation.

15 Where any license granted as aforesaid is forfeited in terms of section 11, or is revoked in pursuance of a conviction under section 12, a person whose license is so forfeited or revoked shall, after undergoing any other punishment to which he may be sentenced for the offence in consequence of which his license is forfeited or revoked, further undergo a term of imprisonment equal to the portion of his term of imprisonment that remained unexpired at the time of the grant of license.

Habitual Criminals.

SCHEDULE A.

(Sections 2 and 11.)

Section of Penal Code.	Nature of Offence.
From 226 to 256 (inclusive) ...	Offences relating to coin and Government stamps.
296, 297, 300, 301 ...	Culpable homicide, &c.
From 315 to 324 (inclusive) ...	Voluntarily causing hurt by dangerous weapons, &c.
From 367 to 371 (inclusive) ...	Theft, theft of cattle, &c.
From 373 to 378 (inclusive) ...	Extortion, &c.
From 380 to 385 (inclusive) ...	Robbery, &c.
387 ...	Criminal misappropriation.
From 389 to 392 (inclusive) ...	Criminal breach of trust.
From 394 to 397 (inclusive) ...	Dishonestly receiving stolen property.
From 400 to 403 (inclusive) ...	Cheating.
From 411 to 426 (inclusive) ...	Mischief, &c.
From 433 to 451 (inclusive) ...	Lurking house-trespass, house-breaking, &c.
From 452 to 466 (inclusive) ..	Forgery, &c.

Abetting (section 101) or attempting (section 490) the breach of any of the sections of the Penal Code specified in the first column hereof.

SCHEDULE B.

(Section 10.)

Order of License to a Convict.

Under Ordinance No. 17 of 1894, Section 10.)

We, _____, Governor of Ceylon, hereby grant to _____, who was convicted of the offence of _____ in the _____ Court of _____, on the _____ day of _____, 189 —, and was then and there sentenced to _____ imprisonment for the term of _____, and is now confined in _____, a License to be at large from the _____ day of _____, 189 —, during the remaining portion of his said term of imprisonment, unless the said _____ shall, before the expiration of the said term, be convicted of any crime set forth in the Schedule A to the said Ordinance No. 17 of 1894, in which event this License shall be forthwith forfeited, or unless it shall please Us sooner to revoke or alter this License.

This License is given subject to the conditions endorsed upon the same, upon the breach of any of which it shall be liable to be revoked, whether such breach is followed by conviction or not.

Given under our hand this _____ day of _____, One thousand Eight hundred and Ninety _____.

Governor.

Passed in Council the Twelfth day of December, One thousand Eight hundred and Ninety-four.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Seventeenth day of December, One thousand Eight hundred and Ninety-four.

R. NOEL WALKER,
Colonial Secretary.

Accidents by Gunpowder.

repealed § 1902 No. 18 of 1894.

**An Ordinance for the prevention of Accidents by Gunpowder
and other Explosives.**

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to amend the law relating to the prevention of accidents by gunpowder and other explosives: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preliminary.

Short title.

Commencement.

1 This Ordinance may be cited as "The Explosives Ordinance, 1894," and shall come into operation at such time as the Governor shall by Proclamation in the *Government Gazette* appoint.

Repeal.

2 From and after the date on which this Ordinance shall come into operation, the Ordinance No. 12 of 1873, intituled "An Ordinance for the prevention of Accidents by Gunpowder," and the Ordinance No. 10 of 1893, intituled "An Ordinance for the prevention of Accidents by Gunpowder and other Explosives," shall be repealed.

Provided that such repeal shall not affect the past operation of, or any liability, penalty, forfeiture, or punishment under, the Ordinances hereby repealed, or any rules passed thereunder, or any investigation or legal proceeding in respect of any such liability, penalty, forfeiture, or punishment as aforesaid.

Explosives defined.

3 This Ordinance shall apply to gunpowder and other explosives as defined by this section.

The term "explosive" in this Ordinance—

- (1) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, and every other substance or mixture, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and
- (2) Includes fog signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined; and
- (3) Shall extend to any substance which may appear to the Governor in Executive Council to be specially dangerous to life or property, by reason of its explosive properties or of any process in the manufacture thereof being liable to explosion.

The term "occupier" shall mean proprietor, licensee, or other person in charge.

Accidents by Gunpowder.

4 The Governor may from time to time appoint, remove, and re-appoint any fit and competent persons to be inspectors of explosives for the purposes of this Ordinance, and assign them their duties.

Appointment of inspectors.

Every order appointing an inspector shall be published in the *Government Gazette*.

5 An inspector of explosives shall have power to make such examination and inquiry as may be necessary to ascertain whether this Ordinance is complied with, and for that purpose—

Powers of inspectors.

- (1) He may enter, inspect, and examine any magazine or store of any explosive, and every part thereof, at all times by day and night, but so as not to unnecessarily impede or obstruct the work in such magazine or store, and may make inquiries as to the observance of this Ordinance, and all matters and things relating to the safety of the public or of the persons employed in or about such magazine or store ; and
- (2) He may enter, inspect, and examine any premises registered under this Ordinance, and every part thereof in which any explosive is kept, or is reasonably supposed by him to be kept, at all reasonable times by day ; and if he find any such premises or anything, or practice therein or connected therewith, to be unnecessarily dangerous or defective so as in his opinion to tend to endanger the public safety or the bodily safety of any person, the inspector may require the occupier of such premises to abate the danger or supply the deficiency ; and
- (3) He may require the occupier of any magazine, store, or premises which he is entitled under this section to enter, or a person employed by such occupier therein, to give him samples of any explosive or ingredients of an explosive therein, or of any substance therein the keeping of which is restricted or regulated by this Ordinance, or of any substance therein which the inspector believes to be an explosive, or such ingredients or substance.

The occupier of every such magazine, store, and registered premises, his agents and servants, shall furnish the means required by the inspector as necessary for every such entry, inspection, examination, and inquiry.

Any person who fails to permit an inspector to enter, inspect, examine, or make inquiries in pursuance of this section, or to comply with any requisition of such inspector in pursuance of this section, or who in any manner obstructs such inspector in the execution of his duties under this Ordinance, shall be liable to a penalty not exceeding one thousand rupees for each offence.

Accidents by Gunpowder.

Offences under this Ordinance to be cognizable and bailable and triable in police courts.

6 Every offence under this Ordinance shall be cognizable and bailable, and may be inquired into, tried, and determined by a court of competent jurisdiction, and it shall be lawful for such court to declare and adjudge all explosives and ingredients liable to forfeiture under this Ordinance to be forfeited, and to condemn the same, whatever may be the amount or value thereof, anything in "The Criminal Procedure Code, 1883," to the contrary notwithstanding.

Ordinance not to apply to stores or explosives held for the use of the Crown.

7 This Ordinance shall not apply to any store, premises, wharf, place, or explosive under the control of the military, navy, or volunteers, or other department of Government, or otherwise held for the service of the Crown or of the Government, or for the use of Her Majesty's army, navy, or volunteers.

Explosives not to be manufactured except with the license of the Governor.

8 If any person manufactures gunpowder or other explosives, or carries on any process of such manufacture at any place in this island, except with the license of the Governor as hereinafter provided, all or any part of such articles or the ingredients thereof which may be found either in or about such place may be forfeited; and the person so manufacturing shall be liable to a penalty not exceeding one thousand rupees a day for every day during which he so manufactures.

Provided that nothing in this section shall apply to the making of a small quantity of explosives for the purpose of chemical experiment, and not for practical or general use or for sale.

Governor may exempt fireworks or explosives from the operation of this Ordinance.

Provided also that it shall be competent to the Governor to exempt by Proclamation from the operation of this Ordinance or any clause thereof any kind of manufactured fireworks, or any explosive or explosives, in such quantities as may appear to him reasonable.

PART I.
Relating to Gunpowder.

Governor empowered to prohibit or regulate the manufacture of gunpowder.

9 The Governor shall have power to prohibit entirely or regulate the manufacture of gunpowder in the island, and for purposes of such regulation it shall be competent for the Governor in Executive Council—

- (1) To grant licenses for the establishment of factories for the manufacture of gunpowder, upon payment of such fees as to him shall seem suitable, provided the fee due upon any such license shall not exceed ten rupees ;
- (2) To prescribe the terms and conditions under which such licenses shall be granted, and such factories established, maintained, and conducted ; and
- (3) To make and publish all rules necessary for such purposes.

Accidents by Gunpowder.

10 Gunpowder shall not be kept in any place except as follows ; that is to say,

Place for keeping gunpowder.

- (1) Except in a magazine or store for gunpowder either lawfully existing or licensed under this Ordinance for keeping gunpowder ; or
- (2) Except in premises registered under this Ordinance for keeping gunpowder.

Provided that this section shall not apply—

- (1) To a person keeping for his private use and not for sale gunpowder to an amount not exceeding on the same premises thirty pounds ; or
- (2) To the keeping of any gunpowder by a carrier or other person for the purpose of conveyance, when the same is being conveyed or kept in accordance with the provisions of this Ordinance with respect to the conveyance of gunpowder.

Any gunpowder kept in any place other than as above in this section mentioned shall be deemed to be kept in an unauthorized place.

Where any gunpowder is kept in any unauthorized place—

- (1) All or any part of the gunpowder found in such place may be forfeited ; and
- (2) The occupier of such place, and also the owner of, or other person guilty of keeping the gunpowder, shall each be liable to a penalty not exceeding one rupee for every pound of gunpowder so kept.

11 Any person may apply for a license for a gunpowder store to the government agent of the province in which the store is situated, stating his name, address, and calling, the proposed site and construction of the store, and the amount of gunpowder he proposes to store therein ; and the government agent shall, as soon as practicable, if the proposed site, construction of the store, and amount of gunpowder are in accordance with the regulations made by the Governor in manner hereinafter mentioned, grant to the applicant, on payment of a stamp duty of two rupees and fifty cents, the license applied for.

License for storing gunpowder

The government agent may reject the application if the applicant is not, in his opinion, a fit person to keep gunpowder, and on such rejection it shall be the duty of the government agent to furnish to the applicant in writing the reasons of such rejection. Thereupon the applicant may appeal to the Governor in Executive Council, who, after such inquiry, local or other, as he may think necessary, may refuse or order the issue of the license applied for with or without conditions.

12 The Governor may from time to time, with the advice of the Executive Council, make regulations to—

Governor to have power to make regulations regarding stores, &c.

- (1) Regulate the construction, materials, and fittings of gunpowder stores ; and

Accidents by Gunpowder.

- (2) Prescribe the buildings and works from which gunpowder stores are to be separated, and the distances by which they are to be separated ; and
- (3) Prescribe the maximum amount of gunpowder, not exceeding two tons, to be kept in stores, graduated according to their construction and situation, and their distances from the said buildings and works.

Rules to be observed in gunpowder stores.

13 In every gunpowder store the following general rules shall be observed ; that is to say,

- (1) The regulations relating to stores, so far as they apply to such stores, shall be duly observed ;
- (2) There shall not be at the same time in the store an amount of gunpowder exceeding the amount specified in the license ; and
- (3) The store shall be used only for the keeping of gunpowder and receptacles for, or tools or implements for work connected with, the keeping of such gunpowder ; and
- (4) The interior of the store and the benches, shelves, and fittings therein shall be so constructed or so lined or covered as to prevent the exposure of any iron, steel, or similar substance in such manner as to come into contact with the gunpowder, and such interior, benches, shelves, and fittings shall, so far as is reasonably practicable, be kept free from grit and otherwise clean ; and
- (5) The store shall have attached thereto a sufficient lightning conductor, unless it is made by excavation ; and
- (6) Before repairs are done to or in any part of a store the store shall, so far as practicable, be cleaned by the removal of all gunpowder and the thorough washing out of the store ; and after such cleaning these rules shall cease to apply to the store until gunpowder is again taken there ; and
- (7) Except after such cleaning all tools and implements used in or in any repairs to the store shall be made only of wood, copper, or brass, or some soft metal or material, or shall be covered with some safe and suitable material ; and
- (8) Due provision shall be made by the use of suitable working clothes without pockets, suitable shoes, searching, and otherwise, or by some of such means, for preventing the introduction into the store of fire, lucifer matches, or any substance or article likely to cause explosion or fire, or any iron, steel, or grit ; but this rule shall not prevent the introduction of an artificial light of such construction, position, or character as not to cause any danger of fire or explosion ; and
- (9) No person shall smoke in any part of the store ; and

Accidents by Gunpowder.

- (10) Any person under the age of sixteen years shall not be employed in or enter the store except in the presence and under the supervision of some grown-up person.

In the event of any breach (by act or default) of the general rules in any store—

- (a) All or any part of the gunpowder in respect to which the offence was committed may be forfeited ; and
- (b) The occupier shall be liable to a penalty not exceeding one hundred rupees, and in addition (in the case of a second offence) one hundred rupees for every day during which such breach continues.

14 A store license shall be valid only for the person named in it, and shall annually, unless the circumstances have so changed that the grant of a new license would not be authorized by this Ordinance, on application by post or otherwise, and payment of a stamp duty of fifty cents, be renewed by the government agent by endorsement or otherwise for that year, and unless so renewed shall expire.

Non-transferability, renewal, and forms of store licenses.

Store licenses shall be in the form from time to time directed by the Governor.

15 Every occupier of a store may, with the sanction of the Governor, make, and when made may, with the like sanction, repeal, alter, or add to special rules for the regulation of the persons managing or employed in or about such store, with a view to secure the observance of this Ordinance therein, and the safety and proper discipline of the said persons and the safety of the public.

Special rules for regulation of workmen in stores.

There may be annexed to any breach of special rules made in pursuance of this section such penalties not exceeding twenty rupees for each offence as may be deemed just.

16 An existing gunpowder store shall not be deemed to be a lawfully existing store unless, on application made to the government agent, it is certified by him that such store may be continued.

Existing store to be continued upon certificate of government agent.

The occupier of the store desirous of obtaining a continuing certificate shall, before the expiration of three months after the date when this Ordinance shall come into operation, submit an application for such certificate to the government agent, stating his name, address, and calling, and the situation and construction of the store, and accompanied by such particulars respecting the store as may be necessary to enable the government agent to make out the certificate.

The government agent shall, as soon as practicable, on payment of a stamp duty of two rupees and fifty cents, grant the continuing certificate, inserting therein such particulars as may appear to him to be sufficient to identify the store, and the maximum quantity of gunpowder which the store may hold.

Accidents by Gunpowder.

Registration of premises with the government agent for purposes of retail sale.

17 A person desirous of having his premises registered for the keeping of gunpowder for purposes of retail sale shall apply to the government agent, stating his name and calling, and the situation of the said premises, and the government agent, if satisfied that such premises may be registered, shall cause the same to be registered, and shall issue a certificate to that effect on payment of a stamp duty of fifty cents. Such registration shall not be taken to justify any person other than the person named in the certificate to keep gunpowder in such premises, and shall be annually renewed on payment of a like duty of fifty cents.

General rules for registered premises.

18 The following general rules shall be observed with respect to registered premises :

- (1) The gunpowder shall be kept in a house or building or in a fire-proof safe, such safe, if not within a house or building, to be at a safe distance from any highway, street, public thoroughfare, or public place ; and
- (2) The amount of gunpowder shall not—
 - (a) If it is kept in a substantially constructed building exclusively appropriated for the purpose, and detached from a dwelling house, or in a fire-proof safe outside a dwelling house and detached therefrom, and at a safe distance from any highway, street, public thoroughfare, or public place, exceed two hundred pounds ; and
 - (b) If it is kept inside a dwelling house, or in any building other than as last aforesaid, exceed fifty pounds, unless it is kept in a fire-proof safe within such house or building, in which case the amount shall not exceed one hundred pounds ; and
- (3) An article or substance of an inflammable nature shall not be kept in a fire-proof safe with the gunpowder, and in every case shall be kept at a safe distance from the gunpowder, or the safe containing the same ; and
- (4) Neither the building exclusively appropriated for the purpose of keeping gunpowder nor the fire-proof safe shall have any exposed iron or steel in the interior thereof ; and
- (5) All gunpowder exceeding one pound in amount shall be kept in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping.

In the event of any breach (by any act or default) of the foregoing rules—

- (a) All or any part of the gunpowder in respect to which, or being in any house, building, place, safe, or receptacle in respect to which, the offence was committed, may be forfeited ; and

Accidents by Gunpowder.

(b) The person registered shall be guilty of an offence and liable on conviction to a fine not exceeding one rupee for every pound of gunpowder in respect of which, or being on the premises in which, the offence was committed.

19 Gunpowder shall not be hawked, sold, or exposed for sale upon any highway, street, public thoroughfare, or public place.

Restriction on sale of gunpowder in highways, &c.

If any gunpowder is hawked, sold, or exposed for sale in contravention of this section—

- (1) The person hawking, selling, or exposing for sale the same shall be liable to a penalty not exceeding twenty rupees; and
- (2) All or any part of the gunpowder which is so hawked or exposed for sale, or is found in the possession of any person convicted under this section, may be forfeited.

20 Gunpowder shall not be sold to any child apparently under the age of thirteen years; and any person selling gunpowder in contravention of this section shall be liable to a penalty not exceeding fifty rupees.

Penalty for sale of gunpowder to children.

21 All gunpowder exceeding one pound in weight, when publicly exposed for sale or sold, shall be in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and except when the same is sold to any person employed by or on the property occupied by the vendor for immediate use in the service of the vendor or on such property, the outermost receptacle containing such gunpowder shall have affixed the word "gunpowder" in conspicuous characters by means of a band or securely attached label or other mark.

Gunpowder not to be exposed for sale except in case, &c.

If any gunpowder is sold or exposed for sale in contravention of this section—

- (1) The person selling or exposing for sale the same shall be liable to a penalty not exceeding twenty rupees;
- (2) All or any part of the gunpowder so exposed for sale may be forfeited.

22 It shall not be lawful for any person to sell gunpowder in this colony unless such person shall have previously obtained a license from the government agent of the province, or the assistant government agent of the district, within which such person proposes to sell gunpowder.

Gunpowder not to be sold without a license.

Every such license, which shall be in force for one year from the date of issue, shall be substantially in the form A in the schedule to this Ordinance annexed, and shall bear a stamp duty of five rupees, and every annual renewal of such license shall bear a stamp duty of one rupee. Provided that it shall be lawful for a government agent or assistant govern-

Accidents by Gunpowder.

ment agent to refuse to issue a license if he shall consider that a sufficient number of licenses have been issued in the neighbourhood, or that the applicant is not a fit person, or that he has not provided registered premises for the keeping of gunpowder; and the government agent or assistant government agent may at any time recall and cancel such license should he see fit to do so.

General rules as to packing of gunpowder for conveyance.

23 The following general rules shall be observed with respect to the packing of gunpowder for conveyance :

- (1) The gunpowder, if not exceeding five pounds in amount, shall be contained in a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping; and
- (2) The gunpowder, if exceeding five pounds in amount, shall be contained either in a single package or a double package. A single package shall be a box, barrel, or case of such strength, construction, and character as may be for the time being approved by the inspector of explosives as being of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape. If the gunpowder is packed in a double package the inner package shall be a substantial case, bag, canister, or other receptacle made and closed so as to prevent the gunpowder from escaping, and the outer package shall be a box, barrel, or case of wood or metal or other solid material, and shall be of such strength, construction, and character that it will not be broken or accidentally opened, or become defective or insecure whilst being conveyed, and will not allow the gunpowder to escape; and
- (3) The interior of every package, whether single or double, shall be kept free from grit and otherwise clean; and
- (4) Every package, whether single or double, when actually used for the package of gunpowder, shall not be used for any other purpose; and
- (5) There shall not be any iron or steel in the construction of any such single package or inner or outer package, unless the same is effectually covered with tin, zinc, or other material; and
- (6) The amount of gunpowder in any single package, or if there is a double package in any one outer package, shall not exceed one hundred pounds, except with the consent of and under conditions approved by an inspector of explosives; and
- (7) On the outermost package there shall be affixed the word "gunpowder" in conspicuous characters by means of a band or securely attached label or other mark.

Accidents by Gunpowder.

In the event of any breach (by any act or default) of any general rule in this section, the gunpowder in respect of which the breach is committed may be forfeited, and the person guilty of such breach shall be liable to a penalty not exceeding two hundred rupees.

24 The Governor in Executive Council may from time to time make, and when made repeal, alter, and add to rules for the purpose of rescinding, altering, or adding to the general rules contained in this Ordinance, and the rules so made by the Governor in Executive Council shall have the same effect as if they were enacted in this section.

Governor to have power to make rules for altering or adding to the general rules contained in this Ordinance.

PART II.*Relating to other Explosives.*

25 Subject to the provisions contained in this part of the Ordinance, the provisions of Part I. relating to gunpowder shall apply to every other description of explosives as if the provisions of Part I. were herein re-enacted, substituting each description of the other explosives for gunpowder.

Provisions relating to gunpowder in Part I. to apply *mutatis mutandis* to other explosives.

26 The following modifications and additions shall be made in and to Part I. of this Ordinance so as to apply to explosives other than gunpowder :

The modifications of provisions relating to gunpowder needed for application to explosives other than gunpowder.

- (1) The general rules made by the Governor in Executive Council for stores and registered premises intended for explosives other than gunpowder shall be substituted for the general rules in Part I. relating to stores and registered premises intended for gunpowder ;
- (2) The Governor in Executive Council may from time to time alter the general rules relating to packing provided in Part I. of this Ordinance, for the purpose of adapting the same to the packing of any explosives other than gunpowder ; and
- (3) For the maximum quantity limited by Part I. to be kept for private use and not for sale, or in a store, and for the minimum quantity limited by Part I. to be exposed for sale or to be sold, there shall be substituted in the case of explosives other than gunpowder the following quantities, namely :
 - (a) Where such explosives consist of safety cartridges made with gunpowder, an amount not more than five times the maximum or minimum quantity of the gunpowder mentioned ; and
 - (b) In the case of any other explosive, the amount determined by the Governor in Executive Council ; and

Accidents by Gunpowder.

- (4) Two or more descriptions of explosives shall not be kept in the same store or registered premises, except such descriptions as may be prescribed in that behalf; and when so kept shall be kept subject to the conditions and restrictions prescribed by the Governor in Executive Council; and
- (5) Where any explosive other than gunpowder is allowed to be kept in the same store or registered premises with gunpowder, the maximum quantity of gunpowder to be kept therein shall be the quantity prescribed by the Governor in Executive Council in lieu of the quantity fixed by Part I.; and
- (6) Where any explosive other than gunpowder is allowed to be kept in the same store or registered premises with gunpowder, the general rules prescribed by the Governor in Executive Council shall be observed instead of the general rules in Part I.; and
- (7) There shall be on the outermost package containing the explosive, in lieu of the word "gunpowder," the name of the explosive, with the addition of the word "explosive," and if such name is materially false, the person selling or exposing for sale such explosive, and also the owner of the explosive, shall be liable to a penalty not exceeding five hundred rupees; and
- (8) With respect to the importation from any place out of the colony of either dynamite, or gun-cotton, or any explosive (other than gunpowder, cartridges made with gunpowder, percussion caps, fireworks, and any explosive prescribed by the Governor in Executive Council), the following provisions shall have effect; that is to say,
 - (a) The owner and master of any ship having on board any such explosive shall not permit the same to be unloaded and delivered to any person who does not hold a license to import the same from the Governor in Executive Council, and any transshipment shall, for the purpose of this section, be deemed to be delivery; and
 - (b) The Governor in Executive Council may grant an importation license for any such explosive, and may annex thereto any prohibitions and restrictions with respect to the composition and quality of the explosive, and the unloading, landing, delivery, and conveyance thereof, and such further provisions and restrictions as he may think fit for the protection of the public from danger; and
 - (c) The license shall be of such duration as the Governor in Executive Council may fix, and shall be available only for the person or persons named in the license; and

Importation.

Accidents by Gunpowder.

- (d) In the event of any breach by any act or default of the provisions of this section with respect to the importation of an explosive, or of the provisions of any importation license, all or any part of the explosive with respect to which such breach is committed, or being in any ship or boat in connection with which such breach is committed, may be forfeited, and the owner and master of such ship or boat, and the licensee or person to whom the explosive is delivered, shall each be liable to a penalty not exceeding one thousand rupees, and to a further penalty not exceeding one rupee for every pound of such explosive; and
- (e) The customs officers shall have the same power with respect to any such explosive, and the ship containing the same, as they have for the time being with respect to any article on the importation of which restrictions are for the time being imposed by the law relating to the customs, and the ship containing the same and the enactments for the time being in force relating to the customs or any such article or ship shall apply accordingly.

27 Nothing in this Ordinance shall apply to the filling or conveying for private use, and not for sale, of any safety cartridges to the amount allowed by this Ordinance to be kept for private use.

28 Notwithstanding anything in this Ordinance, the Governor, with the advice of the Executive Council, from time to time by special order, may prohibit, either absolutely or subject to conditions, the keeping, importing from any place out of the colony, conveying, and selling of any dangerous explosive.

Provided that such order shall not absolutely prohibit anything which may be lawfully done in pursuance of any continuing certificate under this Ordinance.

Any explosive kept in contravention of any such order shall be deemed to be conveyed in contravention of a by-law made under this Ordinance with respect to the conveyance of explosives.

If any explosive is imported or sold in contravention of any such order—

- (1) All or any part of such explosives may be forfeited; and
- (2) The owner or master of the ship in which it was imported shall be liable to a penalty not exceeding five rupees for every pound of such explosive brought in the ship; and
- (3) The person to whom it was delivered, and the person selling the same, shall be liable to a penalty not exceeding five rupees for every pound of such explosive delivered or sold or found in his possession.

Ordinance not to apply to the filling or conveying for private use of safety cartridges. Governor may prohibit absolutely or conditionally keeping, importing, &c., of any dangerous explosives.

Public Service Provident Association.

Powers of
customs officers
to deal with
prohibited
explosives, &c.,
imported.

29 The customs officers shall have the same power with respect to any such explosive and the ship containing the same as they have with respect to any article prohibited to be imported by the law relating to customs and the ship containing the same; and the enactments for the time being in force relating to customs and any such article and ship shall apply accordingly.

SCHEDULE.

I, *A. B.*, Government Agent of the _____ Province (or Assistant Government Agent of the _____ District in the _____ Province, as the case may be), hereby license *C. D.*, boutique-keeper (or of any other business), to sell gunpowder under the provisions of Ordinance No. 18 of 1894, entitled "An Ordinance for the prevention of Accidents by Gunpowder and other Explosives." (*Here insert the conditions, if any, to which the license shall be made subject.*)

The _____ day of _____, 18 —.

(Signed) *A. B.*

Passed in Council the Nineteenth day of December, One thousand Eight hundred and Ninety-four.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Nineteenth day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

No. 19 of 1894.

An Ordinance to amend the Ordinance No. 5 of 1891, relating to the Incorporation of the Public Service Mutual Provident Association.

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 5 of 1891, intituled "An Ordinance to incorporate the Public Service Mutual Provident Association:" Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Section 13
amended.

1 For section 13 of the Ordinance No. 5 of 1891 the following section shall be substituted:

"It shall be lawful for the corporation, by resolution passed at any general meeting, to remunerate the services of any member or members of the committee of management and of the auditor or auditors to be elected under

Births and Deaths.

section 16, sub-section 2, and from time to time to fix the amount of such remuneration, and to require such security from such member or members of the committee of management so remunerated as may be deemed sufficient."

2 This Ordinance shall be read as one with the Ordinance No. 5 of 1891.

To be read as one with No. 5 of 1891.

Passed in Council the Nineteenth day of December, One thousand Eight hundred and Ninety-four.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Nineteenth day of December, One thousand Eight hundred and Ninety-four.

E. NOEL WALKER,
Colonial Secretary.

No. 1 of 1895.

An Ordinance to amend and consolidate the Law relating to the registration of Births and Deaths.

A. E. HAVELOCK.

WHEREAS it is expedient to amend and consolidate the law relating to the registration of births and deaths in the island of Ceylon, and to provide for the better registration thereof: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited as "The Births and Deaths Registration Ordinance, 1895," and shall come into operation on such day as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Short title.

Date of operation.

Repeal.

2 (1) The Ordinances, rules, and regulations specified in the first schedule to this Ordinance are hereby repealed, from and after the commencement of this Ordinance, to the extent specified in the third column of that schedule, provided that the rules and regulations now in force under any of the said Ordinances shall, so far as consistent with this Ordinance, continue to be in force until rules are made and published under section 9 of this Ordinance.

Repeal.

(2) This repeal shall not affect—

(a) The past operation of any Ordinance, rule, or regulation hereby repealed, nor anything duly done or suffered under any Ordinance, rule, or regulation hereby repealed; or

Births and Deaths.

- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Ordinance, rule, or regulation hereby repealed ; or
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Ordinance, rule, or regulation 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.

(3) Where any unrepealed Ordinance, rule, or regulation incorporates or refers to any provision of any Ordinance, rule, or regulation hereby repealed, such unrepealed Ordinance, rule, or regulation shall be deemed to incorporate or refer to the corresponding provision of this Ordinance or of the rule or regulation made thereunder.

Definitions.

Interpretation.

- 3** In this Ordinance, if not inconsistent with the context—
- The term “still-birth” means a child born after the twenty-eighth week of gestation as dead or apparently dead and not called back to life ;
 - The term “government agent” includes any person appointed by the Governor to act as government agent ;
 - The term “assistant government agent” includes any person appointed by the Governor to act as assistant government agent ;
 - The term “province” means any of the divisions of the island now forming, or which shall hereafter form, the territorial jurisdiction of a government agent ;
 - The term “district” means the subdivision of a province now forming, or which shall hereafter form, the territorial jurisdiction of an assistant government agent ;
 - The term “public institution” includes a prison, lock-up, lunatic asylum, hospital, reformatory, industrial school, barracks, and any charitable or other institution which is under the management of a public body or officer ;
 - The term “house” includes a public institution as above defined ;
 - The term “occupier” includes the keeper, master, matron, superintendent, or other chief resident officer of every public institution, and where a house is let in separate apartments or lodgings, includes any person residing in such house who is the person under whom such lodgings or separate apartments are immediately held, or his agent ;
 - The term “estate” means any land having ten acres or more in cultivation, and situated in a district appointed under the Medical Wants Ordinance, No. 17 of 1880 ;

Births and Deaths.

The term "superintendent of an estate" means the person having the charge and supervision of the labourers and work on an estate ;

The term "sign" includes "marking" when the person liable to sign is unable to sign his name in writing ;

The term "relative" includes a relative by marriage ;

The term "medical practitioner" means a person holding a qualification which would entitle him to be registered under the following Acts of the Imperial Parliament, to wit : The Medical Act (21 and 22 Vic., c. XC.) and the Medical Act, 1886 (49 and 50, Vic., c. XLVIII.), or any other Acts of the Imperial Parliament which may be enacted in lieu thereof ;

The term "inquirer into deaths" includes a police magistrate.

Officers.

4 (1) It shall be lawful for the Governor from time to time to appoint some fit and proper person to be the Registrar-General of Births and Deaths in the island, and at any time to remove him and to appoint some other person in his place, or to appoint any person to act in place of a Registrar-General.

Appointment of Registrar-General, and his duties.

(2) In the Registrar-General and in the person appointed to act in place of the Registrar-General shall be vested, subject to the orders of the Governor, the general control and superintendence of the registration of births and deaths in the island, and of all persons appointed for or engaged in carrying out the provisions of this Ordinance.

5 (1) The government agent for the time being of any province shall be the provincial registrar of births and deaths of such province, and the assistant government agent for the time being of any district shall be the assistant provincial registrar of births and deaths of such district. The office assistant of the government agent of a province shall be the assistant provincial registrar of births and deaths of that part of the province which does not form part of the sub-division forming the territorial jurisdiction of an assistant government agent.

Appointment of provincial registrar and assistant provincial registrar, and their duties.

Provided that it shall be lawful for the Governor to appoint any person other than the government agent to be a provincial registrar in place of or in addition to such government agent, and such appointment to cancel or revoke, and such person so appointed shall, during the continuance of such appointment, have and exercise all the powers herein vested in a provincial registrar.

Provided further, that it shall be lawful for the Governor to appoint any person other than the assistant government agent of the district or an office assistant to a government agent to be an assistant provincial registrar in addition to or in place of such assistant government agent or office assistant, and such appointment to cancel or revoke, and such person so appointed shall, during the continuance of

Births and Deaths.

such appointment, have and exercise all the powers herein vested in an assistant provincial registrar of births and deaths.

(2) The provincial registrar and assistant provincial registrar shall each in his province and district superintend and control, subject to the Registrar-General, the registration of births and deaths, and the registrars hereinafter mentioned, and all persons appointed for, or engaged in, carrying out the provisions of this Ordinance.

(3) The provincial registrar of each province and the assistant provincial registrar of each district and part of the province shall each have and exercise in his province and district or part of the province respectively the duties and powers exercised by a registrar in his division. The province shall be the division of the provincial registrar, and the district or part of the province the division of the assistant provincial registrar.

Appointment of
registration
divisions.

6 It shall be lawful for the Governor, with the advice of the Executive Council, by notification in the *Government Gazette*, to divide the several provinces of the island into such and so many divisions for the purposes of the registration of births and deaths as shall appear expedient, and such divisions at any time, with the like advice, to amend, alter, or abolish.

Provided that every district established under the provisions of the Ordinance No. 6 of 1847 or any amending Ordinance shall be deemed and taken to be a registration division appointed under the provisions of this Ordinance until such time as any new division shall be constituted in lieu thereof under the provisions of this Ordinance.

Appointment of
registrars.

7 It shall be lawful for the Governor to appoint one registrar to each such division, and such registrar at pleasure to remove and to appoint some other person in his place, or in the place of any registrar who shall have died or resigned office or been granted leave of absence from his duties.

Provided that in case of the death, sudden illness, or incapacity of the registrar of a division, or in case of other emergency, it shall be lawful for the assistant provincial registrar, or, if there be no assistant provincial registrar, for the provincial registrar, by writing under his hand to appoint a person to act as registrar for such division for any period not exceeding fourteen days at any one time. Such acting appointment shall be forthwith notified by the assistant provincial registrar or provincial registrar to the Registrar-General and published in the *Government Gazette*, and shall be entered by the provincial registrar or assistant provincial registrar in a book to be kept by him for the purpose.

Continuance of
office of office
holders.

8 The person holding the office of the Registrar-General, and the person performing the duties of the office of the Registrar-General, and the persons holding the office of registrars of births and deaths, and the persons performing the duties of the office of registrars of births and deaths,

Births and Deaths.

at the time when this Ordinance comes into operation, shall be deemed and taken to have been duly appointed under the provisions of this Ordinance, and shall exercise all the powers and privileges, and be subject to all the liabilities and penalties vested in and imposed upon such officers by this Ordinance.

Rules.

9 (1) It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules consistent with this Ordinance for the direction of the Registrar-General, the provincial registrars, assistant provincial registrars, registrars, and of all persons whatsoever in the discharge of their duties under this Ordinance, and generally for the effective carrying out of its provisions, and such rules, with the like advice, to revoke or alter.

Rules by the Governor in Executive Council.

(2) Rules made in pursuance of this section shall be published in the *Government Gazette* in two successive issues in the English, Sinhalese, and Tamil languages, and shall thereupon be as legal, valid, and effectual as if the same had been inserted herein.

(3) Breach of any such rule shall be an offence, and punishable on conviction with a fine not exceeding one hundred rupees.

10 (1) Every registrar shall dwell and have his office in such convenient place in his division as shall be appointed by the provincial registrar, and shall, if so directed by the provincial registrar, have within his division a station or stations as may be approved by the provincial registrar, and every such station shall, for the purpose of this Ordinance, with respect to the attendance of persons and the registration of births and deaths at the office of the registrar, be deemed to be his office. It shall be the duty of the provincial registrar forthwith to notify to the Registrar-General the residence, office, and station or stations of any registrar.

Residence, office, and station of registrar.

(2) The registrar shall attend at his office and at each station on such days and during such hours as shall be appointed by the provincial registrar, and shall cause his name, with the addition of "registrar of births and deaths" of the division of which he is registrar, and the hours of his attendance as appointed by the Registrar-General, to be placed in legible characters in the English, Sinhalese, and Tamil languages in a conspicuous place on or near the entrance of his office and station.

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11 (1) It shall be the duty of every registrar to inform himself carefully of every birth and every death that shall happen in his division after the commencement of this Ordinance, and to ascertain and register accurately and with all convenient despatch, in the language prescribed by the provincial registrar with the approval of the Governor, the particulars required to be registered of births and deaths respectively in books which shall be supplied by the Registrar-General according to the forms A and B in the second schedule hereto.

Duty of registrar to ascertain and register every birth and death in his division.

Births and Deaths.

(2) Every such entry shall be made in duplicate in the order of the time in which information satisfactory to the registrar shall have been given, and such entries shall be numbered progressively from the beginning to the end of the book, and shall be signed by him.

Transmission of
duplicate to
Registrar-
General.

9th District

"

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(3) The registrar shall at the end of each week or month or other period fixed by the Registrar-General forward the duplicate to the assistant provincial registrar, or, if there be no assistant provincial registrar, to the provincial registrar for transmission to the Registrar-General, who shall keep and preserve the same in his office; and if no birth or death shall have been registered during the period, the registrar shall send to the assistant provincial registrar, or, if there be no assistant provincial registrar, to the provincial registrar, for transmission as aforesaid a certificate that no birth or death, as the case may be, was registered.

Registration of Births.

Information
concerning birth
to be given to
registrar within
forty-two days,
and by whom.

12 The father or mother of every child born in Ceylon after the commencement of this Ordinance, or, in case of the death, illness, absence, or inability of the father and mother, the occupier or an inmate of the house in which such child shall have been born, shall, within forty-two days next after the day of every such birth, give information to the registrar of the division according to the best of his knowledge and belief of the several particulars hereby required to be known and registered touching the birth and name of such child, and in the presence of the registrar shall sign the register.

If such person cannot conveniently attend the office of the registrar it shall be competent to him to send a declaration in the form C in the second schedule hereto, giving his name, description, and place of abode, and the particulars required to be registered; and such declaration shall bear a stamp of twenty-five cents, which shall be supplied by the declarant. The registrar shall then certify those particulars in the register and shall sign the register, and shall preserve the declaration forwarded to him, provided that it shall be lawful for the provincial registrar or assistant provincial registrar, by notice in writing, to require the declarant to attend at the office or station of the registrar within seven days of the receipt of the notice to attend, and to supply such other information as may be required by such provincial registrar or assistant provincial registrar.

Information
respecting
finding of new-
born child to be
given to
registrar.

13 In case any living new-born child is found exposed, it shall be the duty of any person finding such child, and of any person in whose charge such child may be placed, to give, to the best of his knowledge and belief, to the registrar of the division, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses, and in the presence of the registrar to sign the register.

Births and Deaths.

14 Where a birth has, from the default of the persons required to give information concerning it, not been duly registered, the registrar of the division may at any time at the end of forty-two days from such birth, or, in the case of a living new-born child found exposed, at the end of seven days after the finding of such child, require, by notice in writing, any person required by this Ordinance to give information concerning such birth to attend personally at the registrar's office within such time (not less than seven days after the receipt of such notice, nor more than three months from the date of the birth or of the finding of the living new-born child) as may be specified in such notice, and to give information, to the best of such person's knowledge and belief, of the particulars required to be registered concerning such birth, and to sign the register in the presence of the registrar; and it shall be the duty of such person, unless the birth is registered before the expiration of the time specified in such requisition, to comply with such requisition.

Requisition by registrar of information concerning birth.

15 It shall be the duty of the registrar, upon receiving from the informant, at any time within three months from the date of the birth of any child, or the finding of any living new-born child, information of the particulars required to be registered concerning the birth of such child, forthwith in the prescribed form and manner to register the birth and the said particulars (if not previously registered), without fee or reward from the informant, and to sign the register.

Duty of registrar to register births gratis.

16 (1) In case such birth shall have happened on an estate, information thereof shall be given within twenty-four hours of the birth to the superintendent of the estate instead of to the registrar by the persons required by sections 12 and 13 to give information to the registrar. Such superintendent shall, after verifying the information, within forty-eight hours of the birth report the birth, in the form D in the second schedule hereto, to the medical officer appointed under "The Medical Wants Ordinance, 1880," who shall transmit the report without delay to the assistant provincial registrar, or, if there be no assistant provincial registrar, to the provincial registrar within whose local jurisdiction the estate is situated, and the provincial registrar or assistant provincial registrar shall thereupon register the birth in the prescribed form and manner.

Registration of birth on estate

(2) The superintendent of the estate shall, for the purposes of this Ordinance, be deemed the informant, and to have signed the entry made by the registrar.

17 (1) Any person required by this Ordinance to give information concerning a birth, who before such birth is registered leaves the division in which such birth has taken place, may within three months after such birth give the information by making and signing in the presence of the registrar of the division in which he resides a declaration in writing of the particulars required to be registered concerning such birth; and such registrar on payment of a

Registry of birth out of the division in case of removal.

Births and Deaths.

fee of fifty cents shall receive and attest the declaration and send the same to the registrar of the division in which the birth took place; and the last mentioned registrar shall in the prescribed form and manner enter the birth in the register; and the entry so made shall, for the purposes of "The Births and Deaths Registration Ordinance, 1867," or of this Ordinance, be deemed to have been signed by the person who signed the declaration.

(2) A person making a declaration in pursuance of this section in the case of any birth shall be deemed to have complied with the provisions of this Ordinance as to giving information concerning that birth, and with any requisition of the registrar made under this Ordinance within the said three months to attend to give information concerning that birth.

Saving for father of illegitimate child.

18 In the case of an illegitimate child no person shall, as father of such child, be required to give information under this Ordinance concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless (a) at the joint request of the mother and of the person acknowledging himself to be the father of such child, or (b) upon an order from a competent court; and in case (a) the person acknowledging himself to be the father shall sign the register together with the mother, and in case (b) a summary of the order of the court shall be recorded in the register.

Registrar may call for proof of marriage before registering birth of alleged legitimate child.

19 If the registrar shall see reason to doubt the legitimacy of any child whose birth he may have to register, or to apprehend that a fraud is about to be committed on any party by any registration, it shall be lawful for the registrar to give notice to such party and to call for a certificate of the registry of the marriage of the alleged parents of the child, or for such other proof as the law may prescribe of the marriage. If satisfactory proof shall not be produced, it shall be the duty of the registrar to enter in the column set apart for that purpose that such certificate or proof was not produced.

Registration of past births.

20 (1) After the expiration of three months next after the birth of any child, a registrar shall not register such birth except as in this section provided; that is to say:

(a) In case the birth of any child has not been registered in accordance with "The Births and Deaths Registration Ordinance, 1867," or this Ordinance, the registrar may, after three and not later than twelve months next after the birth, by notice in writing, require any person required by this Ordinance to give information concerning the birth to attend personally at the office of the Registrar-General, or provincial registrar, or assistant provincial registrar, within such time (not less than seven days after the receipt of the notice, and not more than twelve months after the date of the birth) as may be specified in the notice, and make before the Registrar-General, provincial registrar, or assistant provincial registrar, a declaration in the form

23 1900 6

Births and Deaths.

E in the second schedule hereto, on a paper bearing a stamp of one rupee, which stamp shall be supplied by the party making the declaration, according to the best of the declarant's knowledge and belief, of the particulars required to be registered concerning the birth, and to sign the register in the presence of the Registrar-General, provincial registrar, or assistant provincial registrar; and upon the said person attending before the Registrar-General, provincial registrar, or assistant provincial registrar, whether in pursuance of a requisition or not, and making such a declaration as aforesaid, and giving information concerning the birth, it shall be lawful for the Registrar-General or provincial registrar or assistant provincial registrar before whom the declaration shall have been made to order the registrar of the division within which the birth shall have taken place to register the birth according to the information given in the declaration aforesaid, and the registrar shall thereupon make and sign the entry of birth, attaching thereto the order of the Registrar-General or provincial registrar or assistant provincial registrar. The entry so made shall, for the purposes of "The Births and Deaths Registration Ordinance, 1867," and of this Ordinance, be deemed to have been signed by the person who signed the declaration.

- (b) After the expiration of twelve months, and not more than seven years after the birth of any child, the birth shall not be registered except with the written authority of the Registrar-General, who shall have power, upon the application of any party interested, and on a declaration made by him before the Registrar-General, provincial registrar, or assistant provincial registrar of the particulars required to be registered concerning the birth (which declaration shall be on paper bearing a stamp of five rupees, which stamp shall be supplied by the party making the declaration), and after due inquiry, to issue an order to the registrar to register the birth, and the registrar shall thereupon make and sign the entry of birth, attaching thereto the order of the Registrar-General, and the entry so made shall, for the purposes of "The Births and Deaths Registration Ordinance, 1867," or of this Ordinance, be deemed to have been signed by the party who signed the declaration.
- (c) If any person shall desire to have any birth registered which took place not earlier than the first day of January, 1868, and not later than the commencement of this Ordinance, and which has not yet been duly registered, or regarding which it is doubtful whether it has been duly registered, and the registration of which is not provided for by the preceding sub-sections, it shall be competent for him

Births and Deaths.

to make an application to the Registrar-General, accompanied by a declaration made according to the best of the declarant's knowledge and belief of the particulars required to be registered concerning the birth, on paper bearing a stamp of ten rupees, and it shall be lawful for the Registrar-General, after due inquiry, to cause the birth to be registered in a book to be kept by him in the form F in the second schedule hereto, and called "The Register of Past Births."

(2) The registrar shall be entitled to receive a fee of one rupee from the declarant for the registration of the birth under sub-sections (a) and (b).

(3) Every person who registers or causes to be registered the birth of any child after the expiration of three months from the day of such birth, otherwise than in accordance with this section, shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees.

Registration of
the name of the
child or of
alteration of
name.

23 1900 7

21 When the birth of any child has been registered under sections 15 or 16 or sub-sections (a) or (b) of section 20, and the name, if any, by which it was registered is altered or added to, or if it was registered without a name, when a name or names is given to it, the parent or guardian of such child, or other person procuring such name to be altered, added to, or given, may within twelve months next after the registration of the birth deliver to the registrar such certificate as hereinafter mentioned, and the registrar, upon the receipt of that certificate and on payment of a fee of fifty cents, shall forward such certificate with a report of the circumstances to the provincial registrar or assistant provincial registrar, who shall have power to authorize the amendment of the entry, and upon receipt of such authority the registrar shall, without any erasure of the original entry, forthwith enter in the register book the name or names mentioned in the certificate as having been given to the child, and the entry shall be signed by the registrar; and the registrar shall state upon the certificate the fact of such entry having been made, and shall forthwith send the certificate to the provincial registrar or assistant provincial registrar, together with a certified copy of the entry of the birth with the name so added.

The certificate shall be in the form G in the second schedule to this Ordinance, and shall be signed by the father, mother, or guardian of the child or other person procuring the name of the child to be given or altered.

Remedy to
persons
interested in
such registration.

22 Any person who may have an interest in the property of the alleged parents of a child whose birth may be registered, or who shall feel aggrieved by any such entry as in the preceding sections prescribed, shall be entitled to apply to the district court of the district within which the registrar holds office to cause such entry to be rectified, and the said court shall, after due notice to the Registrar-General and the registrar who made the entry, and such other parties as to

Births and Deaths.

the court shall appear expedient, and after due inquiry, subject to appeal to the Supreme Court, make such order as the justice of the case may require, and the district court shall cause a certified copy of the order made by such court or by the Supreme Court in appeal to be served on the Registrar-General, who shall thereupon carry out such order. Provided that nothing herein contained shall be held to prevent any person from questioning in due course of law the correctness of any registration or entry, though he shall not have betaken himself in the first instance to the summary remedy herein provided. The procedure in regard to appeals under this section shall, so far as it is practicable, be regulated by the rules regarding appeals to the Supreme Court in appeals from the district court in its criminal jurisdiction.

Registration of Deaths.

23 The death of every person dying in the island after the commencement of this Ordinance, and the cause of such death, shall be registered by the registrar of the division where such death occurred, in the manner and form prescribed.

Registry of death and cause of death.

24 (1) When after the commencement of this Ordinance a person dies—

Information concerning a death.

(a) In a house, it shall be the duty of the nearest relatives present at the death, or in attendance during the last illness of the deceased, and in default of such relatives, of every other relative of the deceased dwelling or being in the same division as the deceased, and in default of such relatives, of each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place, and in default of the persons hereinbefore in this section mentioned, of each inmate of such house, and of the person causing the body of the deceased person to be buried, to give, to the best of his knowledge and belief, to the registrar of the division, within the five days next following the day of such death, information of the particulars required to be registered concerning such death, and in the presence of the registrar to sign the register; or

(b) In a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death, and in default of such relative of every person present at the death, and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried, to give to the registrar, within the five days next after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the registrar to sign the register.

Births and Deaths.

(2) If any person required by this section to give information cannot conveniently attend the office of the registrar, it shall be competent to him to send a declaration in the form H in the second schedule hereto, giving his name, description, and place of abode, and the particulars required to be registered; and such declaration shall bear a stamp of twenty-five cents, which shall be supplied by the declarant. The registrar shall then certify those particulars in the register and shall sign the register, and shall preserve the declaration forwarded to him. Provided that it shall be lawful for the provincial registrar or assistant provincial registrar to require, by notice in writing, the declarant to attend within seven days of receiving such notice at the registrar's office or station, and to supply such other information as may be required by the provincial registrar or assistant provincial registrar.

Certificate as to
cause of death.

25 (1) In case of the death of any person who has been attended during his last illness by a medical practitioner, that practitioner shall sign and give to some person required by this Ordinance to give information concerning the death, a certificate in the form I in the second schedule hereto, stating to the best of his knowledge and belief the cause of the death, and such person shall, upon giving information concerning the death, deliver the certificate to the registrar, and the cause of death as stated in the certificate shall be entered in the register, together with the name of the certifying medical practitioner.

(2) If any such medical practitioner neglects or refuses forthwith to sign and give such certificate, or if any person to whom such certificate is given by such medical practitioner fails to deliver the certificate to the registrar, he shall be guilty of an offence and liable on conviction to a penalty not exceeding fifty rupees.

Requisition by
registrar of
information
concerning
death. *three*

26 Where any death has, from the default of the persons required to give information concerning it, not been registered, the registrar may, at any time after the expiration of fourteen days, and within ~~twelve~~ months after such death or from the finding of the dead body elsewhere than in a house, by notice in writing in the form J in the second schedule hereto, require any person required by this Ordinance to give information concerning such death to attend personally at the registrar's office within such time (not less than seven days after the receipt of the notice, nor more than twelve months after the death or finding of the dead body) as may be specified in the notice, and to give the said information to the best of the informant's knowledge and belief, and to sign the register in the presence of the registrar; and it shall be the duty of such person, unless the death is registered before the expiration of the time specified in the requisition, to comply with the requisition.

23 1906 10

Duty of
registrar to
register death
; satis.

27 It shall be the duty of the registrar, upon receiving ~~personally~~ from the informant at any time within three months after the date of any death or of the finding of any

23 1900 11

Births and Deaths.

dead body, information of the particulars required to be registered concerning the death, forthwith in the prescribed form and manner to register the death and the said particulars (if not previously registered) without fee or reward from the informant, and to sign the said register.

28 In case such death shall have happened on an estate, information thereof shall be given within twenty-four hours of the death to the superintendent of the estate instead of to the registrar by the persons required by section 24 to give information to the registrar. Such superintendent shall, after verifying the information, within forty-eight hours of the occurrence of the death, report the death, in the form K in the second schedule hereto, to the medical officer appointed under "The Medical Wants Ordinance, 1880," who shall transmit the report without delay to the assistant provincial registrar, or where there is no assistant provincial registrar, to the provincial registrar, within whose local jurisdiction the estate is situated, and the said assistant provincial registrar or provincial registrar shall thereupon register the death in the prescribed form and manner.

The superintendent of the estate shall, for the purposes of this Ordinance, be deemed to have signed the entry made by the registrar.

29 (1) After the expiration of three months next after the date of any death, or of the finding of any dead body elsewhere than in a house, such death shall not be registered except with the written authority of the Registrar-General for registering the same, and the fact of such authority having been given shall be entered in the register.

(2) Every person who registers or causes to be registered any such death, except as provided in this section, shall be guilty of an offence and be liable on conviction to a penalty not exceeding one hundred rupees.

30 Where an inquiry is held on a dead body under chapter XVII. of the Ceylon Criminal Procedure Code, the inquirer into deaths shall send to the registrar of the division, within five days after the conclusion of the inquiry, a certificate under his hand, giving information concerning the death with respect to the particulars required to be registered and to the cause of death, and specifying the time and place at which the inquiry was held, and the registrar shall in the prescribed form and manner enter the death and particulars. If the death has been previously registered, the registrar shall, after verifying his entry with the inquirer's certificate, make a record of such particulars, if any, as may be at variance with the original entry without any alteration in the original entry, and shall note that the entry has been so verified.

Registration of Deaths in proclaimed places.

31 (1) It shall be lawful for the Governor, with the advice of the Executive Council, from time to time by Proclamation in the *Government Gazette*, to declare that the provisions of

Registration of death on an estate.

Registration of death after three months.



Certificate from inquirer into deaths under chapter XVII. of the Ceylon Criminal Procedure Code.

Proclamation by Governor.

Births and Deaths.

^{Sup}

this and the five following sections shall come into operation in any town, district, or place on a date to be fixed by such Proclamation.

(2) Every such Proclamation shall define the limits of the town, district, or place within which this and the five following sections shall come into operation, and it shall be lawful for the Governor in like manner, with the advice of the Executive Council, from time to time to amend, alter, or revoke such Proclamation.

^{Sup}

(3) Upon the revocation of such Proclamation this and the five following sections shall cease to have any effect in the town, district, or place described in such revoked Proclamation.

32 (1) In any town, district, or place proclaimed under the provisions of sub-section (1) of the preceding section, no dead body shall from the date fixed in the Proclamation be buried or cremated, or otherwise disposed of or removed for such purpose, or be permitted by the keeper of any place used for such purpose to be buried or cremated, or otherwise disposed of :

- (a) Unless a person required by this Ordinance to give information to a registrar has obtained a certificate in the form L in the second schedule hereto from such registrar that notice of such death has been duly given to him ; or
- (b) Unless a certificate in the form M in the second schedule hereto has been obtained by such person from a police officer or headman resident in the division of such registrar, stating that notice of the death was not less than three hours previously to the granting of such certificate given to the registrar, or, in his absence, to such police officer or headman, and setting forth the true cause of death ; or
- (c) Unless a certificate has been obtained in terms of section 25 as to the true cause of death signed by a medical practitioner who was in attendance on the deceased person ; or
- (d) Unless upon an order which shall be in the form N in the second schedule hereto of an inquirer into deaths who shall have held an inquiry on the body of the deceased under chapter XVII. of the Ceylon Criminal Procedure Code ; or
- (e) In the case of a death occurring on an estate, unless the death has been reported to the superintendent of the estate, and he has authorized its burial in writing in the form O in the second schedule hereto.

(2) The certificate of a registrar, police officer, or headman, or medical practitioner, and the order of an inquirer, and the authority of a superintendent as aforesaid, shall be given without fee or reward from the applicant, and after such inquiry as may be necessary to ascertain the particulars required to be registered concerning the death,

23 1900 16

Special provisions as to registration of deaths and burial of bodies in proclaimed places.

Births and Deaths.

and with as little delay as may be consistent with the exigencies of such inquiry; and the registrar, police officer, headman, medical practitioner, inquirer, or superintendent shall have power to enter into any house or land to make such inquiry or to inspect the body of a deceased person. The certificate of a police officer, or headman, or medical practitioner, or the order of the inquirer into deaths, shall be made out and issued in duplicate.

(3) The certificate of a registrar, police officer, or headman, or medical practitioner, or the authority of a superintendent, or order of the inquirer into deaths, shall be produced to the person having charge of or control over any place in which the body may be buried, cremated, or otherwise disposed of; and until the production of such certificate or authority he shall not permit the body to be buried, cremated, or otherwise disposed of.

before the dead body be buried, cremated or otherwise disposed of
 23 1900 12

(4) The duplicate of the certificate of a police officer, or headman, or medical practitioner, or order of an inquirer into deaths shall, within five days after the death, be delivered to the registrar of the division by the person who received it from the police officer, headman, or medical practitioner, or inquirer into deaths; or in the case of a death occurring on an estate and reported to the superintendent of the estate, such superintendent shall make and transmit within the said period a certificate in the form K to the medical officer appointed under "The Medical Wants Ordinance, 1880," and such medical officer shall forthwith forward the report to the assistant provincial registrar, or where there is no assistant provincial registrar to the provincial registrar.

(5) The registrar, or assistant provincial registrar, or provincial registrar, as the case may be, shall thereupon register in the prescribed form and manner such death as well as every death of which due information shall have been given directly to him by the person required to give information.

(6) Any person who acts in breach of the 1st, 2nd, 3rd, or 4th sub-sections of this section, and any registrar, police officer, or headman, or superintendent of an estate, who, in the discharge of the duties under this section, knowingly causes unnecessary vexation to any person, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees.

33 (1) In any town, district, or place proclaimed under the provisions of sub-section (1) of section 31 a person shall not bury, cremate, or otherwise dispose of any still-born child—

Registration of still-births and burial of still-born children in proclaimed places.

(a) Unless the occurrence of such still-birth shall have been reported to a registrar or to a police officer or headman of the division where it occurred by some person who would, if the child had been born alive, have been required by this Ordinance to give information concerning the birth, and unless a certificate

Births and Deaths.

of such report having been made has been obtained from the registrar or police officer or headman, which certificate shall be given, after such inquiry or inspection of the body as may be necessary to verify the information, by the registrar or police officer or headman, without fee or reward from the informant, and shall be in the form P in the second schedule hereto; or

- (b) In the case of a still-birth occurring on an estate, unless such report has been made to the superintendent of the estate, and he has, after inquiry or inspection of the body, authorized its burial; or
- (c) Unless a certificate in the form Q in the second schedule hereto has been obtained from a medical practitioner who was in attendance at the birth, or has examined the body, that such child was not born alive.

(2) The certificate of a police officer or headman or of a medical practitioner shall, within the five days next following the still-birth, be forwarded to the registrar of the division by the person who obtained the certificate; or in the case of a still-birth occurring on an estate, and which has been reported to the superintendent of the estate, a certificate thereof shall, after he has verified the information, be made by the superintendent in the prescribed form and transmitted by him to the medical officer appointed under "The Medical Wants Ordinance, 1880," who shall transmit the report forthwith to the assistant provincial registrar, or, if there be no assistant provincial registrar, to the provincial registrar.

(3) The registrar, or assistant provincial registrar, or provincial registrar, as the case may be, shall enter every still-birth in a register of still-births to be kept by him in duplicate in the form R in the second schedule hereto; and the duplicate of such entry shall be transmitted to the Registrar-General as prescribed in regard to births and deaths.

(4) Any person who acts in breach of the 1st and 2nd sub-sections of this section shall be guilty of an offence, and be liable on conviction to a fine not exceeding one hundred rupees.

of Births & Deaths

Qualification of
registrars
in proclaimed
places.

23 1900 14

34 For the appointment of registrar of a division in a town, district, or place proclaimed under the provisions of sub-section (1) of section 31, only the following persons shall be eligible, that is to say, a medical practitioner or a person holding a certificate of competency for the purposes of this Ordinance from a board appointed by the Governor.

Appointment of
deputy registrar.

35 It shall be lawful for the Governor to appoint any person eligible for the appointment of registrar as provided in the preceding section to be deputy to the registrar of a division appointed under the preceding section, and such deputy shall, ~~during the absence from the division or incapacity of such registrar,~~ have and exercise all the powers and duties, and be subject to all the liabilities and penalties vested in and imposed upon such registrar by this Ordinance.

23 1900 15

Births and Deaths.

36 So far as they are consistent with the provisions of the ~~five~~ preceding sections, all the other provisions of this Ordinance shall apply to and be in full force in the towns, districts, and places proclaimed under sub-section 1 of section 31.

Other provisions of Ordinance to be in force in proclaimed places.

23 1900 16

Correction of Errors.

37 (1) No alteration in any register of births, deaths, and still-births shall be made except as authorized by this Ordinance.

Correction of error in register.

(2) Any clerical error which may from time to time be discovered in any such register may be corrected by any person authorized in that behalf by the Registrar-General, subject to the rules made under the provisions of this Ordinance.

(3) An error of fact or substance in any such register may be corrected with the authority of the Registrar-General and in the presence of the Registrar-General, provincial registrar, or assistant provincial registrar (who, as well as the registrar, shall sign such correction) by entry in the margin (without any alteration of the original entry) by the officer having the custody of the register, upon production by the person requiring such error to be corrected, of a declaration setting forth the nature of the error and the true facts of the case, and made by two persons required by this Ordinance to give information concerning the birth or death with reference to which the error has been made, or in default of such persons, then by two credible persons having knowledge of the truth of the case, and upon the production of such other evidence as the Registrar-General may require to satisfy him of the truth of the case.

23 1900 17

(4) Where an error of fact or substance (other than an error relating to the cause of death) occurs in the information given by the certificate of an inquirer into deaths concerning a dead body upon which he has held an inquiry under chapter XVII. of the Ceylon Criminal Procedure Code, the inquirer, if satisfied by evidence on oath or affirmation that such error exists, may certify under his hand to the officer having the custody of the register in which such information is entered, the nature of the error and the true facts of the case as ascertained by him on such evidence, and the error may thereupon be corrected by such officer in the register, in the presence of the Registrar-General, provincial registrar, or assistant provincial registrar, by entering in the margin of the register (without any alteration of the original entry) the facts as so certified by the inquirer; and the correction shall be signed by the registrar as well as the Registrar-General, provincial registrar, or assistant provincial registrar.

23 1900 18

Books, &c.

38 (1) The Registrar-General, provincial registrars, assistant provincial registrars, and registrars shall keep books for the purposes of this Ordinance of such form and material as is prescribed by this Ordinance, or as shall be prescribed by the Governor in Executive Council, and shall carefully

Books to be kept.

Births and Deaths.

preserve such books, and shall at no time allow such books or other documents kept under this Ordinance to remain out of their possession, except in obedience to an order of a competent court, or except as provided in this Ordinance, or by any rules made by the Governor in Executive Council.

(2) Every registrar shall, when called upon by the Registrar-General, or by the provincial registrar, or assistant provincial registrar, within whose local jurisdiction such registrar resides, produce for inspection all books, documents, and papers which are in his possession as such registrar.

(3) As each book of registers is completed by the registrar, he shall forward it with all connected books, documents, and papers to the assistant provincial registrar, or, if there be no assistant provincial registrar, to the provincial registrar, who shall preserve them in his office.

Forms.

39 (1) The forms in the schedule to this Ordinance, or forms as nearly resembling the same as circumstances admit, shall be used in all cases to which they are applicable.

(2) It shall be lawful for the Governor in Executive Council, by order published in the *Government Gazette*, to alter from time to time all or any of the forms contained in the schedule to this Ordinance, or in any rule or order made thereunder, in such manner as may appear to him best for carrying into effect this Ordinance, or to prescribe new forms for that purpose. Every form when altered in pursuance of this section shall have the same effect as if it had been contained in the schedule to this Ordinance.

Sending certificates, &c., by post.

40 All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorized by this Ordinance to be delivered, sent, or given to the Registrar-General, or provincial registrar, or assistant provincial registrar, or a registrar, or by a registrar to a person who is required to give information concerning any birth or still-birth, or who gives notice of any death, may be sent by post, according to the prescribed rules of the postal department, either in a prepaid letter or free on Her Majesty's service, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they are received; and in proving such sending, it shall be sufficient to prove that the letter was prepaid, or (if it be a letter that might according to the rules of the postal department be sent free on Her Majesty's service) that it was franked on Her Majesty's service, and that it was properly addressed and put into the post.

Search and issue of certified copies or extracts.

41 All persons shall be entitled, on making a written application to the Registrar-General, provincial registrar, assistant provincial registrar, or registrar, and under such conditions as shall be prescribed by the Governor in Executive Council, to refer to any book or document kept under this Ordinance, and in the possession of such Registrar-General, provincial registrar, assistant provincial registrar, or registrar.

Births and Deaths.

and shall, on a written application, and on payment of such fees as the Governor in Executive Council may prescribe, be entitled to demand a certified copy or extract of or from every entry in such book or document.

Provided that every written application shall bear stamps of the value of fifty cents where the application states the year in which the entry sought for was made, and stamps of the value of two rupees and fifty cents where the year is not stated, and provided that every such certified copy or extract shall bear stamps of the value of seventy-five cents, to be supplied by the party applying for the same.

42 Such copy or extract, if purporting to be made under the hand of the Registrar-General, or his assistant, or of the provincial registrar, or the assistant provincial registrar, or if purporting to be made under the hand of a registrar and countersigned by the Registrar-General, provincial registrar, or assistant provincial registrar, shall be received as *prima facie* evidence of the birth or death or still-birth to which it refers without any further or other proof of such entry, provided that such entry purports to have been duly made under the provisions of this Ordinance.

Certified copy or extract to be *prima facie* evidence.

43 In every case in which a registrar shall cease to hold office, all the books, documents, papers, and other articles in his possession as such registrar shall be delivered by him or by his legal representative as soon as conveniently may be with a list thereof to the assistant provincial registrar of his district, or if there be no assistant provincial registrar, to the provincial registrar, who shall carefully arrange and preserve them in his office, save and except the incomplete books which were in actual use by the registrar at the time he ceased to hold office, and which shall be delivered by the assistant provincial registrar or provincial registrar to the successor in office of the registrar.

Delivery of records of registrar ceasing to hold office.

44 All books of registers kept under any of the Ordinances mentioned in the first schedule to this Ordinance, and which shall have been completed at the commencement of this Ordinance, shall forthwith be forwarded, together with all connected books, documents, and papers, and a list thereof, by the registrar or any other person who may be in possession of them, to the assistant provincial registrar, or if there be no assistant provincial registrar, to the provincial registrar, within whose local jurisdiction such registrar or other person resides, and shall be carefully arranged and preserved by the assistant provincial registrar or provincial registrar.

Surrender of records kept under repealed Ordinances.

Offences.

45 If any person being, by virtue of his office as registrar or otherwise, in possession of books, documents, papers, and other articles specified in the last section shall fail, or neglect, or refuse to deliver them to the assistant provincial registrar or provincial registrar, he shall be guilty of an offence, and be liable on conviction to punishment with imprisonment of either description for any term not exceeding two years, or to a fine not exceeding one thousand rupees.

Penalty for non-delivery.

Births and Deaths.

Penalty for omission to register or for loss of registers.

46 Every registrar who refuses, or without reasonable cause omits, to register any birth or death or still-birth, or particulars concerning which information has been tendered to him by an informant, and which he ought to register, or knowingly disobeys any direction of the law as to the way in which he is to conduct himself, intending or knowing it to be likely to cause injury to any person or to the Government, and every person having the custody of any register book of births or deaths or still-births who carelessly loses, or injures, or allows the injury of the same, shall be guilty of an offence and be liable to a penalty not exceeding one hundred rupees.

Duty of police officer and headman to give information of births and deaths.

47 It shall be the duty of every police officer and village headman to inform himself of every birth and of every death occurring within his jurisdiction, and to give within seven days information thereof in writing in the form S or T in the second schedule hereof, with the particulars required by this Ordinance to be registered, to the registrar of the division.

Penalty for false statement, &c.

48 Any person who—

- (1) Refuses or omits to perform any act, or give any information or notice, or make any report required of him by this Ordinance or by any rule made under the provisions thereof; or
- (2) Wilfully makes any false answer to any question put to him by a registrar, police officer, headman, or superintendent of an estate relating to the particulars required to be registered concerning any birth or death, or still-birth, or wilfully gives to a registrar, police officer, headman, or superintendent of an estate any false information concerning any birth or death, or still-birth, or the cause of any death; or
- (3) Wilfully makes any false certificate or declaration under or for the purposes of this Ordinance, or forges or falsifies any such certificate or declaration or any order under this Ordinance, or, knowing any such certificate, declaration, or order to be false or forged, uses the same as true, or gives or sends the same as true to any person; or
- (4) Wilfully makes, gives, or uses any false statement or representation as to a child born alive having been still-born, or falsely pretends that any child born alive was still-born; or
- (5) Makes any false statement with intent to have the same entered in any register of births or deaths, or still-births, or to obtain a certificate or authority under section 32 or 33;

shall be guilty of an offence, and shall be liable on conviction before a police court to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months, or to both fine and imprisonment, or on conviction before a district court or the Supreme Court, to such sentence as such court is authorized by law to pass.

Births and Deaths.

49 Every person who shall knowingly and wilfully tear, deface, destroy, or injure any notice, certificate, declaration, book, or any document whatsoever kept under this Ordinance or any part thereof, or certified copy thereof, or part thereof, or shall knowingly and wilfully insert any false entry of any matter relating to any birth, death, or still-birth, or sign or issue any false certificate relating thereto, or certify any writing to be a copy or extract of any such book or document, knowing such copy or extract to be false in any particular, shall be guilty of an offence, and be liable on conviction to rigorous imprisonment for a term not exceeding seven years or to a fine not exceeding one thousand rupees.

Penalty for destruction of documents and for giving false certificates.

50 It shall be lawful for the Governor from time to time, with the advice of the Executive Council, by order published in the *Government Gazette*, to prescribe the fees payable for any act, matter, or thing done under, by virtue, or in pursuance of any of the provisions of this Ordinance, and the persons by whom and to whom such fees shall be payable.

Payment of fees.

51 The Registrar-General shall, on or before the thirtieth day of April of each year, publish in the *Government Gazette* a list of the registrars of births and deaths in the island, with their names, the names of their divisions, offices, and stations, and such list shall be suspended or affixed in a conspicuous place in the offices of the provincial registrars and assistant provincial registrars.

Annual list of registrars.

FIRST SCHEDULE.

Ordinances, Rules, &c.	Title.	Extent of Repeal.
No. 6 of 1847	An Ordinance to amend in certain respects the Law of Marriages and to provide for the better registration of Births and Deaths	So much as relates to births and deaths
No. 18 of 1867	The Births and Deaths Registration Ordinance, 1867	The whole
No. 15 of 1877	The Marriages, Births, and Deaths Registration Amendment Ordinance, 1877	So much as relates to births and deaths
No. 20 of 1891	An Ordinance to render more accurate and complete the Registration of Deaths	The whole
No. 11 of 1892	An Ordinance to provide for the appointment of Additional Provincial and District Registrars	The whole
All rules and regulations framed under the authority of any of the above Ordinances and now in force	—	The whole, so far as they relate to births and deaths, subject to the proviso of sub-section 1 of section 2 of this Ordinance

Births and Deaths.

SECOND SCHEDULE.
A.—Register of Births.

(Section 11.)

No. ———.	Province.	District.
When and where born ...	<i>December 17, 1894; Colombo, Maliban street, No. 25 (or Waskaduwa in Munnattabage pattu)</i>	
Name ...	<i>James</i>	
Sex ...	<i>Male</i>	
Name and surname of father ...	<i>Arthur Peiris</i>	
Name and maiden name of mother, and nationality ...	<i>Louisa Peiris, née De Mel; Sinhalese</i>	
Rank or profession and nationality of father ...	<i>Merchant; Sinhalese</i>	
Parents, if married ...	<i>Married at the Registrar's Office, Pohaddaramulla (or Wesleyan Chapel, Kalutara)</i>	
Name and residence of informant, and in what capacity he gives information	<i>David Peiris, of Waskaduwa, uncle of child (or occupier of the house where the birth occurred, or present at the birth)</i>	
Informant's signature ...	<i>David Peiris</i>	
When registered ...	<i>December 27, 1894</i>	
Signature of Registrar ...	<i>A. Fonseka</i>	
Name, if added or altered after registration of birth ...	<i>Robert</i>	
Date of addition or alteration ...	<i>September 14, 1895</i>	

B.—Register of Deaths.

(Section 11.)

No. ———.	Province.	District.
When and where died ...	<i>January 7, 1893; Robinson street, Cinnamon gardens, No. 85</i>	
Name in full ...	<i>Magage Gabriel Perera</i>	
Sex and nationality ...	<i>Male; Sinhalese</i>	
Age ...	<i>48 years</i>	
Rank or profession ...	<i>Carpenter</i>	
Names of parents* ...	<i>Magage Selestinu Perera and Wedige Ango Nona</i>	
Cause of death and place of burial ...	<i>Smallpox; Jawatta Cemetery</i>	
Name and residence of informant, and in what capacity he gives information ...	<i>Magage Thomas Perera, of Robinson street, brother of deceased (or occupier of the house where the death occurred, or present at the death)</i>	
Informant's signature ...	<i>Thomas Perera</i>	
When registered ...	<i>January 15, 1893</i>	
Signature of Registrar ...	<i>P. Dias</i>	

* If the deceased was an estate labourer, here insert also the name of kangany.

Births and Deaths.

C.—Declaration of Birth.

(Section 12.)

I, (*name, profession, residence, and relation to child*) hereby declare that on the (*date*), at (*place of birth*), there was born alive a (*male or female*) child whose mother's name is (*name, maiden name, and nationality of mother*), and whose father's name is (*name and nationality of father*), who were duly married at (*place where the marriage was solemnized*), on the (*date of marriage*), and I subscribe this declaration on this _____ day of _____, in the year _____, at _____, verily believing the same to be true.

Signature of declarant _____.

Subscribed in the presence of : _____.

1. (*Name of witness*), living at (*residence*).

Signature of witness _____.

2. (*Name of witness*), living at (*residence*).

Signature of witness _____.



D.—Report of Birth.

(Section 16.)

(To be forwarded to the District Medical Officer or Medical Assistant in Charge within forty-eight hours of Birth.)

No. _____.

_____, 18 —. Birth on the _____ Estate, in the Medical District of _____.

1. When and where born : _____.
2. Name of the child : _____.
3. Sex : _____.
4. Name in full of the Kangany or Kanganies under whom the father and mother work : _____.
5. Name and nationality of the father : _____.
6. Name and nationality of the mother : _____.
7. Parents, if married : _____.
8. Whether and when the birth was reported to the superintendent by the kangany : _____.

I do hereby declare the above to be a true and correct statement.

Witness my hand this _____ day of _____, 18 —.

Received :

Superintendent.

Medical Officer.

Births and Deaths.

E.

(Section 20, Sub-section a.)

Whereas the birth of the child herein-named has not been registered within the three months prescribed by the 17th section of "The Births and Deaths Registration Ordinance, 1895," and it is now necessary to register the same, I, _____, of _____, hereby declare that the following particulars to be registered concerning its birth and name are true and correct to the best of my knowledge and belief :

1	2	3	4	5	6	7	8
When and where Born.	Name.	Sex.	Name of the Father.	Name and Maiden Name of the Mother.	Rank or Profession of the Father.	Parents, if Married.	Name and Residence of Declarant, and in what capacity he gives information.

Declared before me at _____
this _____ day of _____, 18 —.

Informant.

Registrar-General or Provincial Registrar
or Assistant Provincial Registrar.

No. and date of the registration }
(to be filled in by the Registrar) }



F.—Register of Past Births.

(Section 20, Sub-section c.)

No. _____ Province. _____ District.

When and where born : _____.

Name : _____.

Sex : _____.

Name and surname of father : _____.

Name and maiden name of mother, and nationality : _____.

Rank or profession and nationality of father : _____.

Parents, if married : _____.

Name and residence of informant, and in what capacity he gives information : _____.

Informant's signature : _____.

Date of declaration : _____.

Date of Registrar-General's authority : _____.

When registered : _____.

Signature of Registrar : _____.

Signature _____.

Births and Deaths.

G.—Form certifying Name given.

(Section 21.)

I, _____, do hereby certify that the male (*or female*) child born on the _____, at _____, in _____, to _____ and _____ his wife, and whose birth was registered in the division of _____ on the _____, 18 —, has received the name of _____.

23 19 00 D

Witness my hand this _____, 18 —.

Signature _____.

Form for altering Name entered in Register.

(Section 21.)

I, _____, do certify that the male (*or female*) child born on the _____ day of _____, 18 —, at _____, in _____, to _____ and _____ his wife, and whose birth was registered in the division of _____ on the _____ day of _____, 18 —, has since had his (*or her*) name altered to _____.

Witness my hand this _____ day of _____, 18 —.

Signature _____.

H.—Declaration of Death.

(Section 24.)

_____, 18 —. Death in _____ District, _____ Province.

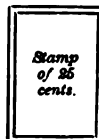
When and where Died.	Name in full.	Sex.	Age.	Rank or Profession.	Cause of Death.	Full Name, Description, and Residence of Declarant.	Name of Registered Medical Practitioner whose Certificate as to Cause of Death is annexed.

I do hereby declare the above to be a true and correct statement.

Witness my hand at _____ this _____ day of _____, 18 —.

Signature of Declarant _____.

In the presence of (*names, residences, and signatures of two witnesses*).



Births and Deaths.

I.—Certificate of Cause of Death.

(Section 25.)

To the Registrar of _____.

I, _____, certify that I attended _____, of _____, who was apparently aged (or stated to be aged) _____, during his (or her) last illness and until his (or her) death, and that the cause of his (or her) death was _____.

Witness my hand this _____ day of _____, One thousand Eight hundred and _____.

Signed _____.

J.—Requisition for Information concerning Death.

(Section 26.)

The death of _____, of _____, which took place at _____ on the _____, not having been reported to me within fourteen days of its occurrence, you (*name of the person*), being legally bound to furnish information concerning such death, are hereby required to appear before me at my office at _____, on the _____, and to give the said information to the best of your knowledge and belief.

Dated at _____ this _____ day of _____, 18 —.

Registrar.

To (*name and residence of the person*).

K.—Report of Death.

(Section 28 and Sub-section 4 of Section 32.)

(To be fully answered and forwarded to the District Medical Officer or Medical Assistant in Charge within forty-eight hours of Death.)

No. _____.

_____, 18 —. Death on the _____, in the Medical District of _____.

1. Where and when died : _____.
2. Age and sex : _____.
3. Name in full and parents' names : _____.
4. Name of kangany in whose gang deceased was actually employed on the estate : _____.
5. Class and rank (whether kangany, or labourer, or child, or wife of such) : _____.
6. Cause of death : _____.
7. If buried off the estate, state where buried : _____.

I do hereby declare the above to be a true and correct statement.

Witness my hand at _____ this _____ day of _____, 18 —.

Superintendent of _____ Estate.

Births and Deaths.

L.—Certificate of Notice of Death.

(Section 32 a.)

No. —.

I have this day received from —, of —, notice of the death of :

Name : —.

Sex and nationality : —.

Age : —.

Date of death : —.

Place of death : House No. — Street.

Cause of death : —.

—, 18 —.

—
Registrar.

M.

(Section 32 b.)

I certify that information of the death, of which particulars are given below, was furnished to the Registrar of — (or to me, the Registrar of the division being absent), not less than three hours previously to the granting of this certificate :

Date of death : —.

Name in full : —.

Sex : —.

Age : —.

Rank or profession : —.

Place where death occurred (village, or ward, street, and No. of house) : —.

Cause of death : —.

Name of last medical attendant : —.

Name in full of informant, and residence : —.

Dated at — this — day of —, 18 —.

—
Police Officer or Headman.

N.—Inquirer's Certificate.

(Section 32 d.)

I, —, Inquirer into Deaths of —, certify that I have this day held an inquiry under the provisions of Chapter XVII. of the Ceylon Criminal Procedure Code on the dead body of —, of —, and that the particulars stated in the schedule hereto are true and correct, and I hereby authorize the burial of the said body.

Dated at — this — day of —, 18 —.

—
Inquirer into Deaths.

Schedule.

Date of death : —.

Name in full : —.

Sex : —.

Age : —.

Rank or profession : —.

Place where death occurred (village, or ward, street, house, and No.) : —.

Cause of death : —.

Births and Deaths.

O.—Certificate of Superintendent of Estate.

(Section 32 e.)

I, _____, Superintendent of the _____ Estate, in _____, hereby authorize the burial of the body of (name), whose death took place on the above estate on the _____ day of _____, 18 —.

Dated at _____ this _____ day of _____, 18 —.

Superintendent.

P.—Certificate of Notice of Still-birth.

(Section 33 a.)

No. _____.

I have this day received from _____, of _____, notice of the following still-birth :

Sex and nationality : _____.

Name, maiden name, and rank or profession of mother : _____.

Date of occurrence : _____.

Place of occurrence : _____.

_____, 18 —.

Registrar.

Q.

(Section 33 c.)

I certify that the child whose particulars are given below was not born alive :

Date and place of occurrence : _____.

Nationality : _____.

Sex : _____.

Name, maiden name, and rank or profession of mother : _____.

Age of mother : _____.

Number of months pregnant at time of still-birth : _____.

Name and rank or profession of father : _____.

Name, description, and residence of informant : _____.

Signature of informant : _____.

Date of information : _____.

_____, 18 —.

Medical Practitioner.

R.—Register of Still-birth.

(Section 33 (3).)

Date and place of occurrence : _____.

Nationality : _____.

Sex : _____.

Name, maiden name, and rank or profession of mother : _____.

Age of mother : _____.

Number of months pregnant at time of still-birth : _____.

Name and rank or profession of father : _____.

Name, description, and residence of informant : _____.

Signature of informant : _____.

Date of information : _____.

_____, 18 —.

Registrar.

Births and Deaths.

S.—Report of Birth by Police Officer or Village Headman.

(Section 47.)

When and where Born.	Name.	Sex and Nationality.	Father's Name.	Mother's Name and Maiden Name.	Rank or Profession of Father.	Parents if Married.

I, (name), police officer (or village headman) of (village and district), certify that the above statement contains the true particulars of a birth which occurred in my district as above stated, and I report the same to the Registrar of _____.

Signed at _____ this _____ day of _____, 18 —.

Signature _____.

T.—Report of Death by Police Officer or Village Headman.

(Section 47.)

Date of Death.	Name in Full.	Sex and Nationality.	Age.	Profession.	Place where Death occurred.	Cause of Death.	Name and Address of Person bound to give information.

I, (name), police officer (or village headman) of (village and district), certify that the above statement contains the true particulars of a death which occurred in my district as above stated, and I report the same to the Registrar of _____.

Signed at _____ this _____ day of _____, 18 —.

Signature _____.

Y 1 W 23 1900

Passed in Council the Tenth day of July, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Tenth day of July, One thousand Eight hundred and Ninety-five.

E. NOEL WALKER,
Colonial Secretary.

*Marriages.***No. 2 of 1895.**

An Ordinance to consolidate and amend the Laws relating to the registration of Marriages other than the Marriages of Kandiyans or of Muhammadans.

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to marriages in this island other than the marriages of Kandiyans or of Muhammadans, and to provide for the better registration thereof: 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.

Date of operation.

1 This Ordinance may be cited for all purposes as "The Marriage Registration Ordinance, 1895," and shall come into operation on such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Repeal.

2 (1) On and from the date on which this Ordinance comes into operation the Ordinances, rules, and regulations mentioned in the first column of the first schedule hereto shall be severally repealed to the extent mentioned in the third column thereof.

Provided that the rules and regulations now in force under any of the said Ordinances shall, as far as consistent with this Ordinance, continue to be in force until rules are made and published under section 9 of this Ordinance.

(2) The repeal shall not affect—

- (a) The past operation of any Ordinance, rule, or regulation hereby repealed, nor anything duly done or suffered under any Ordinance, rule, or regulation hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Ordinance, rule, or regulation hereby repealed; nor
- (c) Any penalty, forfeiture, or punishment acquired, accrued, or incurred under any Ordinance, rule, or regulation hereby repealed; nor
- (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, or remedy may be carried on as if this Ordinance had not passed.

(3) Where any unrepealed Ordinance, rule, or regulation incorporates or refers to any provision of any Ordinance, rule, or regulation hereby repealed, such unrepealed Ordinance, rule, or regulation shall be deemed to incorporate or refer to the corresponding provision of this Ordinance or of the rule or regulation made thereunder.

Marriages.

3 In this Ordinance, if not inconsistent with the context— Interpretation.

The term "marriage" means any marriage save and except marriages contracted under and by virtue of the Ordinance No. 3 of 1870, entitled "An Ordinance to amend the Laws of Marriage in the Kandyan Provinces," and except marriages contracted between persons professing the Muhammadan faith ;

The term "minister" means any person ordained or set apart for the ministry of the Christian religion according to the customs, rules, ceremonies, or rites of the church, denomination, or body to which such person belongs ;

The term "government agent" includes any person appointed by the Governor to act as government agent ;

The term "assistant government agent" includes any person appointed by the Governor to act as assistant government agent ;

The term "province" means any one of the divisions of the island now forming, or which shall hereafter form, the territorial jurisdiction of a government agent ;

The term "district" means the sub-division of a province forming, or which shall hereafter form, the territorial jurisdiction of an assistant government agent.

4 (1) It shall be lawful for the Governor from time to time to appoint a fit and proper person to be the Registrar-General of Marriages in this island, and at any time to remove him, and to appoint some other in his place, and from time to time to appoint any person to act in place of the Registrar-General.

Appointment of Registrar-General, and his duties.

(2) The Registrar-General and the person appointed to act in place of the Registrar-General shall, subject to the directions of the Governor, have the general control and superintendence of the registration of marriages in this island, and of all persons appointed for or engaged in the carrying out of the provisions of this Ordinance.

5 (1) The government agent for the time being of any province shall be the provincial registrar of marriages of such province, and the assistant government agent for the time being of any district shall be the assistant provincial registrar of marriages of such district. The office assistant of the government agent of a province shall be the assistant provincial registrar of that part of the province which does not form part of the sub-division forming the territorial jurisdiction of an assistant government agent.

Appointment of provincial registrar and assistant provincial registrar and their duties.

Provided that it shall be lawful for the Governor to appoint any person other than the government agent to be a provincial registrar of any province in place of or in addition to such government agent, and such appointment to cancel or revoke, and the person so appointed shall,

Marriages.

during the continuance of such appointment, have and exercise all the powers herein vested in a provincial registrar; and provided further that it shall be lawful for the Governor to appoint any person other than the assistant government agent of a district or the office assistant to the government agent of a province to be an assistant provincial registrar in place of or in addition to such assistant government agent or office assistant, and such appointment to cancel or revoke, and the person so appointed shall, during the continuance of such appointment, have and exercise all the powers herein vested in an assistant provincial registrar.

(2) The provincial registrar and assistant provincial registrar shall in their respective province and district superintend and control, subject to the Registrar-General, the registration of marriages, and the registrars hereinafter mentioned, and all persons appointed for or engaged in carrying out the provisions of this Ordinance.

(3) The provincial registrar of each province, and the assistant provincial registrar of each district, and the assistant provincial registrar of every part of a province not forming part of a sub-division forming the territorial jurisdiction of an assistant government agent, shall each have and exercise in his province and district and part of a province respectively the duties and powers exercised by a registrar in his division. The province shall be the division of the provincial registrar, and the district or part of the province shall be the division of the assistant provincial registrar.

Appointment of
registration
divisions.

6 (1) It shall be lawful for the Governor, with the advice of the Executive Council, by notification in the *Government Gazette*, to divide the several provinces of the island into such and so many divisions for the purpose of the registration of marriages as shall appear expedient, and such divisions or any of them at any time, with the like advice, to amend, alter, or abolish.

(2) Every district established under the provisions of the Ordinance No. 6 of 1847, or any amending Ordinance, shall be deemed and taken to be a division appointed under the provisions of this Ordinance, until such time as a new division shall be constituted in lieu thereof under the provisions of this Ordinance.

Appointment of
registrars.

7 It shall be lawful for the Governor, by notification in the *Government Gazette*, to appoint one or more persons to each such division, who shall be called registrars, and any such registrar at pleasure to remove and to appoint some other person in his place or in the place of any registrar who shall have died or resigned office, or been granted leave of absence from his duties.

Provided that in case of the death, sudden illness, or incapacity of the registrar of a division, or in case of other emergency, it shall be lawful for the provincial registrar or assistant provincial registrar to appoint by writing under his

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Marriages.

hand a person to act as registrar of such division for any period not exceeding fourteen days at any one time. Such acting appointment shall be forthwith notified to the Registrar-General and published in the *Government Gazette*, and shall be entered by the provincial registrar or assistant provincial registrar in a book to be kept by him for the purpose.

8 The person holding the office of Registrar-General, and the person performing the duties of the office of Registrar-General, and the persons holding the office of registrar of marriages, and the persons performing the duties of the office of registrar of marriages, at the time when this Ordinance comes into operation, shall be deemed and taken to have been duly appointed under the provisions of this Ordinance, and shall exercise all the powers and privileges, and be subject to all the liabilities and penalties vested in and imposed upon such officers by this Ordinance.

Continuance in office of present officers.

9 (1) It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules consistent with this Ordinance for the direction of the Registrar-General, the provincial registrars, assistant provincial registrars, registrars, ministers, and all persons whomsoever in the discharge of their duties under this Ordinance, and generally for the effective carrying out of its provisions, and such rules, with the like advice, to revoke, amend, or alter.

Rules by the Governor in Executive Council.

(2) Any rules made in pursuance of this section shall be published in the English, Sinhalese, and Tamil languages in two successive issues of the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein.

(3) Breach of any such rule shall be an offence, and punishable with a fine not exceeding one hundred rupees.

10 (1) Every registrar shall dwell and have his office in such convenient place in his division as shall be appointed by the provincial registrar, and shall, if so directed by the provincial registrar, have within his division a station or stations as may be approved by the provincial registrar, and every such station shall, for the purposes of the provisions of this Ordinance, with respect to the attendance of persons and the registration of marriages at the office of the registrar, be deemed to be his office.

Residence, office, and station of registrar.

It shall be the duty of the provincial registrar forthwith to notify to the Registrar-General the residence, office, and station or stations of every registrar of his province.

(2) The registrar shall attend at his office and at each such station on such days and during such hours as shall respectively be appointed by the provincial registrar, and shall cause his name, with the addition of "Registrar of Marriages" of the division for which he is registrar, and the hours of his attendance as appointed by the provincial registrar, to be placed in legible characters in the English, Sinhalese, and Tamil languages in a conspicuous place on or near the entrance of his office and station.

Marriages.

Registration of place of worship for solemnization of marriage.

11 The minister, proprietor, or trustee of a building used as a place of public Christian worship may apply to the Registrar-General that such building may be registered for solemnizing marriages therein. Such application shall be in the form A in the second schedule hereto, and shall contain a declaration signed by at least twenty householders and countersigned by the said minister, proprietor, or trustee, that they frequent or intend to frequent such place of worship. It shall then be lawful for the Registrar-General to register such place of worship for the solemnization of marriages in a book to be kept by him for that purpose, and he shall thereupon give a certificate of such registry and of the date thereof under his hand, which certificate shall be in the form B in the second schedule hereto, and shall bear a stamp or stamps of the value of one rupee, to be supplied by the person making such application, and the Registrar-General shall give public notice of such registry by notification in the *Government Gazette*.

Provided that no building shall be registered which is not used for public Christian worship; and provided also that any building already registered at the time when this Ordinance comes into operation shall be deemed to have been registered under the provisions of this Ordinance.

And provided further that where the population in any district is so scattered that it is difficult to procure the signatures of twenty householders, it shall be lawful for the Registrar-General to issue his certificate upon a declaration signed by as many householders as live within convenient distance from the building, and countersigned by the minister, proprietor, or trustee, and upon such other evidence as the Registrar-General may require to satisfy him that the building is used for public Christian worship.

Cancellation or substitution of registration of building.

12 (1) If any building registered for the solemnization of marriages shall at any subsequent period cease to be used for the public Christian worship of the congregation on whose behalf it was registered, the Registrar-General shall cause the registry thereof to be cancelled; provided that if it shall be proved to his satisfaction that the same congregation use some other such building for the purpose of public Christian worship, he may register such new place of worship instead of the disused building.

(2) Such cancellation or substitution when made shall be entered in the book kept for the registry of such buildings, and shall be certified and published in the manner prescribed in the case of the original registry of the disused building.

(3) Every certificate of substitution shall bear a stamp of one rupee, to be supplied by the person applying for such substitution, provided that where a registered building is demolished and a new building is erected upon the site thereof, or where a permanent building is erected upon the site of a temporary building already registered, such new or permanent building shall be registered and a certificate of such registration issued free of stamp duty.

Marriages.

(4) After such cancellation or substitution as aforesaid it shall not be lawful to solemnize any marriage in such disused building unless the same shall be again registered in the manner prescribed by section 11.

13 On or before the thirty-first day of January of each year the minister, proprietor, or trustee for the time being of every registered building shall send to the Registrar-General a statement in the form C in the second schedule hereto, and the Registrar-General shall, after such inquiry as may be necessary, cancel the registration of those buildings which have ceased to be used for the public Christian worship of the congregation on whose behalf it was registered, and shall on or before the thirtieth day of April of each year cause to be published in the *Government Gazette*, and to be suspended or affixed in a conspicuous place in the offices of the provincial registrars and assistant provincial registrars, a list of all such registered buildings whose registration has not been cancelled.

Annual list of registered buildings.

repealed
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14 The Registrar-General shall on or before the thirtieth day of April of each year publish in the *Government Gazette* a list of the registrars of marriages in the island, with their names, the names of their divisions, offices, and stations. and a list of buildings in 19 1900 5

Annual list of registrars.

15 No marriage contracted after this Ordinance comes into operation shall be valid unless it shall have been duly solemnized by a minister or a registrar and registered in manner and form as is hereinafter provided.

Marriage not valid unless registered.

Provided that nothing herein contained shall be construed to render invalid, merely by reason of its not having been registered, any marriage between persons professing the Hindu religion not domiciled in this island, or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage.

16 No marriage shall be valid to which the male party is under sixteen years of age or the female under twelve, or, if a daughter of European or Burgher parents, under fourteen years of age.

Prohibited age of marriage.

17 No marriage shall be valid where either party shall be directly descended from the other, or where the female shall be sister of the male either by the full or the half blood, or the daughter of his brother or of his sister by the full or the half blood, or a descendant from either of them, or daughter of his wife by another father or his son's or grandson's or father's or grandfather's widow, or where the male shall be brother of the female either by the full or the half blood, or the son of her brother or sister by the full or the half blood, or a descendant from either of them, or the son of her husband by another mother or her deceased daughter's or granddaughter's or mother's or grandmother's husband.

Prohibited degrees of relationship.

Marriages.

Incest.

18 Any marriage or cohabitation between parties standing towards each other in any of the above enumerated degrees of relationship shall be deemed to be an offence, and shall be punishable with imprisonment, simple or rigorous, for any period not exceeding one year.

Bigamy.

19 (1) No marriage shall be valid where either of the parties thereto shall have contracted a prior marriage which shall not have been legally dissolved or declared void.

(2) Every person who shall contract a subsequent marriage before his or her prior marriage shall have been so dissolved or declared void, and every person who shall marry another whom he or she shall know to be bound by a previous marriage not so dissolved or declared void, shall be guilty of bigamy, and liable to imprisonment, simple or rigorous, for any period not exceeding three years.

Provided that no person marrying a second time whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, shall be deemed to be guilty of bigamy.

Dissolution of marriage.

20 No marriage shall be dissolved during the lifetime of the parties except by judgment of divorce *a vinculo matrimonii* pronounced in some competent court, and which judgment shall be founded either on the ground of adultery subsequent to marriage or of malicious desertion, or of incurable impotency at the time of such marriage, and every court in this island having matrimonial jurisdiction is hereby declared competent to dissolve a marriage on any such ground.

Suits to compel marriage prohibited.

21 No suit or action shall lie in any court to compel the solemnization of any marriage by reason of any promise or contract of marriage, or by reason of the seduction of any female, or by reason of any cause whatsoever. No such promise, or contract, or seduction shall vitiate any marriage duly solemnized and registered under this Ordinance. Provided that nothing herein contained shall prevent any person aggrieved from suing for or recovering in any court damages which are lawfully recoverable for breach of promise of marriage, for seduction, or for any other cause.

Provided that no action shall lie for the recovery of damages for breach of promise of marriage unless such promise of marriage shall have been made in writing.

Legitimizing of illegitimate children.

22 A legal marriage between any parties shall have the effect of rendering legitimate the birth of any children who may have been procreated between the same parties before the marriage, unless such children shall have been procreated in adultery.

Consent to marriage of a minor.

23 (1) The father of any person under twenty-one years of age not being a widow or widower, or if the father be dead or under legal incapacity or in parts beyond the island and unable to make known his will, the mother, or, if both father and

Marriages.

mother be dead or under legal incapacity, or in parts beyond the island and unable to make known their will, the lawful guardian or guardians of the party so under age shall have authority to give consent to the marriage of such party, and such consent is hereby required for the said marriage.

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(2) If there be no person authorized as aforesaid to give consent, or if the person so authorized unreasonably withholds or refuses his or her consent, it shall be lawful for the judge of the district court within whose jurisdiction the party so under age shall reside, upon the application of any party interested in such marriage, and after summary inquiry, to give consent to the said marriage, and such consent is required for the said marriage.

24 In every case of marriage intended to be solemnized under the provisions of this Ordinance, the following preliminaries shall be observed :

Preliminaries to be observed prior to a marriage.

(1) If both parties have been resident in the island for ten days, one of the parties shall give notice to the registrar of the division in which both parties shall have dwelt for not less than ten days then next preceding ; or if both parties shall not have dwelt in the same division for ten days then next preceding, but in different divisions, then each party shall give notice to the registrar of the division in which he or she shall have dwelt for not less than ten days next preceding the giving of such notice.

(2) If one of the parties to an intended marriage shall not have been resident in the island for ten days next immediately preceding the giving of notice, notice shall be given by the other party who shall have been so resident in the island ten days to the registrar, assistant provincial registrar, or provincial registrar in whose division, district, part of a province, or province he shall have been so resident ten days then next preceding, and such notice shall be a sufficient notice of such intended marriage.

(3) If both parties to a marriage have been resident for not less than ten days in the same province, notice given by one party to the provincial registrar shall be sufficient. Provided that if both parties have been resident for not less than ten days in the same district or part of a province, notice given by one party to the assistant provincial registrar shall be sufficient.

25 (1) Every such notice may be given to the registrar at any place within his division, and shall be in the form D in the second schedule hereto, and shall state the names in full, and the age, profession, and condition of each of the parties intending marriage, and the dwelling place of the party giving notice and of the other party if known, and if the case be so, that the other party is absent from the island or has not resided for ten days in any part of the island, as the case may be, and shall bear on its face the written consent of any person whose consent is required by law.

Form of notice and declaration.

Marriages.

(2) The party giving the notice shall make and sign or subscribe a declaration in writing in the body or at the foot of such notice, that he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that he or she has for the space of ten days immediately preceding the giving of such notice dwelt within the division of the registrar to whom such notice shall be so given, and that the consent of the person or persons whose consent is required by law has been given and embodied in the notice.

(3) Every such notice and declaration shall be signed and subscribed by the party giving or making the same in the presence of the registrar of the division, or a minister, or a justice of the peace, or a notary, and of two credible witnesses, who shall attest the same by adding each his name, description, and place of abode, and of whom the registrar, minister, justice of the peace, notary, or both witnesses shall be personally acquainted with either or both of the parties.

(4) Every notice under sub-sections 2 and 3 of section 24 shall bear a stamp of the value of ten rupees, which shall be supplied by the party giving the notice.

Publication of
notice.

26 (1) Every registrar to whom notice of an intended marriage is duly given as aforesaid shall forthwith enter in the notice the date of its receipt and file and keep it with the records of his office, and shall forthwith enter the particulars of the notice in the form E in the second schedule hereto, in a book to be called "The Marriage Notice Book," which shall be open at all reasonable times without fee to the inspection of persons interested in any entry therein.

(2) The registrar shall cause a true copy under his hand of the notice of marriage or of the particulars thereof as entered in the marriage notice book, to be suspended or affixed in some conspicuous place in his office, during twelve successive days after the entry of such notice.

(3) If the parties to the intended marriage shall have given notice to different registrars under section 24, each registrar shall, upon receipt of the notice, forward a copy thereof to the other registrar, and give a (certified) copy thereof to the party giving such notice, and shall also enter, file, and publish the notice as aforesaid. 19/1/95

Issue of
certificate.

27 At any time not less than twelve days (except as provided in section 28), nor more than three months (except as provided in section 31) from the entry of the notice, or where two notices have been given from the entry of each of the notices, the registrar, or, where the notice has been given to two registrars, either of them, shall, upon application of the party giving such notice, and on receipt of the certified copy of the notice, if any, given to the other registrar, issue a certificate in the form F in the second schedule hereto, provided that in the meantime no lawful impediment to the issuing of such certificate be shown to the registrar, and

19/1/95 8

Marriages.

provided that the issuing of such certificate shall not have been forbidden, or a caveat entered in manner hereinafter provided.

And every such certificate shall state the particulars set forth in the notice, and the day on which it was entered, and that the issue of the certificate has not been forbidden by any person lawfully empowered in that behalf, and that the full period of twelve days has elapsed since the entry of the notice, or where two notices have been given since the entry of both the notices.

28 (1) At any time after the entry of the notice, and upon production of a copy of such notice certified under the hand of the registrar, or where notice has been given to two registrars upon production of a copy of each of such notices certified as aforesaid, it shall be lawful for the Registrar-General, or for the provincial registrar of the province within which either notice has been given, to issue a license under his hand in the form G set forth in the second schedule hereto, authorizing either registrar to whom notice has been given to issue his certificate, provided that in the meantime no lawful impediment to the issuing of such certificate shall be shown to the satisfaction of the Registrar-General or provincial registrar, and provided that the issue of such certificate shall not have been forbidden or a caveat entered in the manner hereinafter provided.

License to issue certificate before expiry of twelve days.

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(2) Where the parties to the intended marriage have given notice to two registrars under sub-section (1) of section 24, the license shall be issued by the Registrar-General, or by the provincial registrar within whose province such registrar's division is situate, upon the application of the parties to either of the registrars to whom notice has been duly given, and such license shall be substantially in the form H set forth in the second schedule hereto.

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(3) Before the issue of such license one of the parties to the intended marriage shall appear personally before the Registrar-General or provincial registrar or assistant provincial registrar, and make and subscribe a declaration that he or she believes that there is not any impediment of kindred or alliance, or of any other lawful cause, or other lawful hindrance, to the said marriage, and that the consent of any person or persons, if any such consent is required, has been obtained, and that the issue of the certificate has not been forbidden, nor any caveat entered, nor any suit pending in any court to bar or hinder the said marriage. Such declaration shall be written upon paper bearing a stamp of thirty rupees, which shall be supplied by the party making the declaration.

(4) The registrar, to whom the license shall have been issued, shall, upon the receipt of such license, issue his certificate, and every such certificate shall state the particulars set forth in the notice and the day on which it was entered, and that the issue of the certificate has been authorized by the license of the Registrar-General or of the provincial registrar, as the case may be.

Marriages.

Forbidding of
issue of
certificate.

29 Every person whose consent to a marriage is required by law may forbid the issue of the registrar's certificate by signing and subscribing, in the presence of the registrar and of two credible witnesses, who shall be personally acquainted with the person forbidding, and shall be known to the registrar or be resident within his jurisdiction, and by delivering to him a notice in writing in the form I in the second schedule hereto, with his or her name, place of abode, and relationship to the party whose marriage is forbidden.

Caveat.

30 (1) Any person may at any time before the issue of the certificate enter a caveat against its issue. Such caveat shall be in the form J in the second schedule hereto.

(2) The caveat shall contain a statement of the name and residence of the caveator, the names and residences of the parties to whose marriage he objects, and the grounds on which he objects to the marriage, and shall be written on paper bearing a stamp of ten rupees, and shall be signed in the presence of the registrar and of two credible witnesses (who shall be personally acquainted with the caveator, and shall be known to the registrar or resident within his jurisdiction), and shall be delivered to the said registrar.

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Proceedings on
marriage being
forbidden or
caveat entered.

31 (1) In the event of a marriage being forbidden or of a caveat being entered as aforesaid, the registrar shall refuse to issue a certificate, and shall forthwith make report to the district judge of the district within which his division is situated. Such report shall be in the form K in the second schedule hereto, and shall contain a copy of the notice of marriage and of the notice forbidding the marriage or of the caveat entered.

(2) The district judge shall thereon proceed to make summary inquiry (in which the person forbidding the marriage or entering the caveat shall be respondent) into the grounds of objection to the marriage, and shall order the certificate to issue or not to issue as shall appear to him just, and he shall have power, if it be proved to his satisfaction in the course of the inquiry that the marriage was forbidden or caveat entered by such person on frivolous or vexatious grounds, to impose on him a fine not exceeding one thousand rupees.

(3) The order of the district judge shall be subject to appeal to the Supreme Court, and all proceedings in the district court and the Supreme Court under this section shall be exempt from stamp duty.

(4) A copy of the order of the district court or of the Supreme Court in appeal, certified under the hand of the district judge, shall be forwarded by him to the registrar, who shall thereon issue or refuse to issue the certificate as such order shall direct.

(5) The time taken up in disposing as aforesaid of the objection to the marriage shall not be taken into account in the calculation of the period of three months under section 27 or 37.

Marriages.

32 On the production of the certificate of the registrar to a minister or a registrar, it shall be lawful for a marriage to be solemnized between the said parties by the minister in a registered place of worship, or by the registrar (to whom either or both the parties shall have given notice) in his office, station, or other prescribed place, provided that there be no lawful impediment to the marriage.

Modes of solemnization of marriage—

- (1) By minister.
- (2) By registrar.

33 (1) A marriage in a registered place of worship shall be solemnized by the minister of such building or a minister thereto authorized by him, with open doors, between six o'clock in the morning and six o'clock in the afternoon, in the presence of two or more credible witnesses, and according to the rules, customs, rites, and ceremonies of the church, denomination, or body to which such minister belongs.

Solemnization of marriage by minister.

(2) No minister shall be compelled to solemnize a marriage between persons either of whom shall not be a member of the church, denomination, or body to which such minister belongs, nor otherwise than according to the rules, customs, rites, and ceremonies of such church, denomination, or body.

(3) Immediately after the solemnization of a marriage the minister by whom it was solemnized shall enter in duplicate, in a book to be kept for that purpose, a statement of the particulars of the marriage in the form L in the second schedule hereto.

(4) The statement shall be signed by the minister, by the parties to the marriage, and by two respectable witnesses who shall have been present at the solemnization thereof, and who shall be personally acquainted with the parties and (in the event of the parties not being known to the minister) also with the minister, and who shall add their full names and their places of residence and occupations.

(5) The minister shall see that the particulars entered in the book regarding the names, condition, age, profession or occupation, and residence of the parties to the marriage correspond with the particulars given in the registrar's certificate, and that the parties and witnesses sign their names as legibly as possible. If any party or witness signs illegibly, or affixes a mark or cross, the minister shall write the name of such party or witness immediately over such signature or mark, with the words "This is the signature of" or "This is the mark of" immediately preceding such name.

(6) The minister shall, within seven days from the date of the solemnization of the marriage, separate from the register book the duplicate statement of the marriage and transmit the same to the provincial registrar or assistant provincial registrar of the district.

(7) The provincial registrar or assistant provincial registrar shall, within twenty-four hours of the receipt of the duplicate statement, send to the minister an acknowledgment of its receipt and forward the same to the registrar upon

Marriages.

whose certificate the marriage was solemnized, and the registrar shall forthwith enter the particulars thereof in duplicate into a marriage register book to be kept by him, in the form M in the second schedule hereto, and shall certify the entry to be a true copy of the duplicate statement of the minister, and shall carefully preserve the said duplicate until despatched to the Registrar-General as in section 35 provided.

Solemnization of marriage by registrar.

34 (1) A marriage in the presence of the registrar shall, except as hereinafter provided, be solemnized between the parties at his office or station with open doors, and between the hours of six o'clock in the morning and six o'clock in the afternoon, and in the presence of two or more respectable witnesses, and in the following manner :

(2) The registrar shall address the parties to the following effect :

“Be it known unto you, *A. B.* and *C. D.*, that by the public reception of each other as man and wife in my presence, and the subsequent attestation thereof by signing your name to that effect in the registry book, you become legally married to each other, although no other rite of a civil or religious nature shall take place; and know ye further that the marriage now intended to be contracted cannot be dissolved during your lifetime except by a valid judgment of divorce, and that if either of you before the death of the other shall contract another marriage before the former marriage is thus legally dissolved, you will be guilty of bigamy, and be liable to the penalties attached to that offence.”

(3) Each of the parties shall then make in the presence of the registrar and witnesses the following declaration :

“I do solemnly declare that I know not of any lawful impediment why I, *A. B.*, may not be joined in matrimony to *C. D.* here present,”

and each party shall say to the other :

“I call upon all persons here present to witness that I, *A. B.*, do take thee, *C. D.*, to be my lawful wedded wife (*or* husband).”

(4) If either of the parties be deaf or dumb as well as unable to write, the declaration and statement shall be interpreted to him or her and his or her assent obtained by whatever means of communication are commonly used by him or her, and the registrar shall take special care to satisfy himself that the party understands, assents to, and adopts the declaration and statement.

(5) The registrar shall then enter in duplicate a statement of the particulars of the marriage in his marriage register book in the form N in the second schedule hereto, and shall cause the entry to be signed by the parties and witnesses, and himself sign it in the manner prescribed in regard to a marriage solemnized by a minister.

Marriages.

35 The duplicate of the entry made by the registrar under sections 33 and 34 shall be separated from the book by him and forwarded, together with the duplicate (if any) received from the minister under section 33, to the assistant provincial registrar of his district, or if there be no assistant provincial registrar, to the provincial registrar, before the fifth day of the following month, and by the assistant provincial registrar or the provincial registrar to the Registrar-General, who shall cause the same to be filed and preserved in his office; and if no marriage shall have been registered during any month the said registrar shall certify such fact under his hand, and transmit such certificate in the manner prescribed in regard to the transmission of the duplicate entry.

Duplicates to be transmitted by the registrar to the assistant provincial registrar.

36 (1) In case the female party to an intended marriage belongs to a class of people to whose habits and feelings it is contrary to require their females to appear in public before wedlock, it shall be lawful for the Registrar-General, or provincial registrar, or assistant provincial registrar to issue a license empowering a registrar to solemnize the marriage of such female at such place and hour as the parties may prefer and as may be named in the license, provided that the requirements of this Ordinance in all other respects than the place and hour of marriage shall be fully complied with.

Solemnization of marriage by minister or registrar under special license.

(2) In case the female party shall not belong to the class of people mentioned in the last sub-section, it shall be lawful for the Registrar-General, or provincial registrar, or assistant provincial registrar, upon the application of one of the parties to the intended marriage, and which application shall bear a stamp of the value of fifty rupees, to issue a license empowering a registrar to solemnize the marriage at such place and hour as the parties may prefer and as may be named in the license, provided that in every other respect than the place and hour of marriage the requirements of this Ordinance shall be fully complied with.

(3) Upon application to the Registrar-General, or to the provincial registrar of the province, or to the assistant provincial registrar of the district within which the marriage is to be solemnized, by one of the parties to the proposed marriage or by the minister by whom it is intended to be solemnized, it shall be lawful for the Registrar-General, or the provincial registrar, or assistant provincial registrar, to issue a license to the minister by whom such marriage is to be solemnized empowering him to solemnize the marriage at such place specified in such license other than a registered place of worship, and at such an hour as the parties may prefer, provided that in every other respect the requirements of this Ordinance shall be fully complied with, and provided further that the requirements of section 33 sub-sections 3, 4, 5, 6, and 7 shall apply to marriages solemnized hereunder.

37 Whenever a marriage shall not be had within three months, except as provided in section 31 (5), after the notice thereof shall have been entered by the registrar, or, if notices

New notice required after three months.

Marriages.

have been given to and entered by two registrars, after the earlier notice shall have been entered, the notice and any license or certificate which may have been granted thereupon, and all other proceedings thereupon, shall be utterly void; and no person shall proceed to solemnize the marriage, nor shall any registrar register the same, until new notice shall have been given and entry made and certificate thereof given in the prescribed manner.

Deathbed
marriages.

38 (1) It shall be competent for a minister to solemnize, without the preliminaries required by this Ordinance, at any convenient place, a marriage between parties of whom one is believed to be on the point of death, provided that such person is of sound mind, memory, and understanding, and provided that the minister shall immediately enter a statement of the particulars of the marriage in the book and in the manner prescribed by section 33, and shall at the foot of such entry, which shall be made in duplicate, make a certificate signed by himself and the witnesses to the solemnization, which certificate shall be substantially to this effect:

“ We certify that *A. B.*, one of the parties to the above marriage, is to the best of our knowledge and belief at the point of death, but of sound mind, memory, and understanding,”

and provided also that within twenty-four hours of such solemnization the minister shall forward to the provincial registrar or assistant provincial registrar the duplicate of such entry and certificate.

(2) The provincial registrar or assistant provincial registrar shall, upon receipt of such duplicate and certificate, forward an acknowledgment of the same to the minister, and shall cause a copy of the same to be posted for twenty-one days in a conspicuous place in his own office and in the office of the registrar within whose division the marriage was solemnized.

(3) On the expiry of twenty-one days from the date of the first posting of the copy as aforesaid by the provincial registrar or assistant provincial registrar, the provincial registrar or assistant provincial registrar shall direct the registrar to enter the marriage in the marriage register book kept by him under section 33, provided that no caveat shall have been lodged or other proceedings taken by way of prohibition under sections 29 and 30.

(4) The registrar shall, being directed thereto as aforesaid forthwith register the said marriage, and on the registration of such marriage it shall be deemed to be valid and effectual for all purposes as if the same had been solemnized by the minister upon a certificate issued by the proper registrar.

(5) In the event of any caveat being entered or proceedings being taken by way of prohibition under sections 29 and 30, the provincial registrar or assistant provincial registrar shall not issue any direction to the registrar till the order of the district court or of the Supreme Court shall have been made under section 31.

Marriages.

39 (1) The entry made by the registrar in his marriage register book under sections 33, 34, and 38 shall constitute the registration of the marriage, and shall be the best evidence thereof before all courts and in all proceedings in which it may be necessary to give evidence of the marriage.

Entry the best evidence of marriage.

(2) Every such entry shall be made in a book and numbered consecutively according to the order of registration.

40 After any marriage shall have been registered under this Ordinance it shall not be necessary in support of such marriage to give any proof of the actual dwelling or of the period of dwelling of either of the parties previous to the marriage within the division stated in any notice of marriage to be the place of his or her residence, or of the consent to any marriage having been given by any person whose consent thereto was required by law, or that the place or hour of marriage was the place or hour prescribed by this Ordinance, nor shall any evidence be given to prove the contrary in any suit or legal proceedings touching the validity of such marriage.

Proof of certain matters not necessary to validity of registered marriage.

41 Where a marriage has been heretofore contracted or shall hereafter be contracted which, without fault of the parties thereto, may have been omitted to be registered, or may have been erroneously registered, it shall be lawful for either of the said parties, or in the case of his or her death, for the issue or other lawful representative of such party, to apply to the district court having jurisdiction over the division where the marriage was contracted, to have such marriage duly registered, or the erroneous registration amended, and the court, after due notice to the Registrar-General and the registrar or minister before whom the marriage was contracted, and such other parties as to the court shall seem expedient, and after hearing such evidence as may be produced before it or as it may think fit to call, shall, if it be satisfied that such marriage has been duly contracted and not registered, or not correctly registered, without fault of the parties thereto, order the marriage to be correctly registered, and the Registrar-General shall thereupon cause the marriage to be correctly registered according to the directions of the court. *Revised 19 1900 13*

Mode of supplying omission and correcting errors in registration.

42 Any person who shall knowingly or wilfully make any false declaration or sign any false notice required by this Ordinance for the purpose of procuring any marriage, and every person who shall forbid the granting by any registrar of a certificate for marriage by falsely representing himself or herself to be a person whose consent to such marriage is required by law, knowing such representation to be false, shall be guilty of the offence of giving false evidence under chapter XI. of the Ceylon Penal Code, and be liable to the penalties therein prescribed.

Penalty on making false declaration or giving false notice.

43 If both the parties to any marriage shall knowingly and wilfully intermarry under the provisions of this Ordinance in any place other than that prescribed by this Ordinance, or under a false name or names, or except in cases of deathbed

Clandestine marriages.

Marriages.

marriages under section 38, without certificate of notice duly issued, or shall knowingly or wilfully consent to or acquiesce in the solemnization of the marriage by a person who is not authorized to solemnize the marriage, the marriage of such parties shall be null and void.

Solemnization of marriage by means of a false document.

44 If any valid marriage shall be had under this Ordinance by means of any wilfully false notice, certificate, or declaration made by either party to such marriage as to any matter to which a notice, certificate, or declaration is required, it shall be competent for the proper district court, upon the application of either of the parties, or, if the marriage shall have been had without the consent of the person whose consent was by law required, upon the application of such person or of the Attorney-General, and after due inquiry, to order and direct that all estate and interest in any property accruing to the offending party by the force of such marriage shall be forfeited, and shall be secured under the direction of the court for the benefit of the innocent party or of the issue of the marriage or of any of them, in such manner as the said court shall think fit for the purpose of preventing the offending party from deriving any interest in any real or personal estate or pecuniary benefit from such marriage; and if both the contracting parties shall in the judgment of the court be guilty of any such offence as aforesaid, it shall be lawful for the court to settle and secure such property or any part thereof immediately for the benefit of the issue of such marriage, subject to such provision for the offending party by way of maintenance or otherwise as the court may think fit. The order of the district court shall be subject to appeal to the Supreme Court.

Settlements and agreements in regard to such marriage void.

45 All agreements, settlements, and deeds entered into or executed by the parties to any such marriage in contemplation of, or before, or after, or in relation to, such marriage shall be absolutely void, and have no force or effect so far as the same shall be inconsistent with the provisions of the security and settlement made by the court as aforesaid.

Books to be kept.

46 (1) The Registrar-General, provincial registrars, assistant provincial registrars, registrars, and ministers shall keep books for the purposes of this Ordinance of such form and material as is prescribed by this Ordinance, or shall be prescribed by the Governor in Executive Council, and shall carefully preserve such books, and shall at no time allow such books or other documents kept under this Ordinance to remain out of their possession except in obedience to an order of a competent court, or except as provided in this Ordinance, or by any rules made by the Governor in Executive Council.

(2) Every registrar or minister shall, when called upon by the Registrar-General, or by the provincial registrar or assistant provincial registrar within whose local jurisdiction such registrar or minister resides, or such registered place of worship is situated, produce for inspection all books, documents, and papers kept under this Ordinance which are in his possession as such registrar or minister.

Marriages.

(3) As each book of registers is completed by a registrar, he shall forward it, with all connected books, documents, and papers, to the assistant provincial registrar, or, if there be no assistant provincial registrar, to the provincial registrar, who shall preserve them in his office.

47 (1) The forms in the schedules to this Ordinance, or forms resembling the same, shall be used in all cases in which they are applicable, and when so used shall be valid in law.

Forms.

(2) Provided that it shall be lawful for the Governor in Executive Council, by order published in the *Government Gazette*, to alter from time to time all or any of the forms contained in the schedules to this Ordinance, or in any rule or order made thereunder, in such manner as may appear to him best for carrying into effect this Ordinance, or to prescribe new forms for that purpose. Every form when altered in pursuance of this section shall have the same effect as if it had been contained in the schedule to this Ordinance.

48 All persons shall be entitled, on making a written application to the Registrar-General, provincial registrar, assistant provincial registrar, or registrar, and under such conditions as shall be prescribed by the Governor in Executive Council, to refer to any book or document kept under this Ordinance, and in the possession of such Registrar-General, provincial registrar, assistant provincial registrar, or registrar, and shall on a written application and on payment of such fees as the Governor in Executive Council may prescribe, be entitled to demand a certified copy or extract of or from every entry in such book or document.

Search and issue of certified copies or extracts.

Provided that every written application shall bear a stamp of fifty cents where the application states the year in which the entry sought for was made, and a stamp of two rupees and fifty cents where the year is not stated, and provided that every such certificate, copy, or extract bears a stamp of seventy-five cents, to be supplied by the party applying for the same.

49 Such copy or extract if purporting to be made under the hand of the Registrar-General, or of his assistant, or of the provincial registrar, or of the assistant provincial registrar, or if purporting to be made under the hand of the registrar, and countersigned by the Registrar-General, provincial registrar, or assistant provincial registrar, shall be received as *prima facie* evidence of the matter to which it relates, without any further or other proof of such entry.

Certified copy or extract to be *prima facie* evidence.

50 (1) In every case in which a registrar shall cease to hold office, all the books, documents, papers, and other articles in his possession as such registrar, shall be delivered by him or by his legal representative as soon as conveniently may be, with a list thereof, to the assistant provincial registrar of his district, or if there is no assistant provincial registrar, to the provincial registrar, and such

Delivery of records on registrar ceasing to hold office.

Marriages.

assistant provincial registrar or provincial registrar shall carefully arrange and preserve them in his office, save and except the incomplete books which were in actual use by the registrar at the time he ceased to hold office, and which shall be delivered by the assistant provincial registrar or the provincial registrar to the successor in office of the registrar.

(2) All books of registers kept under any of the Ordinances mentioned in the first schedule to this Ordinance, and which shall have been completed at the commencement of this Ordinance, shall be forwarded forthwith, together with all connected books, documents, and papers, and a list thereof, by the registrar or any other person who may be in possession of them, to the assistant provincial registrar, or if there be no assistant provincial registrar, to the provincial registrar within whose local jurisdiction such registrar or other person resides, and shall be carefully arranged and preserved by such assistant provincial registrar or provincial registrar.

Penalty for non-delivery.

51 If any person being, by virtue of his office as registrar or otherwise, in possession of books, documents, papers, and other articles specified in the last section, shall fail, neglect, or refuse to deliver them to the assistant provincial registrar or provincial registrar, he shall be guilty of an offence, punishable with simple or rigorous imprisonment for any term not exceeding two years and to a fine not exceeding one thousand rupees.

Penalty for losing or injuring a document.

52 Every person having the custody of any book or document made under this Ordinance, or certified copy of such book or document, or of any part thereof, who shall carelessly lose or injure the same, or carelessly allow the same to be injured while in his keeping, shall be guilty of an offence, and liable to a fine of one hundred rupees, or to imprisonment, simple or rigorous, for a period not exceeding three months, or to both fine and imprisonment.

Penalty for destruction of documents and for giving false certificates.

53 Every person who shall knowingly and wilfully tear, deface, destroy, or injure any notice, certificate, declaration, book, or any document whatsoever kept under this Ordinance, or any part thereof, or of certified copy thereof, or of part thereof, or shall knowingly and wilfully insert therein any false entry of any matter relating to any marriage or intended marriage, or sign or issue any false certificate relating thereto, or certify any writing to be a copy or extract of any such book or document, knowing such book or document to be false in any particular, shall be guilty of an offence, and be liable to imprisonment, simple or rigorous, for a term not exceeding seven years and to a fine.

Penalty for omission to register.

54 Every registrar who without reasonable cause refuses or omits to register a marriage, or to accept or enter a notice of marriage or any particulars concerning which information has been tendered to him, and which he ought to accept and enter, shall be liable to a penalty not exceeding one hundred rupees.

Marriages.

55 Any minister who shall, except in the case of a deathbed marriage under section 38, solemnize a marriage before the delivery to him of the certificate required by this Ordinance, or who shall fail to enter duly in the marriage register the statement of a marriage on the day in which it was solemnized by him, or to transmit within seven days from the date of the solemnization of the marriage the duplicate statement of the marriage to the provincial registrar or assistant provincial registrar of the district, or who shall enter in the marriage register any marriage not solemnized in accordance with the provisions of this Ordinance, or who shall fail to perform any act required of him by this Ordinance, or shall perform any act forbidden or declared unlawful, or not to be lawful by this Ordinance, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees.

Offences by
minister.

56 Any person who shall knowingly and wilfully solemnize or pretend to solemnize a marriage not being legally competent to do so, or between parties not legally competent to contract the same, or, except in case of a deathbed marriage under section 38, before the issue of the registrar's certificate required by this Ordinance, or in any place or at any time not authorized by the provisions of this Ordinance, or who shall knowingly and wilfully solemnize a marriage declared to be not valid or to be null and void by this Ordinance, and any registrar who shall knowingly and wilfully issue a certificate before or after the expiration of the prescribed period, or, if the marriage shall have been forbidden or a caveat entered under this Ordinance, before the disposal of such objection by a competent court, and any registrar or minister who shall knowingly disobey any direction of the law as to the way in which he is to conduct himself, intending to cause or knowing it to be likely to cause injury to any person or to the Government, shall be guilty of an offence, and liable to imprisonment, simple or rigorous, for any term not exceeding two years, and to a fine not exceeding one thousand rupees.

Undue
solemnization of
marriage and
issue of
certificate.

57 All notices, informations, declarations, certificates, requisitions, returns, and other documents required or authorized by this Ordinance to be delivered, sent, or given to or by the Registrar-General, or provincial registrar, or assistant provincial registrar, or a registrar, or a minister, may be sent by post (according to the prescribed rules of the postal department) either in a prepaid letter or free on Her Majesty's service, and the date at which they would be delivered to the person to whom they are sent in the ordinary course of post shall be deemed to be the date at which they were received; and in proving such receipt it shall be sufficient to prove that the letter was prepaid, or (if it be a letter that might according to the rules of the postal department be sent free on Her Majesty's service) sent free on Her Majesty's service, and that it was properly addressed and put into the post.

Sending
certificates, &c
by post.

*Marriages.***Fees payable.**

58 The fees enumerated in the third schedule hereto shall be payable by and to the persons therein mentioned and for the duties therein specified. In default of payment of such fee, the person to whom it is payable shall, subject to the prescribed rules, refuse, until payment, to perform the duty for which such fee is payable.

Proceedings in courts to be exempt from stamp duty.

59 All proceedings in a court of justice under this Ordinance shall be exempt from stamp duty unless otherwise specially provided.

FIRST SCHEDULE.

Ordinances, Rules, &c.	Title.	Extent of Repeal.
Ord. 6 of 1847	An Ordinance to amend in certain respects the Law of Marriages and to provide for the better registration of Marriages, Births, and Deaths	So much as relates to marriages, except such portions as have been already repealed
Ord. 13 of 1863	An Ordinance to amend in certain respects the Law of Marriages in this Island and to provide for the due registration thereof	The whole
Ord. 8 of 1865	An Ordinance to amend the Ordinance No. 13 of 1863	The whole
Ord. 15 of 1877	An Ordinance to amend the Ordinances No. 6 of 1847, No. 13 of 1863, No. 8 of 1865, and No. 18 of 1867	The whole, as far as it relates to marriages
Ord. 11 of 1892	An Ordinance to authorize the appointment of Additional Provincial and District Registrars	do.
All rules and regulations framed under the authority of any of the above Ordinances and now in force	—	The whole, so far as they relate to marriages, subject to the proviso of sub-section 1 of section 2 of this Ordinance

Marriages.

SECOND SCHEDULE.

A.—Application by Minister or Proprietor or Trustee to Register a place of Public Worship for the Solemnization of Marriages, with Declaration by Householders.

(Section 11.)

To the Registrar-General.

I, _____, Minister (or Proprietor or Trustee) of the under-mentioned building, certify that it is used as a place of Public Christian Worship, and I hereby apply to have it registered for the solemnization of Marriages :

Description.	Situation.		District.	Religious Denomination on whose behalf the Building is to be Registered.
	Village or Street and Division of Town.	Pattu, Kóralé, or other Division of the District.		

Witness my hand at _____ this _____ day of _____, 18 ____.

Minister or Proprietor or Trustee.

Declaration.

We, the undersigned Householders residing in _____, in the _____ of the _____ District, hereby declare that we intend to frequent the above-described building as a place of Public Christian Worship.^c

Dated at _____ this _____ day of _____, 18 ____.

Countersigned by _____,
Proprietor or Trustee.

Signed : _____

Signed _____.

Householders.

* If application be made under the 2nd proviso of section 10, add : "and that the population in this district is so scattered that it is difficult to procure the signatures of twenty householders."

Marriages.

B.—Certificate of Registry of Building.

(Section 11.)

No. of Certificate —.

In pursuance of Application and Declaration made under the 11th section of "The Marriage Registration Ordinance, 1895," I hereby certify that the building, used as a place of Public Christian Worship, described below, has been duly registered for the solemnization of Marriages :^o

Description.	Situation.		District.	Proprietors or Trustees.	Religious Denomination on whose behalf the Building is Registered.
	Village or Street and Division of Town.	Pattu, Kóralé, or other Division of the District.			

Witness my hand at ——— this ——— day of ———, 18 —.

Registrar-General.

* In certificates of substitution, add : "in lieu of the building registered under certificate No. — of the ——— day of ———, 18—, which is no longer used for the public worship of the congregation on whose behalf it was registered."

C.

(Section 13.)

I do hereby declare that the following is a list of buildings registered under section 11 of "The Marriage Registration Ordinance, 1895," and in my charge, and that the particulars herein given are true and correct.

Witness my hand at ——— this ——— day of ———, 18 —.

Minister or Proprietor or Trustee.

Description.	Situation.		District.	Number and Date of Certificate of Registry.	Name of Proprietor or Trustee in whose name Registered.	Religious Denomination on whose behalf Registered.
	Village or Street and Division of Town.	Pattu, Kóralé, or other Division of the District.				

Marriages.

D.—Form of Notice of Marriage.

(Section 25.)

To the Registrar of Marriages of the Division of *Colombo Town* in the District of *Colombo*.

I, the undersigned *Udagamage Carolis Fernando*, hereby give you notice that a marriage is intended to be had within three calendar months from the date hereof between me and the other party herein named and described, that is to say :

1	2	3	4	5	6	7	8	9	10
Names in full.	Condition.	Rank or Profession.	Age.	Dwelling place, if any.	Division and Revenue District.	Length of Residence in Division.	Place where the Marriage is to be solemnized.	Consent, if any, by whom given.	Signature of the Person, if any, giving consent.
<i>Udagamage Carolis Fernando</i>	<i>Widower</i>	<i>Teacher</i>	<i>32</i>	<i>16, Main Street, Pettah</i>	<i>Colombo Town, in the District of Colombo</i>	<i>Fifteen days</i>	} <i>Office of the Registrar of Marriages of Ambatalenpahala Division</i>	—	—
<i>Gonsalge Ana Pieris</i>	<i>Spinster</i>	—	<i>17</i>	<i>Kosgahawatta, Wellampitiya</i>	<i>Ambatalenpahala in — Koralé, in the District of Colombo</i>	<i>Seven months</i>		<i>The father, G. J. Pieris Gonsalge Jacob Pieris</i>	<i>G. J. Pieris</i>

And I hereby solemnly declare that to the best of my knowledge and belief the several particulars stated in the above notice are true and correct, and that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage, and that I, the above-named *Udagamage Carolis Fernando*, for the space of ten days immediately preceding the giving of this notice, had my usual place of abode and residence within the above-mentioned division of *Colombo* [and I further declare that I am not a minor under the age of twenty-one years, and that the other party herein named and described is not a minor under the age of twenty-one years. (If one or both of the parties be under age, the words within brackets must be expunged), (or as the case may be)].

(Continued on page 100.)



Marriages.

And I further declare that the said *Gonsalge Ana Pieris*, not being a widow, is a minor under the age of twenty-one years, and that the consent of her father, *Gonsalge Jacob Pieris*, whose consent to her marriage is required by law, has been duly given thereto by his signing the above notice in the 10th column.

And I make the foregoing declaration, solemnly and sincerely believing the same to be true, pursuant to the provisions of "The Marriage Registration Ordinance, 1895," well knowing that every person who shall knowingly or wilfully make and sign or subscribe any false declaration, or who shall sign any false notice for the purpose of procuring any marriage under the provisions of the said Ordinance, shall suffer the penalties of giving false evidence under chapter XI. of the Ceylon Penal Code.

In witness whereof I have hereunto set and subscribed my hand this *fifth* day of *February*, 1895.

(Signed) *U. Carolis Fernando*.

Signed and delivered by the above-named *Udagamage Carolis Fernando* in the presence of :

Name.	Rank or Profession.	Place of Residence.	Signature.	Certificate of Registrar, Justice of the Peace, Minister, or Notary.
<i>Gonsalge Jacob Pieris</i> ...	<i>Trader</i> ...	<i>Kosqahawattia, Wellampitiya</i>	—	I, <i>Richard Jayaweera</i> , Registrar of Marriages of the <i>Town of Colombo</i> (or Justice of the Peace or Minister or Notary Public), certify that the parties to the intended marriage above mentioned are known to me (or are not known to me, as the case may be), and that the witnesses <i>Jacob Pieris</i> and <i>Peter Fernando</i> are known to me (or are resident within my jurisdiction, as the case may be), and they declared to me that they were personally acquainted with both the parties.
<i>Peter Fernando</i> ...	<i>Clerk</i> ...	<i>20, Turret Road, Colombo</i>	—	
<i>Richard Jayaweera</i> ...	<i>Registrar of Marriages of Colombo Town</i>	<i>Fort, Colombo</i> ...	—	

Registrar.

Marriages.

E.—Marriage Notice Book of the Division of _____ in the Province of _____.

(Section 26.)

No.	Date of giving of Notice.	Names of the Parties.	Condition.	Rank or Profession.	Age.	Dwelling place.	Consent, if any, by whom given.	Names of Witnesses, with their Occupations and Places of Residence.	Date of Certificate.	Remarks.	Signature of Registrar.

F.—Registrar's Certificate.

(Section 27.)

I, _____, Registrar of Marriages of the Division of _____, do hereby certify that on the _____ day of _____, 18 —, notice was duly entered in the Marriage Notice Book of the said Division of the marriage intended between the parties herein named and described, delivered under the hand of _____, one of the parties, that is to say:

Names of the Parties.	Condition.	Rank or Profession.	Age.	Dwelling place.

Where the issue of the certificate has been authorized by license the following should be inserted :

The issue of this Certificate is authorized by License of the Registrar-General (or Provincial Registrar), and has not been forbidden by any person authorized to forbid the issue thereof.

Witness my hand this _____ day of _____, 18 —.

Registrar.

This Certificate will be void unless the marriage is solemnized on or before the _____ day of _____, 18 —.

Marriages.

G.—Marriage License.

(Section 28.)

Whereas on the _____ day of _____, 18 —, notice was given to the^o Registrar of Marriages of the Division of _____ † of a marriage intended to be had between _____ and _____ therein mentioned, and the said _____ desires to obtain a license for the immediate issue of a certificate of such notice, and has made before the Registrar-General (or Provincial Registrar of the Province of _____) the declaration required for that purpose by sub-section (3) of section 28 of "The Marriage Registration Ordinance, 1895:"

Now, therefore, in pursuance of the provisions of the said Ordinance, I do hereby authorize the said Registrar to issue the said certificate at any time hereafter, and within three calendar months of the said _____ day of _____, 18 —.

Given under my hand this _____ day of _____, 18 —.

Registrar-General or Provincial
Registrar of the Province of _____.

* Where the notice has been given to the Provincial Registrar or Assistant Provincial Registrar, substitute "to the Provincial Registrar of the Province of _____" or "to the Assistant Provincial Registrar of the district of _____ in the Province of _____," as the case may be.

† Where the license is issued by a Provincial Registrar, add: "within the Province of _____, of which I am Provincial Registrar."

H.—Marriage License.

(Section 28.)

Whereas in pursuance of section 24 of "The Marriage Registration Ordinance, 1895," on the _____ day of _____, 18 —, notice was given to _____, Registrar of Marriages of the Division of _____, of a marriage intended to be had between _____ and _____ therein mentioned, and a like notice on the _____ day of _____, 18 —, was given to _____, Registrar of Marriages of the Division of _____:

And the said _____ desires to obtain a license for the immediate issue of a certificate, and has made before the Registrar-General (or Provincial Registrar of the Province of _____) the declaration required for that purpose by sub-section 3 of the 28th section of the said Ordinance:

Now, therefore, in pursuance of the provisions of the said Ordinance, I do hereby authorize the Registrar of the Division of _____^c to issue a certificate of the notice given to him at any time hereafter and within three calendar months of the said _____ day of _____, 18 —.

Given under my hand this _____ day of _____, 18 —.

Registrar-General or Provincial
Registrar of the Province of _____.

* Where the license is issued by a Provincial Registrar, add: "within the Province of _____, of which I am Provincial Registrar."

*Marriages.***I.—Notice forbidding issue of Certificate.**

(Section 29.)

To the Registrar of Marriages of _____.

Take notice that I, *A. B.*, of *Colombo*, being father (or mother, or lawfully appointed guardian) of *C. D.*, of *Colombo*, do hereby, under section 29 of "The Marriage Registration Ordinance, 1895," forbid the issue of a certificate for the solemnization of the marriage intended to be had between him (or her) and *E. F.*, of *Colombo*, as the said *C. D.* is under twenty-one years of age, and has not obtained my consent to the said marriage as required by section 23 of the aforesaid Ordinance.

Dated at _____ this _____ day of _____, 18 —.

Witnesses :

Signature _____.

J.—Form of Caveat forbidding issue of Certificate.

(Section 30.)

To the Registrar of Marriages of the Division of *Colombo*.

I, *A. B.*, of *Colombo*, do hereby enter a caveat against the grant of certificate for the marriage intended to be had between *C. D.*, of *Colombo*, and *E. F.*, of *Colombo*, the parties named in the notice entered in the Marriage Notice Book of the Division of *Colombo* on the _____, on the ground (*here state ground*).

Signed at _____ this _____ day of _____, 18 —, in the presence of

(1) Witness : _____.

(2) Witness : _____.

A. B.

(3) Registrar : _____.

K.—Form of Report by the Registrar to the Judge of the District Court when issue of Certificate is forbidden.

(Section 31.)

To _____, District Judge of _____.

A. B., of *Colombo*, having entered a caveat (or delivered a notice, of which copy is annexed) forbidding the issue of the certificate for the marriage intended to be had between *C. D.*, of *Colombo*, and *E. F.*, of *Kalutara*, the parties named in the annexed copy of notice duly entered in the Marriage Notice Book on the _____, I, *G. H.*, Registrar of Marriages for the Division of *Colombo*, do hereby apply to you for adjudication and decision thereon, as provided by section 31 of "The Marriage Registration Ordinance, 1895."

Dated at _____ this _____ day of _____, 18 —.

G. H.
Registrar.

(Hereto annex a certified copy of the notice of the intended marriage and of the notice or caveat forbidding issue of certificate.)

Marriages.**L.—Register of Marriage solemnized by a Minister.**

No. —.

(Section 33.)

Names and Surnames of Parties.	Age.	Condition.	Rank or Profession.	Residence at time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.	Name and Division of Registrar upon whose certificate the Marriage was solemnized.

Married by me this ——— day of ———, 18 —.

Minister.

This marriage was solemnized between us (*signatures of parties*) in the presence of:

1. Name and residence of witness : ———.

Signature of witness ———.

2. Name and residence of witness : ———.

Signature of witness ———.

Signed before me : ———

Minister.

M.—Register of Marriage solemnized by a Minister in the ——— Division of the ——— Province.

No. —.

(Section 33.)

Names and Surnames of Parties.	Age.	Condition.	Rank or Profession.	Residence at time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.	Name and Division of Registrar who issued Certificate.

Married by ———, Minister, on the ——— day of ———, 18 —.

I certify that the above is a true copy of the statement furnished to me under section 33 of "The Marriage Registration Ordinance, 1895," of a marriage solemnized by ———, Minister.

Signature ———,Provincial Registrar or
Assistant Provincial Registrar.

Marriages.

N.—Register of Marriage in the _____ Division of the
 _____ Province.

No. _____. (Section 34.)

Names and Surnames of Parties.	Age.	Condition.	Rank or Profession.	Residence at time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.

This marriage was solemnized between us (*signatures of parties*) in the presence of :

- 1 Name and residence of witness : _____
Signature _____.
2. Name and residence of witness : _____
Signature _____.

I certify that this marriage was duly solemnized by me (*name*), Registrar of Marriages of the Division of _____, on the _____ day of _____, in the year _____.

Signature _____,
 Registrar.

*Marriages.**THIRD SCHEDULE.*

Payable to whom.	For what Duty.	Payable by whom.	Amount.
Registrar	Entering a notice of marriage at his office	Applicant	Rs. c. 0 25
Do.	Entering a notice of marriage at any other place	do.	2 50°
Do.	Issuing certificate of marriage ...	do.	0 25
Do.	For every marriage solemnized in his office	Parties to marriage	1 50
Do.	For every marriage solemnized outside his office under section 36 (1)	do.	5 0°
Do.	For every marriage solemnized outside his office under section 36 (2)	do.	20 0°
Do.	For searching a register of marriage extending over a year or less	Applicant	1 0
Do.	For searching a register of marriage extending over a year, for every additional year	do.	0 50
Do.	For every certified copy or extract of marriage, including certified copy under section 26 (3)	do.	0 50

* And an additional fifty cents a mile for every mile going and returning from and to his residence to and from such place.

Passed in Council the Tenth day of July, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Tenth day of July, One thousand Eight hundred and Ninety-five.

E. NOEL WALKER,
Colonial Secretary.

*Wharf and Warehouse.***No. 3 of 1895.***revised 1890*

An Ordinance to continue in force "The Wharf and Warehouse Ordinance, 1876."

A. E. HAVELOCK.

WHEREAS the Ordinance No. 10 of 1876, intituled "An Ordinance to repeal 'The Wharf and Warehouse Ordinance, 1865,' and to make further provision for the establishment in Colombo and regulation of a Company to perform the duties of Wharfingers and Warehousemen," as amended by Ordinance No. 8 of 1890, will expire at the end of the present session of the Legislative Council, and it is expedient to further continue the first-mentioned Ordinance for the period hereinafter mentioned: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 The Ordinance No. 10 of 1876 as amended by Ordinance No. 8 of 1890 shall remain and continue in force until December 31, 1899.

Ordinance
No. 10 of 1876
continued.

Passed in Council the Tenth day of July, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Tenth day of July, One thousand Eight hundred and Ninety-five.

E. NOEL WALKER,
Colonial Secretary.

*Sales of Immovable Property.***No. 4 of 1895.**

An Ordinance relating to the publication of intended sales or other alienations of Immovable Property affected by the "Thesavalamai" of the Northern Province of Ceylon.

A. E. HAVELOCK.

WHEREAS it is expedient to repeal the provision for the publication of sales and other alienations of immovable property situated in those parts of the Northern Province to which the *Thesavalamai* applies: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 From and after the date on which this Ordinance comes into operation, so much of the *Thesavalamai* prevailing in certain parts of the Northern Province as requires publication and schedule of intended sales or other alienations of immovable property, and the whole of the Ordinance No. 1 of 1842, entitled "To make certain Regulations respecting the granting of Schedules on execution of deeds affecting land in the Northern Province," shall be repealed.

Provided that such repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred, nor anything duly done or suffered under the said Ordinance, nor any penalty, forfeiture, or punishment incurred in respect of any omission, or neglect, or delay, or illegal demand under the said Ordinance, nor any legal proceedings or remedy in respect of any such right, liability, obligation, penalty, forfeiture, or punishment as aforesaid.

Passed in Council the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

E. NOEL WALKER,
Colonial Secretary.

Preamble.

Repeal of so much of the *Thesavalamai* as requires publication and schedule of sales of immovable property, and repeal of Ordinance No. 1 of 1842.

Proviso.

*Electricity.***No. 5 of 1895.**

An Ordinance to provide for the protection of Person and Property from the risks incidental to the supply and use of Electricity for lighting and other purposes.

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to control the supply and use of electricity for lighting and other purposes, and to provide for the protection of persons and property from the risks incidental to such supply and use: 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 called "The Electricity Ordinance, 1895."

2 This Ordinance shall come into operation on such day as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

Definitions.

3 In this Ordinance, unless there is something repugnant in the subject or context—

- (a) "Electricity" includes galvanism, magnetism, magneto-electricity, and electro-magnetism;
- (b) "Purpose" includes any purpose except the transmission of a message; and
- (c) "Vessel" includes anything used for the conveyance by water of human beings or of property.

Notice of intention to supply or use electricity.

4 In either of the following cases, namely:

- (a) If a person intends to undertake the business of supplying electricity; or
- (b) If a person intends to use electricity for any public purpose, or in any public place, or in any place where there is likelihood of the public being affected, or in a place in which fifty or more persons are likely to be assembled;

the person shall, one week at least before commencing the supply or use, give notice of his intention to the government agent of the province.

The Governor empowered to make rules.

5 The Governor, with the advice of the Executive Council, may from time to time make such rules as he thinks expedient—

- (a) For the protection of person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the generation or supply of electricity;

Electricity.

- (b) For preventing telegraph lines from being injuriously affected by any of those appliances or apparatus ; and
- (c) For authorizing the government agent, postmaster-general, or superintendent of police, or any person specially authorized by such officers, to enter, inspect, and examine any place, carriage, or vessel in which the officer has reason to believe any such appliances or apparatus to be ;

and such rules from time to time to add to, amend, alter, and repeal.

All such rules when made, added to, amended, altered, or repealed shall be published in the *Government Gazette*, and upon such publication they shall be deemed to be within the powers conferred by this section on the Governor, acting with the advice of the Executive Council, and shall be as legal, valid, and effectual as if the same had been enacted herein.

6 If a person undertakes the business of supplying electricity, or uses electricity for any such purpose, or in any such place as is referred to in section 4, without giving the notice required by that section, or infringes any rules under section 5, or obstructs an officer in the exercise of his authority under any such rule to enter, inspect, and examine any place, carriage, or vessel, he shall be punished with fine which may extend to five hundred rupees, and, if he continues so to supply or use electricity, or infringe the rule, or obstruct the officer after notice in writing to desist from so doing has been given to him by the police magistrate, or in a provincial town by the superintendent of police, he shall be further punished with fine which may extend to one hundred rupees for every day during which such supply, use, infringement, or obstruction continues.

Penalties.

7 The Governor, with the advice of the Executive Council, may, for the placing of appliances and apparatus for the supply of electricity for any purpose of the Government, confer upon any public officer any of the powers which the telegraph authority possesses with respect to the placing of telegraph lines and posts for the purpose of a telegraph established or maintained by the Government or to be so established or maintained.

The Governor may confer powers of telegraph authority upon any public officer for placing appliances for supply of electricity.

Passed in Council the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

E. NOEL WALKER,
Colonial Secretary.

Naval and Military Uniforms.

No. 6 of 1895.

An Ordinance to regulate and restrict the wearing of Naval and Military Uniforms.

A. E. HAVELOCK.

Preamble.

WHEREAS it is expedient to regulate and restrict the wearing of naval and military uniforms: 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 for all purposes as "The Uniform Ordinance, 1895."

Military uniforms not to be worn without authority.

2 (1) It shall not be lawful for any person not serving in Her Majesty's military forces to wear, without Her Majesty's permission, the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform : Provided that this enactment shall not prevent any persons from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorized for the public performance of stage plays, or in the course of a circus performance, or in the course of any *bonâ fide* military representation.

Proviso.

Penalty.

(2) If any person contravenes this section he shall be liable on conviction to a fine not exceeding fifty rupees.

Uniform of naval or military forces not to be brought into contempt.

3 If any person not serving in Her Majesty's naval or military forces wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on conviction to a fine not exceeding one hundred rupees, or to simple imprisonment for a term not exceeding one month, or to both.

Definition.

4 In this Ordinance—

The expression "Her Majesty's military forces" means the regular forces, the reserve forces, and the auxiliary forces within the meaning of the Army Act, other than the naval coast volunteers and naval volunteers.

The expression "Her Majesty's naval forces" means the navy, the naval coast volunteers, and the naval volunteers.

Ceylon Savings Bank.

5 This Ordinance shall come into operation on such day as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

Commencement.

Passed in Council the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

E. NOEL WALKER,
Colonial Secretary.

No. 7 of 1895.

An Ordinance to amend Ordinance No. 12 of 1859, intituled
"The Ceylon Savings Bank Ordinance, 1859."

A. E. HAVELOCK.

WHEREAS it is expedient to amend "The Ceylon Savings Bank Ordinance, 1859," hereinafter referred to as 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:

Preamble.

1 This Ordinance shall be construed and read as one with the Ordinances No. 12 of 1859 and No. 12 of 1892, and shall come into operation on such day as the Governor shall appoint by Proclamation in the *Government Gazette*.

To be read with Ordinances No. 12 of 1859 and No. 12 of 1892.

Commencement.

2 This Ordinance, Ordinance No. 12 of 1859, and Ordinance No. 12 of 1892 may be cited together as "The Savings Bank Ordinances, 1859, 1892, and 1895."

Short title.

3 Section 11 of Ordinance No. 12 of 1892 is hereby repealed. Provided, however, that such repeal shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under the provisions of the section hereby repealed, or any legal proceedings or remedy in respect of such right, privilege, or obligation as aforesaid.

Repeal.

4 To section 10 of the principal Ordinance the following shall be added, namely:

Section 10 amended.

And may from time to time order the Treasurer to advance to the secretary out of the said fund such sums of money as the Governor shall determine for the current purposes of the bank.

Kandy Waterworks Loan.

Investment of
deposits.

5 For section 23 of the principal Ordinance the following shall be substituted, namely :

The several sums which shall from time to time be deposited in the bank shall be invested by the Treasurer, with the concurrence of the directors, on the mortgage of immovable property in this island, or in such Government securities of the United Kingdom of Great Britain and Ireland, or of India, or of this island, or of any British colony, as may be approved by the Governor, and the Treasurer is hereby empowered, with the concurrence of the directors, from time to time to sell, realize, or otherwise dispose of any investments or securities made by him under the provisions of this section.

Provided, however, that in the event of the investment of any money in Great Britain, the same shall be made in the names of the Crown Agents for the time being and in the name of Her Majesty's permanent Under Secretary of State for the Colonies, who are hereby empowered from time to time to sell or otherwise dispose of such securities.

Provided also that should any moneys remain in the hands of the Treasurer over and above the principal of the moneys deposited in the said bank, the same may, until so invested as aforesaid, be deposited at interest by the Treasurer, with the concurrence of the directors, in any bank, approved of by the Governor, carrying on business in this island.

Passed in Council the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-third day of October, One thousand Eight hundred and Ninety-five.

E. NOEL WALKER,
Colonial Secretary.

No. 8 of 1895.

An Ordinance to repeal the Ordinance No. 29 of 1884, and to amend "The Kandy Waterworks Loan Ordinance, 1884."

E. NOEL WALKER.

Preamble.

WHEREAS it is expedient to repeal the Ordinance No. 29 of 1884, intituled "An Ordinance to amend 'The Kandy Waterworks Loan Ordinance, 1884,'" and to amend the "The Kandy Waterworks Loan Ordinance, 1884": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Kandy Waterworks Loan.

1 This Ordinance may be cited for all purposes as "The Kandy Waterworks Loan Amendment Ordinance, 1895," and shall come into operation on the First day of January, 1896.

Short title.
Date of operation.

2 "The Kandy Waterworks Loan Ordinance, 1884," is hereinafter referred to as "the principal Ordinance," and the principal Ordinance and this Ordinance may be cited for all purposes as "The Kandy Waterworks Loan Ordinances, 1884 and 1895," and this Ordinance shall be construed as one with the principal Ordinance; and the expression "this Ordinance" in the principal Ordinance, and any expression referring to the principal Ordinance which occurs in any Ordinance or other document, shall be construed to mean the principal Ordinance as amended by this Ordinance.

Ordinance to be construed as one with Ordinance No. 18 of 1884.

3 Ordinance No. 29 of 1884 is hereby repealed: Provided that this repeal shall not affect—

Repeal of Ordinance No. 29 of 1884.

- (1) The past operation of the said Ordinance, nor anything duly done or effected under it;
- (2) Nor any right, privilege, obligation, or liability acquired, accrued, or incurred under the said Ordinance;
- (3) Nor any legal proceeding or remedy in respect of such right, privilege, obligation, or liability as aforesaid.

4 For section 5 of the principal Ordinance there shall be substituted the following section:

Amendment of section 5 of principal Ordinance.

For the purpose of liquidating the principal and interest on the loan advanced to the municipality of Kandy, under the powers contained in the 4th section of this Ordinance, the said municipality is hereby authorized and empowered to impose and enforce a water-rate on all householders who own or occupy a house within the limits of the municipality of Kandy as set forth and defined in the schedule hereto.

Municipality of Kandy authorized to impose water-rate for paying off loan.

5 For section 6 of the principal Ordinance there shall be substituted the following section:

Amendment of section 6 of principal Ordinance.

Such water-rate shall be leviable upon every house whatsoever within the limits of the municipality of Kandy as set forth and defined in the schedule hereto, whether inhabited or not, and whether supplied with water from the municipal waterworks or not; and each house shall be assessed at the value fixed for the payment of police tax thereon.

Rate to be levied on houses within municipality

6 For section 7 of the principal Ordinance there shall be substituted the following section:

Amendment of section 7 of principal Ordinance.

Such water-rate shall be payable on the first day of each quarter in respect of the water to be supplied during the three months next ensuing, and shall be a first charge upon every house within the limits of the municipality

Rate to be a first charge on house property, and to be paid quarterly in advance.

Oaths and Affirmations.

of Kandy as set forth and defined in the schedule hereto, and shall take precedence over every mortgage, hypothecation, or encumbrance thereon whatsoever: Provided always that on each occasion that a claim for arrears is made in respect of any one house, such first charge and hypothecation be and it is hereby limited to not more than twelve months' arrears of water-rate.

Schedule added
to principal
Ordinance.

7 There shall be added to the principal Ordinance the following schedule :

SCHEDULE.

North-east.—A straight line from the first milepost on the Katugastota road to the municipal limits at the end of Malabar street near the first milestone.

East.—The limits of the municipality as fixed by the Proclamation of March 27, 1877.

South.—The limits of the municipality as fixed by the Proclamation of March 27, 1877, up to the crossing over the railway of the path to Falmouth Lodge (now known as "Wilhelm's Ruhe").

West.—From the said railway crossing along the said path up to the Pérádeniya road, and thence in a straight line to the gap near the boundary of the Primrose Hill estate on the Haloluwa road.

North-west.—A straight line from the gap on the Haloluwa road to the western redoubt, and thence to the first milestone on the Katugastota road.

Passed in Council the Thirtieth day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of November, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

No. 9 of 1895.

An Ordinance to consolidate the Law relating to Oaths and Affirmations in Judicial Proceedings and for other purposes.

E. NOEL WALKER.

Preamble.

WHEREAS it is expedient to consolidate the law relating to oaths and affirmations in judicial proceedings and for other purposes: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

Commencement.

1 This Ordinance may be cited as "The Oaths Ordinance, 1895"; and it shall come into operation at such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

Oaths and Affirmations.

2 From and after the coming into operation of this Ordinance, Ordinance No. 3 of 1842, intituled "For the substitution of Solemn Affirmation in lieu of Oaths in certain cases," shall be repealed.

Repeal.

3 Nothing herein contained applies to proceedings before courts martial.

Saving of certain proceedings.

4 All courts and persons having by law or consent of parties authority to receive evidence are authorized to administer by themselves, or by an officer empowered by them in this behalf, oaths and affirmations in discharge of the duties or in exercise of the powers conferred upon them respectively by law.

Authority to administer oaths.

5 (1) Subject to the provisions of the next following section, oaths shall be made by the following persons :

Oaths to be made by witnesses.

(a) All witnesses, that is to say, all persons who may be lawfully examined, or give or be required to give evidence by or before any court or person having by law or consent of parties authority to examine such persons, or to receive evidence ;

(b) Interpreters of questions put to, and evidence given by, witnesses ; and

(c) Jurors.

(2) Nothing herein contained shall render it necessary to administer to the official interpreter of any court, after he has entered on the execution of the duties of his office, an oath that he will faithfully discharge those duties.

6 Where the person required by law to make an oath—

Exemptions.

(a) Not being a Christian, is a Buddhist, Hindu, or Muhammadan, or of some other religion according to which oaths are not of binding force ; or

(b) Has a conscientious objection to making an oath ; he may, instead of making an oath, make an affirmation.

7 All oaths and affirmations made under either of the two last preceding sections or for any other purpose shall be administered according to such forms and with such formalities as may be from time to time prescribed by rules made under section 53 of "The Courts Ordinance, 1889," and until such rules are made according to the forms and with the formalities now in use.

Forms of oaths and affirmations.

8 If any party to or witness in any judicial proceeding offers to give evidence on oath or solemn affirmation in any form common amongst, or held binding by, persons of the race or persuasion to which he belongs, and not repugnant to justice or decency, and not purporting to affect any third person, the court may, if it thinks fit, notwithstanding anything hereinbefore contained, cause such oath or affirmation to be tendered to him.

Power of court to tender certain oaths.

Oaths and Affirmations.

Court may ask party or witness whether he will make oath proposed by opposite party.

466

Administration of oath if accepted.

Evidence conclusive against party offering to be bound.

Procedure in a case of refusal.

Proceedings and evidence not to be invalidated by omission of oath or irregularity.

Persons giving evidence bound to state the truth.

Summary punishment for perjury in open court.

9 (1) If any party to any judicial proceeding of a civil nature offers to be bound by any such oath or solemn affirmation as is mentioned in the last preceding section, if such oath or affirmation is made by the other party to or by any witness in such proceeding, or if in any judicial proceeding of a criminal nature the accused person desires that any witness for the prosecution shall make any such oath or affirmation, the court may, if it thinks fit, ask such party or witness, or cause him to be asked, whether or not he will make the oath or affirmation.

(2) If such party or witness agrees to make such oath or affirmation, the court may administer it, or, if more convenient, may authorize any person to administer it, and to take and record in writing the evidence of the person to be sworn or affirmed and return it to the court.

(3) The evidence so given shall, as against the person who offered to be bound as aforesaid, be conclusive proof of the matter stated.

(4) If the party or witness refuse to make such oath or solemn affirmation, he shall not be compelled to make it, but the court shall record as part of the proceedings the nature of the oath or affirmation proposed, the facts that he was asked whether he would make it and that he refused it, together with any reason which he may assign for his refusal.

10 No omission to take any oath or make any affirmation, no substitution of any one for any other of them, and no irregularity whatever in the form in which any one of them is administered, shall invalidate any proceeding or render inadmissible any evidence whatever in or in respect of which such omission, substitution, or irregularity took place, or shall affect the obligation of a witness to state the truth.

11 Every person giving evidence on any subject before any court or person hereby authorized to administer oaths and affirmations shall be bound to state the truth on such subject.

12 (1) If any person giving evidence on any subject in open court in any judicial proceeding, whether civil or criminal, gives, in the opinion of the court before which the judicial proceeding is held, false evidence within the meaning of section 188 of "The Ceylon Penal Code," it shall be lawful for the court, if such court be the Supreme Court, summarily to sentence such witness as for a contempt of the court to imprisonment, either simple or rigorous, for any period not exceeding three months, or to fine such witness in any sum not exceeding two hundred rupees, or if such court be an inferior court, to order such witness to pay a fine not exceeding fifty rupees, and in default of payment of such fine to undergo rigorous imprisonment for any period not exceeding two months. Whenever the power given by

Chamber of Commerce.

this section is exercised by a court other than the Supreme Court, the judge or magistrate of such court shall record the reasons for imposing such fine.

(2) Any person who has undergone any sentence of imprisonment or paid any fine imposed under this section shall not be liable to be punished again for the same offence.

(3) Any person against whom any order is made by any court other than the Supreme Court, under sub-section (1) of this section, may appeal to the Supreme Court, and every such appeal shall be subject to the provisions of section 407 of "The Criminal Procedure Code, 1883."

(4) In lieu of exercising the power given by this section, the court may, if it thinks fit, transmit the record of the judicial proceeding to the Attorney-General, to enable him to exercise the powers conferred on him by "The Criminal Procedure Code, 1883," or proceed in manner provided by section 443 of "The Criminal Procedure Code, 1883," or by section 835 of "The Civil Procedure Code, 1889."

(5) Nothing in this section contained shall be construed as derogating from or limiting the powers and jurisdiction of the Supreme Court or the judges thereof.

Passed in Council the Thirtieth day of October, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of November, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

No. 10 of 1895.

An Ordinance to incorporate the Ceylon Chamber of Commerce.

E. NOEL WALKER.

WHEREAS an association of merchants called and known as "The Ceylon Chamber of Commerce" has heretofore been established at Colombo for the purpose of effectually carrying out and transacting all matters connected with the said chamber according to the rules agreed to by its members :

Preamble.

And whereas the said association has heretofore successfully carried out and transacted the several objects and matters for which it was established, and has applied to be incorporated, and it will be for the public advantage to grant the application :

Chamber of Commerce.

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Incorporation of Chamber of Commerce.

1 From and after the passing of this Ordinance the present chairman, vice-chairman, and members of the committee of the said Chamber of Commerce, and such and so many persons as now are members of the said Chamber of Commerce or shall hereafter be admitted members of the corporation hereby constituted, whose names shall be inscribed in the register mentioned in section 4, shall be and become a corporation with liability limited in manner provided in section 12, with continuance for ever, under the style and name of "The Ceylon Chamber of Commerce," and by that name shall and may sue and be sued in all courts, with full power and authority to have and use a common seal and to change and alter the same at their pleasure.

General objects of the corporation.

2 The general objects for which the corporation is constituted are hereby declared to be to promote, foster, and protect the commerce of Ceylon, by collecting and classifying all information bearing on its wants and interests, and obtaining by every means in its power the redress of acknowledged grievances and the removal of pernicious restrictions; to decide differences on matters of local custom and usage, and to form a court of reconciliation and of arbitration to parties willing to abide by its decisions; to communicate with the public authorities, with similar associations in other places, and with individuals on matters of trade; and, finally, by recording its proceedings and decisions, to form a code of practice by which the transactions of business may be simplified and facilitated.

Board of directors.

3 (1) The affairs of the corporation shall, subject to the rules for the time being of the corporation as hereinafter provided, be administered by a board of directors consisting of the chairman and vice-chairman respectively of the corporation and five members of the corporation, to be elected respectively in accordance with the rules for the time being of the corporation.

(2) All members of the corporation shall be subject to the rules for the time being of the corporation.

(3) The first board of directors shall be Frank Mitchell Mackwood, William Henry Figg, the Hon. William Wilson Mitchell, C.M.G., Adalbert Theodor Schulze, Percy Bois, Garlich William Suhren, and Edward Booth, being respectively the present chairman, vice-chairman, and members of the committee of the said chamber.

The register.

4 (1) The board of directors shall cause a register to be kept, in which every person who at the date of the passing of this Ordinance is a member of the said association, and every person thereafter duly admitted a member of the corporation hereby constituted shall have his name inscribed.

Chamber of Commerce.

- (2) The register shall contain the following particulars :
- (a) The name, address, and occupation of each member.
 - (b) The date at which the name of any person was inscribed in the register as a member.
 - (c) The date at which any person ceased to be a member.

5 It shall be lawful for the corporation from time to time, at any general meeting of the members, and by a majority of votes, to make rules for the admission, withdrawal, or expulsion of members ; for the imposition of fines and forfeitures for breaches of rules ; for the conduct of the duties of the board of directors and of the various officers, agents, and servants of the corporation ; for the procedure in the transaction of business ; and otherwise generally for the management of the affairs of the corporation and the accomplishment of its objects. Such rules when made may, at a like meeting, be altered, added to, amended, or cancelled, subject, however, to the requirements of section 7.

Power to make rules.

6 Subject to the provisions in the preceding section contained, the rules set forth in the schedule hereto shall for all purposes be the rules of the corporation. Provided, however, that nothing in this section contained shall be held or construed to prevent the corporation at all times hereafter from making fresh rules, or from altering, amending, adding to, or cancelling any of the rules in the schedule hereto or to be hereafter made by the corporation.

The rules in schedule to be the rules of the corporation.

7 No rule in the schedule hereto, nor any rule hereafter passed at a general meeting, and no decision come to by the corporation in general meeting, shall be altered, added to, amended, or cancelled, except by a majority of the members present and voting at any subsequent general meeting.

Amendment of rules.

8 On the coming into operation of this Ordinance all and every the property belonging to the said Chamber of Commerce, whether held in the name of the said Chamber of Commerce or in the name or names of any person or persons in trust for the said Chamber of Commerce, shall be and the same are hereby vested in the corporation hereby constituted, and the same, together with all after-acquired property, movable and immovable, and all subscriptions, contributions, donations, fines, amounts of loans and advances received or to be received, shall be held by the said corporation for the purposes of this Ordinance and subject to the rules for the time being of the said corporation.

Property vested in corporation.

9 All debts and liabilities of the said Chamber of Commerce existing at the time of the coming into operation of this Ordinance shall be paid by the corporation hereby constituted, and all debts due to, and subscriptions, contributions, and fines payable to the said Chamber of Commerce shall be paid to the said corporation for the purposes of this Ordinance.

Debts due by and payable to the corporation.

Chamber of Commerce.

The seal of the corporation to be affixed.

10 The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of two of the members of the board of directors, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Corporation may hold property, movable and immovable.

11 The corporation shall be able and capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition, or otherwise, and all such property shall be held by the corporation for the purposes of this Ordinance and subject to the rules for the time being of the said corporation, with the full power to sell, mortgage, lease, exchange, or otherwise dispose of the same.

Limit of liability of members.

12 The liability of each member of the corporation under this Ordinance shall be limited to the transactions of the corporation which shall have occurred during the period his membership has lasted or may last, and to the sum of one hundred and fifty rupees over and above such annual subscription or subscriptions as may be due from such member to the corporation. Provided, however, that such limitation of liability shall be exclusive of any contribution that such member may be called upon to make under the rules of the corporation to meet any deficit in the annual expenses of the corporation.

Short title.

13 This Ordinance may be cited for all purposes as "The Chamber of Commerce Ordinance, 1895."

SCHEDULE.

1. That this corporation be styled "The Ceylon Chamber of Commerce."

2. All firms and persons engaged in the general trade of Ceylon and willing to aid in carrying into effect the objects of the corporation shall be admissible as members.

3. Every person or firm desirous of joining the corporation shall be proposed by one member, seconded by another, and shall be balloted for by the whole corporation in the following manner :

Within one week from the receipt of the proposal the secretary shall send in a closed envelope to each member of the corporation a slip of paper, on which shall appear the name and profession of the candidate, and the names of his proposer and seconder, with spaces for recording the vote for or against. These slips shall be returned to the secretary in closed envelopes within one week, and shall be opened by the board of directors at their next meeting thereafter. One adverse vote in five to exclude.

4. The corporation reserves to itself the right to expel any member in case of need, to be decided at a general meeting on ten days' previous notice, by a majority of three-fourths of the members present.

5. The board shall appoint one of their number as treasurer to receive fees, subscriptions, and fines, and to make such payments as shall be authorized by the board.

Chamber of Commerce.

6. The treasurer shall receive and keep accounts of all the moneys and funds belonging to the corporation, and shall pay all claims, loans, advances, and expenses authorized by the board of directors. He shall also prepare and submit quarterly to the said board an account of the transactions of the corporation.

7. The board shall meet for the despatch of business once a week or oftener as occasion may require, when summoned by the chairman or on the requisition of two members of the board. The business to be brought before them in each of such latter cases shall be intimated in the notice convening such meeting. Two members of the board, exclusive of the secretary, to form a quorum.

8. All questions before the board shall be decided by a majority, the chairman having the deciding or casting vote; and in all cases where three of the board dissent, they shall have the privilege of referring the question to the decision of the Chamber of Commerce at a general meeting.

9. The board shall have the power of disposing of all matters not specially referred to a general meeting.

10. On the death or absence for more than two months from the colony of any of the members of the board of directors, or in the event of such member ceasing to be a member of the corporation, it shall be lawful for the remaining members of the board to elect any member of the corporation as his successor; and the member so elected shall continue in office until the half-yearly general meeting of the corporation next following his election.

11. It shall be lawful for the corporation, by resolution passed at any general meeting, to remunerate the services of any member or members of the board of directors, and from time to time to fix the amount of such remuneration, and to require such security from such member or members so remunerated as may be deemed sufficient.

12. A secretary shall be appointed annually by a general meeting to take charge of the correspondence and records of the corporation, and perform such other duties as the board may direct. The secretary shall be entitled to draw such salary as may be fixed upon from time to time by a general meeting.

13. The secretary, upon the request of the board of directors, or upon the written requisition of six or more members of the corporation, shall call a general meeting. Such general meeting shall be held within ten days after the receipt of such requisition.

14. No general meeting shall be held unless a quorum consisting of one-third of the members resident in Colombo be present, and unless at least ten days' notice specifying the time and place of such meeting and the purpose for which it is to be held has been given to the members of the corporation, by posting such notice to the address of each member; and no business shall be brought before or transacted at such meeting other than the business specified in such notice, or the business of which any member desirous of bringing forward by motion shall have entered a notice of the same in a book to be kept for the purpose at least seven days before the date of such meeting.

15. A general meeting of the members of the corporation shall be held half-yearly during the months of January and July in each year, or as soon thereafter as may be convenient in view of the business to be prepared. At every half-yearly meeting the minutes of the proceedings of the board and an account of receipts and disbursements during the previous half-year, prepared by the treasurer and duly audited, shall be submitted to the said corporation.

16. The election of the chairman and vice-chairman shall take place at the general meetings held pursuant to rule No. 15, at which time also two directors shall be elected to serve on the board in the place of two directors who shall retire by rotation. The chairman, vice-chairman, and directors may be elected for twelve or six months as may be decided by the general meeting. Should it become necessary to

Chamber of Commerce.

appoint a chairman or vice-chairman at any other time, a special general meeting shall be called for the purpose.

17. Members whose place of business is beyond the municipal limits of Colombo may vote at general meetings of the chamber on any question by proxy, such proxy to be given only to a member of the corporation.

18. A half-yearly report prepared by the secretary shall be printed and circulated for the information of members.

19. The board shall determine what may be published and what not in connection with the proceedings of the corporation.

20. No books, papers, or documents of any kind whatever shall be removed from the offices of the corporation without the sanction of the secretary, or, in his absence, of the chairman or of a member of the board.

21. The minute books of the corporation and the other documents connected with the meetings shall be kept under lock and key in charge of the clerk, to whom application must be made by members of the corporation who wish to inspect them.

22. The result of the discussions of the board according to the minutes shall be considered public ; all other statements confidential.

23. No information shall be given to non-members, except by or with the sanction of the chairman, secretary, or a member of the board.

Funds of the Corporation.

24. To provide a suitable establishment and to defray current expenses a fund shall be raised by entrance and other fees, quarterly subscriptions, and fines, and also by the rents and annual income of the property of the corporation.

25. The entrance fee for each member or firm shall be fixed at seventy-five rupees, and the quarterly subscription for all members at eighteen rupees and seventy-five cents, payable in advance, to be collected by the treasurer and carried to the general funds of the corporation, with the amount of such fines and fees as shall hereafter be provided.

26. One subscription for any one firm shall be sufficient, and shall afford admission to the rooms of the chamber to all members of that firm, whether partners or representatives ; but where only one entrance fee and subscription has been paid by a firm, such firm shall be entitled to only one vote. Provided that when there is a change in the style of a firm, such firm shall be required to be proposed again as members, and shall, if required to do so by the directors at their discretion, pay a new entrance fee.

Duties of Members.

27. No vote shall be allowed to a member whose subscription has been in arrear for three months.

28. Any firm or person suspending payment shall thereupon cease to be a member of the corporation.

29. Any member of the corporation may resign his membership on giving to the secretary of the corporation a notice in writing to that effect ; but if such notice be not received before January 1 of any year, such member shall be liable for the subscription for that year, and for such further liability as may accrue under clause 12 of "The Chamber of Commerce Ordinance, 1895." Any member of the corporation whose subscription shall be six months in arrear shall cease to be a member, and his name shall be removed by the board of directors from the list of members after one month's notice of such default.

30. It shall be imperative on members to serve on the board when elected, subject to a fine on refusal equal to the amount of the yearly subscription ; and any member not attending the board when duly

Chamber of Commerce.

summoned shall be fined five rupees, unless in either case reasons be assigned to the satisfaction of the other members of the board; and any member of the board failing to attend four times consecutively shall be reported to the next general meeting, in view of appointing a more willing member instead. Provided, however, that a member having served on the board for a period of twelve months consecutively shall not be compelled to serve again until after the lapse of one year.

31. No two members of the same firm shall be eligible to be elected as directors of the board at one and the same time.

32. Any person holding a power of procuracy from any firm (such firm being a member of the corporation) shall be eligible to serve as a member of the board.

Powers of Directors.

33. The board of directors shall have power to purchase and (or) take on lease any lands or buildings for and on behalf of the corporation, at or for such price or prices, and (or) for such rent or rents, and under such title and upon such terms and conditions as the board shall think fit and proper, and also to erect and construct any building or buildings on any land or lands purchased or to be purchased as aforesaid. They shall also have power, with the consent of the majority of the members of the corporation present in person or by proxy at any general meeting, to sell the whole or any part or parts of the property of the corporation, whether movable or immovable.

34. The board of directors shall also have power to lease any lands or buildings or any parts or portions thereof respectively belonging to the corporation, for such periods, and at such rents, and upon such terms and conditions as they shall think fit and proper.

35. The board of directors shall pay out of the funds of the corporation all costs and expenses paid or incurred in and about the incorporation of the said Chamber of Commerce, the purchase and erection of the said lands and buildings, and otherwise in or about the working and business of the corporation.

36. The board shall have power to make, and may make, rules or regulations for the management of the property of the corporation; and for that purpose and for the administration of the affairs and business of the corporation the board may appoint officers, clerks, and servants, with such remuneration and at such salaries as they may consider advisable, and may pay the expenses occasioned thereby, as well as the current expenses for periodicals, house rent, or otherwise, out of the funds of the corporation; and should such expenses exceed the amount of the annual income of the corporation, the deficit shall be borne by the members of the corporation in equal proportions. Provided that the contribution of each member towards such deficit shall not exceed the sum of one hundred rupees in any one year, every such contribution being exclusive of the liability of each member of the corporation under section 12 of Ordinance No. 10 of 1895. The board may also from time to time remove or suspend all or any of the officers (save and except the secretary), clerks, or servants for such reasons as they may think proper and advisable and without assigning any cause. Provided that the said board shall not exercise any powers which are by Ordinance No. 10 of 1895, or by any rule or rules for the time being of the corporation declared to be exercisable by the corporation in general meeting.

37. The board shall also have power to open from time to time on behalf of the corporation any account or accounts with such bank or banks as they may select or appoint, and also by such signatures as they shall appoint to draw, accept, make, endorse, sign, and enter into cheques, bills of exchange, promissory notes, bonds, mortgages, appointments to any proctor or proctors, contracts, or agreements on behalf and for the

Chamber of Commerce.

purposes of the corporation. They shall also have power to place the whole or any part of the funds of the corporation in fixed deposit in one or more of the local banks, or to invest the same in Ceylon or Indian Government securities or securities of the Government of the United Kingdom, or by way of loan or loans to any public company or public companies registered in Ceylon as they may think fit.

38. The board of directors shall exercise in the name and on behalf of the corporation all such powers of the corporation as are not expressly required to be exercised by the corporation in general meeting.

39. The board of directors shall have power to place the rooms of the corporation at the disposal of other meetings, or to hire them for the purpose of public sales at times when they are not required for the use of the corporation.

40. The board of directors shall have power from time to time, at their discretion, to borrow money for the purposes of the corporation, to such extent, in such manner, and upon such terms and conditions as they may think fit, and for such purposes to grant bonds, promissory notes, bills, debentures, interest warrants, bonds for cash credit, trust deeds or other documents, to issue letters of credit, and to grant mortgages or other deeds or instruments of security over all or any of the lands, buildings, and property and assets of the corporation.

41. In furtherance and not in limitation of and without prejudice to the general powers conferred by these rules, it is hereby expressly declared that the board of directors shall have the powers following, that is to say :

- (a) To institute, conduct, defend, compromise, settle, or abandon any legal proceedings on behalf of the corporation, and also to compound and allow time for payment or satisfaction of any debts due to or from the corporation, and any claims or demands by or against the corporation.
- (b) To refer any claims or demands by or against the corporation to arbitration, and observe and perform the awards.
- (c) To make and give receipts, releases, and other discharges for money payable to the corporation and for claims and demands by the corporation.
- (d) To act on behalf of the corporation in all matters relating to bankrupts and insolvents.

42. A resolution of the board in writing signed by all the directors shall be as valid and effectual as if it had been passed at a meeting of the directors duly called and constituted.

Meetings.

43. The chairman, or in his absence the vice-chairman, shall preside over the meetings of the board of directors ; but if the chairman or vice-chairman be not present at the time appointed for holding the same, the directors present shall choose some one of their number to be chairman of such meeting.

44. All acts done by any meeting of the board of directors or by any person acting as director shall, notwithstanding that it be afterwards discovered that there was some defect in the appointment of any such director or person acting as aforesaid on that day, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

45. The board shall cause minutes to be made in a book or books to be provided for and used solely for that purpose—

- (1) Of all appointments of officers made by directors ;
- (2) Of all the names of directors present at each meeting of the directors ;

Chamber of Commerce.

- (3) Of all orders made by the directors ; and
 (4) Of all resolutions and proceedings of meetings of the corporation and of the directors.

And any such minute as aforesaid, if signed by any person purporting to be the chairman of any meeting of the board, shall be receivable in evidence without any further proof.

46. In the absence of the chairman the vice-chairman shall preside over the general meetings ; and if the chairman and vice-chairman be both absent, the members present shall choose one of their number to be chairman of such meeting.

47. The chairman may, with the consent of the meeting, adjourn any meeting from time to time and from place to place, but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place. At any general meeting, unless a poll is demanded by at least two members, a declaration by the chairman that a resolution has been carried and an entry to that effect in the book of proceedings of the corporation shall be sufficient evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against such resolution.

48. If a poll is demanded the same shall be taken in such manner as the chairman directs, and the result of such poll shall be deemed to be the resolution of the corporation in general meeting. In case of an equality of votes at any meeting of the corporation the chairman of the meeting shall have a casting vote.

Miscellaneous.

49. The tonnage scale of Ceylon shall be that detailed in appendix A.

50. The rate of exchange at which freight "payable in sterling," or its equivalent in Ceylon at the "rate of exchange of the day," or "as customary," shall be payable is the currency equivalent at the bank selling rate for a demand draft on London on the date of payment of freight.

51. In all cases of reference submitted to the board of directors for their decision the board is empowered to determine the fees and the party or parties by whom the same shall be paid.

52. No reference to the board of directors shall be entertained unless the points at issue are first submitted in writing ; and it shall be entirely a matter for the decision of the board with reference to the circumstances of each case whether they receive *vis à voce* statements and verbal evidence or not.

53. The conditions of sale for articles of produce shall be those detailed in appendices B, C, D, E.

54. The rates of commission and agency charges approved by the corporation are those detailed in appendix F.

55. Arbitration awards and survey reports will be certified by the corporation on the conditions and terms indicated in appendix G.

56. The corporation may from time to time at any time hereafter, at a general meeting, cancel, alter, add to, or amend any of the appendices A, B, C, D, E, F, and G hereto as occasion may require.

57. In case any doubt or ambiguity shall arise, or any controversy shall take place among the members of the corporation or of the board of directors on the subject of the interpretation of this Ordinance, or as to the powers of the board of directors, the same shall be referred to the Attorney-General for the time being, or, should he decline to act, to such person or persons as the corporation at a general meeting, or the board of directors, as the case may be, shall determine ; and the decision of the Attorney-General or of such person or persons shall be final and conclusive.

Chamber of Commerce.

APPENDIX.

A.—Tonnage Scale. (Colombo.)

ARTICLES.	Ship.		Steamer.	
	<i>To the Ton.</i>		<i>To the Ton.</i>	
Annatto, in bags ...	16 cwt.	D	16 cwt.	D
Apparel, in boxes ...	50 ft.	D	50 ft.	D
Arecanuts, in bags ...	16 cwt.	D	16 cwt.	D
Arrack ...	210-250 gals.	D	210-250 gals.	D
Arrowroot, in bags ...	—		16 cwt.	D
Betel nuts, in bags ...	16 cwt.	D	16 cwt.	D
Cardamoms, in bags ...	12 cwt.	D	12 cwt.	D
Cardamoms, in boxes ...	50 ft.	D	50 ft.	D
Cinchona bark and chips, in bags ...	800 lb.	D	800 lb.	D
Ditto in pressed bales	50 ft.	S	50 ft.	S
Cinnamon, in bales ...	1,200 lb.	S	1,200 lb.	S
Cinnamon, in cases or machine-pressed bales ...	50 ft.	S	50 ft.	S
Cinnamon, in bags or unpressed bales	800 lb.	D	800 lb.	D
Cacao, in bags or casks ...	12 cwt.	D	14 cwt.	D
Cacao, in cases ...	50 ft.	D	50 ft.	D
Cocoonut oil, in casks ...	17 cwt.	S	14 cwt.	S
Cocoonut, desiccated, in cases ...	50 ft.	D	50 ft.	D
Coffee, in bags ...	18 cwt.	D	16 cwt.	D
Coffee, in casks ...	16 cwt.	D	14 cwt.	D
Coir, in pressed bales ...	50 ft.	S	50 ft.	S
Coir, in bundles or loose ballots, dholls	12 cwt.	D	6 cwt.	D
Coir rope, in coils ...	12 cwt.	D	8 cwt.	D
Coir yarn and fibre, screwed bales ...	50 ft.	D	50 ft.	S
Coir yarn and fibre, bundles or ballots	12 cwt.	D	6 cwt.	D
Coir, bristle fibre, in ballots ...	10 cwt.	D	10 cwt.	D
Copperah, in bags, cut ...	10 cwt.	D	12 cwt.	S
Copperah, in bags, in bulk ...	12 cwt.	D	As agreed	S
Copperah, in pressed bales ...	50 ft.	S	50 ft.	S
Cotton, in pressed bales ...	50 ft.	S	50 ft.	S
Croton seed, in bags ...	16 cwt.	D	16 cwt.	D
Cowries, in bags ...	20 cwt.	D	20 cwt.	D
Hides and skins, in pressed bales ...	50 ft.	S	50 ft.	S
Ditto loose and in small bundles	14 cwt.	D	14 cwt.	D
Horns, deer, buffalo, cow, in bundles	16 cwt.	D	16 cwt.	D
Measurement goods, in bales ...	50 ft.	S	50 ft.	S
Measurement goods, in cases ...	50 ft.	D	50 ft.	D
Myrabolams, in bags ...	16 cwt.	D	16 cwt.	D
Nux vomica ...	16 cwt.	S	16 cwt.	S
Orchilla weed, in bags or bundles ...	12 cwt.	D	12 cwt.	D
Orchilla weed, in pressed bales ...	50 ft.	S	50 ft.	S
Plumbago, in bags or barrels ...	20 cwt.	D	20 cwt.	D
Poonac or oil cake, in casks, barrels, or bags ...	17 cwt.	D	17 cwt.	D
Pepper, in bags ...	16 cwt.	D	16 cwt.	D
Palmirah fibre, in bundles or rolls ...	10 cwt.	D	10 cwt.	D
Shells, oyster, rough, in bags ...	16 cwt.	D	16 cwt.	D
Sapanwood ...	10 cwt.	D	10 cwt.	D
Tea, in chests ...	50 ft.	D	50 ft.	D
Timber, squares, planks ...	50 ft.	S	50 ft.	S
Woods, ebony, satin ...	20 cwt.	D	20 cwt.	D
All other articles not enumerated, in pressed bales ...	50 ft.	S	50 ft.	S
Ditto in cases ...	50 ft.	D	50 ft.	D

The standard ton of Colombo for ships and steamers for measurement of goods is 50 cub. ft.
 * As broken stowage. D signifies net delivered. S signifies net shipped.

*Chamber of Commerce.***B.—Conditions of Sale of Tea.**

1. The highest bidder to be the purchaser ; and any dispute that may arise to be settled by the selling broker, who is to declare the name of the bidder before the lot is knocked down.

No mistake in the bidding can be rectified after the fall of the hammer.

2. Lots to be sold by the pound. No less advance than one cent to be made on any previous bid.

3. A deposit of ten per cent. to be made, if required, at the moment the lot is knocked down, otherwise it will be put up again and re-sold immediately.

4. Payment to be made on delivery in cash, without discount, and delivery to be taken at seller's stores within three days from date of sale, Sundays and public holidays excepted.

5. Should payment not be made on or before prompt day, the seller to have the liberty, on giving notice in writing to the buyer, of re-selling the lot or lots at buyer's risk, who will be liable for all loss resulting from such re-sale.

6. All objections as to quality, description, and (or) packing must be made on or before delivery, and no objection whatever can be admitted subsequent to prompt.

7. The selling broker to open, inspect, and sample ten per cent., taken indiscriminately, of each break of tea bulked on the estate and so marked, but in no case less than three packages of each description to be inspected and sampled. Provided the samples so drawn are found similar and of equal quality, such sampling to be considered sufficient ; but should the quality be found to vary, every package to be opened and sampled.

Of teas not bulked on the estate every package to be opened and sampled. Trade samples in all cases to be drawn accordingly.

8. All teas to be paid for on sale weights, but buyers subsequently to have the privilege (on giving notice within three days from date of sale) of having the actual net weights ascertained.

To ascertain actual net weights, ten per cent. of each break, but not less than three packages, to be turned out and weighed, and the average result taken as representing the actual net weight of the tea in each package of the break.

Fractions of half a pound and under to be disregarded ; fractions over half a pound to be taken as a full pound.

Any difference between sale and actual weights to be paid or allowed for, as the case may be.

9. The tea to be at seller's risk until and inclusive of the whole of prompt day, unless previously removed from seller's stores. After prompt day tea remaining in seller's stores to be at buyer's risk.

10. Brokers purchasing to declare in writing their principals immediately after the sale, or otherwise to be held responsible as principals and obliged to pay for any teas so bought.

11. Should any dispute arise between buyer and seller in the matter of quality, description, and (or) packing, the same to be referred to arbitration.

12. That a 1-lb. allowance be made by the seller to the buyer on all single packages bought at auction.

13. All packages of tea containing more than 60 lb. to be hooped by the seller.

14. Seller shall furnish the buyer with an invoice showing the gross and net weight of each package sold. Should the gross weights of the packages differ from the invoice weights, it shall be competent to the buyer to require that the net weight of each package shall be ascertained. All costs incurred to be borne by the seller.

Chamber of Commerce.

15. Additions or alterations to the above rules may be made from time to time, as occasion arises, at a general meeting called for such purpose, of which at least a week's previous notice must be given in two of the local newspapers.

C.—Conditions of Sale of Parchment Coffee.

1. The buyer of parchment coffee, in the absence of any stipulation to the contrary, is not to be required to take delivery of what is tendered in execution of a contract unless the same is in good merchantable condition, by which is meant dried to a degree fit for keeping, not heated, free from fungus beans, and the quantity of light and pulper cut beans not to exceed 5 per cent.

2. In the case of f. o. b. contract for prepared coffee, it is understood that the seller do not guarantee either the outturn or the proportion of triage, but merely that the coffee shall be what it professes to be, the outturn of first parchment or otherwise according to the contract.

3. When a crop is sold as consisting of a certain number of bushels more or less, the estimate being a *bonâ fide* one, the seller shall not be bound to make up any deficiency in the yield.

4. When a certain number of bushels are sold as part of a crop, the seller is bound to deliver that quantity, no stipulation to the contrary having been made.

5. When a crop is sold in two or more lots, delivery to be according to date of sale, the first sold to be first delivered.

6. When the crop sold exceeds the estimate, the buyer is to have the option either of receiving or refusing the quantity in excess.

7. The delivery shall be at buyer's store.

8. The days for delivery are to be mentioned in the contract, and the coffee shall be tendered at buyer's store by 10 o'clock A.M. on any one of the days named for delivery. The buyer shall be bound to receive it and grant receipt on the same day. Should the buyer fail to receive the coffee tendered in accordance with the foregoing condition, it shall be competent to the seller to return the coffee to his store, and the buyer shall pay the cost of cart hire and loading.

9. That until paid for the coffee shall in every case be held by the buyer for account of the seller, insured against the risk of fire. On payment of the purchase-money the coffee shall vest in the buyer.

D.—Conditions of Sale of Cinchona Bark.

1. Delivery shall be at buyer's store within three days from date of contract, Sundays and public holidays excepted.

2. The buyer shall give notice to the seller of the day or days on which he is prepared to receive the bark purchased, and provided that it be tendered at buyer's store at 10 o'clock A.M. on the day or days named in the notice, buyer shall be bound to receive it and grant receipt for the quantity on the same day.

3. Should the buyer fail to receive the bark tendered in accordance with the foregoing condition, it shall be competent to the seller to return the bark to his store, and the buyer shall pay the cart hire and loading.

4. That until paid for the bark shall in every case be held by the buyer for account of the seller, insured against risk of fire. On payment of the purchase-money the bark shall vest in the buyer.

*Chamber of Commerce.***Conditions of Sale of Cacao, Cardamoms.**

The same as for parchment coffee in so far as they apply, except sales f. o. b., when they come under the rules for all f. o. b. contracts

E.—Conditions of Sale of F. O. B. Contracts generally.

1. F. o. b. shall mean free on board the ship, export duty, and harbour dues paid by the seller, risk of craft from shore to ship to be borne by the buyers.

2. When produce of any kind has been sold f. o. b., it shall be inspected by the purchaser at the seller's stores before shipment, due facilities being given by the seller for that purpose.

After being passed by the buyer the quality and condition shall be deemed to be in accordance with the contract, and no claim in respect thereto shall afterwards lie against the seller.

3. Payment shall be made on buyer giving orders for shipment of the produce or within three days of tender of delivery.

F.—Rates of Agency and Commission.*Purchases, Sales, and Shipments.*

	Per cent.
On the sale, purchase, or shipment of specie or bullion ...	1
On the sale or purchase of opium, diamonds, pearls, precious stones, and jewellery of all descriptions ...	2½
On the sale and purchase of live stock ...	5
On the sale or purchase of goods or produce made with the proceeds of goods on which a commission of 5 per cent. has been previously charged ...	2½
On the sale or purchase of bank or joint stock shares ...	2½
On goods or produce entrusted to an agent for sale or shipment and afterwards withdrawn... ..	2½
On goods or produce shipped only, or on delivery of the same to order	2½
On the sale or purchase (including shipment if required) of all other goods or produce not enumerated above ...	5
On sale or purchase of ships, houses, or lands ...	2½

Del Credere.

On guaranteeing sales, bills, bonds, contracts, or other engagements	2½
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Bottomry and Respondentia.

On procuring money on bottomry and (or) respondentia ...	5
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On Accounts Dr. Cr.

On the total sum of the debit or credit side of an account at the option of the agent, excepting items on which a commission of 5 per cent. is chargeable	1
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Chamber of Commerce.

<i>Freight and Charter.</i>		Per cent.
On ship's disbursements	2½
For procuring freight for United Kingdom on the amount of freight, whether the same passed through the agent's hands or not	... ..	7½
Do. do. for all other ports	... ..	5
Do. do. for procuring passengers, on the amount of passage money	... ..	5
On collecting freight inward or outward	... ..	5
On executing orders to charter or engage tonnage	... ..	2½
Return commission to shippers on the amount of freight to United Kingdom	... ..	5

(Commission on freight applies to steamers as well as sailing vessels.)

Commission to agents of steamers consigned inward from Europe, when the entire cargo is discharged in Colombo, to be 50 cents per net register ton, but the charge not to exceed Rs. 500; and on steamers partially discharged, 50 cents per ton for every ton discharged, but the charge in no case to be less than Rs. 150.		
Commission to agents of steamers consigned inward from other than European ports, on the total amount of freight		2½

Insurance.

On procuring settlement of insurance losses, whether partial or total, also on procuring return of premium, on the amount recovered	... ..	2½
On settling insurance as agents for the underwriters or insurance companies	... ..	2½
On effecting life or fire insurance, on the premium	... ..	2½

Receiving and Delivering Goods and Live Stock.

On attending the delivery of contract goods, or on receiving and delivering goods or live stock, on the value thereof	2½
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Specie.

On landing, clearing, and delivering specie from steamers or other vessels, when above Rs. 10,000	¼
Do. do. if under Rs. 10,000	... ..	½

Remittances, Bills of Exchange, and Letters of Credit.

On effecting remittances where no charge has been made for collection, or on purchasing, selling, or negotiating bills of exchange	... ..	1
On granting or cashing letters of credit	... ..	2½
On sale and purchase of private bills of exchange	... ..	1
On bills of exchange returned, noted, or protested	... ..	1
Interest on overdue promissory notes or bills of exchange	... ..	9

Administering Estate and Recovering Debts by Law or otherwise.

On managing the affairs of an estate for an executor or an administrator	... ..	5
On all debts collected or secured, whether by or without process of law or arbitration	... ..	5

Chamber of Commerce.

<i>Transfer of Property, Mortgage, and Collecting Rents, &c.</i>	<i>Per cent.</i>
On executing the transfer of immovable property ...	1
On procuring money on mortgage ...	1
On investing money on mortgage ...	1
For discharging mortgages as an attorney ...	1
On collecting rents ...	5
On collecting interest ...	5

Shipwrecked Cargo.

On landing and reshipping goods, except as under, from any vessel in distress, stranded, or wrecked, or on landing or selling by auction damaged goods from any such vessel, and acting as agent for the master on behalf of all concerned, on the declared value of all such goods as may be reshipped, and on net proceeds of all such goods as may be publicly sold ...	5
If opium, indigo, raw silk, or silk goods ...	2½
If treasure, precious stones, or jewellery ...	1

G.—Survey Reports and Arbitration Awards.

Whereas it has been represented to the Ceylon Chamber of Commerce that in order to give to survey reports and arbitration awards an official character that they have not at present, and which circumstances have proved to be necessary, it is desirable that such reports and awards should be sealed and certified by the Chamber of Commerce :

The Chamber of Commerce hereby nominates the following gentlemen as an official committee, from whom the surveyors, arbitrators, and their umpires must be selected, the chamber reserving itself the right to be exercised by the standing committee to add to, or cancel the present and all future appointments :—

Aitken, E., Esq.	... of Messrs. Aitken, Spence & Co.
Bois, F. W., Esq.	... " J. M. Robertson & Co.
Brown, R. L. M., Esq.	... " Lewis Brown & Co.
Creasy, E. B., Esq.	... —
Davies, E. C., Esq.	... of the Government Factory.
Forbes, J., Esq.	... —
Forsyth, A., Esq.	... of Messrs. Delmege, Forsyth & Co.
Gepp, A. M., Esq.	... —
Goodwyn, H., Esq.	... " Skrine & Co.
Hamilton, W., Esq.	... " Cargill & Co.
John, E., Esq.	... —
Mackwood, F. M., Esq.	... " Mackwood & Co.
Macindoe, F., Esq.	... " Carson & Co.
Mann, J. A., Esq.	... " Mann & Co.
Mitchell, Hon. W. W., C.M.G.	... " Darley, Butler & Co.
Renton, J. H., Esq.	... " Bosanquet & Co.
Sandeman, W. C., Esq.	... —
Schulze, A., Esq.	... " Schulze Bros. & Co.
Symons, C. E. H., Esq.	... —
Thompson, A. H., Esq.	... " A. H. Thompson & Co.
Tetley, C. G., Esq.	... " Freudenberg & Co.
Walker, E., Esq.	... " Walker, Sons & Co., Ltd.

Survey reports or arbitration awards made by gentlemen, all of whom have been selected from the official committee, shall, on payment of a fee of ten rupees and fifty cents to the Chamber, be entitled to receive the stamp of the Chamber attested by the secretary, and on

Penal Code Amendment.

the payment of a further fee of ten rupees and fifty cents the chairman or vice-chairman of the Chamber may be called upon to certify on the report or award that the surveyors or arbitrators have been selected from the official committee appointed by the Chamber of Commerce.

A copy of the award or report stamped, or certified is, in every case, to be deposited with the Chamber as a record.

Passed in Council the Thirteenth day of November, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Nineteenth day of November, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

No. 11 of 1895.

An Ordinance to amend in some respects Ordinance No. 2 of 1883, intituled "The Ceylon Penal Code."

E. NOEL WALKER.

Preamble.

WHEREAS it is expedient to amend in some respects "The Ceylon Penal Code," and to make provision for the punishment of offences relating to marriage: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 After section 362 of the said Code the following sections shall be inserted and numbered respectively:

362 (a) Every man, who by deceit causes any woman who is not lawfully married to him, to believe that she is lawfully married to him, and to cohabit or have sexual intercourse with him in that belief, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

362 (b) Whoever, having a husband or wife living, marries in any case in which such marriage is void by reason of its taking place during the life of such husband or wife, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exception.—This section does not extend to any person whose marriage with such husband or wife has been declared void by a court of competent jurisdiction, nor to any person who contracts a marriage during the life of a

Insertion of sections 362 (a), 362 (b), 362 (c), and 362 (d).

Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.
Marrying again during the lifetime of husband or wife.

Penal Code Amendment.

former husband or wife, if such husband or wife, at the time of the subsequent marriage, shall have been continually absent from such person for the space of seven years, and shall not have been heard of by such person as being alive within that time; provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the person with whom such marriage is contracted of the real state of facts, as far as the same are within his or her knowledge.

362 (c) Whoever commits the offence defined in the last preceding section, having concealed from the person with whom the subsequent marriage is contracted the fact of the former marriage, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.

362 (d) Whoever dishonestly or with a fraudulent intention goes through the ceremony of being married, knowing that he is not thereby lawfully married, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Marriage ceremony gone through with fraudulent intent without lawful marriage

2 This Ordinance, which may be cited as "The Ceylon Penal Code Amendment Ordinance, 1895," and Ordinance No. 2 of 1883, intituled "The Ceylon Penal Code," shall be read together as one Ordinance.

Short title.

Passed in Council the Thirteenth day of November, One thousand Eight hundred and Ninety-five.

H. L. CRAWFORD,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Nineteenth day of November, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

*Courts of Requests.***No. 12 of 1895.****An Ordinance to extend the Jurisdiction of Courts of Requests and to amend the Procedure therein.**

E. NOEL WALKER.

Preamble.

WHEREAS it is expedient to extend the jurisdiction of courts of requests in this colony and to simplify the procedure therein in certain particulars, and for this purpose to amend "The Courts Ordinance, 1889," and "The Civil Procedure Code, 1889": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Commencement.

1 This Ordinance shall come into operation at such time as the Governor shall, by proclamation published in the *Government Gazette*, appoint; and may be cited for all

Short title.

purposes as "The Courts of Requests Amendment Ordinance, 1895."

Repeal.

2 On and from the date on which this Ordinance comes into operation, such parts of the Ordinances as are mentioned in the third column of the schedule A hereto shall be severally repealed to the extent mentioned therein, but such repeal shall not affect—

Saving clause.

- (1) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; or
- (2) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed.

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 provision of this Ordinance.

Actions already pending to be continued under the provisions of Ordinance No. 2 of 1889.

Power to the Attorney-General to transfer pending cases.

3 Every action, suit, or other matter instituted and pending in any court at the time of the coming into operation of this Ordinance, which under the provisions of this Ordinance would have been instituted in the court of requests, shall be continued to final judgment and execution as if this Ordinance had not passed. Provided that it shall be lawful for the Attorney-General from time to time, by notification in the *Government Gazette*, to make an order transferring to the court of requests any such actions, suits, or matters pending in any district court which, had this Ordinance been in operation at the date of the institution of such actions, suits, or matters, would have been instituted in such court of requests, and the court to which such actions, suits, or matters shall be transferred shall have jurisdiction to hear, try, and determine the same as if such actions, suits, or matters had been originally instituted in such court under the provisions of this Ordinance.

Courts of Requests.

4 For section 77 of "The Courts Ordinance, 1889," the following section shall be substituted :

Section 77 of
Courts Ordinance
amended.
Jurisdiction.

Every court of requests shall be a court of record and shall have original jurisdiction, and shall have cognizance of and full power to hear and determine all actions in which the debt, damage, or demand shall not exceed three hundred rupees, and in which the party or parties defendant shall be resident within the jurisdiction of such court, or in which the cause of action shall have arisen within such jurisdiction, and all hypothecary actions in which the amount claimed shall not exceed three hundred rupees, and the land hypothecated or any part thereof is situated within the jurisdiction of such court, and also all actions in which the title to, interest in, or right to the possession of any land shall be in dispute, and all actions for the partition or sale of land, provided that the value of the land or the particular share, right, or interest in dispute or to be partitioned or sold shall not exceed three hundred rupees, and the same or any part thereof is situate within the jurisdiction of such court. Provided always that such court shall not have cognizance of any action for criminal conversation, or for seduction, or for breach of promise of marriage, or for separation *a mensâ et thoro*, or for divorce *a vinculo matrimonii*, or for declaration of nullity of marriage.

5 After section 809 of "The Civil Procedure Code, 1889," the following section shall be inserted and numbered 809 A :

Section 809 A
inserted.

The parties may at any stage of the proceedings be examined by the commissioner with the view of ascertaining the points at issue between them and of dispensing with any unnecessary evidence.

Examination of
parties.

6 In section 818 of "The Civil Procedure Code, 1889," for the words "one hundred rupees" shall be substituted the words "three hundred rupees."

Section 818
amended.

7 For section 820 of "The Civil Procedure Code, 1889," the following section shall be substituted :

Section 820
amended.

(1) Immediately after the defendant's oral defence has been recorded or his written answer received, as provided by sub-section (b) of section 809, or where there is a claim in reconvention, immediately after the same has been pleaded to as provided by section 811, the commissioner shall fix a day for the trial of the action, and shall enter a minute thereof on the record ; and all actions fixed for trial shall be entered in their proper order in the trial roll to be for that purpose kept by the chief clerk, and shall be taken up for trial in the order in which they are so entered. Provided, however, that it shall be competent for the commissioner, upon cause shown, to take up any action and try the same out of its turn.

Fixing the cause
for trial.

*Courts of Requests.***List of witnesses.**

(2) The parties shall, as soon as the day of trial is fixed, file a list of their witnesses and of the documents which they propose to read in evidence at the trial, and no witness shall be examined and no document shall be received in evidence at the trial without the special leave of the commissioner unless the name of such witness and the description of such document appears in such list.

Section 823, Civil Procedure Code, amended.

8 For section 823 of "The Civil Procedure Code, 1889," the following section shall be substituted :

Proceedings on default of appearance of plaintiff.

(1) If upon the day specified in the summons or upon any day fixed for the hearing of the action the plaintiff shall not appear or sufficiently excuse his absence, the plaintiff's action may be dismissed. Provided that if the defendant when called upon under section 809 shall admit the claim of the plaintiff, the commissioner shall enter judgment for the plaintiff according to law.

On default of appearance of defendant.

(2) If upon the day specified in the summons or upon any day fixed for the hearing of the action the defendant shall not appear or sufficiently excuse his absence, the commissioner, upon due proof of service of the summons, notice, or order requiring such appearance, may enter judgment by default against the defendant. Provided, however, that in all cases wherein the title to, interest in, or right to the possession of land shall be in dispute, and in any other cases in which the commissioner shall deem it necessary or expedient to hear evidence in support of the plaintiff's claim, he shall order him to adduce such evidence on any day to be fixed for that purpose; and after hearing such evidence the commissioner shall give such judgment on the merits as justice shall require, and without reference to the default that has been committed.

Judgment by default may be opened up in certain cases.

(3) If the defendant shall within a reasonable time, after such judgment or order, by affidavit or otherwise, satisfy the commissioner that he was prevented from appearing in due time by accident, misfortune, or other unavoidable cause, or by not having received sufficient information of the proceedings, and that he did not absent himself for the purpose of avoiding service of the summons or notice, and that he has a good and valid defence on the merits of the case, then the commissioner may set aside such judgment or order and any proceedings had thereon, and may admit the defendant to proceed with his defence upon such terms and notice to the plaintiff as the commissioner may think fit.

If neither party appears action to be dismissed.

(4) If upon the day specified in the summons or upon any day fixed for the hearing of the action neither party appears when the case is called on, the commissioner shall enter judgment dismissing the plaintiff's action, but without costs.

Courts of Requests.

(5) When an action has been dismissed under the provisions of sub-section 1 or sub-section 4 of this section, and the plaintiff has by affidavit or otherwise satisfied the commissioner that he was prevented from appearing by accident, misfortune, or other unavoidable cause, the commissioner may grant to the plaintiff permission to institute a fresh action upon payment into court of the amount (if any) due to the defendant as costs in the previous action.

Plaintiff may be granted permission to institute a fresh action.

(6) No appeal shall lie against any judgment entered under this section for default of appearance, anything in "The Courts Ordinance, 1889," or in this Code contained to the contrary notwithstanding.

No appeal from judgment by default.

(7) Sections 84 to 88, both inclusive, shall not apply to courts of requests.

Sections 84 to 88 not to apply to courts of requests.

9 For section 825 of "The Civil Procedure Code, 1889," the following section shall be substituted :

Section 825 amended.

The process of courts of requests for compelling the attendance of witnesses shall be by summons, with or without a clause requiring the production of documents in their possession or control ; every such summons shall be substantially in the form given in schedule B hereto.

The attendance of witnesses.

10 For section 826 of "The Civil Procedure Code, 1889," the following section shall be substituted :

Section 826 amended.

The provisions of chapter XVII. of this Ordinance, exclusive of section 121, shall apply to courts of requests.

The attendance of witnesses continued.

11 After section 829 of "The Civil Procedure Code, 1889," the following section shall be inserted and numbered 829 A :

Section 829 A inserted.

(1) In any action where the claim is for a debt or liquidated demand in money arising upon a bill of exchange, promissory note, or cheque or instrument or contract in writing for a liquidated amount of money, or on a guarantee where the claim against the principal is in respect of such debt or liquidated demand, bill, note, or cheque, and the plaintiff desires to proceed by way of summary procedure, he may institute such action in manner provided in chapter LIII. of this Ordinance, and the provisions of that chapter, exclusive of section 710, shall, for the purposes of any such action, apply to courts of requests.

Action by summary procedure on liquid claims.

(2) Except as provided in chapter LIII. of this Ordinance, the procedure in any such action shall be the same as the procedure in actions instituted under this chapter.

Saving clause.

(3) The provisions of section 655 in respect of the affidavit of the plaintiff required by sections 650 and 653 shall extend to affidavits required by section 705 in actions instituted under chapter LIII. of this Ordinance, in district courts and courts of requests.

Extending provisions of 655 to section 705.

Courts of Requests.

**Section 832
amended.**

12 For section 832 of "The Civil Procedure Code, 1889," the following section shall be substituted :

Execution.

(1) The provisions of chapter XXII. of this Ordinance shall apply to all executions from courts of requests, so far as they are not inconsistent with the provisions in this chapter contained.

**Money realized
in execution.**

(2) Money which has been realized in execution of a decree shall be paid out to the decree-holder on his *ex parte* application, provided that no notice has been received by the court of any claim to such money by any other person or persons.

Appeals.

13 (1) After the coming into operation of this Ordinance there shall be no appeal from any final judgment, or any order having the effect of a final judgment, pronounced by the commissioner of any court of requests in any action for debt, damage, or demand, unless upon a matter of law, or upon the admission or rejection of evidence, or with the leave of the commissioner, anything in section 80 of "The Courts Ordinance, 1889," notwithstanding.

(2) In the event of the commissioner refusing to grant leave to appeal, it shall be lawful for the party aggrieved thereby, within seven days from the date of such refusal, to file in the court of requests a written application by petition to the Supreme Court for leave to appeal. Such application shall be forthwith forwarded by the commissioner to the Supreme Court, together with all papers and proceedings of the case, and a record of his grounds and reasons for refusing to grant leave to appeal, and shall be disposed of *ex parte* by a judge of the Supreme Court. If upon hearing the application the judge shall allow the appeal, he shall issue an order to the commissioner to admit a petition of appeal, upon such conditions and within such time as to the judge shall seem meet.

(3) Such application shall be liable to the stamp duty payable or leviable in respect of petitions of appeal in courts of requests under the provisions of part II. of schedule B of "The Stamp Ordinance, 1890," but when an appeal is allowed upon such application, no further stamp duty shall be payable or leviable in respect of such petition of appeal.

(4) The stamp duty paid on the application for leave to appeal shall, for the purposes of taxation of costs, be treated as though it had been affixed to the petition of appeal.

**Schedule III.
amended as to
scale of costs
in courts of
requests.**

14 For the "scale of costs and charges to be paid to proctors in the courts of requests as well between party and party as between proctor and client," contained in schedule III. of "The Civil Procedure Code, 1889," shall be substituted the scale given in schedule C hereto.

Courts of Requests.

SCHEDULE A.

Sections, &c., of Ordinances repealed.

Ordinance.	Title.	Extent of repeal.
No. 2 of 1889	"The Civil Procedure Code, 1889"	The whole of sections 810 and 813
Do. ...	do. do. ...	The words "and of section 810" in section 811
Do. ...	do. do. ...	So much of schedule III. as provides for the proctors' costs and charges and advocates' fees in district courts, where the cause of action, title to land or property, value of estate, or subject-matter of the action is by the provisions of this Ordinance triable in the courts of requests
No. 3 of 1890	"The Stamp Ordinance, 1890"	In part II. of schedule B the words "a blank sheet of paper on which to write the pleading; and which paper shall bear," and the words "and any party failing to furnish such paper shall be taken to be in default"

SCHEDULE B.

Form of Summons to Witness.

(See Section 825.)

In the Court of Requests of _____.

No. _____.

_____, of _____, plaintiff.

_____, of _____, defendant.

To _____, of _____.

You are required to appear before this court on the _____ day of _____ next, at 10 o'clock in the forenoon, to give evidence in the above case (and to bring with you the following documents, to wit, _____).

Dated this _____ day of _____, 18—.

Chief Clerk.



Courts of Requests.

SCHEDULE C.

**Scale of Costs and Charges to be paid to Proctors in the
Courts of Requests as well between Party and
Party as between Proctor and Client.**

In money cases which have not been contested :	Rs.	c.
Rs. 20 and not exceeding Rs. 50	...	5 0
Above Rs. 50 and not exceeding Rs. 100	...	10 0
Above Rs. 100 and not exceeding Rs. 200	...	15 0
Above Rs. 200 and not exceeding Rs. 300	...	20 0

In money cases which have been contested :	Rs.	c.
Rs. 20 and not exceeding Rs. 50	...	10 0
Above Rs. 50 and not exceeding Rs. 100	...	15 0
Above Rs. 100 and not exceeding Rs. 200	...	20 0
Above Rs. 200 and not exceeding Rs. 300	...	25 0

In all land cases :	Rs.	c.
Not exceeding Rs. 50	...	10 0
Above Rs. 50 and not exceeding Rs. 100	...	20 0
Above Rs. 100 and not exceeding Rs. 200	...	30 0
Above Rs. 200 and not exceeding Rs. 300	...	40 0

Advocates' Fees.

Retainer and brief fee in all cases above Rs. 50	}	10 50
and not exceeding Rs. 200	... }	to 21 0
Retainer and brief fee in all cases above Rs. 200	}	21 0
	... }	to 31 50

Surveys and plans when necessary, such sum as the commissioner shall deem reasonable, subject to appeal.

Witnesses' expenses, as the commissioner may determine.

For interpleader, summary, or other incidental proceedings, such costs as the commissioner in his discretion may allow, subject to appeal.

Passed in Council the Twenty-seventh day of November, one thousand Eight hundred and Ninety-five.

R. W. IEVERS,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Fifth day of December, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

*Explosives.*No. 13 of 1895. *repealed § 8 1902*

An Ordinance to amend "The Explosives Ordinance, 1894."

E. NOEL WALKER.

WHEREAS it is expedient to amend "The Explosives Ordinance, 1894" hereinafter referred to as "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 :

Preamble.

1 This Ordinance may be cited for all purposes as "The Explosives Amendment Ordinance, 1895."

Short title.

2 The principal Ordinance and this Ordinance may be cited for all purposes as "The Explosives Ordinances, 1894 and 1895," and this Ordinance shall be read and construed as one with the principal Ordinance.

Ordinance to be construed as one with Ordinance No. 18 of 1894.

3 The Governor, in Executive Council, may from time to time make, and when made repeal, alter, or add to, by-laws—

Power of Governor to make by-laws.

- (a) For the purpose of empowering and authorizing the search for and seizure and detention of explosives ; and
- (b) For regulating the conveyance, loading, and unloading of explosives, and the description and construction of carriages, ships, or boats to be used in the conveyance of the same ; and
- (c) For regulating, subject to the general rules in the principal Ordinance contained, the mode of storing and keeping of explosives for conveyance, and of giving notice by boards, labels, or otherwise of the nature of the package containing any explosive ; and
- (d) For prohibiting or subjecting to conditions and restrictions the conveyance of explosives ; and
- (e) For fixing the places and times at which explosives are to be loaded or unloaded, and the quantity of any explosive to be loaded or unloaded or conveyed at one time or in one carriage, ship, or boat ; and
- (f) For determining the precautions to be observed in conveying explosives, and in loading and in unloading the carriages, ships, and boats used in such conveyance, and the time during which the explosives may be kept during such conveyance, loading, and unloading ; and
- (g) For every other purpose which may be deemed necessary for carrying out the provisions of this and the principal Ordinance.

Explosives.

By-laws when
to have force
of law.

4 All by-laws and all alterations and additions thereto made by the Governor in Executive Council, under the provisions of this Ordinance, shall be published in the *Government Gazette*, and shall thereupon become as legal and valid as if the same had been inserted herein.

Penalty for acts
in contravention
of by-laws.

5 The breach of any of the by-laws made under the provisions of this Ordinance shall constitute an offence punishable, on conviction, by a fine not exceeding two hundred rupees, and the explosives in respect of which such breach is committed, or being in the carriage, ship, or boat, or train of carriages, ships, or boats in respect of which such breach of by-law has taken place, may be forfeited.

Definition and
classification of
explosives by
the Governor.

6 It shall be lawful for the Governor, in Executive Council, to define, for the purposes of this and the principal Ordinance, the composition, quality, and character of any explosive, and to classify explosives. Where the composition, quality, or character of any explosive has been defined under the provisions of this section, any article alleged to be such explosive which differs from the said explosive, as defined, in composition, quality, or character, whether by reason of deterioration or otherwise, shall not be deemed for the purposes of this or the principal Ordinance to be the explosive so defined.

Passed in Council the Twenty-seventh day of November, one thousand Eight hundred and Ninety-five.

R. W. IEVERS,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Fifth day of December, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

*Law of Evidence.***No. 14 of 1895.****An Ordinance to consolidate, define, and amend the
Law of Evidence.****CONTENTS.**

Preamble.

Part I.—Relevancy of Facts.**CHAPTER I.**

Section.

Preliminary.

- 1 Short title and commencement.
Extent.
- 2 Repeal of enactments.
- 3 Interpretation clause.
- 4 "May presume."
"Shall presume."
"Conclusive proof."

Part II.**CHAPTER II.***Of the Relevancy of Facts.*

- 5 Evidence may be given of facts in issue and relevant facts.
- 6 Relevancy of facts forming part of same transaction.
- 7 Facts which are the occasion, cause, or effect of facts in issue.
- 8 Motive, preparation, and previous or subsequent conduct.
- 9 Facts necessary to explain or introduce relevant facts.
- 10 Things said or done by conspirator in reference to common design.
- 11 When facts not otherwise relevant become relevant.
- 12 In suits for damages, facts tending to enable court to determine amount are relevant.
- 13 Facts relevant when right or custom is in question.
- 14 Facts showing existence or state of mind, or of body, or bodily feeling.
- 15 Facts bearing on question whether act was accidental or intentional.
- 16 Existence of course of business when relevant.

Admissions and Confessions.

- 17 Admission and confession defined.
- 18 Admission—
By party to proceeding or his agent;
By suitor in representative character;
By party interested in subject-matter;
By person from whom interest derived.

*Law of Evidence.***Section.**

- 19 Admissions by persons whose position must be proved as against party to suit.
- 20 Admissions by persons expressly referred to by party to suit.
- 21 Relevancy of admissions against persons making them and by or on their behalf.
- 22 When oral admissions as to contents of documents are relevant.
- 23 Admissions in civil cases when relevant.
- 24 Confession caused by inducement, threat, or promise when irrelevant in criminal proceedings.
- 25 Confession made to a police officer not to be used as evidence.
- 26 Confession by accused while in custody of police not to be proved against him.
- 27 How much of information received from accused may be proved.
- 28 Confession made after removal of impression caused by inducement, threat, or promise relevant.
- 29 Confession otherwise relevant not to become irrelevant because of promise of secrecy, &c.
- 30 Consideration of accused not taken into consideration against co-accused.
- 31 Admissions not conclusive proof, but may estop.

Statements by Persons who cannot be called as Witnesses.

- 32 Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.
- When it relates to cause of death ;
Or is made in course of business ;
Or against interest of maker ;
Or gives opinion as to public right or custom or matters of general interest :
Or relates to existence of relationship ;
Or is made in will or deed relating to family affairs ;
Or in document relating to transaction mentioned in section 13, sub-section (a) ;
Or is made by several persons and expresses feelings relevant to matter in question.
- 33 Relevancy of certain evidence for proving in subsequent proceedings the truth of facts therein stated.

Statements made under Special Circumstances.

- 34 Entries in books of account when relevant.
- 35 Relevancy of entry in public record made in performance of duty.
- 36 Relevancy of statements in maps, charts, and plans.
- 37 Relevancy of statements as to fact of public nature contained in certain Acts, Ordinances, or notifications.
- 38 Relevancy of statements as to any law contained in law books.

How much of a Statement is to be proved.

- 39 What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

Judgments of Courts of Justice when relevant.

- 40 Previous judgments relevant to bar a second suit or trial.
- 41 Relevancy of certain judgments in probate, &c., jurisdiction.
- 42 Relevancy and effect of judgments, orders, or decrees other than those mentioned in section 41.
- 43 Judgments, &c., other than those mentioned in sections 40 to 42 when relevant.
- 44 Fraud or collusion in obtaining judgment or incompetency of court may be proved.

Law of Evidence.

Section. *Opinions of Third Persons when relevant.*

- 45 Opinions of experts.
- 46 Facts bearing upon opinions of experts.
- 47 Opinion as to handwriting when relevant.
- 48 Opinion as to existence of right or custom when relevant.
- 49 Opinions as to usages, tenets, &c., when relevant.
- 50 Opinion on relationship when relevant.
- 51 Grounds of opinion when relevant.

Character when relevant.

- 52 In civil cases character to prove conduct imputed irrelevant.
- 53 In criminal cases previous good character relevant.
- 54 Previous bad character not relevant except in reply.
- 55 Character as affecting damages.

Part II.—On Proof.

CHAPTER III.

Facts which need not be proved.

- 56 Facts judicially noticeable need not be proved.
- 57 Facts of which court must take judicial notice.
- 58 Facts admitted need not be proved.

CHAPTER IV.

Of Oral Evidence.

- 59 Proof of facts by oral evidence.
- 60 Oral evidence must be direct.

CHAPTER V.

Of Documentary Evidence.

- 61 Proof of contents of documents.
- 62 Primary evidence.
- 63 Secondary evidence.
- 64 Proof of documents by primary evidence.
- 65 Cases in which secondary evidence relating to documents may be given.
- 66 Rules as to notice to produce.
- 67 Proof of signature and handwriting of persons alleged to have signed or written document produced.
- 68 Proof of execution of document required by law to be attested.
- 69 Proof where no attesting witness found.
- 70 Admission of execution by party to attested document.
- 71 Proof when attesting witness denies the execution.
- 72 Proof of document not required by law to be attested.
- 73 Comparison of signature, writing, or seal with others admitted or proved.

Law of Evidence.

Section.

Public Documents.

- 74 Public documents.
- 75 Private documents.
- 76 Certified copies of public documents.
- 77 Proof of documents by production of certified copies.
- 78 Proof of other official documents.

Presumptions to Documents.

- 79 Presumption as to genuineness of certified copies.
- 80 Presumption as to documents produced as record of evidence.
- 81 Presumption as to *Gazettes*, newspapers, private Acts of Parliament, and other documents.
- 82 Presumption as to document admissible in England without proof of seal or signature.
- 83 Presumption as to maps or plans signed by the Surveyor-General.
- 84 Presumption as to collections of laws and reports of decisions.
- 85 Presumption as to powers of attorney.
- 86 Presumption as to certified copies of foreign judicial records.
- 87 Presumption as to books, maps, and charts.
- 88 Presumption as to telegraphic messages.
- 89 Presumption as to due execution, &c., of documents not produced.
- 90 Presumption as to documents thirty years old.

CHAPTER VI.

Bankers' Books.

- 90 (a) Definition of "bank" and "bankers."
- 90 (b) Power to extend provisions of chapter.
- 90 (c) Certified copies of entries in bankers' books.
- 90 (d) Bankers not compellable to produce bankers' books.
- 90 (e) Inspection of bankers' books by order of court.
- 90 (f) Costs of application to court under this chapter.

CHAPTER VII.

Of the exclusion of Oral by Documentary Evidence.

- 91 Evidence of terms of contracts, grants, and other dispositions of property reduced to form of document.
- 92 Exclusion of evidence of oral agreement.
- 93 Exclusion of evidence to explain or amend ambiguous document.
- 94 Exclusion of evidence against application of document to existing facts.
- 95 Evidence as to document unmeaning in reference to existing facts.
- 96 Evidence as to application of language which can apply to one only of several persons.
- 97 Evidence as to application of language to one or two sets of facts to neither of which the whole correctly applies.
- 98 Evidence as to meaning of illegible characters, &c.
- 99 Who may give evidence of agreement varying terms of document.

CHAPTER VIII.

English Law of Evidence when in force.

- 100 Whenever there is no provision in this Ordinance English law to apply.

*Law of Evidence.***Part III.—Production and Effect of Evidence.****CHAPTER IX.***Of the Burden of Proof.*

Section.

- 101 Burden of proof.
- 102 On whom burden of proof lies.
- 103 Burden of proof as to particular fact.
- 104 Burden of proving fact to be proved to make evidence admissible.
- 105 Burden of proving that case of accused comes within exceptions.
- 106 Burden of proving fact especially within knowledge.
- 107 Burden of proving death of person known to have been alive within thirty years.
- 108 Burden of proving that person is alive who has not been heard of for seven years.
- 109 Burden of proof as to relationship in the cases of partners, landlord and tenant, principal and agent.
- 110 Burden of proof as to ownership.
- 111 Proof of good faith in transactions where one party is in relation of active confidence.
- 112 Birth during marriage conclusive proof of legitimacy.
- 113 Presumption that a boy under 12 cannot commit rape.
- 114 Court may presume existence of certain facts.

CHAPTER X.*Estoppel.*

- 115 Estoppel.
- 116 Estoppel of tenant, and of licensee of person in possession.
- 117 Estoppel of acceptor of bill of exchange, bailee, or licensee

CHAPTER XI.*Of Witnesses.*

- 118 Who may testify.
- 119 Dumb witnesses.
- 120 Parties to civil suit and their wives or husbands.
Husband or wife of person under criminal trial.
- 121 Judges and magistrates.
- 122 Communications during marriage.
- 123 Evidence as to affairs of State.
- 124 Official communications.
- 125 Information as to commission of offences.
- 126 Professional communications.
- 127 Section 126 to apply to interpreters, &c.
- 128 Privilege not waived by volunteering evidence.
- 129 Confidential communications with legal advisers.
- 130 Production of title deeds of witness not a party, and by a party to the suit.
- 131 Production of documents which another person having possession could refuse to produce.
- 132 Witness not excused from answering on ground that answer will criminate.
- 133 Accomplice.
- 134 Number of witnesses.

Law of Evidence.

CHAPTER XII.

Of the Examination of Witnesses.

Section.

- 135 Order of production and examination of witnesses.
- 136 Judge to decide as to admissibility of evidence.
- 137 Examination-in-chief, cross-examination, re-examination.
- 138 Order of examinations, direction of re-examination.
- 139 Cross-examination of person called to produce a document.
- 140 Witnesses to character.
- 141 Leading questions.
- 142 When they may be asked in examination-in-chief.
- 143 When they may be asked in cross-examination.
- 144 Evidence as to matter in writing.
- 145 Cross-examination as to previous statements in writing.
- 146 Questions lawful in cross-examination.
- 147 When witness to be compelled to answer.
- 148 Court to decide when question shall be asked and when witness compelled to answer.
- 149 Question not to be asked without reasonable grounds.
- 150 Procedure of court in case of question being asked without reasonable grounds.
- 151 Indecent and scandalous questions.
- 152 Questions intended to insult or annoy.
- 153 Exclusion of evidence to contradict answers to questions testing veracity.
- 154 Question by party to his own witness.
- 155 Impeaching credit of witness.
- 156 Questions tending to corroborate evidence of relevant fact admissible.
- 157 Former statements of witness may be proved to corroborate later testimony as to same fact.
- 158 What matter may be proved in connection with proved statement relevant under section 32 or 33.
- 159 Refreshing memory.
- 160 Testimony to facts stated in document mentioned in section 159.
- 161 Right of adverse party as to writing used to refresh memory.
- 162 Production of documents, translation of documents.
- 163 Giving as evidence of document called for and produced on notice.
- 164 Using as evidence of document production of which was refused on notice.
- 165 Judge's power to put questions or order production.
- 166 Power of jury or assessors to put questions.

CHAPTER XIII.

Of Improper Admission and Rejection of Evidence.

- 167 No new trial for improper admission or rejection of evidence.
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*Law of Evidence.***No. 14 of 1895.****An Ordinance to consolidate, define, and amend the Law of Evidence.**

E. NOEL WALKER.

WHEREAS it is expedient to consolidate, define, and amend the law of evidence: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

PART I.**RELEVANCY OF FACTS.****CHAPTER I.***Preliminary.*

1 This Ordinance may be called "The Ceylon Evidence Ordinance, 1895." It applies to all judicial proceedings in or before any court other than courts-martial, but not to proceedings before an arbitrator; and it shall come into operation on the first day of January, 1896.

Short title.

Extent.

Commencement.

2 On and from that day there shall be repealed—

(1) All rules of evidence not contained in any written law, so far as such rules are inconsistent with any of the provisions of this Ordinance;

(2) The Ordinances mentioned in the schedule hereto, to the extent specified in the third column of the said schedule.

Repeal of enactments.

But nothing herein contained shall be deemed to affect any provision of any Act, Statute, Ordinance, or Regulation in force in Ceylon, and not hereby expressly repealed.

3 In this Ordinance the following words and expressions are used in the following senses, unless a contrary intention appears from the context :

Interpretation clause.

"Court" includes all judges and magistrates, and all persons, except arbitrators, legally authorized to take evidence.

"Fact" means and includes (1) any thing, state of things, or relation of things, capable of being perceived by the senses; (2) any mental condition of which any person is conscious.

Law of Evidence.

Illustrations.

- (a) That there are certain objects arranged in a certain order in a certain place is a fact.
- (b) That a man heard or saw something is a fact.
- (c) That a man said certain words is a fact.
- (d) That a man holds a certain opinion, has a certain intention, acts in good faith or fraudulently, or uses a particular word in a particular sense, or is or was at a specified time conscious of a particular sensation, is a fact.
- (e) That a man has a certain reputation is a fact.

Relevant.

One fact is said to be relevant to another when the one is connected with the other in any of the ways referred to in the provisions of this Ordinance relating to the relevancy of facts.

Facts in issue.

The expression "facts in issue" means and includes—any fact from which, either by itself or in connection with other facts, the existence, non-existence, nature, or extent of any right, liability, or disability, asserted or denied in any suit or proceeding, necessarily follows.

Explanation.—Whenever, under the provisions of the law for the time being in force relating to Civil Procedure, any court records an issue of fact, the fact to be asserted or denied, in the answer to such issue, is a fact in issue.

Illustrations.

A is accused of the murder of B. At his trial the following facts may be in issue :

That A caused B's death.

That A intended to cause B's death.

That A had received grave and sudden provocation from B.

That A, at the time of doing the act which caused B's death was, by reason of unsoundness of mind, incapable of knowing its nature.

Document.

"Document" means any matter expressed or described upon any substance by means of letters, figures, or marks, or by more than one of those means, intended to be used, or which may be used, for the purpose of recording that matter.

Illustrations.

A writing is a document.

Words printed, lithographed, or photographed are documents.

A map or plan is a document.

An inscription on a metal plate or stone is a document.

A caricature is a document.

Evidence.

"Evidence" means and includes—

- (1) All statements which the court permits or requires to be made before it by witnesses in relation to matters of fact under inquiry ; such statements are called oral evidence.
- (2) All documents produced for the inspection of the court ; such documents are called documentary evidence.

Proved.

A fact is said to be proved when, after considering the matters before it, the court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists.

Law of Evidence.

A fact is said to be disproved when, after considering the matters before it, the court either believes that it does not exist, or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist. **Disproved.**

A fact is said not to be proved when it is neither proved nor disproved. **Not proved.**

4 Whenever it is provided by this Ordinance that the court may presume a fact, it may either regard such fact as proved, unless and until it is disproved, or may call for proof of it. **May presume.**

Whenever it is directed by this Ordinance that the court shall presume a fact, it shall regard such fact as proved, unless and until it is disproved. **Shall presume.**

When one fact is declared by this Ordinance to be conclusive proof of another, the court shall on proof of the one fact regard the other as proved, and shall not allow evidence to be given for the purpose of disproving it. **Conclusive proof.**

CHAPTER II.

Of the Relevancy of Facts.

5 Evidence may be given in any suit or proceeding, of the existence or non-existence of every fact in issue, and of such other facts as are hereinafter declared to be relevant, and of no others. **Evidence may be given of facts in issue and relevant facts.**

Explanation.—This section shall not enable any person to give evidence of a fact which he is disentitled to prove by any provision of the law for the time being in force relating to Civil Procedure.

Illustrations.

(a) A is tried for the murder of B by beating him with a club with the intention of causing his death.

At A's trial the following facts are in issue :

A's beating B with the club.

A's causing B's death by such beating.

A's intention to cause B's death.

(b) A, a party to a suit, does not comply with a notice given by B, the other party, to produce for B's inspection a document referred to in A's pleadings. This section does not enable A to put such document in evidence on his behalf in such suit, otherwise than in accordance with the conditions prescribed by section 104 of the Civil Procedure Code.

6 Facts which though not in issue are so connected with a fact in issue as to form part of the same transaction are relevant, whether they occurred at the same time and place or at different times and places. **Relevancy of facts forming part of same transaction.**

*Law of Evidence.**Illustrations.*

- (a) A is accused of the murder of B by beating him. Whatever was said or done by A or B or the bystanders at the beating, or so shortly before or after it as to form part of the transaction, is a relevant fact.
- (b) A is accused of waging war against the Queen by taking part in an armed insurrection in which property is destroyed, troops are attacked, and jails are broken open. The occurrence of these facts is relevant as forming part of the general transaction, though A may not have been present at all of them.
- (c) A sues B for a libel contained in a letter forming part of a correspondence. Letters between the parties relating to the subject out of which the libel arose and forming part of the correspondence in which it is contained are relevant facts, though they do not contain the libel itself.
- (d) The question, is whether certain goods ordered from B were delivered to A. The goods were delivered to several intermediate persons successively. Each delivery is a relevant fact.

Facts which are the occasion, cause, or effect of facts in issue.

7 Facts which are the occasion, cause, or effect, immediate or otherwise, of relevant facts, or facts in issue, or which constitute the state of things under which they happened, or which afforded an opportunity for their occurrence or transaction, are relevant.

Illustrations.

- (a) The question is, whether A robbed B. The facts that shortly before the robbery B went to a fair with money in his possession, and that he showed it, or mentioned the fact that he had it, to third persons, are relevant.
- (b) The question is, whether A murdered B. Marks on the ground, produced by a struggle at or near the place where the murder was committed, are relevant facts.
- (c) The question is, whether A poisoned B. The state of B's health before the symptoms ascribed to poison, and habits of B, known to A, which afforded an opportunity for the administration of poison, are relevant facts.

Motive, preparation, and previous or subsequent conduct.

8 Any fact is relevant which shows or constitutes a motive or preparation for any fact in issue or relevant fact. The conduct of any party, or of any agent to any party, to any suit or proceeding in reference to such suit or proceeding, or in reference to any fact in issue therein or relevant thereto, and the conduct of any person an offence against whom is the subject of any proceeding, is relevant, if such conduct influences or is influenced by any fact in issue or relevant fact, and whether it was previous or subsequent thereto.

Explanation 1.—The word “conduct” in this section does not include statements, unless those statements accompany and explain acts other than statements, but this explanation is not to affect the relevancy of statements under any other section of this Ordinance.

Explanation 2.—When the conduct of any person is relevant, any statement made to him or in his presence and hearing, which affects such conduct, is relevant.

*Law of Evidence.**Illustrations.*

- (a) A is tried for the murder of B.
The facts that A murdered C, that B knew that A had murdered C, and that B had tried to extort money from A by threatening to make his knowledge public, are relevant.
- (b) A sues B upon an instrument for the payment of money. B denies the making of the instrument.
The fact that at the time when the instrument was alleged to be made B required money for a particular purpose, is relevant.
- (c) A is tried for the murder of B by poison.
The fact that before the death of B, A procured poison similar to that which was administered to B, is relevant.
- (d) The question is, whether a certain document is the will of A.
The facts that not long before the date of the alleged will A made inquiry into matters to which the provisions of the alleged will relate, that he consulted proctors in reference to making the will, and that he caused drafts of other wills to be prepared, of which he did not approve, are relevant.
- (e) A is accused of a crime.
The facts that either before or at the time of, or after the alleged crime, A provided evidence which would tend to give to the facts of the case an appearance favourable to himself, or that he destroyed or concealed evidence, or prevented the presence or procured the absence of persons who might have been witnesses, or suborned persons to give false evidence respecting it, are relevant.
- (f) The question is, whether A robbed B.
The facts that after B was robbed C said in A's presence, "The police are coming to look for the man who robbed B," and that immediately afterwards A ran away, are relevant.
- (g) The question is, whether A owes B Rs. 10,000.
The facts that A asked C to lend him money, and that D said to C in A's presence and hearing, "I advise you not to trust A, for he owes B 10,000 rupees," and that A went away without any answer, are relevant facts.
- (h) The question is, whether A committed a crime.
The fact that A absconded after receiving a letter warning him that inquiry was being made for the criminal, and the contents of the letter, are relevant.
- (i) A is accused of a crime.
The facts that after the commission of the alleged crime he absconded, or was in possession of property or the proceeds of property acquired by the crime, or attempted to conceal things which were or might have been used in committing it, are relevant.
- (j) The question is, whether A was ravished.
The facts that shortly after the alleged rape she made a complaint relating to the crime, the circumstances under which and the terms in which the complaint was made, are relevant.
The fact that, without making a complaint, she said that she had been ravished, is not relevant as conduct under this section, though it may be relevant as a dying declaration under section 32, sub-section (1), or as corroborative evidence under section 157.
- (k) The question is, whether A was robbed.
The fact that soon after the alleged robbery he made a complaint relating to the offence, the circumstances under which and the terms in which the complaint was made, are relevant.
The fact that he said he had been robbed, without making any complaint, is not relevant as conduct under this section, though it may be relevant as a dying declaration under section 32, sub-section (1), or as corroborative evidence under section 157.

Law of Evidence.

Facts necessary to explain or introduce relevant facts.

9 Facts necessary to explain or introduce a fact in issue or relevant fact, or which support or rebut an inference suggested by a fact in issue or relevant fact, or which establish the identity of any thing or person whose identity is relevant, or fix the time or place at which any fact in issue or relevant fact happened, or which show the relation of parties by whom any such fact was transacted, are relevant in so far as they are necessary for that purpose.

Illustrations.

(a) The question is, whether a given document is the will of A. The state of A's property and of his family at the date of the alleged will may be relevant facts.

(b) A sues B for a libel imputing disgraceful conduct to A. B affirms that the matter alleged to be libellous is true.

The position and relations of the parties at the time when the libel was published may be relevant facts as introductory to the facts in issue. The particulars of a dispute between A and B about a matter unconnected with the alleged libel are irrelevant, though the fact that there was a dispute may be relevant if it affected the relations between A and B.

(c) A is accused of a crime.

The fact that soon after the commission of the crime A absconded from his house, is relevant, under section 8, as conduct subsequent to and affected by facts in issue.

The fact that at the time when he left home he had sudden and urgent business at the place to which he went, is relevant, as tending to explain the fact that he left home suddenly.

The details of the business on which he left are not relevant, except in so far as they are necessary to show that the business was sudden and urgent.

(d) A sues B for inducing C to break a contract of service made by him with A. C, on leaving A's service, says to A, "I am leaving you because B has made me a better offer." This statement is a relevant fact as explanatory of C's conduct, which is relevant as a fact in issue.

(e) A, accused of theft, is seen to give the stolen property to B, who is seen to give it to A's wife. B says, as he delivers it, "A says you are to hide this." B's statement is relevant, as explanatory of a fact which is part of the transaction.

(f) A is tried for a riot, and is proved to have marched at the head of a mob. The cries of the mob are relevant as explanatory of the nature of the transaction.

Things said or done by conspirator in reference to common design.

10 Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said, done, or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to be so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

Illustration.

Reasonable ground exist for believing that A has joined in a conspiracy to wage war against the Queen.

The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Colombo for a like object, D persuaded persons to join the conspiracy in Kandy, E

Law of Evidence.

published writings advocating the object in view at Galle, and F transmitted from Kalutara to G at Negombo the money which C had collected at Colombo, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it.

11 Facts not otherwise relevant are relevant—

- (1) If they are inconsistent with any fact in issue or relevant fact ;
- (2) If by themselves or in connection with other facts they make the existence or non-existence of any fact in issue or relevant fact highly probable or improbable.

When facts not otherwise relevant become relevant.

Illustrations

(a) The question is, whether A committed a crime at Colombo on a certain day.

The fact that on that day A was at Galle is relevant.

The fact that near the time when the crime was committed A was at a distance from the place where it was committed, which would render it highly improbable, though not impossible, that he committed it, is relevant.

(b) The question is, whether A committed a crime.

The circumstances are such that the crime must have been committed either by A, B, C, or D. Every fact which shows that the crime could have been committed by no one else, and that it was not committed by either B, C, or D, is relevant.

12 In suits in which damages are claimed, any fact which will enable the court to determine the amount of damages which ought to be awarded is relevant.

In suits for damages facts tending to enable court to determine amount are relevant.

13 Where the question is as to the existence of any right or custom, the following facts are relevant—

- (a) Any transaction by which the right or custom in question was created, claimed, modified, recognized, asserted, or denied, or which was inconsistent with its existence.
- (b) Particular instances in which the right or custom was claimed, recognized, or exercised, or in which its exercise was disputed, asserted, or departed from.

Facts relevant when right or custom is in question.

Illustration.

The question is, whether A has a right to a fishery. A deed conferring the fishery on A's ancestors, a mortgage of the fishery by A's father, a subsequent grant of the fishery by A's father irreconcilable with the mortgage, particular instances in which A's father exercised the right, or in which the exercise of the right was stopped by A's neighbours, are relevant facts.

14 Facts showing the existence of any state of mind—such as intention, knowledge, good faith, negligence, rashness, ill-will or good-will towards any particular person, or showing the existence of any state of body or bodily

Facts showing existence of state of mind or of body, or bodily feeling.

Law of Evidence.

feeling—are relevant, when the existence of any such state of mind, or body, or bodily feeling is in issue or relevant.

Explanation 1.—A fact relevant as showing the existence of a relevant state of mind must show that the state of mind exists, not generally, but in reference to the particular matter in question.

Explanation 2.—But where, upon the trial of a person accused of an offence, the previous commission by the accused of an offence is relevant within the meaning of this section, the previous conviction of such person shall also be a relevant fact.

Illustrations.

(a) A is accused of receiving stolen goods knowing them to be stolen. It is proved that he was in possession of a particular stolen article.

The fact that at the same time he was in possession of many other stolen articles is relevant, as tending to show that he knew each and all of the articles of which he was in possession to be stolen.

(b) A is accused of fraudulently delivering to another person a counterfeit coin which, at the time when he delivered it, he knew to be counterfeit.

The fact that at the time of its delivery A was possessed of a number of other pieces of counterfeit coin, is relevant.

The fact that A had been previously convicted of delivering to another person as genuine a counterfeit coin knowing it to be counterfeit, is relevant.

(c) A sues B for damage done by a dog of B's which B knew to be ferocious.

The facts that the dog had previously bitten X, Y, and Z, and that they had made complaints to B, are relevant.

(d) The question is whether A, the acceptor of a bill of exchange, knew that the name of the payee was fictitious.

The fact that A had accepted other bills drawn in the same manner before they could have been transmitted to him by the payee, if the payee had been a real person, is relevant, as showing that A knew that the payee was a fictitious person.

(e) A is accused of defaming B by publishing an imputation intended to harm the reputation of B.

The fact of previous publications by A respecting B, showing ill-will on the part of A towards B, is relevant, as proving A's intention to harm B's reputation by the particular publication in question.

The facts that there was no previous quarrel between A and B, and that A repeated the matter complained of as he heard it, are relevant, as showing that A did not intend to harm the reputation of B.

(f) A is sued by B for fraudulently representing to B that C was solvent, whereby B, being induced to trust C, who was insolvent, suffered loss.

The fact that at the time when A represented C to be solvent, C was supposed to be solvent by his neighbours and by persons dealing with him, is relevant, as showing that A made the representation in good faith.

(g) A is sued by B for the price of work done by B upon a house of which A is owner, by the order of C, a contractor.

A's defence is that B's contract was with C.

The fact that A paid C for the work in question is relevant, as proving that A did in good faith make over to C the management of the work in question, so that C was in a position to contract with B on C's own account, and not as agent for A.

Law of Evidence.

(h) A is accused of the dishonest misappropriation of property which he had found, and the question is whether, when he appropriated it, he believed in good faith that the real owner could not be found. The fact that public notice of the loss of the property had been given in the place where A was, is relevant, as showing that A did not in good faith believe that the real owner of the property could not be found.

The fact that A knew, or had reason to believe, that the notice was given fraudulently by C, who had heard of the loss of the property and wished to set up a false claim to it, is relevant, as showing that the fact that A knew of the notice did not disprove A's good faith.

(i) A is charged with shooting at B with intent to kill him. In order to show A's intent, the fact of A's having previously shot at B may be proved.

(j) A is charged with sending threatening letters to B. Threatening letters previously sent by A to B may be proved as showing the intention of the letters.

(k) The question is, whether A has been guilty of cruelty towards B, his wife.

Expressions of their feeling towards each other shortly before or after the alleged cruelty are relevant facts.

(l) The question is, whether A's death was caused by poison.

Statements made by A during his illness as to his symptoms are relevant facts.

(m) The question is, what was the state of A's health at the time when an assurance on his life was effected.

Statements made by A as to the state of his health at or near the time in question are relevant facts.

(n) A sues B for negligence in providing him with a carriage for hire not reasonably fit for use, whereby A was injured.

The fact that B's attention was drawn on other occasions to the defect of that particular carriage is relevant.

The fact that B was habitually negligent about the carriages which he let to hire is irrelevant.

(o) A is tried for the murder of B by intentionally shooting him dead.

The fact that A, on other occasions, shot at B is relevant, as showing his intention to shoot B.

The fact that A was in the habit of shooting at people with intent to murder them is irrelevant.

(p) A is tried for a crime.

The fact that he said something indicating an intention to commit that particular crime is relevant.

The fact that he said something indicating a general disposition to commit crimes of that class is irrelevant.

15 When there is a question whether an act was accidental or intentional, or done with a particular knowledge or intention, the fact that such act formed part of a series of similar occurrences, in each of which the person doing the act was concerned, is relevant.

Facts bearing on question whether act was accidental or intentional.

Illustrations.

(a) A is accused of burning down his house in order to obtain money for which it is insured.

The facts that A lived in several houses successively, each of which he insured, in each of which a fire occurred, and after each of which fires A received payment from a different insurance office, are relevant as tending to show that the fires were not accidental.

Law of Evidence.

(b) A is employed to receive money from the debtors of B. It is A's duty to make entries in a book showing the amounts received by him. He makes an entry showing that on a particular occasion he received less than he really did receive.

The question is, whether this false entry was accidental or intentional.

The facts that other entries made by A in the same book are false, and that the false entry is in each case in favour of A, are relevant.

(c) A is accused of fraudulently delivering to B a counterfeit rupee.

The question is, whether the delivery of the rupee was accidental. The facts that soon before or soon after the delivery to B, A delivered counterfeit rupees to C, D, and E, are relevant, as showing that the delivery to B was not accidental.

Existence of course of business, when relevant.

16 When there is a question whether a particular act was done, the existence of any course of business, according to which it naturally would have been done, is a relevant fact.

Illustrations.

(a) The question is, whether a particular letter was despatched.

The facts that it was the ordinary course of business for all letters put in a certain place to be carried to the post, and that that particular letter was put in that place, are relevant.

(b) The question is, whether a particular letter reached A.

The facts that it was posted in due course and was not returned through the dead letter office, are relevant.

§ 17-22 apply to civil & criminal cases

Admissions and Confessions.

Admissions defined.

17 (1) An admission is a statement, oral or documentary, which suggests any inference as to any fact in issue or relevant fact, and which is made by any of the persons and under the circumstances hereinafter mentioned.

Confession defined.

(2) A confession is an admission made at any time by a person accused of an offence stating or suggesting the inference that he committed that offence.

Admission—
by party to proceeding, or his agent;

18 Statements made by a party to the proceeding, or by an agent to any such party, whom the court regards, under the circumstances of the case, as expressly or impliedly authorized by him to make them, are admissions.

by suitor in representative character;

Statements made by parties to suits suing or sued in a representative character are not admissions, unless they were made while the party making them held that character.

Statements made by—

by party interested in subject-matter;

(1) Persons who have any proprietary or pecuniary interest in the subject-matter of the proceeding, and who make the statement in their character of persons so interested; or

by person from whom interest derived.

(2) Persons from whom the parties to the suit have derived their interest in the subject-matter of the suit, are admissions if they are made during the continuance of the interest of the persons making the statements.

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Law of Evidence.

19 Statements made by persons whose position or liability it is necessary to prove as against any party to the suit are admissions if such statements would be relevant as against such persons in relation to such position or liability in a suit brought by or against them, and if they are made whilst the person making them occupies such position or is subject to such liability.

Admissions by persons whose position must be proved as against party to suit.

Illustrations.

- A undertakes to collect rents for B.
- B sues A for not collecting rent due from C to B.
- A denies that rent was due from C to B.
- A statement by C that he owed B rent is an admission, and is a relevant fact as against A, if A denies that C did owe rent to B.

20 Statements made by persons to whom a party to the suit has expressly referred for information in reference to a matter in dispute, are admissions.

Admissions by persons expressly referred to by party to suit.

Illustration.

- The question is, whether a horse sold by A to B is sound.
A says to B, "Go and ask C; C knows all about it." C's statement is an admission.

21 Admissions are relevant and may be proved as against the person who makes them, or his representative in interest; but they cannot be proved by or on behalf of the person who makes them or by his representative in interest, except in the following cases:

Relevancy of admissions against or in behalf of persons concerned.

- (1) An admission may be proved by or on behalf of the person making it when it is of such a nature that, if the person making it were dead, it would be relevant as between third persons under section 32.
- (2) An admission may be proved by or on behalf of the person making it when it consists of a statement of the existence of any state of mind or body, relevant or in issue, made at or about the time when such state of mind or body existed, and is accompanied by conduct rendering its falsehood improbable.
- (3) An admission may be proved by or on behalf of the person making it if it is relevant otherwise than as an admission.

Illustrations.

- (a) The question between A and B is, whether a certain deed is or is not forged. A affirms that it is genuine, B that it is forged.
A may prove a statement by B that the deed is genuine, and B may prove a statement by A that the deed is forged; but A cannot prove a statement by himself that the deed is genuine, nor can B prove a statement by himself that the deed is forged.
- (b) A, the captain of a ship, is tried for casting her away.
Evidence is given to show that the ship was taken out of her proper course.
A produces a book kept by him in the ordinary course of his business, showing observations alleged to have been taken by him from day to day, and indicating that the ship was not taken

Law of Evidence.

out of her proper course. A may prove these statements, because they would be admissible between third parties if he were dead, under section 32, sub-section (2).

(c) A is accused of a crime committed by him at Colombo. He produces a letter written by himself and dated at Jaffna on that day, and bearing the Jaffna postmark of that day.

The statement in the date of the letter is admissible, because if A were dead, it would be admissible under section 32, sub-section (2).

(d) A is accused of receiving stolen goods knowing them to be stolen.

He offers to prove that he refused to sell them below their value. A may prove these statements though they are admissions, because they are explanatory of conduct influenced by facts in issue.

(e) A is accused of fraudulently having in his possession counterfeit coin, which he knew to be counterfeit.

He offers to prove that he asked a skilful person to examine the coin, as he doubted whether it was counterfeit or not, and that that person did examine it and told him it was genuine.

A may prove these facts for the reasons stated in the last preceding illustration.

22 Oral admissions as to the contents of a document are not relevant, unless and until the party proposing to prove them shows that he is entitled to give secondary evidence of the contents of such documents under the rules hereinafter contained, or unless the genuineness of a document produced is in question.

23 In civil cases no admission is relevant if it is made either upon an express condition that evidence of it is not to be given, or under circumstances from which the court can infer that the parties agreed together that evidence of it should not be given.

Explanation.—Nothing in this section shall be taken to exempt any advocate or proctor from giving evidence of any matter of which he may be compelled to give evidence under section 126.

24 A confession made by an accused person is irrelevant in a criminal proceeding if the making of the confession appears to the court to have been caused by any inducement, threat, or promise, having reference to the charge against the accused person, proceeding from a person in authority, or proceeding from another person in the presence of a person in authority and with his sanction, and which inducement, threat, or promise is sufficient in the opinion of the court to give the accused person grounds, which would appear to him reasonable, for supposing that by making it he would gain any advantage or avoid any evil of a temporal nature in reference to the proceedings against him.

25 No confession made to a police officer shall be proved as against a person accused of any offence.

26 No confession made by any person whilst he is in the custody of a police officer, unless it be made in the immediate presence of a magistrate, shall be proved as against such person.

under custody of Police

When oral admissions as to contents of documents are relevant.

Admissions in civil case when relevant.

Confession caused by inducement, threat, or promise, irrelevant.

Confession made to a police officer not to be used as evidence.

Confession made by accused while in custody of police not to be used as evidence.

Law of Evidence.

21C 225 126

27 Provided that, when any fact is deposed to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates distinctly to the fact thereby discovered, may be proved.

So much of statement or confession made by accused as relates to fact thereby discovered, may be proved.

28 If such a confession as is referred to in section 24 is made after the impression caused by any such inducement, threat, or promise has, in the opinion of the court, been fully removed, it is relevant.

Confession made after removal of impression caused by inducement, threat, or promise, relevant.

29 If such a confession is otherwise relevant, it does not become irrelevant merely because it was made under a promise of secrecy or in consequence of a deception practised on the accused person for the purpose of obtaining it, or when he was drunk, or because it was made in answer to questions which he need not have answered, whatever may have been the form of those questions, or because he was not warned that he was not bound to make such confession, and that evidence of it might be given against him.

Confession otherwise relevant not to become irrelevant because of promise of secrecy, &c.

30 When more persons than one are being tried jointly for the same offence, and a confession made by one of such persons affecting himself and some other of such persons is proved, the court shall not take into consideration such confession as against such other person.

Confession of accused not taken into consideration.

Explanation.—"Offence" as used in this section includes the abetment of or attempt to commit the offence.

Illustration.

A and B are jointly tried for the murder of C. It is proved that A said, "B and I murdered C." The court shall not consider the effect of this confession as against B.

31 Admissions are not conclusive proof of the matters admitted, but they may operate as estoppels under the provisions hereinafter contained.

Admissions not conclusive proof, but may estop.

Statements by Persons who cannot be called as Witnesses.

32 Statements, written or verbal, of relevant facts made by a person who is dead, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without an amount of delay or expense, which, under the circumstances of the case, appears to the court unreasonable, are themselves relevant facts in the following cases:

Cases in which statement of relevant fact by person who is dead or cannot be found, &c., is relevant.

- (1) When the statement is made by a person as to the cause of his death, or as to any of the circumstances of the transaction which resulted in his death, in cases in which the cause of that person's death comes into question.

When it relates to cause of death;

Feb 173

Deposition of dec'd in absence of acc'd. Query allowed C
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Law of Evidence.

Such statements are relevant whether the person who made them was or was not, at the time when they were made, under expectation of death, and whatever may be the nature of the proceeding in which the cause of his death comes into question.

or is made in course of business ;

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(2) When the statement was made by such person in the ordinary course of business, and in particular when it consists of any entry or memorandum made by him in books kept in the ordinary course of business, or in the discharge of professional duty ; or of an acknowledgment written or signed by him of the receipt of money, goods, securities, or property of any kind ; or of a document used in commerce written or signed by him, or of the date of a letter or other document usually dated, written, or signed by him.

or against interest of maker ;

(3) When the statement is against the pecuniary or proprietary interest of the person making it, or when, if true, it would expose him or would have exposed him to a criminal prosecution or to a suit for damages.

or gives opinion as to public right or custom or matters of general interest ;

(4) When the statement gives the opinion of any such person as to the existence of any public right or custom or matter of public or general interest, of the existence of which, if it existed, he would have been likely to be aware, and when such statement was made before any controversy as to such right, custom, or matter had arisen.

or relates to existence of relationship ;

(5) When the statement relates to the existence of any relationship by blood, marriage, or adoption between persons as to whose relationship by blood, marriage, or adoption the person making the statement had special means of knowledge, and when the statement was made before the question in dispute was raised.

or is made in will or deed of deceased person ;

(6) When the statement relates to the existence of any relationship by blood, marriage, or adoption between persons deceased, and is made in any will or deed relating to the affairs of the family to which any such deceased person belonged, or in any family pedigree, or upon any tombstone, family portrait, or other thing on which such statements are usually made, and when such statement was made before the question in dispute was raised.

or relates to transaction mentioned in section 13, sub-section (a) ;

(7) When the statement is contained in any deed, will, or other document which relates to any such transaction as is mentioned in section 13, sub-section (a).

or is made by several persons, and expresses feelings relevant to matter in question.

(8) When the statement was made by a number of persons, and expressed feelings or impressions on their part relevant to the matter in question.

Illustrations.

(a) The question is, whether A was murdered by B, or whether A died of injuries received in a transaction in the course of which she was ravished.

Law of Evidence.

- The question is, whether she was ravished by B ; or
 The question is, whether A was killed by B under such circumstances that a suit would lie against B by A's widow.
 Statements made by A as to the cause of his or her death, referring respectively to the murder, the rape, and the actionable wrong under consideration, are relevant facts.
- (b) The question is as to the date of A's birth.
 An entry in the diary of a deceased surgeon, regularly kept in the course of business, stating that, on a given day, he attended A's mother and delivered her of a son, is a relevant fact.
- (c) The question is, whether A was in Colombo on a given day.
 A statement in the diary of a deceased proctor, regularly kept in the course of business, that, on a given day, the proctor attended A, at a place mentioned, in Colombo, for the purpose of conferring with him upon specified business, is a relevant fact.
- (d) The question is, whether a ship sailed from Galle harbour on a given day.
 A letter written by a deceased member of a merchant's firm by which she was chartered to their correspondents in London to whom the cargo was consigned, stating that the ship sailed on a given day from Galle harbour, is a relevant fact.
- (e) The question is, whether rent was paid to A for certain land.
 A letter from A's deceased agent to B saying that he had received the rent on A's account and held it at A's orders, is a relevant fact.
- (f) The question is, whether A and B were legally married.
 The statement of a deceased clergyman that he married them under such circumstances that the celebration would be a crime, is relevant.
- (g) The question is, whether A, a person who cannot be found, wrote a letter on a certain day.
 The fact that a letter written by him is dated on that day is relevant.
- (h) The question is, what was the cause of the wreck of a ship.
 A protest made by the captain, whose attendance cannot be procured, is a relevant fact.
- (i) The question is, whether a given road is a public way.
 A statement by A, a deceased headman of the village, that the road was public, is a relevant fact.
- (j) The question is, what was the price of grain on a certain day in a particular market.
 A statement of the price made by a deceased broker in the ordinary course of business is a relevant fact.
- (k) The question is, whether A, who is dead, was the father of B.
 A statement by A that B was his son is a relevant fact.
- (l) The question is, what was the date of the birth of A.
 A letter from A's deceased father to a friend announcing the birth of A on a given day is a relevant fact.
- (m) The question is, whether, and when, A and B were married.
 An entry in a memorandum book by C, the deceased father of B, of his daughter's marriage with A on a given date, is a relevant fact.
- (n) A sues B for a libel expressed in a printed caricature exposed in a shop window. The question is as to the similarity of the caricature and its libellous character.
 The remarks of a crowd of spectators on these points may be proved.

Law of Evidence.

Evidence in a former judicial proceeding, when relevant.

of § 4736a Pres.

33 Evidence given by a witness in a judicial proceeding, or before any person authorized by law to take it, is relevant, for the purpose of proving, in a subsequent judicial proceeding, or in a later stage of the same judicial proceeding, the truth of the facts which it states, when the witness is dead or cannot be found, or is incapable of giving evidence, or is kept out of the way by the adverse party, or if his presence cannot be obtained without an amount of delay or expense, which, under the circumstances of the case, the court considers unreasonable: Provided—

That the proceeding was between the same parties or their representatives in interest; that the adverse party in the first proceeding had the right and opportunity to cross-examine;

That the questions in issue were substantially the same in the first as in the second proceeding.

Explanation.—A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and the accused within the meaning of this section.

Statements made under Special Circumstances.

Entries in books of account, when relevant.

34 Entries in books of account, regularly kept in the course of business, are relevant, whenever they refer to a matter into which the court has to inquire, but such statements shall not alone be sufficient evidence to charge any person with liability.

Illustration.

A sues B for Rs. 1,000 and shows entries in his account books showing B to be indebted to him to this amount. The entries are relevant, but are not sufficient without other evidence to prove the debt.

Entry in public record made in performance of duty enjoined by law, when relevant.

35 An entry in any public or other official book, register, or record, stating a fact in issue or relevant fact, and made by a public servant in the discharge of his official duty, or by any other person in performance of a duty especially enjoined by the law of the country in which such book, register, or record is kept, is itself a relevant fact.

Maps and plans, when relevant.

36 Statements of facts in issue or relevant facts, made in published maps or charts generally offered for public sale, or in maps or plans made under the authority of Government, as to matters usually represented or stated in such maps, charts, or plans, are themselves relevant facts.

Statement as to fact of public nature contained in any Ordinance or notification, when relevant.

37 When the court has to form an opinion as to the existence of any fact of a public nature, any statement of it made in a recital contained in any Act of Parliament, or in any Ordinance, or in any Proclamation or Notification of the Government appearing in the *Government Gazette*, or in any printed paper purporting to be the *London Gazette* or the *Government Gazette* of any colony, dominion, dependency, or possession of the British Crown, or to be the *Gazette* issued by the local Government of any part of such colony, dominion, dependency, or possession, is a relevant fact.

Law of Evidence.

38 When the court has to form an opinion as to a law of any country, any statement of such law contained in a book purporting to be printed or published under the authority of the Government of such country, and to contain any such law, and any report of a ruling of the courts of such country contained in a book purporting to be a report of such rulings, is relevant.

Statements in law books.

How much of a Statement is to be proved.

39 When any statement of which evidence is given forms part of a longer statement, or of a conversation, or part of an isolated document, or is contained in a document which forms part of a book, or of a connected series of letters or papers, evidence shall be given of so much and no more of the statement, conversation, document, book, or series of letters or papers as the court considers necessary in that particular case to the full understanding of the nature and effect of the statement, and of the circumstances under which it was made.

What evidence to be given when statement forms part of a conversation, document, book, or series of letters or papers.

Judgments of Courts of Justice when relevant.

40 The existence of any judgment, order, or decree, which by law prevents any court from taking cognizance of a suit or holding a trial, is a relevant fact, when the question is, whether such court ought to take cognizance of such suit or to hold such trial.

Previous judgments relevant to bar a second suit or trial.

41 A final judgment, order, or decree of a competent court, in the exercise of probate, matrimonial, admiralty, or insolvency jurisdiction, which confers upon or takes away from any person any legal character, or which declares any person to be entitled to any such character, or to be entitled to any specific thing, not as against any specified person, but absolutely, is relevant, when the existence of any such legal character, or the title of any such person to any such thing, is relevant.

Judgments in probate, &c., jurisdiction.

Such judgment, or order, or decree is conclusive proof—

- (1) That any legal character which it confers accrued at the time when such judgment, order, or decree came into operation ;
- (2) That any legal character to which it declares any such person to be entitled, accrued to that person at the time when such judgment, order, or decree declares it to have accrued to that person ;
- (3) That any legal character which it takes away from any such person ceased at the time from which such judgment, order, or decree declared that it had ceased or should cease ; and
- (4) That anything to which it declares any person to be so entitled was the property of that person at the time from which such judgment, order, or decree declares that it had been or should be his property.

Law of Evidence.

Judgment, order, or decree between third parties, when relevant and when not.

42 Judgments, orders, or decrees other than those mentioned in section 41 are relevant if they relate to matters of a public nature relevant to the inquiry ; but such judgments, orders, or decrees are not conclusive proof of that which they state.

Illustration.

A sues B for trespass on his land. B alleges the existence of a public right of way over the land, which A denies.

The existence of a decree in favour of the defendant, in a suit by A against C for a trespass on the same land, in which C alleged the existence of the same right of way, is relevant, but it is not conclusive proof that the right of way exists.

What judgments, &c., not relevant.

43 Judgments, orders, or decrees, other than those mentioned in sections 40, 41, and 42, are irrelevant, unless the existence of such judgment, order, or decree is a fact in issue, or is relevant under some other provision of this Ordinance.

Illustrations.

(a) A and B separately sue C for a libel which reflects upon each of them. C in each case says that the matter alleged to be libellous is true, and the circumstances are such that it is probably true in each case, or in neither.

A obtains a decree against C for damages, on the ground that C failed to make out his justification. The fact is irrelevant as between B and C.

(b) A prosecutes B for stealing a cow from him. B is convicted. A afterwards sues C for the cow, which B had sold to him before his conviction. As between A and C the judgment against B is irrelevant.

(c) A has obtained a decree for the possession of land against B ; C, B's son, murders A in consequence.

The existence of the judgment is relevant, as showing motive for a crime.

(d) A is charged with theft and with having been previously convicted of theft.

The previous conviction is relevant as a fact in issue.

(e) A is tried for the murder of B. The fact that B prosecuted A for libel, and that A was convicted and sentenced, is relevant under section 8, as showing the motive for the fact in issue.

Fraud, collusion, and incompetency of court may be proved.

44 Any party to a suit or other proceeding may show that any judgment, order, or decree which is relevant under section 40, 41, or 42, and which has been proved by the adverse party, was delivered by a court not competent to deliver it, or was obtained by fraud or collusion.

Opinions of Third Persons when relevant.

Opinions of experts.

45 When the court has to form an opinion as to foreign law, or of science, or art, or as to identity or genuineness of handwriting, the opinions upon that point of persons specially skilled in such foreign law, science, or art, or in questions as to identity or genuineness of handwriting, are relevant facts.

Such persons are called experts.

*Law of Evidence.**Illustrations.*

(a) The question is, whether the death of A was caused by poison. The opinions of experts as to the symptoms produced by the poison by which A is supposed to have died are relevant.

(b) The question is, whether A, at the time of doing a certain act, was, by reason of unsoundness of mind, incapable of knowing the nature of the act, or that he was doing what was either wrong or contrary to law.

The opinions of experts upon the question whether the symptoms exhibited by A commonly show unsoundness of mind, and whether such unsoundness of mind usually renders persons incapable of knowing the nature of the acts which they do, or of knowing that what they do is either wrong or contrary to law, are relevant.

(c) The question is, whether a certain document was written by A. Another document is produced which is proved or admitted to have been written by A.

The opinions of experts on the question whether the two documents were written by the same person or by different persons, are relevant.

46 Facts not otherwise relevant are relevant if they support or are inconsistent with the opinions of experts, when such opinions are relevant.

Facts bearing upon opinions of experts.

Illustrations.

(a) The question is, whether A was poisoned by a certain poison. The fact that other persons who were poisoned by that poison exhibited certain symptoms which experts affirm or deny to be the symptoms of that poison, is relevant.

(b) The question is, whether an obstruction to a harbour is caused by a certain sea-wall.

The fact that other harbours are similarly situated in other respects, but where there were no such sea-walls, began to be obstructed at about the same time, is relevant.

47 When the court has to form an opinion as to the persons by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the person by whom it is supposed to be written or signed that it was or was not written or signed by that person is a relevant fact.

Opinion as to handwriting.

Explanation.—A person is said to be acquainted with the handwriting of another person when he has seen that person write, or when he has received documents purporting to be written by that person in answer to documents written by himself or under his authority and addressed to that person, or when, in the ordinary course of business, documents purporting to be written by that person have been habitually submitted to him.

Illustration.

The question is, whether a given letter is in the handwriting of A, a merchant in London.

B is a merchant in Colombo, who has written letters addressed to A and received letters purporting to be written by him. C is B's clerk, whose duty it was to examine and file B's correspondence. D is B's broker, to whom B habitually submitted the letters purporting to be written by A for the purpose of advising with him thereon.

The opinions of B, C, and D on the question, whether the letter is in the handwriting of A, are relevant, though neither B, C, nor D ever saw A write.

Law of Evidence.

Opinion as to existence of right or custom, when relevant.

48 When the court has to form an opinion as to the existence of any general custom or right, the opinion, as to the existence of such custom or right, of persons who would be likely to know of its existence if it existed, are relevant.

Explanation.—The expression “general custom or right” includes customs or rights common to any considerable class of persons.

Illustration.

The right of the inhabitants of a particular village to use the water of a particular well is a general right within the meaning of this section.

Opinion as to usages, tenets, &c., when relevant.

49 When the court has to form an opinion as to—

- (1) The usages and tenets of any body of men or family ;
- (2) The constitution and government of any religious or charitable foundation ; or
- (3) The meaning of words or terms used in particular districts or by particular classes of people ;

the opinions of persons having special means of knowledge thereon are relevant facts.

Opinion on relationship, when relevant.

50 When the court has to form an opinion as to the relationship of one person to another, the opinion, expressed by conduct, as to the existence of such relationship of any person, who, as a member of the family or otherwise, has special means of knowledge on the subject, is a relevant fact : Provided that such opinion shall not be sufficient to prove a marriage in proceedings for divorce, or in prosecutions under section 27 of the Ordinance No. 3 of 1870, and sections 362 (b), 362 (c), and 362 (d) of the Ceylon Penal Code.

Illustrations.

- (a) The question is, whether A and B were married. The fact that they were usually received and treated by their friends as husband and wife is relevant.
- (b) The question is, whether A was the legitimate son of B. The fact that A was always treated as such by members of the family is relevant.

Grounds of opinion, when relevant.

51 Whenever the opinion of any living person is relevant the grounds on which such opinion is based are also relevant.

Illustration.

An expert may give an account of experiments performed by him for the purpose of forming his opinion.

Character when relevant.

In civil cases character to prove conduct imputed, irrelevant.

52 In civil cases, the fact that the character of any person concerned is such as to render probable or improbable any conduct imputed to him is irrelevant, except in so far as such character appears from facts otherwise relevant.

In criminal cases previous good character, relevant.

53 In criminal proceedings the fact that the person accused is of a good character is relevant.

Law of Evidence.

54 In criminal proceedings the fact that the accused person has a bad character is irrelevant, unless evidence has been given that he has a good character, in which case it becomes relevant.

Previous bad character irrelevant.

Explanation 1.—This section does not apply to cases in which the bad character of any person is itself a fact in issue.

Explanation 2.—A previous conviction is relevant as evidence of bad character in such case.

55 In civil cases, the fact that the character of any person is such as to affect the amount of damages which he ought to receive is relevant.

Character as affecting damages.

Explanation.—In sections 52, 53, 54, and 55 the word “character” includes both reputation and disposition; but, except as provided in section 54, evidence may be given only of general reputation and general disposition, and not of particular acts by which reputation or disposition were shown.

PART II.

ON PROOF.

CHAPTER III.

Facts which need not be proved.

56 No fact of which the court will take judicial notice need be proved.

No evidence required of fact judicially noticed.

57 The court shall take judicial notice of the following facts:

Facts of which court must take judicial notice.

- (1) All laws, or rules having the force of law, now or heretofore in force or hereafter to be in force in any part of the colony.
- (2) All public Acts passed or hereafter to be passed by Parliament, and all local and personal Acts directed by Parliament to be judicially noticed.
- (3) Articles of war for Her Majesty's army or navy.
- (4) The course of proceeding of Parliament and of the Legislative Council of the colony.

Explanation.—The word “Parliament” in sub-sections (2) and (4) includes:

- (a) The Parliament of the United Kingdom of Great Britain and Ireland;
 - (b) The Parliament of Great Britain;
 - (c) The Parliament of England;
 - (d) The Parliament of Scotland; and
 - (e) The Parliament of Ireland.
- (5) The accession and the Sign Manual of the Sovereign for the time being of the United Kingdom of Great Britain and Ireland;
 - (6) All seals of which English courts take judicial notice; the seals of all the courts of the colony; the seals of courts of admiralty and maritime jurisdiction and of notaries public; and all seals which any

Law of Evidence.

person is authorized to use by any Act of Parliament or other law in force for the time being in the colony.

- (7) The accession to office, names, titles, functions, and signatures of the persons filling for the time being any public office in any part of the colony if the fact of their appointment to such office is notified in the *Government Gazette*.
- (8) The existence, title, and national flag of every State or Sovereign recognized by the British Crown.
- (9) The ordinary course of nature, natural and artificial divisions of time, the geographical divisions of the world, the meaning of English words, and public festivals, fasts, and holidays notified in the *Government Gazette*.
- (10) The territories under the dominion of the British Crown.
- (11) The commencement, continuance, and termination of hostilities between the British Crown and any other State or body of persons.
- (12) The names of the members and officers of the court, and of their deputies and subordinate officers and assistants, and also of all officers acting in execution of its process, and of all advocates, proctors, and other persons authorized by law to appear or act before it.
- (13) The rule of the road on land or at sea.
- (14) All other matters which it is directed by any enactment to notice.

In all these cases, and also on all matters of public history, literature, science, or art, the court may resort for its aid to appropriate books or documents of reference.

If the court is called upon by any person to take judicial notice of any fact, it may refuse to do so, unless and until such person produces any such book or document as it may consider necessary to enable it to do so.

Facts admitted.

58 No fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings: Provided that the court may, in its discretion, require the facts admitted to be proved otherwise than by such admissions.

CHAPTER IV.

*Of Oral Evidence.***Proof of facts by oral evidence.**

59 All facts, except the contents of documents, may be proved by oral evidence.

Oral evidence must be direct.

60 Oral evidence must, in all cases whatever, be direct; that is to say :

Law of Evidence.

- (1) If it refers to a fact which could be seen, it must be the evidence of a witness who says he saw that fact ;
- (2) If it refers to a fact which could be heard, it must be the evidence of a witness who says he heard that fact ;
- (3) If it refers to a fact which could be perceived by any other sense or in any other manner, it must be the evidence of a witness who says he perceived that fact by that sense or in that manner ;
- (4) If it refers to an opinion or to the grounds on which that opinion is held, it must be the evidence of the person who holds that opinion on those grounds.

Provided that the opinions of experts expressed in any treatise commonly offered for sale, and the grounds on which such opinions are held, may be proved by the production of such treatises if the author is dead or cannot be found, or has become incapable of giving evidence, or cannot be called as a witness without an amount of delay or expense which the court regards as unreasonable.

Provided also that, if oral evidence refers to the existence or condition of any material thing other than a document, the court may, if it thinks fit, require the production of such material thing for its inspection.

CHAPTER V.

Of Documentary Evidence.

61 The contents of documents may be proved either by primary or by secondary evidence.

Proof of contents of documents.

62 Primary evidence means the document itself produced for the inspection of the court.

Primary evidence.

Explanation 1.—Where a document is executed in several parts each part is primary evidence of the document.

Where a document is executed in counterpart, each counterpart being executed by one or some of the parties only, each counterpart is primary evidence as against the parties executing it.

Explanation 2.—Where a number of documents are all made by one uniform process, as in the case of printing, lithography, or photography, each is primary evidence of the contents of the rest ; but where they are all copies of a common original, they are not primary evidence of the contents of the original.

Illustration.

A person is shown to have been in possession of a number of placards, all printed at one time from one original. Any one of the placards is primary evidence of the contents of any other, but no one of them is primary evidence of the contents of the original.

63 Secondary evidence means and includes :

Secondary evidence.

- (1) Certified copies given under the provisions herein-after contained ;

Law of Evidence.

- (2) Copies made from the original by mechanical processes which in themselves insure the accuracy of the copy, and copies compared with such copies ;
- (3) Copies made from or compared with the original ;
- (4) Counterparts of documents as against the parties who did not execute them ;
- (5) Oral accounts of the contents of a document given by some person who has himself seen it.

Illustrations.

- (a) A photograph of an original is secondary evidence of its contents, though the two have not been compared, if it is proved that the thing photographed was the original.
- (b) A copy compared with a copy of a letter made by a copying machine is secondary evidence of the contents of the letter, if it is shown that the copy made by the copying machine was made from the original.
- (c) A copy transcribed from a copy, but afterwards compared with the original, is secondary evidence ; but the copy not so compared is not secondary evidence of the original, although the copy from which it was transcribed was compared with the original.
- (d) Neither an oral account of a copy compared with the original, nor an oral account of a photograph or machine-copy of the original, is secondary evidence of the original.

Proof of documents by primary evidence.

64 Documents must be proved by primary evidence, except in the cases hereinafter mentioned.

Cases in which secondary evidence relating to documents may be given.

65 Secondary evidence may be given of the existence, condition, or contents of a document in the following cases :

- (1) When the original is shown or appears to be in the possession or power—
Of the person against whom the document is sought to be proved ; or
Of any person out of reach of, or not subject to, the process of the court ; or
Of any person legally bound to produce it ;
And when after the notice mentioned in section 66 such person does not produce it ;
- (2) When the existence, condition, or contents of the original have been proved to be admitted in writing by the person against whom it is sought to be proved or by his representative in interest ;
- (3) When the original has been destroyed or lost, or when the party offering evidence of its contents cannot, for any other reason not arising from his own default or neglect, produce it in reasonable time ;
- (4) When the original is of such a nature as not to be easily movable ;
- (5) When the original is a public document within the meaning of section 74 ;

Law of Evidence.

- (6) When the original is a document of which a certified copy is permitted by this Ordinance or by any other law in force in this colony to be given in evidence ;
- (7) When the originals consist of numerous accounts or other documents which cannot conveniently be examined in court, and the fact to be proved is the general result of the whole collection.

In cases (1), (3), and (4), any secondary evidence of the contents of the document is admissible.

In case (2), the written admission is admissible.

In case (5) or (6), a certified copy of the document, but no other kind of secondary evidence, is admissible.

In case (7), evidence may be given as to the general result of the documents by any person who has examined them, and who is skilled in the examination of such documents.

66 Secondary evidence of the contents of the documents referred to in section 65, sub-section (1), shall not be given unless the party proposing to give such secondary evidence has previously given to the party in whose possession or power the document is, or to his proctor, such notice to produce it as is prescribed by law ; and if no notice is prescribed by law, then such notice as the court considers reasonable under the circumstances of the case.

Rules as to notice to produce.

Provided that such notice shall not be required in order to render secondary evidence admissible in any of the following cases, or in any other case in which the court thinks fit to dispense with it :

- (1) When the document to be proved is itself a notice ;
- (2) When, from the nature of the case, the adverse party must know that he will be required to produce it ;
- (3) When it appears or is proved that the adverse party has obtained possession of the original by fraud or by force ;
- (4) When the adverse party or his agent has the original in court ;
- (5) When the adverse party or his agent has admitted the loss of the document ;
- (6) When the person in possession of the document is out of reach of, or not subject to, the process of the court.

67 If a document is alleged to be signed or to have been written wholly or in part by any person, the signature or the handwriting of so much of the document as is alleged to be in that person's handwriting must be proved to be in his handwriting.

Proof of signature and handwriting of person alleged to have signed, or written, document produced.

68 If a document is required by law to be attested, it shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution, if there be an attesting witness alive, and subject to the process of the court and capable of giving evidence.

Proof of execution of document required by law to be attested.

Notary attesting witness 15/12/16

... signed my writing 12/22/16 by Google 3/11/97

(Includes Henry Kirk 16 June 53)

The inventory is not a law. 3052 OZ. 29 12 98

Law of Evidence.

Proof where no attesting witness found

69 If no such attesting witness can be found, or if the document purports to have been executed in the United Kingdom, it must be proved that the attestation of one attesting witness at least is in his handwriting, and that the signature of the person executing the document is in the handwriting of that person.

Admission of execution by party to attested document.

70 The admission of a party to an attested document of its execution by himself shall be sufficient proof of its execution as against him, though it be a document required by law to be attested.

Proof when attesting witness denies the execution.

71 If the attesting witness denies or does not recollect the execution of the document, its execution may be proved by other evidence.

Proof of document not required by law to be attested.

72 An attested document not required by law to be attested, may be proved as if it was unattested.

Comparison of handwritings.

73 In order to ascertain whether a signature, writing, or seal is that of the person by whom it purports to have been written or made, any signature, writing, or seal admitted or proved to the satisfaction of the court to have been written or made by that person may be compared with the one which is to be proved, although that signature, writing, or seal has not been produced or proved for any other purpose.

The court may direct any person present in court to write any words or figures for the purpose of enabling the court to compare the words or figures so written with any words or figures alleged to have been written by such person.

Public Documents.

Public documents.

74 The following documents are public documents :

- (1) Documents forming the Acts, or records of the Acts—
 - (a) Of the Sovereign authority ;
 - (b) Of official bodies and tribunals ; and
 - (c) Of public officers, legislative, judicial, and executive, whether of the colony or of any other part of Her Majesty's dominions, or of a foreign country.
- (2) Public records, kept in the colony, of private documents.
- (3) Plans, surveys, or maps purporting to be signed by the Surveyor-General or officer acting on his behalf.

Private documents.

75 All other documents are private.

Certified copies of public documents.

76 Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official

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Law of Evidence.

title, and shall be sealed, whenever such officer is authorized by law to make use of a seal, and such copies so certified shall be called certified copies.

Explanation.—Any officer who, by the ordinary course of official duty, is authorized to deliver such copies shall be deemed to have the custody of such documents within the meaning of this section.

77 Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.

Production of such copies.

78 The following public documents may be proved as follows :

Proof of other official documents.

- (1) Acts, orders, or notifications of the Government of the colony or of any of its departments—
By the records of the departments certified by the heads of those departments respectively, or by the Colonial Secretary, or an Assistant Colonial Secretary ;
By any document purporting to be printed by order of the Government ;
- (2) The proceedings of the Legislative Council—
By the minutes of that body respectively, or by published Ordinances or abstracts, or by copies purporting to be printed by order of Government ;
- (3) Proclamations, orders, or regulations issued by Her Majesty or by the Privy Council, or by any department of Her Majesty's Government—
By copies or extracts contained in the *London Gazette* or in the *Government Gazette* of the colony, or purporting to be printed by the Queen's printer ;
- (4) The acts of the executive or the proceedings of the legislature of a foreign country—
By journals published by their authority, or commonly received in that country as such, or by a copy certified under the seal of the country or Sovereign, or by a recognition thereof in some public Ordinance of the colony ;
- (5) The proceedings of a municipal body in the colony—
By a copy of such proceedings certified by the legal keeper thereof, or by a printed book purporting to be published by the authority of such body ;
- (6) Public documents of any other class in a foreign country—
By the original, or by a copy certified by the legal keeper thereof, with a certificate under the seal of a notary public or of a British consul or diplomatic agent, that the copy is duly certified by the officer having the legal custody of the original, and upon proof of the character of the document according to the law of the foreign country.

*Law of Evidence.**Presumptions as to Documents.*

Presumption as to genuineness of certified copies.

79 (1) The court shall presume every document purporting to be a certificate, certified copy, or other document, which is by law declared to be admissible as evidence of any particular fact, and which purports to be duly certified by any officer in the colony, to be genuine: Provided that such document is substantially in the form and purports to be executed in the manner directed by law in that behalf.

(2) The court shall also presume that any officer, by whom any such document purports to be signed or certified, held, when he signed it, the official character which he claims in such paper.

Presumption on production of record of evidence.

80 Whenever any document is produced before any court purporting to be a record or memorandum of the evidence or of any part of the evidence given by a witness in a judicial proceeding or before any officer authorized by law to take such evidence, or to be a statement or confession by any prisoner or accused person taken in accordance with law and purporting to be signed by any judge or magistrate or by any such officer as aforesaid, the court shall presume that the document is genuine; that any statements, as to the circumstances under which it was taken, purporting to be made by the persons signing it, are true; and that such evidence, statement, or confession was duly taken.

Presumption as to Gazettes.

81 The court shall presume the genuineness of every document purporting to be the *London Gazette* or the *Government Gazette* of the colony, or of any colony, dominion, dependency, or possession of the British Crown, or to be the *Gazette* issued by the local Government of any part of such colony, dominion, dependency, or possession, or to be a newspaper or journal, or to be a copy of a private Act of Parliament printed by the Queen's printer, and of every document purporting to be a document directed by any law to be kept by any person, if such document is kept substantially in the form required by law and is produced from proper custody.

Presumption as to document admissible in England without proof of seal or signature.

82 When any document is produced before any court purporting to be a document which, by the law in force for the time being in England or Ireland, would be admissible in proof of any particular in any court of justice in England or Ireland without proof of the seal, or stamp, or signature authenticating it, or of the judicial or official character claimed by the person by whom it purports to be signed, the court shall presume that such seal, stamp, or signature is genuine, and that the person signing it held, at the time when he signed it, the judicial or official character which he claims.

And the document shall be admissible for the same purpose for which it would be admissible in England or Ireland.

Law of Evidence.

83 The court shall presume that maps, plans, or surveys purporting to be signed by the Surveyor-General or officer acting on his behalf were duly made by his authority and are accurate; but maps, plans, or surveys not so signed must be proved to be accurate.

Proof of maps made for purposes of any cause.

84 The court shall presume the genuineness of every book purporting to be printed or published under the authority of the Government of any country, and to contain any of the laws of that country, and of every book purporting to contain reports of decisions of the courts of such country.

Presumption as to collections of laws and reports of decisions.

85 The court shall presume that every document purporting to be a power of attorney, and to have been executed before, and authenticated by, a notary public, a person duly authorized by law in that behalf, or any court, judge, magistrate, British consul or vice-consul, or representative of Her Majesty, or of the Governor of the colony, or of the Government of India, was so executed and authenticated.

Presumption as to powers of attorney.

86 The court may presume that any document purporting to be a certified copy of any judicial record of any country not forming part of Her Majesty's dominions is genuine and accurate, if the document purports to be certified in any manner which is certified by any representative of Her Majesty or of the Governor of the colony or of the Government of India in or for such country to be the manner commonly in use in that country for the certification of copies of judicial records.

Presumption as to certified copies of foreign judicial records.

87 The court may presume that any book to which it may refer for information on matters of public or general interest, and that any published map or chart, the statements of which are relevant facts, and which is produced for its inspection, was written and published by the person, and at the time and place by whom or at which it purports to have been written or published.

Presumption as to books and maps.

88 The court may presume that a message, forwarded from a telegraph office to the person to whom such message purports to be addressed, corresponds with a message delivered for transmission at the office from which the message purports to be sent; but the court shall not make any presumption as to the person by whom such message was delivered for transmission.

Presumption as to telegraphic messages.

89 The court shall presume that every document called for and not produced after notice to produce given under section 66 was attested, stamped, and executed in the manner required by law.

Presumption as to due execution, &c., of documents not produced.

90 Where any document purporting or proved to be thirty years old is produced from any custody which the court in the particular case considers proper, the court may

Documents thirty years old.

Law of Evidence.

presume that the signature and every other part of such document which purports to be in the handwriting of any particular person is in that person's handwriting, and, in the case of a document executed or attested, that it was duly executed and attested by the persons by whom it purports to be executed and attested.

Explanation.—Documents are said to be in proper custody if they are in the place in which, and under the care of the person with whom, they would naturally be; but no custody is improper if it is proved to have had a legitimate origin, or if the circumstances of the particular case are such as to render such an origin probable.

This explanation applies also to section 81.

Illustrations.

- (a) A has been in possession of landed property for a long time. He produces from his custody deeds relating to the land showing his titles to it. The custody is proper.
- (b) A produces deeds relating to landed property of which he is the mortgagee. The mortgagor is in possession. The custody is proper.
- (c) A, a connection of B, produces deeds relating to lands in B's possession, which were deposited with him by B for safe custody. The custody is proper.

CHAPTER VI.

Bankers' Books.

Definitions.

90 (a) In this chapter, unless there is something repugnant in the subject or context :

- (1) "Company" means a company registered under the Ordinances or Acts relating to companies from time to time in force in the colony, or in British India, or under any Acts of Parliament, or incorporated by an Act of Parliament, or of the Governor-General of India in Council, or by Royal Charter or Letters Patent.
- (2) "Bank" and "banker" means—
 - (i.) Any company carrying on the business of bankers;
 - (ii.) Any partnership or individual to whose books the provisions of this chapter shall have been extended as hereinafter provided;
 - (iii.) Any savings bank, post office savings bank, or money order office;
- (3) "Bankers' books" include ledgers, day books, cash books, account books, and all other books used in the ordinary business of a bank.
- (4) "Certified copy" means a copy of any entry in the books of a bank, together with a certificate written at the foot of such copy that it is a true copy of such entry; that such entry is contained in one of the ordinary books of the bank, and was made

Law of Evidence.

in the usual and ordinary course of business; and that such book is still in the custody of the bank, such certificate being dated and subscribed by the principal accountant or manager of the bank, with his name and official title.

90 (b) The Governor, with the advice of the Executive Council, may from time to time, by notification in the *Government Gazette*, extend the provisions of this chapter to the books of any partnership or individual carrying on the business of bankers within the colony, and keeping a set of not less than three ordinary account books, namely, a cash book, a day book or journal, and a ledger, and may in like manner rescind any such notification.

Power to extend provisions of chapter.

90 (c) Subject to the provisions of this chapter, a certified copy of any entry in a banker's book shall in all legal proceedings be received as *prima facie* evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions, and accounts therein recorded in every case where, and to the same extent as, the original entry itself is now by law admissible, but not further or otherwise.

Mode of proof of entries in bankers' books.

90 (d) No officer of a bank shall, in any legal proceeding to which the bank is not a party, be compellable to produce any banker's book the contents of which can be proved under this chapter, or to appear as a witness to prove the matters, transactions, and accounts therein recorded, unless by order of the court, or a judge, made for special cause.

Case in which officer of bank not compellable to produce books.

90 (e) (1) On the application of any party to a legal proceeding, the court or a judge may order that such party be at liberty to inspect and take copies of any entries in a banker's book for any of the purposes of such proceeding, or may order the bank to prepare and produce, within a time to be specified in the order, certified copies of all such entries, accompanied by a further certificate that no other entries are to be found in the books of the bank relevant to the matters in issue in such proceeding, and such further certificate shall be dated and subscribed in manner hereinbefore directed in reference to certified copies.

Inspection of books by order of court or judge.

(2) An order under this or the preceding section may be made either with or without summoning the bank, and shall be served on the bank three clear days (exclusive of bank holidays) before the same is to be obeyed, unless the court or judge shall otherwise direct.

(3) The bank may at any time, before the time limited for obedience to any such order as aforesaid, either offer to produce their books at the trial or give notice of their intention to show cause against such order, and thereupon the same shall not be enforced without further order.

90 (f) (1) The costs of any application to the court or a judge under or for the purposes of this chapter, and the costs of anything done or to be done under an order of the court

Costs.

Law of Evidence.

or a judge made under or for the purposes of this chapter, shall be in the discretion of the court or judge, who may further order such costs or any part thereof to be paid to any party by the bank if they have been incurred in consequence of any fault or improper delay on the part of the bank.

(2) Any order made under this section for the payment of costs to or by a bank may be enforced as if the bank were a party to the proceeding.

(3) Any order under this section awarding costs may, on application to any court of civil judicature designated in the order, be executed by such court as if the order were a decree for money passed by itself.

Provided that nothing in this sub-section shall be construed to derogate from any power which the court or judge making the order may possess for the enforcement of its or his directions with respect to the payment of costs.

CHAPTER VII

Of the exclusion of Oral by Documentary Evidence.

Evidence of terms of written contract.

91 When the terms of a contract, or of a grant, or of any other disposition of property have been reduced by or by consent of the parties to the form of a document, and in all cases in which any matter is required by law to be reduced to the form of a document, no evidence shall be given in proof of the terms of such contract, grant, or other disposition of property, or of such matter, except the document itself, or secondary evidence of its contents in cases in which secondary evidence is admissible under the provisions hereinbefore contained.

Exception 1.—When a public officer is required by law to be appointed in writing, and when it is shown that any particular person has acted as such officer, the writing by which he is appointed need not be proved.

Exception 2.—Wills admitted to probate in the colony may be proved by the probate.

Explanation 1.—This section applies equally to cases in which the contracts, grants, or dispositions of property referred to are contained in one document, and to cases in which they are contained in more documents than one.

Explanation 2.—Where there are more originals than one, one original only need be proved.

Explanation 3.—The statement in any document whatever of a fact other than the facts referred to in this section shall not preclude the admission of oral evidence as to the same fact.

Illustrations.

- (a) If a contract be contained in several letters, all the letters in which it is contained must be proved.
- (b) If a contract is contained in a bill of exchange, the bill of exchange must be proved.
- (c) If a bill of exchange is drawn in a set of three, one only need be proved.

Law of Evidence.

(d) A contracts in writing with B for the delivery of plumbago upon certain terms. The contract mentions the fact that B had paid A the price of other plumbago contracted for verbally on another occasion.

Oral evidence is offered that no payment was made for the other plumbago. The evidence is admissible.

(e) A gives B a receipt for money paid by B.

Oral evidence is offered of the payment. The evidence is admissible.

92 When the terms of any such contract, grant, or other disposition of property, or any matter required by law to be reduced to the form of a document, have been proved according to the last section, no evidence of any oral agreement or statement shall be admitted as between the parties to any such instrument or their representatives in interest, for the purpose of contradicting, varying, adding to, or subtracting from, its terms.

Exclusion of evidence of oral agreement.

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Proviso (1). Any fact may be proved which would invalidate any document, or which would entitle any person to any decree or order relating thereto, such as fraud, intimidation, illegality, want of due execution, want of capacity in any contracting party, the fact that it is wrongly dated, want or failure of consideration, or mistake in fact or law.

Relief

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Proviso (2). The existence of any separate oral agreement as to any matter on which a document is silent, and which is not inconsistent with its terms, may be proved. In considering whether or not this proviso applies, the court shall have regard to the degree of formality of the document.

Proviso (3). The existence of any separate oral agreement constituting a condition precedent to the attaching of any obligation under any such contract, grant, or disposition of property may be proved.

Proviso (4). The existence of any distinct subsequent oral agreement to rescind or modify any such contract, grant, or disposition of property may be proved, except in cases in which such contract, grant, or disposition of property is by law required to be in writing, or has been registered according to the law in force for the time being as to the registration of documents.

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Proviso (5). Any usage or custom by which incidents, not expressly mentioned in any contract, are usually annexed to contracts of that description, may be proved.

Provided that the annexing of such incident would not be repugnant to, or inconsistent with, the express terms of the contract.

Proviso (6). Any fact may be proved which shows in what manner the language of a document is related to existing facts.

Illustrations.

(a) A policy of insurance is effected on goods "in ships from Colombo to London." The goods are shipped in a particular ship which is lost. The fact that that particular ship was orally excepted from the policy cannot be proved.

Law of Evidence.

- (b) A agrees absolutely in writing to pay B Rs. 1,000 on the 1st of March, 1873. The fact that, at the same time, an oral agreement was made that the money should not be paid till the 31st of March cannot be proved.
- (c) An estate called the "Rampore estate" is sold by a deed which contains a map of the property sold. The fact that land not included in the map had always been regarded as part of the estate and was meant to pass by the deed cannot be proved.
- (d) A enters into a written contract with B to work certain mines, the property of B, upon certain terms. A was induced to do so by a misrepresentation of B's as to their value. This fact may be proved.
- (e) A institutes a suit against B for the specific performance of a contract, and also prays that the contract may be reformed as to one of its provisions, on the ground that that provision was inserted in it by mistake. A may prove that such a mistake was made as would by law entitle him to have the contract reformed.
- (f) A orders goods of B by a letter, in which nothing is said as to the time of payment, and accepts the goods on delivery. B sues A for the price. A may show that the goods were supplied on credit for a term still unexpired.
- (g) A sells B a horse and verbally warrants him sound. A gives B a paper in these words: "Bought of A a horse for Rs. 500." B may prove the verbal warranty.
- (h) A hires lodgings of B, and gives B a card on which is written "Rooms Rs. 200 a month." A may prove a verbal agreement that these terms were to include partial board. A hires lodgings of B for a year, and a regularly stamped agreement drawn up by a notary is made between them. It is silent on the subject of board. A may not prove that board was included in the terms verbally.
- (i) A applies to B for a debt due to A by sending a receipt for the money. B keeps the receipt and does not send the money. In a suit for the amount A may prove this.
- (j) A and B made a contract in writing to take effect upon the happening of a certain contingency. The writing is left with B, who sues A upon it. A may show the circumstances under which it was delivered.

Exclusion of evidence to explain or amend ambiguous document.

93 When the language used in a document is on its face ambiguous or defective, evidence may not be given of facts which would show its meaning or supply its defects.

Illustrations.

- (a) A agrees in writing to sell a horse to B for "Rs. 1,000 or Rs. 1,500." Evidence cannot be given to show which price was to be given.
- (b) A deed contains blanks. Evidence cannot be given of facts which would show how they were meant to be filled.

Exclusion of evidence against application of document to existing facts.

94 When language used in a document is plain in itself, and when it applies accurately to existing facts, evidence may not be given to show that it was not meant to apply to such facts.

Illustration.

A sells to B by deed "My estate at Negombo containing 100 acres." A has an estate at Negombo containing 100 acres. Evidence may not be given of the fact that the estate meant was one situated at a different place and of a different size.

Exclusion of evidence in document - for the purpose of showing

Law of Evidence.

95 When language used in a document is plain in itself, but is unmeaning in reference to existing facts, evidence may be given to show that it was used in a particular sense.

Evidence as to document unmeaning in reference to existing facts.

Illustration.

A sells to B by deed "My house in Colombo."

A had no house in Colombo, but it appears that he had a house at Kótté, of which B had been in possession since the execution of the deed.

These facts may be proved to show that the deed related to the house at Kótté.

96 When the facts are such that the language used might have been meant to apply to any one, and could not have been meant to apply to more than one of several persons or things, evidence may be given of facts which show which of those persons or things it was intended to apply to.

Evidence as to application of language which can apply to one only of several persons.

Illustrations.

(a) A agrees to sell to B for Rs. 1,000 "My white horse." A has two white horses. Evidence may be given of facts which show which of them was meant.

(b) A agrees to accompany B to Halifax. Evidence may be given of facts showing whether Halifax in Yorkshire or Halifax in Nova Scotia was meant.

97 When the language used applies partly to one set of existing facts and partly to another set of existing facts, but the whole of it does not apply correctly to either, evidence may be given to show to which of the two it was meant to apply.

Evidence as to application of language to one of two sets of facts, to neither of which the whole correctly applies.

Illustration.

A agrees to sell to B "My land at X" in the occupation of Y. A has land at X, but not in the occupation of Y, and he has land in the occupation of Y, but it is not at X. Evidence may be given of facts showing which he meant to sell.

98 Evidence may be given to show the meaning of illegible or not commonly intelligible characters of foreign, obsolete, technical, local, and provincial expressions, of abbreviations, and of words used in a peculiar sense.

Evidence as to meaning of illegible characters, &c.

Illustration.

A, a sculptor, agrees to sell to B "All my mods." A has both models and modelling tools. Evidence may be given to show which he meant to sell.

99 Persons who are not parties to a document, or their representatives in interest, may give evidence of any facts tending to show a contemporaneous agreement, varying the terms of the document.

Who may give evidence of agreement varying terms of document.

Illustration.

A and B make a contract in writing that B shall sell A certain cotton, to be paid for on delivery. At the same time they make an oral agreement that three months' credit shall be given to A. This could not be shown as between A and B, but it might be shown by C if it affected his interests.

Law of Evidence.

CHAPTER VIII.

English Law of Evidence when in force.

English Law of Evidence.

100 Whenever in a judicial proceeding a question of evidence arises not provided for by this Ordinance or by any other law in force in this island, such question shall be determined in accordance with the English Law of Evidence for the time being.

PART III.

PRODUCTION AND EFFECT OF EVIDENCE.

CHAPTER IX.

Of the Burden of Proof.

Burden of proof.

101 Whoever desires any court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist.

When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.

Illustrations.

(a) A desires a court to give judgment that B shall be punished for a crime which A says B has committed.

A must prove that B has committed the crime.

(b) A desires a court to give judgment that he is entitled to certain land in the possession of B by reason of facts which he asserts, and which B denies to be true.

A must prove the existence of those facts.

On whom burden of proof lies.

102 The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.

Illustrations.

(a) A sues B for land of which B is in possession, and which, as A asserts, was left to A by the will of C, B's father.

If no evidence were given on either side, B would be entitled to retain his possession. Therefore the burden of proof is on A.

(b) A sues B for money due on a bond.

The execution of the bond is admitted, but B says that it was obtained by fraud, which A denies.

If no evidence were given on either side, A would succeed, as the bond is not disputed and the fraud is not proved. Therefore the burden of proof is on B.

Burden of proof as to particular fact.

103 The burden of proof as to any particular fact lies on that person who wishes the court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person.

Illustration.

A prosecutes B for theft, and wishes the court to believe that B admitted the theft to C. A must prove the admission.

B wishes the court to believe that, at the time in question, he was elsewhere. He must prove it.

Law of Evidence.

104 The burden of proving any fact necessary to be proved in order to enable any person to give evidence of any other fact is on the person who wishes to give such evidence.

Burden of proving fact to be proved to make evidence admissible.

Illustrations.

- (a) A wishes to prove a dying declaration by B. A must prove B's death.
- (b) A wishes to prove, by secondary evidence, the contents of a lost document.
- A must prove that the document has been lost.

105 When a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within any of the general exceptions in the Ceylon Penal Code, or within any special exception or proviso contained in any other part of the same Code, or in any law defining the offence, is upon him, and the court shall presume the absence of such circumstances.

Burden of proving that case of accused comes within exceptions.

Illustrations.

- (a) A, accused of murder, alleges that, by reason of unsoundness of mind, he did not know the nature of the act.
The burden of the proof is on A.
- (b) A, accused of murder, alleges that, by grave and sudden provocation, he was deprived of the power of self-control.
The burden of proof is on A.
- (c) Section 316 of the Ceylon Penal Code provides that whoever, except in the case provided for by section 326, voluntarily causes grievous hurt shall be subject to certain punishments.
A is charged with voluntarily causing grievous hurt under section 316.
The burden of proving the circumstances bringing the case under section 326 lies on A.

106 When any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

Burden of proving fact especially within knowledge.

Illustrations.

- (a) When a person does an act with some intention other than that which the character and circumstances of the act suggest, the burden of proving that intention is upon him.
- (b) A is charged with travelling on a railway without a ticket.
The burden of proving that he had a ticket is on him.

107 When the question is whether a man is alive or dead, and it is shown that he was alive within thirty years, the burden of proving that he is dead is on the person who affirms it.

Burden of proving death of person known to have been alive within thirty years.

108 Provided that when the question is whether a man is alive or dead, and it is proved that he has not been heard of for seven years by those who would naturally have heard of him if he had been alive, the burden of proving that he is alive is shifted to the person who affirms it.

Burden of proving that person is alive who has not been heard of for seven years.

(1) directly connecting person with offense *Part 35*
(2) person or subject to be made the subject of
(3) with a guilty act *188* *Part 35* ORDINANCE No. 14 OF 1895.

Law of Evidence.

Burden of proof as to partnership, tenancy, and agency.

109 When the question is whether persons are partners, landlord and tenant, or principal and agent, and it has been shown that they have been acting as such, the burden of proving that they do not stand, or have ceased to stand, to each other in those relationships respectively is on the person who affirms it.

Burden of proof as to ownership.

110 When the question is whether any person is owner of anything of which he is shown to be in possession, the burden of proving that he is not the owner is on the person who affirms that he is not the owner.

Proof of good faith in transactions where one party is in relation of active confidence.

111 Where there is a question as to the good faith of a transaction between parties, one of whom stands to the other in a position of active confidence, the burden of proving the good faith of the transaction is on the party who is in a position of active confidence.

Illustrations.

- (a) The good faith of a sale by a client to a proctor is in question in a suit brought by the client. The burden of proving the good faith of the transaction is on the proctor.
- (b) The good faith of a sale by a son just come of age to a father is in question in a suit brought by the son. The burden of proving the good faith of the transaction is on the father.

Birth during marriage conclusive proof of legitimacy.

112 The fact that any person was born during the continuance of a valid marriage between his mother and any man, or within two hundred and eighty days after its dissolution, the mother remaining unmarried, shall be conclusive proof that such person is the legitimate son of that man, unless it can be shown that that man had no access to the mother at any time when such person could have been begotten, or that he was impotent.

Presumption that a boy under twelve years cannot commit rape. Court may presume existence of certain facts.

113 It shall be an irrebuttable presumption of the law that a boy under the age of twelve years is incapable of committing rape.

114 The court may presume the existence of any fact which it thinks likely to have happened, regard being had to the common course of natural events, human conduct, and public and private business in their relation to the facts of the particular case.

Illustrations.

The court may presume—

- (a) That a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession.
- (b) That an accomplice is unworthy of credit, unless he is corroborated in material particulars. (e)
- (c) That a bill of exchange, accepted or endorsed, was accepted or endorsed for good consideration.
- (d) That a thing or state of things which has been shown to be in existence within a period shorter than that within which such thing or state of things usually ceases to exist is still in existence.

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Presumption re "e" of Sec 304 of Part 35 Part 16

Law of Evidence.

- (e) That judicial and official acts have been regularly performed.
 (f) That the common course of business has been followed in particular cases.
 (g) That evidence which could be and is not produced would, if produced, be unfavourable to the person who withholds it.
 (h) That if a man refuses to answer a question which he is not compelled to answer by law, the answer, if given, would be unfavourable to him.
 (i) That when a document creating an obligation is in the hands of the obligor, the obligation has been discharged.
- But the court shall also have regard to such facts as the following in considering whether such maxims do or do not apply to the particular case before it :

As to illustration (a).—A shopkeeper has in his till a marked rupee soon after it was stolen, and cannot account for its possession specifically, but is continually receiving rupees in the course of his business.

As to illustration (b).—A, a person of the highest character, is tried for causing a man's death by an act of negligence in arranging certain machinery. B, a person of equally good character, who also took part in the arrangement, describes precisely what was done, and admits and explains the common carelessness of A and himself.

As to illustration (b).—A crime is committed by several persons. A, B, and C, three of the criminals, are captured on the spot and kept apart from each other. Each gives an account of the crime implicating D, and the accounts corroborate each other in such a manner as to render previous concert highly improbable.

As to illustration (c).—A, the drawer of a bill of exchange, was a man of business. B, the acceptor, was a young and ignorant person, completely under A's influence.

As to illustration (d).—It is proved that a river ran in a certain course five years ago, but it is known that there have been floods since that time which might change its course.

As to illustration (e).—A judicial act, the regularity of which is in question, was performed under exceptional circumstances.

As to illustration (f).—The question is, whether a letter was received. It is shown to have been posted, but the usual course of the post was interrupted by disturbances.

As to illustration (g).—A man refuses to produce a document which would bear on a contract of small importance on which he is sued, but which might also injure the feelings and reputation of his family.

As to illustration (h).—A man refuses to answer a question which he is not compelled by law to answer, but the answer to it might cause loss to him in matters unconnected with the matter in relation to which it is asked.

As to illustration (i).—A bond is in possession of the obligor, but the circumstances of the case are such that he may have stolen it.

CHAPTER X.

Estoppel.

115 When one person has by his declaration, act, or omission intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed in any suit or proceeding between himself and such person or his representative to deny the truth of that thing.

Estoppel.

Law of Evidence.

Illustration.

A intentionally and falsely leads B to believe that certain land belongs to A, and thereby induces B to buy and pay for it. The land afterwards becomes the property of A, and A seeks to set aside the sale, on the ground that at the time of the sale he had no title. He must not be allowed to prove his want of title.

Estoppel of tenant.

116 No tenant of immovable property, or person claiming through such tenant, shall, during the continuance of the tenancy, be permitted to deny that the landlord of such tenant had, at the beginning of the tenancy, a title to such immovable property; and no person who came upon any immovable property by the license of the person in possession thereof shall be permitted to deny that such person had a title to such possession at the time when such license was given.

Estoppel of acceptor of bill of exchange.

117 (1) No acceptor of a bill of exchange shall be permitted to deny that the drawer had authority to draw such bill or to endorse it.

Estoppel of bailee, &c.

(2) No bailee, agent, or licensee shall be permitted to deny that the bailor, principal, or licensor, by whom any goods were entrusted to any of them respectively, was entitled to those goods at the time when they were so entrusted.

Proviso.

Provided that any such bailee, agent, or licensee may show that he was compelled to deliver up any such goods to some person who had a right to them as against his bailor, principal, or licensor, or that his bailor, principal, or licensor wrongfully, and without notice to the bailee, agent, or licensee, obtained the goods from a third person, who has claimed them from such bailee, agent, or licensee.

Explanation.—The acceptor of a bill of exchange may deny that the bill was really drawn by the person by whom it purports to have been drawn.

Sweeney a witness ix 1876

CHAPTER XI.
Of Witnesses.

Who may testify.

118 All persons shall be competent to testify unless the court considers that they are prevented from understanding the questions put to them, or from giving rational answers to those questions, by tender years, extreme old age, disease, whether of body or mind, or any other cause of the same kind.

Explanation.—A lunatic is not incompetent to testify unless he is prevented by his lunacy from understanding the questions put to him and giving rational answers to them.

Dumb witnesses.

119 A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open court. Evidence so given shall be deemed to be oral evidence.

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Law of Evidence.

120 (1) In all civil proceedings the parties to the suit and the husband or wife of any party to the suit shall be competent witnesses.

Parties to civil suit, and their wives or husbands.

(2) In criminal proceedings against any person the husband or wife of such person respectively shall be a competent witness if called by the accused, but in that case all communications between them shall cease to be privileged.

Husband or wife of person under criminal trial.

(3) In criminal proceedings against a husband or wife for any bodily injury or violence inflicted on his or her wife or husband, such wife or husband shall be a competent and compellable witness.

Criminal proceedings against husband or wife.

(4) In criminal trials the accused shall be a competent witness in his own behalf, and may give evidence in the same manner and with the like effect and consequences as any other witness, provided that, so far as the cross-examination relates to the credit of the accused, the court may limit the cross-examination to such extent as it thinks proper, although the proposed cross-examination might be permissible in the case of any other witness.

Accused competent witness.

121 No judge or magistrate shall, except upon special order of a judge of a superior court, be compelled to answer any questions as to his own conduct in court as such judge or magistrate, or as to anything which came to his knowledge in court as such judge or magistrate; but he may be examined as to other matters which occurred in his presence while he was so acting.

Judges and magistrates.

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Illustrations.

- (a) A, on his trial before the Supreme Court, says that a deposition was improperly taken by B, the magistrate. B cannot be compelled to answer questions as to this, except upon the special order of the judge.
- (b) A is accused before the district court of having given false evidence before B, a magistrate. B cannot be asked what A said, except upon the special order of the district judge.
- (c) A is accused before the Supreme Court of attempting to murder a police officer whilst on his trial before B, a district judge. B may be examined as to what occurred.

122 No person who is or has been married shall be compelled to disclose any communication made to him during marriage by any person to whom he is or has been married, nor shall he be permitted to disclose any such communication, unless the person who made it, or his representative in interest, consents, except in suits between married persons, or proceedings in which one married person is prosecuted for any crime committed against the other, and except in cases mentioned in section 120 (2).

Communications during marriage.

123 No one shall be permitted to produce any unpublished official records relating to any affairs of State, or to give any evidence derived therefrom, except with the

Evidence as to affairs of State.

Law of Evidence.

permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit, subject, however, to the control of the Governor.

Official communications.

124 No public officer shall be compelled to disclose communications made to him in official confidence when he considers that the public interests would suffer by the disclosure.

Information as to commission of offences.

125 No magistrate or police officer shall be compelled to say whence he got the information as to the commission of any offence, and no revenue officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue or the excise laws.

Explanation.—“Revenue officer” in this section means any officer employed in or about the business of any branch of the public revenue, or in or about the business of any Government farm.

Professional communications.

126 No advocate, proctor, or notary shall at any time be permitted, unless with his client's express consent, to disclose any communication made to him in the course and for the purpose of his employment as such advocate, proctor, or notary by or on behalf of his client, or to state the contents or conditions of any document with which he has become acquainted in the course and for the purpose of his professional employment, or to disclose any advice given by him to his client in the course of and for the purpose of such employment: Provided that nothing in this section shall protect from disclosure—

- (1) Any such communication made in furtherance of any illegal purpose;
- (2) Any fact observed by any advocate, proctor, or notary in the course of his employment as such, showing that any crime or fraud has been committed since the commencement of his employment.

It is immaterial whether the attention of such advocate or proctor was or was not directed to such fact by or on behalf of his client.

Explanation.—The obligation stated in this section continues after the employment has ceased.

Illustrations.

(a) A, a client, says to B, a proctor, “I have committed forgery, and I wish you to defend me.”

As the defence of a man known to be guilty is not a criminal purpose, this communication is protected from disclosure.

(b) A, a client, says to B, a proctor, “I wish to obtain possession of property by the use of a forged deed, on which I request you to sue.”

This communication, being made in furtherance of a criminal purpose, is not protected from disclosure.

(c) A, being charged with embezzlement, retains B, a proctor, to defend him. In the course of the proceedings B observes that an entry has been made in A's account book charging A with the sum said to have been embezzled, which entry was not in the book at the commencement of his employment.

This being a fact observed by B in the course of his employment, showing that a fraud has been committed since the commencement of the proceedings, it is not protected from disclosure.

Law of Evidence.

127 The provisions of section 126 shall apply to interpreters and the clerks or servants of advocates and proctors.

Section 126 to apply to interpreters, &c.

128 If any party to a suit gives evidence therein at his own instance or otherwise, he shall not be deemed to have consented thereby to such disclosure as is mentioned in section 126, and if any party to a suit or proceeding calls any such advocate or proctor as a witness, he shall be deemed to have consented to such disclosure only if he questions such advocate or proctor on matters which, but for such questions, he would not be at liberty to disclose.

Privilege not waived by volunteering evidence.

129 No one shall be compelled to disclose to the court any confidential communication which has taken place between him and his legal professional adviser, unless he offers himself as a witness, in which case he may be compelled to disclose any such communications as may appear to the court necessary to be known in order to explain any evidence which he has given, but no others.

Confidential communication with legal advisers.

130 (1) No witness who is not a party to a suit shall be compelled to produce his title deeds to any property, or any document in virtue of which he holds any property as pledgee or mortgagee, or any document the production of which might tend to criminate him, unless he has agreed in writing to produce them with the person seeking the production of such deeds or some person through whom he claims.

Production of witness's title deeds.

(2) No witness who is a party to the suit shall be bound to produce any document in his possession or power which is not relevant or material to the case of the party requiring its production.

By a party to the suit.

(3) No bank shall be compelled to produce the books of such bank in any legal proceeding to which such bank is not a party, except as provided by section 90 (d).

Bankers' books

131 No one shall be compelled to produce documents in his possession which any other person would be entitled to refuse to produce if they were in his possession (except for the purpose of identification), unless such last-mentioned person consents to their production, nor shall any one who is entitled to refuse to produce a document be compelled to give oral evidence of its contents.

Production of documents which another person having possession could refuse to produce.

132 (1) A witness shall not be excused from answering any question as to any matter relevant to the matter in issue in any suit or in any civil or criminal proceeding upon the ground that the answer to such question will criminate or may tend directly or indirectly to criminate such witness, or that it will expose or tend directly or indirectly to expose such witness to a penalty or forfeiture of any kind, or that it will establish or tend to establish that he owes a debt, or is otherwise subject to a civil suit at the instance of Her Majesty or of any other person.

Witness not excused from answering on ground that answer will criminate.

Witness given voluntarily & with compulsion by legal adviser

Law of Evidence.

Not liable for prosecution for such answer.

(2) No answer which a witness shall be compelled by the court to give shall subject him to any arrest or prosecution, or be proved against him in any criminal proceeding, except a prosecution for giving false evidence by such answer.

Court shall explain sub-section (2).

in the case of a witness
 (3) Before compelling a witness to answer a question the answer to which will criminate or may tend directly or indirectly to criminate such witness, the court shall explain to the witness the purpose of the last preceding sub-section.

Accomplice.

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133 An accomplice shall be a competent witness against an accused person, and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice.

Number of witnesses.

134 No particular number of witnesses shall in any case be required for the proof of any fact.

CHAPTER XII.

Of the Examination of Witnesses.

Order of production and examination of witnesses.

135 The order in which witnesses are produced and examined shall be regulated by the law and practice for the time being relating to civil and criminal procedure respectively, and, in the absence of any such law, by the discretion of the court.

Judge to decide as to admissibility of evidence.

136 When either party proposes to give evidence of any fact, the judge may ask the party proposing to give the evidence in what manner the alleged fact, if proved, would be relevant; and the judge shall admit the evidence if he thinks that the fact, if proved, would be relevant, and not otherwise.

If the fact proposed to be proved is one of which evidence is admissible only upon proof of some other fact, such last-mentioned fact must be proved before evidence is given of the fact first-mentioned, unless the party undertakes to give proof of such fact, and the court is satisfied with such undertaking.

If the relevancy of one alleged fact depends upon another alleged fact being first proved, the judge may in his discretion either permit evidence of the first fact to be given before the second fact is proved, or require evidence to be given of the second fact before evidence is given of the first fact.

Illustrations.

(a) It is proposed to prove a statement about a relevant fact by a person alleged to be dead, which statement is relevant under section 32.

The fact that the person is dead must be proved by the person proposing to prove the statement before evidence is given of the statement.

Law of Evidence.

(b) It is proposed to prove by a copy the contents of a document said to be lost.

The fact that the original is lost must be proved by the person proposing to produce the copy before the copy is produced.

(c) A is accused of receiving stolen property knowing it to have been stolen.

It is proposed to prove that he denied the possession of the property.

The relevancy of the denial depends on the identity of the property. The court may in its discretion either require the property to be identified before the denial of the possession is proved, or permit the denial of the possession to be proved before the property is identified.

(d) It is proposed to prove a fact (a) which is said to have been the cause or effect of a fact in issue. There are several intermediate facts, (b), (c), and (d), which must be shown to exist before the fact (a) can be regarded as the cause or effect of the fact in issue. The court may either permit (a) to be proved before (b), (c), or (d) is proved, or may require proof of (b), (c), and (d) before permitting proof of (a).

137 The examination of a witness by the party who calls him shall be called his examination-in-chief.

Examination-in-chief.

The examination of a witness by the adverse party shall be called his cross-examination.

Cross-examination.

The examination of a witness, subsequent to the cross-examination, by the party who called him shall be called his re-examination.

Re-examination.

138 Witnesses shall be first examined-in-chief, then (if the adverse party so desires) cross-examined, then (if the party calling him so desires) re-examined.

Order of examinations.
Direction of re-examination.

The examination and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness testified on his examination-in-chief.

The re-examination shall be directed to the explanation of matters referred to in cross-examination; and if new matter is, by permission of the court, introduced in re-examination, the adverse party may further cross-examine upon that matter.

The court may in all cases permit a witness to be recalled either for further examination-in-chief or for further cross-examination, and if it does so the parties have the right of further cross-examination and re-examination respectively.

139 A person summoned to produce a document does not become a witness by the mere fact that he produces it, and cannot be cross-examined unless and until he is called as a witness.

Cross-examination of person called to produce a document.

140 Witnesses to character may be cross-examined and re-examined.

Witnesses to character.

141 Any question suggesting the answer which the person putting it wishes or expects to receive is called a leading question.

Leading question.

(1) Evidence Act. Court may admit or is unable introducing or independent or in its opinion sufficiently proved

Law of Evidence.

When they may be asked in examination-in-chief.

142 Leading questions must not, if objected to by the adverse party, be asked in an examination-in-chief or in a re-examination, except with the permission of the court.

When they may be asked in cross-examination.

and in Evidence Act

143 (1) Leading questions may be asked ⁽¹⁾ in cross-examination subject to the following qualifications:

- (a) The question must not put into the mouth of the witness the very words which he is to echo back again; and
- (b) The question must not assume that facts have been proved which have not been proved, or that particular answers have been given contrary to the fact.

Court may prohibit.

(2) The court in its discretion may prohibit leading questions from being put to a witness who shows a strong interest or bias in favour of the cross-examining party.

Evidence as to matters in writing.

144 Any witness may be asked, whilst under examination, whether any contract, grant, or other disposition of property, as to which he is giving evidence, was not contained in a document, and if he says that it was, or if he is about to make any statement as to the contents of any document which, in the opinion of the court, ought to be produced, the adverse party may object to such evidence being given until such document is produced, or until facts have been proved which entitle the party who called the witness to give secondary evidence of it.

Explanation.—A witness may give oral evidence of statements made by other persons about the contents of documents if such statements are in themselves relevant facts.

Illustration.

The question is, whether A assaulted B. C deposes that he heard A say to D, "B wrote a letter accusing me of theft, and I will be revenged on him." This statement is relevant as showing A's motive for the assault, and evidence may be given of it, though no other evidence is given about the letter.

Cross-examination as to previous statements in writing.

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145 (1) A witness may be cross-examined as to previous statements made by him in writing or reduced into writing and relevant to matters in question without such writing being shown to him, or being proved; but if it is intended to contradict him by the writing, his attention must, before the writing can be proved, be called to those parts of it which are to be used for the purpose of contradicting him.

As to proof of previous statement.

in the Evidence Act

(2) If a witness, upon cross-examination as to a previous oral statement made by him relevant to matters in question in the suit or proceeding in which he is cross-examined and inconsistent with his present testimony, does not distinctly admit that he made such statement, proof may be given that he did in fact make it; but before such proof can be given the circumstances of the supposed statement sufficient to designate the particular occasion must be mentioned to the witness, and he must be asked whether or not he made such a statement.

Law of Evidence.

146 When a witness is cross-examined, he may, in addition to the questions hereinbefore referred to, be asked any questions which tend—

Questions lawful in cross-examination.

- (1) To test his accuracy, veracity, or credibility;
- (2) To discover who he is, and what is his position in life; or
- (3) To shake his credit, by injuring his character;

although the answer to such questions might tend directly or indirectly to criminate him, or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

147 If any such question relates to a matter relevant to the suit or proceeding, the provisions of section 132 shall apply thereto.

When witness to be compelled to answer.

148 If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it. In exercising its discretion, the court shall have regard to the following considerations:

Court to decide when question shall be asked and when witness compelled to answer.

- (1) Such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the court as to the credibility of the witness on the matter to which he testifies.
- (2) Such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the court as to the credibility of the witness on the matter to which he testifies.
- (3) Such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence.
- (4) The court may, if it sees fit, draw from the witness's refusal to answer the inference that the answer if given would be unfavourable.

149 No such question as is referred to in section 148 ought to be asked unless the person asking it has reasonable grounds for thinking that the imputation which it conveys is well founded.

Question not to be asked without reasonable grounds.

Illustrations.

- (a) An advocate is instructed by a proctor that an important witness is a thief. This is a reasonable ground for asking the witness whether he is a thief.
- (b) A proctor is informed by a person in court that an important witness is a professional gambler. The informant, on being questioned by the proctor, gives satisfactory reasons for his statement. This is a reasonable ground for asking the witness whether he is a professional gambler.

Law of Evidence.

(c) A witness, of whom nothing whatever is known, is asked at random whether he is a thief. There are here no reasonable grounds for the question.

(d) A witness, of whom nothing whatever is known, being questioned as to his mode of life and means of living, gives unsatisfactory answers. This may be a reasonable ground for asking him if he is a professional gambler.

Procedure of court in case of question being asked without reasonable grounds.

150 If the court is of opinion that any such question was asked without reasonable grounds, it may, if it was asked by any advocate or proctor, report the circumstances of the case to the Supreme Court or other authority to which such advocate or proctor is subject in the exercise of his profession.

Indecent and scandalous questions.

151 The court may forbid any questions or inquiries which it regards as indecent or scandalous, although such questions or inquiries may have some bearing on the questions before the court, unless they relate to facts in issue, or to matters necessary to be known in order to determine whether or not the facts in issue existed.

Questions intended to insult or annoy.

152 The court shall forbid any question which appears to it to be intended to insult or annoy, or which, though proper in itself, appears to the court needlessly offensive in form.

Exclusion of evidence to contradict answers to questions testing veracity.

153 When a witness has been asked and has answered any question which is relevant to the inquiry only in so far as it tends to shake his credit by injuring his character, no evidence shall be given to contradict him ; but if he answers falsely, he may afterwards be charged with giving false evidence.

Exception 1.—If a witness is asked whether he has been previously convicted of any crime and denies it, evidence may be given of his previous conviction.

Exception 2.—If a witness is asked any question tending to impeach his impartiality, and answers it by denying the facts suggested, he may be contradicted.

Illustrations.

(a) A claim against an underwriter is resisted on the ground of fraud.

The claimant is asked whether, in a former transaction, he had not made a fraudulent claim. He denies it.

Evidence is offered to show that he did make such a claim.

The evidence is inadmissible.

(b) A witness is asked whether he was not dismissed from a situation for dishonesty. He denies it.

Evidence is offered to show that he was dismissed for dishonesty.

The evidence is not admissible.

(c) A affirms that on a certain day he saw B at Jaffna.

A is asked whether he himself was not on that day at Colombo. He denies it.

Evidence is offered to show that A was on that date at Colombo.

The evidence is admissible, not as contradicting A on a fact which affects his credit, but as contradicting the alleged fact that B was seen on the day in question in Jaffna

Law of Evidence.

In each of these cases the witness might, if his denial was false, be charged with giving false evidence.

- (d) A is tried for a rape on B. B is asked in cross-examination whether she has not had illicit intercourse with C and D. She denies it. Evidence is offered to show that she has had such intercourse with C and D. The evidence is not admissible.
- (e) A is asked whether he has not said that he would be revenged on B against whom he gives evidence. He denies it. He may be contradicted on the ground that the question tends to impeach his impartiality.

154 The court may in its discretion permit the person who calls a witness to put any questions to him which might be put in cross-examination by the adverse party.

Question by party to his own witness.

155 The credit of a witness may be impeached in the following ways by the adverse party or, with the consent of the court, by the party who calls him :

Impeaching credit of witness.

- (1) By the evidence of persons who testify that they, from their knowledge of the witness, believe him to be unworthy of credit ;
- (2) By proof that the witness has been bribed or has accepted the offer of a bribe, or has received any other corrupt inducement to give his evidence ;
- (3) By proof of former statements inconsistent with any part of his evidence which is liable to be contradicted ;
- (4) When a man is prosecuted for rape or an attempt to ravish, it may be shown that the prosecutrix was of generally immoral character.

Explanation.—A witness declaring another witness to be unworthy of credit may not, upon his examination-in-chief, give reasons for his belief, but he may be asked his reasons in cross-examination, and the answers which he gives cannot be contradicted, though, if they are false, he may afterwards be charged with giving false evidence.

Illustrations.

- (a) A sues B for the price of goods sold and delivered to B. C says that he delivered the goods to B. Evidence is offered to show that, on a previous occasion, he said that he had not delivered the goods to B. The evidence is admissible.
- (b) A is indicted for the murder of B. C says that B, when dying, declared that A had given B the wound of which he died. Evidence is offered to show that, on a previous occasion, C said that the wound was not given by A or in his presence. The evidence is admissible.

156 When a witness whom it is intended to corroborate gives evidence of any relevant fact, he may be questioned as to any other circumstances which he observed at or near to the time or place at which such relevant fact occurred, if the court is of opinion that such circumstances, if proved, would corroborate the testimony of the witness as to the relevant fact which he testifies.

Questions tending to corroborate evidence of relevant fact admissible.

Law of Evidence.

Illustration.

A, an accomplice, gives an account of a robbery in which he took part. He describes various incidents unconnected with the robbery which occurred on his way to and from the place where it was committed.

Independent evidence of these facts may be given in order to corroborate his evidence as to the robbery itself.

Former statements of witness may be proved to corroborate later testimony as to same facts.

157 In order to corroborate the testimony of a witness, any former statement made by such witness, whether written or verbal, relating to the same fact at or about the time when the fact took place or before any authority legally competent to investigate the fact may be proved.

What matter may be proved in connection with proved statement relevant under section 32 or 33.

158 Whenever any statement relevant under section 32 or 33 is proved, all matters may be proved either in order to contradict or to corroborate it, or in order to impeach or confirm the credit of the person by whom it was made, which might have been proved if that person had been called as a witness and had denied upon cross-examination the truth of the matter suggested.

Refreshing memory.

159 (1) A witness may, while under examination, refresh his memory by referring to any writing made by himself at the time of the transaction concerning which he is questioned, or so soon afterwards that the court considers it likely that the transaction was at that time fresh in his memory.

By writing made by another.

(2) The witness may also refer to any such writing made by any other person, and read by the witness within the time aforesaid, if when he read it he knew it to be correct.

When witness may use copy of document to refresh memory.

(3) Whenever a witness may refresh his memory by reference to any document, he may, with the permission of the court, refer to a copy of such document, provided the court be satisfied that there is sufficient reason for the non-production of the original.

By professional treatises.

(4) An expert may refresh his memory by reference to professional treatises.

Testimony to facts stated in document mentioned in section 159.

160 A witness may also testify to facts mentioned in any such document as is mentioned in section 159, although he has no specific recollection of the facts themselves, if he is sure that the facts were correctly recorded in the document.

Illustration.

A bookkeeper may testify to facts recorded by him in books regularly kept in the course of business, if he knows that the books were correctly kept, although he has forgotten the particular transactions entered.

Right of adverse party as to writing used to refresh memory.

161 Any writing referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party if he requires it; such party may, if he pleases, cross-examine the witness thereupon.

Law of Evidence.

162 A witness summoned to produce a document shall, if it is in his possession or power, bring it to court, notwithstanding any objection which there may be to its production or to its admissibility. The validity of any such objection shall be decided on by the court.

Production of documents.

The court, if it sees fit, may inspect the document, unless it refers to matters of State, or take other evidence to enable it to determine on its admissibility.

If for such a purpose it is necessary to cause any document to be translated, the court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence, and if the interpreter disobeys such direction, he shall be held to have committed an offence under section 162 of the Ceylon Penal Code.

163 When a party calls for a document which he has given the other party notice to produce, and such document is produced and inspected by the party calling for its production, he is bound to give it as evidence, if the party producing it requires him to do so, and if it is relevant.

Giving as evidence, of document called for and produced on notice.

164 When a party refuses to produce a document which he has had notice to produce, he cannot afterwards use the document as evidence without the consent of the other party or the order of court.

Using as evidence, of document production of which was refused on notice.

Illustration.

A sues B on an agreement, and gives B notice to produce it. At the trial A calls for the document and B refuses to produce it. A gives secondary evidence of its contents. B seeks to produce the document itself to contradict the secondary evidence given by A, or in order to show that the agreement is not stamped. He cannot do so.

165 The judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases, in any form, at any time, of any witness, or of the parties, about any fact relevant or irrelevant; and may order the production of any document or thing; and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the court, to cross-examine any witness upon any answer given in reply to any such question.

Judge's power to put questions or order production.

Provided that the judgment must be based upon facts declared by this Ordinance to be relevant and duly proved.

Provided also that this section shall not authorize any judge to compel any witness to answer any question, or to produce any document, which such witness would be entitled to refuse to answer or produce under sections 121 to 131 both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the judge ask any question which it would be improper for any other person to ask under section 148 or 149; nor shall he dispense with primary evidence of any document, excepting the cases hereinbefore excepted.

Law of Evidence.

Power of jury or assessors to put questions.

166 In cases tried by jury or with assessors, the jury or assessors may put any questions to the witnesses, through or by leave of the judge, which the judge himself might put, and which he considers proper.

CHAPTER XIII.

Of Improper Admission and Rejection of Evidence.

No new trial for rejection or improper reception of evidence.

167 The improper admission or rejection of evidence shall not be ground of itself for a new trial or reversal of any decisions in any case, if it shall appear to the court before which such objection is raised that, independently of the evidence objected to and admitted, there was sufficient evidence to justify the decision, or that, if the rejected evidence had been received, it ought not to have varied the decision.

SCHEDULE.

Enactments Repealed.

(See Section 2.)

Number and Year.	Title.	Extent of Repeal.
Ordinance No. 3 of 1846	For improving the Law of Evidence in this Colony	The whole, except such parts as have already been repealed
Ordinance No. 9 of 1852	To amend the Law of Evidence	The whole, except such parts as have already been repealed

Passed in Council the Second day of December, One thousand Eight hundred and Ninety-five.

R. W. IEVERS,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Ninth day of December, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

Supply, 1895 and 1896.

Buddhist Temporalities.

No. 15 of 1895.

**An Ordinance for making provision for the Supplementary
Contingent Charges for the year 1895.**

[December 11, 1895.]

No. 16 of 1895.

**An Ordinance for making provision for the Contingent Services
for the year 1896.**

[December 11, 1895.]

No. 17 of 1895.

**An Ordinance to amend "The Buddhist Temporalities
Ordinance, 1889."**

E. NOEL WALKER.

WHEREAS it is expedient to amend the Ordinance
No. 3 of 1889, intituled "An Ordinance relating to
Buddhist Temporalities in this Island," 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 :

Preamble.

1 This Ordinance may be cited for all purposes as "The
Buddhist Temporalities Amendment Ordinance, 1895," and
shall come into operation at such date as the Governor shall,
by Proclamation to be published in the *Government Gazette*,
appoint.

Short title.

Commencement

2 The principal Ordinance and this Ordinance shall be
read as one Ordinance, and may be cited for all purposes as
"The Buddhist Temporalities Ordinance, 1889 and 1895,"
and the expression "this Ordinance" in the principal Ordinance,
and any expression referring to the principal Ordinance
which occurs in any Ordinance or other document
shall be construed to mean the principal Ordinance as
amended by this Ordinance.

Ordinance to be
construed as one
with Ordinance
No. 3 of 1889.

Buddhist Temporalities.

Amendment of section 2 of Ordinance No. 3 of 1889.

“Temple.”

3 (1) In section 2 of the principal Ordinance there shall be substituted for the words “‘Temple’ shall include viharé and déwâlé,” the words “‘Temple’ shall mean viharé and déwâlé, and shall include the Daladá Máligawa and such other places of Buddhist public worship as the Governor, with the advice of the Executive Council, on the application of the provincial committee, may from time to time define and proclaim.”

(2) At the end of the same section there shall be added the following words :

“Trustee.”

“Trustee” shall include the trustees, or a majority of trustees, elected in terms of section 17, and when more than one trustee is elected under that section, the majority of trustees so elected may have and exercise all or any of the powers, and may perform all or any of the duties, vested in a trustee under this Ordinance.

Section 3 amended.

4 For section 3 of the principal Ordinance the following section shall be substituted, namely :

Governor in Executive Council may exempt any temple from the operation of the Ordinance.

The Governor may, with the advice of the Executive Council, upon the application of the provincial committee of the province in which any temple is situate, exempt such temple from the operation of this Ordinance by Proclamation in the *Government Gazette*, and with the like advice any such Proclamation revoke.

Section 13 amended.

5 For section 13 of the principal Ordinance the following section shall be substituted, namely :

Rules to be subject to the approval of provincial committee.

The rules when made shall be transmitted to the provincial committee, who shall have power to sanction or disallow them wholly or in part. Such of the rules as may be sanctioned shall be published in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein, and shall be binding upon and be observed by all parties subject to their operation, and all courts, judges, and magistrates shall take judicial notice thereof.

Section 17 amended.

6 For section 17 of the principal Ordinance the following section shall be substituted, namely :

Trustees for temples to be elected.

There shall be for every temple one trustee or three trustees, who shall be elected by a majority of the members of the district committee of the district within which such temple is situate, at a meeting held by such committee specially for that purpose. And in the case of any trustee or trustees whose services, in the opinion of the provincial committee, are deserving of special recognition, it shall be competent for such committee to award him or them such remuneration as the committee may deem proper. No person, however, who does not possess the qualifications described in section 8, and who is not a member of a sect of Buddhists to which such temple belongs, shall be competent either to be elected or to serve as trustee.

Buddhist Temporalities.

Provided that the principal lay officer of a déwálé who has hitherto been styled or called by the title of basnýaka nilamé shall continue to hold that title; and the basnýaka nilamé now holding office shall be entitled to act as trustee of such déwálé for the purposes of this Ordinance, and shall continue to act as such until and unless he retires, or is suspended or dismissed under section 16.

In the event of the death, dismissal, retirement, or suspension of a basnýaka nilamé of a déwálé, a basnýaka nilamé shall be elected to such déwálé by a majority of the members of the district committee of the district within which such déwálé is situate, the ratémahatmayás and kórálas, being Buddhists, holding office within the revenue district in which such déwálé is situate, and the basnýaka nilamés of déwálés situate within such revenue district, at a meeting to be held specially for that purpose. Should such déwálé be situate within the revenue district of Kandy, the diyawadana nilamé shall also be entitled to vote at such meeting.

Provided further that for the purposes of this Ordinance the trustee of the Daladá Málígáwa shall continue to be styled and called by the title of diyawadana nilamé, and the person now holding that office and title shall continue to act as trustee of the Daladá Málígáwa for the purposes of this Ordinance, or until and unless suspended or dismissed under section 16. On the office of diyawadana nilamé becoming vacant by death, suspension, or dismissal, a successor shall be elected by a majority of the members of the provincial committee and district committees of the province and district of Kandy, the ratémahatmayás, being Buddhists, holding office within the revenue district of Kandy, and the basnýaka nilamés of déwálés situate within such revenue district, at a meeting to be held specially for that purpose.

Provided further that the trustees of any temple which may be declared by the Governor, with the advice of the Executive Council, to have been founded or endowed under royal sannas (a list of which temples shall be published in the *Government Gazette*) shall be nominated by a majority of the district committee of the district and the ratémahatmayás, being Buddhists, of the revenue district in which such temple is situate.

7 For section 18 of the principal Ordinance the following section shall be substituted, namely:

Any commutation of the services due by any temple tenant which has been or may hereafter be made under the provisions of "The Service Tenures Ordinance, 1870," shall from the time of this Ordinance coming into operation become due and payable to the trustee of such temple. The Daladá Málígáwa shall, for the purposes of "The Service Tenures Ordinance, 1870," be deemed to be a temple, anything in the said Ordinance to the contrary notwithstanding.

Section 18 amended.

Commutation under Service Tenures Ordinance, 1870, to be paid to trustees. The Daladá Málígáwa to be a temple under that Ordinance.

Buddhist Temporalities.

Section 29
amended.

Power of
trustees to
demise temple
lands.

8 For section 29 of the principal Ordinance the following section shall be substituted, namely :

It shall be lawful for the trustee from time to time or at any time, with the sanction of the provincial committee, and for such rent and subject to such conditions as they shall deem reasonable, to demise for any term not exceeding fifty years, all or any of the lands vested in him under the provisions of this Ordinance, save and except such garden and hena lands as may be reserved for the use of the paravéni pangu tenants at the discretion of the said committee. The sanction of the provincial committee required by this section shall in every case be in writing, certified under the hand of the president of such committee.

Provided that whenever a trustee shall, with the consent of the provincial committee, be desirous of demising any land for a period of more than twenty years, the sanction of the district judge of the district in which such land is situate shall first be had and obtained by him for that purpose.

Insertion of
29 (a) and 29 (b).

Duty of
incumbent to
furnish
information to
trustee and
president of
district
committee.

Penalty for
giving wrong
information or
obstructing
trustee.

9 After section 29 of the principal Ordinance there shall be inserted the two following sections, which shall be numbered 29 (a) and 29 (b) respectively :

It shall be the duty of an incumbent to furnish to the trustee of the temple and to the president of the district committee, when called upon to do so, all such information as he may possess regarding (1) the annual income of the temple from the offerings made to such temple ; (2) the nature, extent, and value of the paravéni and maruvéni pangu and other lands belonging to such temple ; and (3) the monthly or annual value of the rents, issues, and profits of each and every land belonging to or held by such temple by virtue of any title whatsoever.

Any incumbent who, without just cause, withholds from the president of the district committee or the trustee of the temple any information required to be given by the last preceding section, or who wilfully gives to such trustee or president false information regarding the same, or who retains possession of any property vested in a trustee under the provisions of this Ordinance, or wilfully obstructs a trustee or causes a trustee to be obstructed in the discharge of his duties, shall be guilty of an offence, and be liable on conviction to a fine not exceeding five hundred rupees.

10 For section 36 of the principal Ordinance the following section shall be substituted, namely :

(1) Every provincial committee elected as hereinbefore provided shall select one of their number to be president of such committee, and shall make rules—

(a) For determining the quorum necessary for the transaction of business, and the mode of filling up vacancies in their number.

repealed 3 1901 2

Buddhist Temporalities.

- (b) For regulating the time and place of their meetings, and the conduct and records of their proceedings.
- (c) For regulating the procedure to be observed in the election of incumbents and of basnáyaka nilamés, and in their removal from office.
- (d) For assessing the proportion in which each temple within the province shall contribute a share of the expenses incurred in carrying out the provisions of this Ordinance; and
- (e) For every purpose necessary to the due exercise of their powers and the performance of their duties under this Ordinance.

(2) The provincial committee of the province in which the district of Kandy shall be included shall, in addition to such rules as aforesaid, make further rules for regulating the procedure to be observed in the election of a diyawadana nilamé and his removal from office.

(3) Rules so made shall be published in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein, and shall be binding upon and observed by all parties subject to their operation, and all courts, judges, and magistrates shall take judicial notice thereof.

Provided, however, that nothing in this section contained shall authorize the making of any rules at variance with the rights of those who by law or custom are entitled to elect or remove an incumbent, or of any person who is entitled to succeed to a vacant incumbency by right of pupillary or other mode of succession.

11 After section 36 of the principal Ordinance there shall be inserted the following section, which shall be numbered 36 (a), namely:

Insertion of
36 (a).

Any person wilfully committing a breach of any of the rules sanctioned under section 13, or made under section 36, shall be guilty of an offence, and liable on conviction to a fine not exceeding fifty rupees.

Penalty for
breach of rule.

12 After section 39 of the principal Ordinance there shall be inserted the following section, which shall be numbered 39 (a), namely:

Insertion of
39 (a).

If any trustee after accepting office, shall wilfully neglect to perform any of the duties thereto belonging, he shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding one hundred rupees, or to simple imprisonment for a period not exceeding three months.

Neglect of duty
by trustee.

Passed in Council the Eleventh day of December, One thousand Eight hundred and Ninety-five.

R. W. LEVERS,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Twentieth day of December, One thousand Eight hundred and Ninety-five.

W. T. TAYLOR,
Acting Colonial Secretary.

*Municipal Councils.***No. 1 of 1896.****An Ordinance to amend "The Municipal Councils' Ordinance, 1887."**

E. NOEL WALKER.

Preamble.

WHEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 7 of 1887, hereinafter referred to as the principal Ordinance, and to provide for the supervision of dairies and laundries: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.*Amendment of Principal Ordinance.***Short title.**

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

Repealing clause.

2 Section 13 of "The Municipal Councils' Amendment Ordinance, 1890," shall be and the same is hereby repealed.

Amendment of section 3.

3 In section 3 of the principal Ordinance, for the definition of "annual value" the following shall be substituted:

"Annual value."

"Annual value" means 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 the tenant undertook to pay all public rates and taxes, and if the landlord undertook to bear the cost of repairs, maintenance, and upkeep, if any, necessary to maintain the house, building, land, or tenement in a state to command that rent.

Amendment of section 9.

4 For clause (e) of section 9 of the principal Ordinance there shall be substituted the following clause:

(e) Not be in arrears for more than two quarters in respect of any municipal rates and taxes.

Amendment of section 10.

5 At the end of section 10 of the principal Ordinance there shall be added the following words:

For the purpose of this section the chairman shall be deemed a councillor nominated by the Governor.

Amendment of section 11.

6 For clause (d) of section 11 there shall be substituted the following clause:

(d) Not be in arrears for more than two quarters in respect of any municipal rates and taxes.

Municipal Councils.

- 7** In section 15 of the principal Ordinance the words "the Supreme Court" shall be substituted for the words "a magistrate." **Amendment of section 15.**
- 8** In section 16 of the principal Ordinance the words "the Supreme Court" shall be substituted for the words "a magistrate." **Amendment of section 16.**
- 9** In section 17 of the principal Ordinance the words "the Supreme Court" shall be substituted for the words "such magistrate." **Amendment of section 17.**
- 10** For section 18 of the principal Ordinance there shall be substituted the following section : **Amendment of section 18.**
- 18** Such application may be inquired into and determined by a single judge of the Supreme Court, and no appeal shall lie from an order made by such judge under the last preceding section. **One judge may make order under section 17.**
- 11** For section 26 of the principal Ordinance there shall be substituted the following section : **Amendment of section 26.**
- 26** If the Governor in Executive Council shall at any time alter the number of divisions by adding one existing division or any part thereof to another existing division or any part thereof, or by changing one division into more than one, the councillor or councillors representing the divisions so enlarged, divided, or altered shall thereupon vacate his or their office, and there shall be an election for each of such divisions so enlarged, divided, or altered. **Effect of adding one division to another.**
- 12** For section 47 of the principal Ordinance there shall be substituted the following section : **Amendment of section 47.**
- 47** (1) The Governor shall from time to time appoint a proper person to be the chairman of the municipal council, and may from time to time remove such person from office, and appoint another in his stead. The entire executive power and responsibility for the purposes of this Ordinance shall be vested in such chairman, assisted, if the Governor shall think fit, by an officer who shall be styled assistant chairman. All executive acts which are hereinafter directed to be done by the municipal council shall, unless the contrary intention appears from the context, be done by the chairman, or the assistant chairman if specially authorized thereto by the chairman. **Governor shall appoint a chairman. Entire executive power and responsibility to be vested in chairman, assisted by an assistant chairman if one is appointed. All executive acts to be done by chairman or assistant chairman, if any.**
- Provided that in the exercise of any power vested in the chairman under this Ordinance, the chairman or the assistant chairman shall, except in cases of extreme urgency, and when there would not be sufficient time to call a special meeting of the municipal council, not act in opposition to, or in contravention of, any resolution of the municipal council.
- (2) In the case of the Colombo Municipality such chairman shall be an officer in the Civil Service of the Ceylon Government, who, unless he be the Government Agent of the Western Province, shall devote the whole of his time **Chairman, Colombo Municipality, shall hold no other office.**

Municipal Councils.

and attention to the duties of his office, and shall not hold any other appointment, temporary or permanent, save that of a municipal magistrate, nor follow any other occupation, nor be a director of any company.

Amendment of section 48, as to salary of chairman.

13 To section 48 of the principal Ordinance shall be added the following proviso :

Provided further that if the chairman is also Government Agent of the Western Province, he shall receive out of the municipal fund such salary, not exceeding four thousand rupees per annum, as may from time to time be fixed by the Governor in Executive Council.

Amendment of section 55, as to jurisdiction of municipal magistrate.

14 (1) In section 55 of the principal Ordinance, for the words "and 14 of 1878" shall be substituted the words "14 of 1878, 27 of 1884, 5 of 1889, 7 of 1889, 8 of 1889, 15 of 1889, 17 of 1889, 9 of 1891, 7 of 1893, 9 of 1893, 1 of 1894, and 2 of 1894, and any offence committed within the municipality in breach of section 257, 258, or 259 of the Ceylon Penal Code."

(2) To the same section shall be added the following proviso :

Provided that it shall be lawful for the Governor, acting with the advice of the Executive Council, by resolution to be notified in the *Government Gazette*, from time to time to extend the jurisdiction of the municipal magistrate, and to declare that such magistrate shall hear, try, and determine any offence committed within the municipality in breach of any Ordinance or Ordinances set out in such notification, and after the publication of any such notification, such magistrate shall hear, try, and determine any offence committed within the municipality in breach of any such Ordinance or Ordinances, and shall have jurisdiction to award such punishment to the offenders as is authorized by law.

Amendment of section 56.

15 In section 56 of the principal Ordinance, for the words "one thousand" shall be substituted the words "one thousand five hundred."

Amendment of section 59.

16 In section 59 of the principal Ordinance, for the words "two hundred," wherever they occur, shall be substituted the words "one hundred."

Amendment of section 62.

17 (1) In section 62 of the principal Ordinance there shall be inserted after the words "appointed under this Ordinance" the words "or gratuities to the widow or children of such servants."

Insertion of proviso.

(2) There shall be added to the same section the following proviso :

Provided that no payment shall be made in respect of any gratuity to the widow or children of any servant without the previous sanction of the Governor.

Municipal Councils.

18 Section 67 of the principal Ordinance shall be amended by the omission of the words "the amount of which exceeds five hundred rupees."

Amendment of section 67.

19 In section 101 of the principal Ordinance, for the words "all the accounts of the municipality" shall be substituted the words "all books, deeds, contracts, accounts, vouchers, and other documents and papers of the municipality."

Amendment of section 101.

20 (1) For clause (f) of section 122 of the principal Ordinance there shall be substituted the following clause :

Amendment of section 122.

(f) The regulation of building and building operations.

(2) After clause (h) of the same section there shall be inserted the three following clauses :

(h 1) The regulation of traffic on streets, roads, canals, bridges, and other public places.

(h 2) The prevention and abatement of the obstruction of, and encroachment on, streets, roads, canals, bridges, and public places.

(h 3) The prevention and abatement of nuisances on or near streets, roads, canals, bridges, and public places.

(3) After clause (j) of the same section there shall be inserted the following clause :

(j 1) The regulation, management, conduct, and inspection of bakeries, and of the persons employed therein and of the manufacture and quality of bread ;

(4) After clause (n) of the same section there shall be inserted the two following clauses :

(n 1) The removal and disposal of night soil.

(n 2) The charging, levying, and recovering fees for the removal and disposal of night soil.

(5) After clause (p) of the same section there shall be inserted the two following clauses :

(p 1) The registration at the office of the municipal council of mortgages over immovable property situated within municipal limits, and of the addresses of mortgagees, and for the payment of a fee for such registration ;

(p 2) The posting of notices in writing to such registered mortgagees of the seizure of immovable property made under section 149 ;

(6) After clause (q) of the same section there shall be inserted the two following clauses :

(q 1) The putting up and preservation of boundaries and fences of lands, whether private or public ;

(q 2) The fixing and levying charges for the occupation of pounds for stray cattle, and the cost of the keep of the animals impounded ;

Municipal Councils.

Amendment of section 151.

Property seized to be sold by auction.

21 For section 151 of the principal Ordinance there shall be substituted the following section :

151 The property seized in virtue of any such warrant shall be sold by public auction (of which at least twenty-one days' notice shall be given in the *Government Gazette* and in one or more of the local newspapers in respect of property exceeding the value of Rs. 1,000, and at least six days' notice in all other cases) by the officer to whom such warrant is addressed, or some other officer of the municipality appointed by the chairman for that purpose, at any time after the expiration of twenty-four days in the case of property exceeding the value of Rs. 1,000 and of eight days in all other cases, from the day of such seizure, unless in the meantime the amount of the rate or rates or tax or taxes and of the costs aforesaid be duly paid : and the overplus accruing by such sale (if there be any), after deducting the amount of such rate or rates or tax or taxes, and the costs, shall be restored to the owner or joint owner of the property so sold.

Proviso.

Provided, however, that whenever it shall be necessary to seize and sell the property of any person making default in the payment of any rate or tax, it shall be the duty of the officer acting under the chairman's warrant as aforesaid to observe, so far as the same may be applicable, the order and course prescribed by the Ordinance No. 6 of 1873, intituled "An Ordinance to prescribe the order in which the property of Public Defaulters may in certain cases be seized and sold," or by any other Ordinance to be in that behalf hereafter enacted.

Amendment of section 164.

Sales or leases of lands and buildings.

22 For section 164 of the principal Ordinance the following section shall be substituted :

164 (1) The municipal council, with the sanction of the Governor in Executive Council, may sell by public auction or lease any lands or buildings vested in them or acquired by them, either in block or in parcels, as they may find most convenient and advantageous ; and the proceeds of such sale and the rents arising from such lease shall be paid to the credit of the municipal funds.

Ordinance No. 7 of 1840 not to affect sale or leases to or by the municipal council.

(2) None of the provisions in the Ordinance No. 7 of 1840 shall be taken as applying to sales, leases, mortgages, releases, or other contracts affecting immovable property to which the municipal council is a party.

Amendment of section 175.

23 In section 175 of the principal Ordinance the words "lake or canal" shall be inserted after the words "in any street."

Insertion of section 176 (a).

24 After section 176 of the principal Ordinance the following section shall be inserted, and numbered 176 (a), namely :

Roofs and external walls of houses not to be made of inflammable materials.

176 (a) (1) If any person being the owner of any house, hut, shed, or other building which has the external roof or walls made of grass, leaves, mats, or other such inflammable materials, does not remove such roof or walls, as the case may be, within one month after notice in writing has

Municipal Councils.

been given him by the chairman specially empowered thereto by the municipal council so to do, he shall be liable, on conviction, to a fine not exceeding ten rupees for every day that such default continues.

(2) If any person after such notice as aforesaid makes, renews, or repairs any house, hut, shed, or other building with any such inflammable materials as in this section are mentioned or referred to, or causes any such house, hut, shed, or building to be so made, renewed, or repaired, he shall be liable, on conviction, to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees for every day he suffers or allows the same to remain after conviction.

25 After section 177 of the principal Ordinance the following section shall be inserted and numbered 177 (a), namely :

Insertion of section 177 (a)

177 (a) (1) Every person intending to make any alteration in the frontage of any house or building within twenty feet of any street shall give seven days' previous notice of his intention to the chairman, and shall submit a plan or sketch showing the intended alteration, and shall obey all written instructions in respect of such alterations as may be given him by the chairman consistent with this Ordinance and with any by-laws made thereunder.

Alteration in frontage of houses.

(2) If any person offends against the provisions of this section he shall be liable, on conviction, to a fine not exceeding one hundred rupees, and the chairman may cause the frontage of any house or building altered contrary to the provisions of this section to be taken down, and all expenses incurred thereby shall be borne and paid by the owner of the premises, and shall be recoverable as hereinafter provided.

Penalty.

26 After section 181 of the principal Ordinance the following section shall be inserted, and numbered 181 (a) and 181 (b) respectively, namely :

Insertion of section 181 (a) and 181 (b).

181 (a) All doors, gates, bars, and ground floor windows put up after the commencement of this Ordinance, which open upon any street, shall be hung or placed so as not to open outwards, except when the same are hung or placed in such manner as in the judgment of the chairman to cause no obstruction in any such street, and if (except as aforesaid) any such door, gate, bar, or window be hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the chairman to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do the chairman may make such alteration, and the expense thereof shall be paid by such owners, and shall be recoverable as hereinafter provided.

Doors not open outwards.

Municipal Councils.

Doors open
outwards to be
altered.

181 (b) If any door, gate, bar, or ground floor window put up before the commencement of this Ordinance is hung or placed so as to open outwards upon any street, the chairman may alter the same so that no part thereof when open shall project over any such street so as to cause an obstruction.

Amendment of
section 188.

27 In section 188 of the principal Ordinance the words "after twenty-four hours' notice" shall be substituted for the words "on giving such notice as hereinafter provided."

Amendment of
section 195.

28 In section 195 of the principal Ordinance the words "if the owner neglects to do so within fifteen days after notice" shall be substituted for the words "after giving such notice as is hereinafter provided."

Amendment of
section 198.

29 For section 198 of the principal Ordinance there shall be substituted the following section :

Notice of new
building.

198 (1) Every person intending to erect or re-erect any building shall give notice in writing of his intention to the chairman, and shall, when required by the chairman, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid and the front elevation of the proposed building, together with specifications of the works intended to be constructed, including the materials to be used, and shall obey all written directions given by the chairman consistent with this Ordinance, and with any by-laws made thereunder, either prohibiting the erection or re-erection if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely :

- (a) Space to be left about the building to secure free circulation of air and facilitate scavenging ;
- (b) Ventilation and drainage ;
- (c) Security against fire ; and in the case of places of public resort or entertainment, including places for religious worship, the means of egress in case of fire or accident ;
- (d) Level and width of foundation level of lowest floor, and stability of structure ;
- (e) The line of frontage with neighbouring buildings if the building abuts on, or is within thirty feet of, a public street ;
- (f) The front elevation, where the building is one of a row of contiguous buildings abutting on a public street ;
- (g) The setting back of the building for the improvement of the street ; and
- (h) The quality of the materials to be used.

Provided that the chairman shall make full compensation to the owner for any damage he may sustain in consequence of the unconditional prohibition of the

Municipal Councils.

erection or re-erection of any building ; and if any dispute arises touching the amount of compensation, the same shall be ascertained in manner hereinafter provided.

(2) If within fourteen days from the date of submitting such plans and specifications to the chairman, the chairman shall not have given any directions respecting the same, a second notice in writing of such intention as aforesaid may be given to the chairman.

(3) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, or in contravention of the legal orders of the chairman issued at any time before the expiration of the period of ten days from the date of such second notice, or otherwise than in accordance with this Ordinance or any by-laws made thereunder, the chairman may by notice require the building to be altered or demolished as he may deem necessary.

(4) The expression "erect any building" includes all additions or alterations which involve new foundations or increased super-construction on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

30 For section 199 of the principal Ordinance there shall be substituted the following section :

Amendment of section 199.

199 It shall not be lawful for any person to commence any such works as in the last preceding section are mentioned, or (in the case of any such works the progress whereof shall have been suspended for a period exceeding three months) to resume any such works until four days' written notice of the intention to commence or resume the same has been given to the chairman at his office by the person by or for whom such works are intended to be commenced or resumed, and every such notice shall specify the material particulars of the said intended works. Any person commencing or resuming any works without having first given such notice as aforesaid to the chairman, or before the expiration of four days from the giving thereof, shall for every such default be liable, on conviction, to a penalty not exceeding fifty rupees.

Notice of intended works to be given.

4/1/96

31 For section 200 of the principal Ordinance there shall be substituted the following section :

Amendment of section 200.

200 (1) The power hereinbefore given to the municipal council to make by-laws for the regulation of buildings and building operations shall include the power to make by-laws in respect of all or any of the particulars mentioned in the last preceding section but one, and also the power to fix the fees to be paid by persons who submit plans and specifications under the provisions of the last mentioned section.

By-laws for regulation of building.

*Municipal Councils.***Penalty.**

(2) If any person offends against any of the provisions of any by-law made under this section, the chairman may cause any erection made, or work executed, contrary to such provisions, to be taken down, and all expenses incurred thereby shall be borne and paid by the owner of the premises and shall be recoverable as hereinafter provided.

Amendment of section 201.

32 For section 201 of the principal Ordinance there shall be substituted the following section :

Houses of stone, or brick and plank, or of posts and plank.

201 (1) It shall not be lawful to erect any houses or other buildings constructed of stone and plank, or of brick and plank combined, or of posts and plank, adjoining any house or other building, or within thirty feet of a street, without permission in writing from the chairman.

Penalty.

(2) If any person offends against the provisions of this section, he shall be liable, on conviction, to a fine not exceeding one hundred rupees, and the chairman may cause such house or building to be taken down, and all expenses incurred thereby shall be borne and paid by the owner of such house, and shall be recoverable as hereinafter provided.

Insertion of section 209 (a).

33 After section 209 of the principal Ordinance the following section shall be inserted and numbered 209 (a), namely :

Neglecting to close cesspool.

209 (a) The chairman, when specially empowered there-to by resolution of the municipal council, may by notice in writing require the owner or occupier of any house or building or land having a cesspool on his premises to close such cesspool, and to substitute a dry-earth closet therefor, and if the owner or occupier neglects during fourteen days after notice in writing for that purpose to close such cesspool, and to substitute a dry-earth closet therefor, the chairman shall cause such cesspool to be closed and a dry-earth closet to be substituted therefor, and the expense incurred by the chairman in respect thereof shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Amendment of section 246.

34 In section 246 of the principal Ordinance the words "or on any ship in the Colombo harbour" shall be inserted after the word "hospital."

Insertion of section 250 (a).

35 After section 250 of the principal Ordinance the following section shall be inserted, and numbered 250 (a), namely :

Chairman, with consent of standing committee, may provide houses of isolation.

250 (a) It shall be lawful for the chairman, with the consent of the standing committee, to provide houses of isolation for the reception of persons suffering from any dangerous infectious disease, and to charge and levy fees for the use and occupation of such houses, and to make by-laws for the regulation of such houses, and for imposing, collecting, and recovering such fees.

Municipal Councils.

CHAPTER II.

Supervision and Regulation of Dairies.

36 It shall be the duty of the municipal council :

- (i.) To keep a register of the names and addresses of all dairymen and milk vendors selling or supplying milk to any person or persons resident within the municipality, and of all dairy premises and milk stores used from time to time by each of them for the production, deposit, or distribution of such milk.
- (ii.) To strike off such register the names and addresses of all persons who shall have ceased, or become disqualified as hereinafter provided, to carry on the business of dairymen or milk vendors.
- (iii.) To keep such register open at all reasonable times for inspection by the Principal Civil Medical Officer or any officer appointed by him in writing, and to furnish any extracts from the same that he may require.
- (iv.) To cause to be inspected all such dairy premises and milk stores, and the cattle, appliances, and utensils therein used for the production or distribution of milk, at the time prescribed in any regulations for the time being in force under this chapter, and to enter the date and result of every such inspection in the register.
- (v.) To furnish in the month of January of each year to the Colonial Secretary a report of the municipal council's proceedings under this chapter in respect of the supervision and regulation of dairies during the preceding twelve months, in such form as may be prescribed by any regulation for the time being in force under this chapter.

Duties of municipal council to keep a register of all dairymen and milk vendors.

37 The chairman of the municipal council shall have the following powers in addition to any other powers in this Ordinance conferred, viz. :

- (i.) To enter or authorize the entry at all reasonable times into or upon any dairy premises or milk store for the purpose of making any inspection by this chapter authorized ; to take away samples of the milk there found, and of the water of any well or other source of water supply therein or thereon, for the purpose of examination or analysis only.
- (ii.) To require any dairyman or milk vendor, by notice in writing, to cleanse and maintain in a sanitary condition his dairy premises or milk store and any utensils therein used as aforesaid.
- (iii.) To require any dairyman or milk vendor, by notice in writing, to close any well or other source of water supply in or on his dairy premises or milk

Powers of chairman of the municipal council to enter dairy premises or milk stores.

Municipal Councils.

store, or used in connection therewith, which is so polluted or unwholesome as to be unfit for human consumption, and to wholly discontinue the use of the water thereof for any purpose whatsoever, for such period as the chairman shall direct, or to fill up the said well or source of water supply and keep the same so filled up.

- (iv.) To refuse or cancel the registration of any dairyman or milk vendor in respect of any dairy premises or milk store which is in an insanitary condition, or in which the provisions for lighting, ventilation, drainage, lavatory, and privy accommodation or water supply are not such as are necessary for health, or for the cleanliness of the appliances and utensils used therein, or for the protection of any milk therein against infection or contamination.

For the purposes of this section the term "the chairman of the municipal council" shall include the sanitary officer of the municipality.

Dairymen and others to apply for registration.

38 Every dairyman and milk vendor engaged in the sale or supply of milk to any person or persons in any municipality at the time of this Ordinance coming into force, shall within three months of such time, and every dairyman and milk vendor thereafter commencing to engage in such sale or supply shall, before so commencing, apply to the municipal council to cause to be entered on the register for that municipality his name and place of residence, and the locality of every dairy premises and milk store used or to be used by him, and thenceforward from time to time any change of such residence, or discontinuance by him to use any former, or commencement by him to use any other, dairy premises or milk store, and immediately upon such registration, and whilst the same continues in force, shall in some conspicuous place affix to and maintain in legible letters his name and the words "Registered Dairyman" or "Registered Milk Vendor," as the case may be, upon every dairy premises or milk store in respect of which he is so registered, and to and upon every cart or other vehicle used by him for the distribution of milk.

Unregistered persons forbidden to sell or supply milk.

39 It shall not be lawful for any person to sell or supply milk to any person or persons in any municipality if his name and place of residence, and every dairy premises and milk store used for the purpose of the production, deposit, or distribution of any such milk, are not entered upon the register for that municipality: Provided that persons engaged in the sale or supply of milk in any municipality, at the time of this Ordinance coming into force, shall not be affected by the provisions of this section until after the lapse of three months from such time.

Infectious disease in dairy premises, &c., to be reported immediately.

40 On the appearance of any case of infectious disease in man or beast in any dairy premises or milk store, the householder or occupier, or if there be no such householder or occupier, the owner of such premises or store, and also

Municipal Councils.

the medical practitioner attending the case, shall immediately report, in writing, such case to the municipal council.

41 Whenever it shall appear to the chairman of the municipal council, or be certified to such chairman by any medical practitioner, that the spread of infectious disease is in his opinion attributable to the milk supplied by any dairyman or milk vendor, the chairman may require such dairyman or milk vendor wholly to discontinue such supply, distribution, and sale of milk, and to furnish forthwith, upon demand, a full and complete list of the names and addresses of all his customers, and to give such assistance to discover the residence of all or any of them as the chairman making the inquiry may deem necessary; and every such dairyman or milk vendor shall, for the purposes of such inquiry only, be deemed to be within the municipality of the chairman making the inquiry, whether he is actually resident within the municipality or outside its limits.

Dairyman to supply names and addresses of customers.

42 No person following the trade of a dairy farmer, cow-keeper, dairyman, or purveyor of milk, or being the occupier of a milk store or milk shop, shall knowingly allow any person suffering from any infectious disease, or having recently been exposed to infection from a person so suffering, to milk cows or to handle vessels used for containing milk, or in any way to take part or to assist in the conduct of the trade or business of the dairy farmer, cow-keeper, dairyman, or purveyor of milk, or occupier of any milk store or milk shop, as far as regards the production, distribution, or storage of milk, until he shall have shown to the satisfaction of the chairman of the municipal council that all danger of communication of infection to the milk, or of its contamination, has ceased.

Persons suffering from infectious diseases, or having been recently exposed to infection, not to take part in dairy operations.

43 It shall not be lawful for any person selling or supplying milk to any person or persons resident in any municipality to store, keep, or deposit any milk in any room used for sleeping or dwelling in, or in any other place or way calculated to render such milk unwholesome or injurious to health, or to sell or supply any milk which shall have been produced from any diseased animal, or which shall have been in any place or way exposed to infection from any person suffering from any infectious disease, or which shall have been upon or in any dairy premises or milk store from which the sale of milk has been directed to be discontinued on account of infectious disease as provided in section 41 of this Ordinance.

Sale or supply of unwholesome milk forbidden.

44 Every person who shall wilfully disobey, or act in violation of, any of the provisions contained in either of the last six preceding sections, or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under section 37 of this Ordinance, or shall without lawful excuse neglect or disobey any requirement made under the provisions of sections 37 and 41 hereof, or shall neglect or refuse to obey any order or direction of the

Penalties, &c.

Municipal Councils.

- (5) To furnish in the month of January of each year to the Colonial Secretary a report of the municipal council's proceedings under this chapter in respect of the supervision and regulation of laundries during the preceding twelve months, in such form as may be prescribed by any regulation for the time being in force under this chapter.

Powers of chairman of the municipal council to enter laundry premises.

51 The chairman of the municipal council shall have the following powers in addition to any other powers in this chapter conferred, viz. :

- (1) To enter or authorize the entry at all reasonable times into or upon any laundry premises for the purpose of making any inspection by this chapter authorized.
- (2) To require any laundryman, by notice in writing, to cleanse and maintain in a sanitary condition his laundry premises and any utensils therein used as aforesaid.
- (3) To require any laundryman, by notice in writing, to desist from using any well or other source of water supply in or on his laundry premises, or used in connection therewith, which is polluted or unwholesome, and to wholly discontinue the use of the water thereof for any purpose whatsoever, for such period as the chairman shall direct, or to fill up the said well or source of water supply and keep the same so filled up.
- (4) To refuse or cancel the registration of any laundryman in respect of any laundry premises which are in an insanitary condition, or in which the provisions for ventilation, drainage, lavatory, and privy accommodation or water supply are not such as are necessary for health or for the cleanliness of the appliances and utensils used therein, or for the protection of any clothes therein against infection or contamination.

For the purposes of this section the term "the chairman of the municipal council" shall include the sanitary officer of the municipality.

Laundrymen and others to apply for registration.

52 Every laundryman engaged in the washing of clothes for any person or persons in any municipality at the time of this Ordinance coming into force, shall, within three months of such time, and every laundryman thereafter commencing to engage in such washing shall before so commencing, apply to the municipal council to cause to be entered on the register for that municipality his name and place of residence and the locality of every laundry premises used or to be used by him, and thenceforward from time to time any change of such residence, or discontinuance by him to use any former, or commencement by him to use any other laundry premises.

Municipal Councils.

53 It shall not be lawful for any person to wash clothes for any person or persons in any municipality if his name and place of residence and every laundry premises used by him for the purpose of the washing, ironing, or deposit of any such clothes are not entered upon the register for that municipality: Provided that persons engaged in the washing of clothes for any person or persons resident in any municipality at the time of this Ordinance coming into force shall not be affected by the provisions of this section until after the lapse of three months from such time.

Unregistered persons forbidden to wash clothes.

54 On the appearance of any case of infectious disease in any person or persons in any laundry premises or laundry store, the householder or occupier, or if there be no such householder or occupier, the owner of such premises, and also the medical practitioner attending the case, shall immediately report in writing such case to the municipal council.

Infectious disease in laundry premises, &c., to be reported immediately.

55 Whenever it shall appear to the chairman of the municipal council, or be certified to such chairman by any medical practitioner, that the spread of infectious disease is in his opinion attributable to the clothes washed and distributed by any laundryman, the chairman may require such laundryman wholly to discontinue his business or trade for such time as the chairman shall direct, and to furnish forthwith upon demand a full and complete list of the names and addresses of all his customers, and to give such assistance to discover the residence of all or any of them as the chairman making the inquiry may deem necessary.

Laundryman to supply names and addresses of customers.

56 No person following the business or trade of a laundryman, or being the occupier of laundry premises, shall knowingly allow any person suffering from any infectious disease, or having recently been exposed to infection from a person so suffering, to wash or handle clothes or the utensils used for washing the same, or in any way to take part or to assist in the conduct of the trade or business of the laundryman or occupier of any laundry premises as far as regards the washing, ironing, distribution, or storage of clothes, until he shall have shown to the satisfaction of the chairman of the municipal council that all danger of communication of infection to, or of contamination of, the clothes has ceased.

Persons suffering from infectious disease or having been recently exposed to infection not to take part in laundry operations.

57 It shall not be lawful for any laundryman to wash, iron, store, keep, or deposit any clothes in any room in which there shall be clothes which shall have been in any place or way exposed to infection from any person suffering from any infectious disease, or which shall have been upon or in any laundry premises in which the distribution of clothes has been directed to be discontinued, on account of infectious disease, as provided in section 55 of this Ordinance.

Laundry operations prohibited in places exposed to infection.

*Municipal Councils.***Penalties, &c.**

58 Every person who shall wilfully disobey or act in violation of any of the provisions contained in either of the last six preceding sections, or shall resist or wilfully obstruct any person in the lawful exercise of any of the powers conferred under section 51 of this Ordinance, or shall without lawful excuse neglect or disobey any requirement made under the provisions of sections 51 and 55 hereof, or shall neglect or refuse to obey any order or direction of the chairman of the municipal council, or the sanitary officer of the municipality made under the said section within the time limited in that behalf by such order or direction, or shall lend, hire, or use any article of clothing which he may receive for the purpose of being washed or ironed, shall be guilty of an offence, and be liable on conviction to a penalty not exceeding two hundred rupees.

Governor to declare what are infectious diseases.

59 The Governor, with the advice of the Executive Council, on the recommendation of the Principal Civil Medical Officer, shall, as soon as practicable after the passing of this Ordinance, declare what are infectious diseases for the purposes of this chapter, and may thereafter from time to time add to, alter, or amend such declaration, as may seem necessary or advisable. And the Colonial Secretary shall forthwith furnish a copy of each such declaration and of each such addition, alteration, or amendment to the municipal council.

Summary jurisdiction and appeals.

60 All offences against this chapter may be heard and determined, and all penalties under section 58 may be imposed, by the municipal magistrate in a summary way on the complaint of any officer of the municipal council, provided that where the chairman is the municipal magistrate, the police magistrate, but not such municipal magistrate, shall have jurisdiction to adjudicate upon the hearing of such complaint. Provided always that any person aggrieved by any adjudication of such municipal or police magistrate may appeal therefrom to the Supreme Court. And such appeal shall be governed by the provisions regulating appeals contained in "The Criminal Procedure Code, 1883." Provided further that all fines imposed under this chapter shall be paid to the municipal council of the municipality wherein the offence is committed.

Power to issue regulations.

61 It shall be lawful for the municipal council to issue from time to time regulations, subject to the provisions of this chapter, for the purposes of carrying the same into effect.

Interpretation.

62 The following expressions in inverted commas, when occurring in this chapter, or any regulations thereunder, shall, for the purposes thereof, bear the meanings hereinafter respectively assigned to them, unless inconsistent with the context, viz. :

"Laundry premises."—Any building, shed, land, place, well or other source from which water is obtained,

Municipal Councils.

used for the purpose of carrying on the business or trade of washing or drying of clothes for any person or persons for hire, or any building, shed, or place used by any laundryman for the purpose of ironing, depositing, or storing clothes.

“**Laundryman.**”—The occupier of any laundry premises as hereinbefore defined, or any person engaged in the washing, drying, ironing, depositing, or storing of clothes for other persons for hire.

“**Register.**”—The register of laundrymen, of laundry premises, and laundry stores kept under the authority of this chapter.

“**Medical practitioner.**”—A person holding a qualification which would entitle him to be registered under the following Acts of the Imperial Parliament, to wit : The Medical Act (21 and 22 Vic. c. XC.) ; and The Medical Act, 1886 (49 and 50 Vic. c. XLVIII.), or any other Act of the Imperial Parliament which may be enacted in lieu thereof.

63 The provisions of this chapter shall apply to laundrymen whether resident within or without the limits of the municipality, who may wash for any persons resident within the municipality, and to laundry premises whether situated within or without the limits of the municipality, used for the purpose of washing, drying, ironing, depositing, or storing clothes for any person or persons resident within the municipality.

Provisions of chapter III. to extend to laundry premises situated outside municipal limits.

Passed in Council the Seventh day of February, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of February, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

*Mines and Machinery.***No. 2 of 1896.****An Ordinance to provide for the regulation and inspection of Mines and Machinery.**

E. NOEL WALKER.

Preamble.

WHEREAS it is expedient to provide for the regulation and inspection of mines and machinery and for the safety of persons employed in working mines and machinery in this colony: 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.**Commencement.**

1 This Ordinance may be cited as "The Mines and Machinery Protection Ordinance, 1896," and shall come into operation at such time as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

Definition:**2** In this Ordinance—**"Mine."**

"Mine" means every mine opened, worked, or used for the purpose of searching for or obtaining minerals of every description other than those to which Ordinance No. 5 of 1890 applies, and slate, talc, and all other materials obtained by mining, and includes all shafts, levels, planes, works, machinery, tramways, and sidings, both below and above ground, which may be sunk, driven, erected, or constructed in and adjacent to any such mine.

"Shaft."

"Shaft" includes pit.

"To open, work, or use a mine."

"To open, work, or use a mine" means and includes the sinking of any shaft, or the driving of any level or inclined plane, or any act whatsoever whereby the soil or earth, or any rock, stone, quartz, or talc in or under any land, is disturbed, removed, carted, carried, washed, sifted, or otherwise dealt with for the purpose of searching for or obtaining minerals, slate, talc, or other materials therefrom.

"Factory."

"Factory" includes every factory, store, workshop, and building in which machinery of any kind is moved by steam, water, electricity, or other mechanical power.

"Inspector."

"Inspector" includes every person appointed to inspect mines and factories.

"Person."

"Person" includes any association or body of persons, whether incorporated or not.

Notice of intention to open mine.

3 (1) If any person intends to open, work, or use any mine, he shall, one week at least before commencing to open, work, or use such mine, furnish the government agent of

Mines and Machinery.

the province within which such mine is situate with a declaration in writing containing the following particulars :

- (a) The name and boundaries of the land in which the mine is to be opened, worked, or used ;
- (b) The nature of the right of the applicant to open, work, or use the mine on such land ; and
- (c) The name or names and residence or residences of himself and of the person or persons under whose management or superintendence the mine is intended to be opened, worked, or used.

(2) If such person ceases to have an interest in such mine, or if any person or persons other than those named in the declaration shall be entrusted with the management or superintendence of such mine, such person shall forthwith make a further declaration thereof to the government agent.

4 The Governor, with the advice of the Executive Council, shall from time to time make, and when made may alter, amend, or cancel rules for—

Governor to
make rules.

- (a) Inspecting and examining into the state and condition, and ensuring the due ventilation, of any mine or any part thereof ;
- (b) Regulating all matters and things connected with or relating to the safety of the persons employed in or about any mine or factory, or connected with or relating to the fencing of machinery in, or attached to, any such mine or factory ;
- (c) Keeping mines and factories in a cleanly and sanitary condition ;
- (d) The issuing of notices to the owners, superintendents, managers, or persons in charge of any mine or factory, calling upon them to execute any work for any of the above purposes ;
- (e) The appointment of an inspector or inspectors of mines and factories ;
- (f) Imposing restrictions on the cleaning of machinery while in motion ;
- (g) Imposing restrictions on the working of women and children between the fixed and traversing parts of any self-acting machine while such machinery is in motion ;
- (h) The reporting to the government agent of the province by the owner, superintendent, manager, or person in charge of any mine or factory, of any loss of life or any personal injury to any person employed in any mine or factory by reason of any accident or mishap at such mine or factory ; and

Mines and Machinery.

- (i) Any other purpose necessary for carrying out the several provisions of this Ordinance.
- Proviso.** Provided that no such rules or alterations, amendments or cancellation thereof, shall have effect until the same are duly published in the *Government Gazette*.
- Rules to be laid before Legislative Council.** 5 All rules made under this Ordinance by the Governor, with the advice of the Executive Council, shall be laid before the Legislative Council within one month of the commencement of the session next after the making of such rules, and shall cease to have force or effect if disapproved by the Council within two months of being so laid on the table.
- Penalties.** 6 Any person who shall open, work, or use a mine before furnishing the declaration required by sub-section 1 of section 3, or in breach of, or in any way contrary to, the provisions of this Ordinance or of any rules made under section 4, or who shall fail to furnish the further declaration required by sub-section 2 of section 3, and any person who shall hinder or obstruct any inspector when inspecting any mine or factory, or the machinery of any such mine or factory, under the provisions of this Ordinance or of any rule made thereunder, and any person who shall refuse or neglect to execute any work after receiving notice in writing in that behalf, and any person who shall keep any mine or factory in an insanitary state or condition, or without insuring the due ventilation thereof, and any person who shall commit any breach of any of the rules made under this Ordinance, shall be guilty of an offence, and be liable on a first conviction to a fine not exceeding fifty rupees, or to rigorous imprisonment for a term not exceeding three months, or both; and on every subsequent conviction to a fine not exceeding one hundred rupees, or to rigorous imprisonment for a term not exceeding six months, or both.
- Prosecution when barred.** 7 No prosecution shall be entertained for any offence under this Ordinance unless the same is instituted within six months from the date of the commission of the offence.
- Informer's share.** 8 It shall be lawful to the court imposing a fine under the provisions of this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

Passed in Council the Seventh day of February, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of February, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

*Collection of Tolls.***No. 3 of 1896.****An Ordinance to consolidate and amend the Law in respect to the Collection of Tolls.**

E. NOEL WALKER.

WHEREAS it is expedient to consolidate and amend the law in respect to the collection of tolls in this island; It is therefore enacted as follows:

Preamble.

Preliminary.

1 This Ordinance may be cited for all purposes as "The Toll Ordinance, 1896," and shall come into operation on the First day of January, 1897.

Short title of Ordinance.

2 The Ordinances respectively mentioned in schedule A hereto are hereby wholly repealed, but such repeal shall not affect—

Repeal of enactments.

- (a) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; nor
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; nor
- (d) Any legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid.

3 In the construction and for the purposes of this Ordinance (if not inconsistent with the context or subject-matter) the following terms shall have the respective meanings hereinafter assigned to them; that is to say,

Interpretation clause.

"Horse" shall include pony, ass, or mule.

"Ox" shall include any bullock, buffalo, or any other beast of burden, except an elephant.

"Load" shall include all description of goods, but not passengers.

"Vehicle for passengers" shall include carriages, hackeries, and vehicles capable of carrying passengers, and commonly used for such purpose, though not actually carrying passengers at the time.

"Vehicle for goods" shall include carts, wagons, and all vehicles capable of carrying loads, and commonly used for such purpose, although not actually carrying goods at the time.

Collection of Tolls.

“Boat” shall include pada boats, battel, lighter, single or double canoe, scooped dhoney, ballam, raft, tug, catamaram, kulla, and all other boats whether of European or native build.

“Estate” means any land in which labourers are employed, and of which ten acres or more are actually cultivated.

Tolls established.

Tolls at roads,
bridges,
ferries, and
canals.

4 Subject to the provisions and limitations hereinafter contained, tolls shall be levied upon all horses, elephants, oxen, vehicles, and boats, in respect of the roads, bridges, ferries, and canals specified in the schedules B, C, D, and E respectively to this Ordinance annexed, and in respect of ferries upon all foot passengers, at such rates as the Governor from time to time, by Proclamation in the *Government Gazette*, shall be pleased to appoint, provided that the same shall in no case exceed the rates hereinafter specified; that is to say:

Tolls on Roads and at Bridges and Ferries.

	Rs.	c.
Every vehicle for passengers drawn by one horse, driver and passengers included	}	with two wheels 0 50
... ..		with four wheels 0 60
Every vehicle for passengers drawn by two horses, driver and passengers included	1	0
Every additional horse used in drawing such vehicle, and attached thereto	0	10
Every vehicle for passengers drawn by one ox, driver and passengers included	0	30
Every additional ox attached thereto	0	10
Every horse carrying a load or not carrying a load, with or without a rider	0	20
Every ox carrying a load	0	10
Every vehicle carrying a load and drawn by one horse or ox	0	30
Every vehicle carrying a load and drawn by two horses or oxen	0	50
Every additional horse or ox attached thereto	0	10
Every vehicle not carrying a load and drawn by one horse or ox	0	10
Every vehicle not carrying a load and drawn by two horses or oxen	0	15
Every additional horse or ox attached thereto	0	10
Every vehicle carrying a load and drawn by two elephants	1	0
Every vehicle not carrying a load and drawn by two elephants	0	50
Every vehicle carrying a load, and drawn by one elephant	0	70
Every vehicle not carrying a load and drawn by one elephant	0	30
Every elephant carrying a load, not being his food	0	30
Every elephant not carrying a load	0	20
Every bicycle, tricycle, or jinricksha	0	10
Every ox, cow, calf, sheep, goat, or pig	0	1
Every leagner or cask not carried in a vehicle or by a man, but rolled along the road	0	10
Every wheeled vehicle not enumerated above	0	40
Every foot passenger crossing ferries, except children under twelve years of age and keepers and leaf-cutters attending elephants, horses, and cattle...	0	2

Collection of Tolls.

Tolls on Canals.

		Rs.	c.
Pada boat, battel, or lighter of and under 50 feet in length	loaded	1	50
	unloaded	0	75
Pada boat, battel, or lighter over 50 feet in length	loaded	2	50
	unloaded	1	25
Double canoe, scooped dhoney, and kulla	loaded	0	60
	unloaded	0	30
Every additional canoe supporting a platform		0	10
Single canoe or ballam, with freight or passengers		0	30
Single canoe or ballam, unloaded		0	15
Raft or catamaram, 30 feet by 10 feet and under	loaded	1	0
	unloaded	0	50
For every additional foot over 30 feet in length and under 50 feet	loaded	0	50
	unloaded	0	25
For every additional foot over 50 feet	loaded	0	20
	unloaded	0	10
For every additional foot of breadth on 15 feet, whether loaded or unloaded		0	50
For every boat propelled by steam or electric power, or any power obtained by any means other than hand, beast of draught, or sail, whether loaded or unloaded, and of whatever draught or capacity		2	50
Every boat not enumerated above		0	50

Provided that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, from time to time to cause a higher rate of toll than that above specified to be levied in respect of ferries which shall exceed half a mile in width.

Proviso.

Higher toll on ferries more than half a mile wide.

Provided further that boats or canoes employed in fishing, and not conveying loads or passengers, shall be exempt from toll, and that no tolls shall be demanded or taken for or in respect of any horse, ox, vehicle, boat, or canoe when employed, or going to be or returning from having been employed, in carrying or conveying only dung, soil, compost, bone dust, or manure for land (save and except lime, salt, saltpetre, and poonac), and the necessary implements used for filling the manure, and, in the case of boats, the necessary tackle, apparel, and provisions of such boats and the crew thereof.

Proviso.

As to fishing boats, and vehicles and boats, &c., conveying manure.

Provided further that all vehicles fitted with trays, baskets, or other apparatus for the carriage of green tea leaf and drawn by a horse or an ox, or by horses or oxen, and all boats and canoes so fitted, shall be exempt from toll respectively, except when actually carrying such leaf or any other load in respect of which toll is leviable under this Ordinance.

Proviso as to empty vehicles fitted with trays for the carriage of green tea leaf.

Provided further that every vehicle so fitted and drawn by a horse or an ox, or by horses or oxen, and every boat or canoe so fitted, shall be exempt from toll when loaded with green tea leaf to be manufactured in any factory standing upon the estate whereon such leaf has been plucked or gathered.

Proviso as to such vehicles when loaded with green tea leaf which is being conveyed from one part of the estate to another for the purpose of manufacture.

Collection of Tolls.

Tolls in respect of ferries due whether boats used or not.

5 The tolls imposed in respect of ferries shall be due and leviable whether the ferry boats provided for carrying passengers or conveying vehicles or goods across the ferries be used or not.

Vehicles and boats loaded with cocoanut husks to pay as unloaded vehicles and boats, and to pay only once.

6 From and after the day on which this Ordinance comes into operation vehicles and boats loaded with cocoanut husks in an unmanufactured condition, and with no other goods or merchandise, except the necessary tackle, apparel, and provision of such boat and the crew thereof, shall pass as, and pay the tolls of, unloaded vehicles and boats only. If such vehicles and boats shall pass more than once the same day, loaded as aforesaid, no further tolls shall be demanded or taken for or in respect of them, but they shall pass free.

Governor may exempt manures and other substances from toll.

7 (1) The Governor may, from time to time, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, declare an exemption from toll in favour of any substance or substances specified in such Proclamation and used (a) for manuring purposes, (b) for checking leaf disease in coffee and other plantations in the island.

(2) After the publication in the *Government Gazette* of such Proclamation no toll shall be demanded or taken for or in respect of any horse, ox, vehicle, boat, or canoe when employed, or going to be or returning from being employed, in carrying or conveying only the substance or substances specified for exemption from toll in such Proclamation, or only such substance or substances, together with any other substance or substances exempted from toll by any Proclamation issued under this Ordinance, and the necessary implements used for filling or carrying manure or for carrying such other substances as may be specified in such Proclamation, and in the case of boats the necessary tackle, apparel, and provisions of such boats and the crew thereof.

The Governor may alter or revoke such Proclamation.

8 The Governor may, with the advice of the Executive Council, by Proclamation in the *Government Gazette* revoke, alter, or amend any such Proclamation as aforesaid.

Legislative Council may by resolutions establish tolls.

9 The Legislative Council may by means of any resolution duly passed at any public session of the said Council establish tolls in respect of any public road, bridge, ferry, or canal in this island, in addition to the tolls set out in schedules B, C, D, and E hereto, and the provisions of this Ordinance shall apply to the tolls so established as fully and effectually as if such tolls had been enumerated in the said schedules or in some or one of them.

Governor in Executive Council may by resolution abolish and alter places for collecting tolls.

10 The Governor, acting with the advice of the Executive Council, may by resolution to be notified in the *Government Gazette*—

(a) Abolish any existing tolls or any tolls which may hereafter be legally established: and

(b) Determine at what places tolls shall be collected, and alter such places and other places appoint for the collection thereof.

Collection of Tolls.

Provided that until the Governor, with the advice aforesaid, shall issue a resolution under this section abolishing any toll or altering the place at which any toll is by this Ordinance authorized to be collected, such toll shall be collected in respect of every road, bridge, ferry, and canal specified in schedules B, C, D, and E respectively at the several places specified and set forth in schedule F hereto.

11 Whenever it shall be found necessary to build a bridge, other than those specified in schedule C, the cost of which shall amount to five thousand rupees or more, it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to direct that tolls, not exceeding those specified in section 4, shall be levied in respect thereof; and whenever it shall be found necessary to establish any ferry other than those enumerated in schedule D, it shall be lawful for the Governor, with the like advice and in like manner to direct that tolls not exceeding those specified in the said section shall be levied in respect thereof.

Tolls on bridge-roads, canals, and ferries hereinafter built, made, dug, and established.

12 Whenever tolls shall be directed to be levied under section 11 of this Ordinance, or whenever tolls shall be established by resolution of the Legislative Council under section 9 of this Ordinance, the provisions of this Ordinance shall be held applicable thereto as if those tolls were specified herein, and the Proclamations and resolutions by which the same shall be respectively levied and established shall be read and construed as if they formed part of this Ordinance, and shall be applied and put in execution accordingly.

Provisions of the Ordinance made applicable to future tolls.

13 The Governor (or Lieutenant-Governor) and his suite when in immediate attendance on him, together with all their necessary attendants, horses, animals, conveyances, baggage, and implements, all Her Majesty's officers, soldiers, and volunteers on duty or on their march, and their horses and baggage, and all carriages and horses belonging to Her Majesty or employed in her service, and all horses, animals, and vehicles conveying any such persons as aforesaid, or their baggage, or returning from conveying the same, and all messengers, carriages, and horses drawing or carrying the public mails, shall be exempted from payment of any toll; and it shall be lawful for the government agent, if he shall see fit so to do, to direct the toll-keeper in writing to permit cattle or sheep driven to grass, persons with cattle, agricultural instruments, paddy plants, or seed grain for the cultivation of their lands, and children going to and from school, to pass without payment of toll. All persons, vehicles, animals, or boats employed in the construction or repair of any road, bridge, canal, or ferry, within ten miles of the toll station, or in making Crown surveys within that distance, shall pass without payment of toll, on production of a certificate of such employment from the officer superintending the work or survey; and any officer giving such

Exemptions.

Collection of Tolls.

certificate to or in respect of any person, vehicle, or animal, or boat not *bonâ fide* employed as aforesaid, shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

Regulation as to Toll.

Return tolls.

14 No toll shall be levied upon any passenger, vehicle, animal, or boat, upon his or its return by, over, or through any road, bridge, canal, or ferry at which he or it shall have paid toll on the same day (to be computed from 12 o'clock at night to 12 o'clock of the succeeding night), unless such vehicle, animal, or boat shall carry a different load; and the one-half only of the appointed toll shall be levied upon any passenger, vehicle, animal, or boat at any road, bridge, canal, or ferry, by, over, or through which he or it shall have passed in a like direction on the same day, unless such vehicle, animal, or boat shall carry a different load: Provided that it shall be incumbent upon the party claiming such total or partial exemption to produce a ticket signed by the keeper of such toll station, denoting such previous payment to have been made; and provided also that no payment of toll upon any vehicle, animal, or boat when unloaded shall in any manner affect any toll to which such vehicle, animal, or boat is hereby declared to be liable when loaded.

Ticket required to clear passengers.

15 Every person having once paid toll in respect of himself or of any vehicle, animal, or boat at any place payment at which shall have been declared by the Governor, by Proclamation in the *Government Gazette*, to clear any other place, shall, on the production at such other place of a ticket denoting such payment to have been made, pass the same without any further payment of toll, except where such person, vehicle, animal, or boat shall at such latter place have become liable to a different rate of toll.

Toll-keepers.

Appointment of toll-keepers.

16 The tolls hereby established shall be taken and levied by the toll-keeper or some one of the toll-keepers to be appointed by the government agent of the province in which such tolls are levied, except as hereafter provided: Provided that in any case in which more than one toll-keeper shall be appointed for any place, such toll shall be demanded and taken by such one only of the said toll-keepers as shall at the time of such demand be the wearer of the metal badge hereinafter mentioned; and if the privilege of collecting tolls at any place shall at any time be let to any party, it shall be lawful for the government agent, except as aforesaid, on the application of such party, to appoint such person or persons as he may name to be toll-keeper or toll-keepers at such place; and if such party shall at any time be desirous of removing any toll-keeper appointed on his application as aforesaid, he shall give a written notice of his intention so to do to the government

Collection of Tolls.

agent or his assistant at least ten days before carrying the same into effect; and any party who shall remove any toll-keeper without giving such notice shall be guilty of an offence, and be liable on conviction thereof to pay a fine not exceeding fifty rupees.

Collection of Tolls.

17 Every toll-keeper appointed under this Ordinance shall, while engaged in the collection of tolls, wear a metal badge, whereon shall be engraved the name of the place at which he is appointed to collect tolls; and there shall be suspended at some conspicuous place immediately adjoining every place at which tolls are hereby authorized to be collected, so as to be distinctly legible, in the English and native languages, a copy of the 4th section of this Ordinance, and also a notice setting forth the name or names of the person or persons appointed to collect the tolls at such place.

Toll-keepers to wear badge;

and put up table of tolls and name.

18 Every toll-keeper while engaged in the collection of tolls shall be provided with tickets consecutively numbered, acknowledging the payment of toll and the date thereof, and mentioning the road, bridge, ferry, or canal, if any, cleared by such payment, one of which tickets, duly signed by him, shall be delivered gratis to the person paying the toll; and every such ticket shall be in the English and native languages, and in the form hereunto annexed: Provided always, that it shall be lawful for the government agent, if he shall see fit so to do, to grant to such toll-keeper permission to deliver such tickets in the native languages only.

Toll-keeper to give tickets.

19 If any toll-keeper shall at any time collect any toll without wearing a metal badge as aforesaid, or omit to suspend a copy of the 4th section of this Ordinance, and the notice of the name or names of the person or persons appointed to collect the tolls, or shall wilfully remove, conceal, alter, or deface the same or either of them, or permit either of them to become illegible, or shall demand or take toll in any case in which toll is not payable under the provisions of this Ordinance, or a greater or less toll than he shall be authorized to do thereunder, or shall fail to grant to any person having paid toll a ticket denoting such payment as hereinbefore required, or shall wilfully subject any passenger, vehicle, animal, or boat to unreasonable delay or detention, or shall demand or take toll from any person by this Ordinance exempted from the payment of toll, or from any person whom he has been duly directed by the government agent to permit to pass without payment of toll, such toll-keeper shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees, and on any second or subsequent conviction to a fine not exceeding one hundred rupees.

Toll-keeper acting contrary to the Ordinance.

Collection of Tolls.

Further Penalties.

Penalty on
levying tolls
without
authority.

20 If any person other than a toll-keeper duly appointed to collect toll shall demand or take any toll, or for the purpose of appearing or representing himself to be a toll-keeper shall wear or carry, or produce or exhibit to any person liable to pay toll the metal badge which by this Ordinance a toll-keeper is required to wear, or any badge resembling or intended to resemble such metal badge, or shall otherwise personate or represent himself to be a toll-keeper, every person so offending shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees; and any toll-keeper who shall wilfully lend or give his metal badge to any person not duly appointed to collect toll, in order that the person should personate such toll-keeper, or shall be otherwise accessory to the collection of toll by any person not duly appointed as aforesaid, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

Penalties for
infringement
of the
Ordinance
by passenger.

21 If any person liable to payment of tolls shall pass from any road over any land near or adjoining thereto (not being a public highway), with intent to evade such payment, or shall fraudulently or forcibly pass or take his vehicle, animals, goods, or boat, by, over, or through any place duly appointed for the collection of tolls, or shall resist or make forcible opposition against any person duly appointed to collect tolls in the execution of his office; or if any person shall wilfully or maliciously damage any bar, boat, bridge, or other thing employed for the purpose of collecting tolls, or shall wilfully or maliciously remove, deface, alter, or damage any copy of section 4 of this Ordinance, or the notice suspended as hereinbefore directed; or if any person other than a person duly appointed to collect tolls shall give, or if any person shall receive from any person other than a person duly appointed as aforesaid, or shall forge, counterfeit, or alter any ticket or certificate of payment or exemption with intent to evade or reduce the payment of any toll, or if any person shall do any other act whatsoever in order to evade or reduce the payment of any toll, and whereby the same shall be evaded or reduced, every such person shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

Prohibition for
employment
of private
boat.

22 If any person, not being a duly appointed toll-keeper, shall convey any goods, vehicle, or animal, not being his property, or any passenger not in his service, across any river or stream, by any boat or other means either at or within a distance of one mile above or below any road, bridge, ferry, canal, or place at which tolls shall be leviable, such person shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees.

Toll payable on
transfer of
goods at toll
station.

23 It shall not be lawful for any person, in order to avoid payment of any toll, whether in whole or in part, to remove or cause to be removed any goods from any animal, vehicle, or boat on one side of any road, bridge, ferry, canal, or place

Collection of Tolls.

appointed for the collection of tolls, to any other animal, vehicle, or boat on the opposite side thereof, unless after payment of toll upon the animal or vehicle on or in which the same shall have been so brought as a loaded animal or vehicle; nor for any person to unload or cause to be unladen any goods from any animal or vehicle upon which the same shall have been brought to any road, bridge, ferry, or place appointed for the collection of tolls, and to load or cause the same to be reladen upon such animal or vehicle after it shall have passed such road, bridge, ferry, or place, unless after payment of toll upon such animal or vehicle as a loaded animal or vehicle; and any person acting contrary to the provisions of this section shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

Miscellaneous.

24 The powers herein given to the government agent of any province shall also belong to and be executed by every assistant government agent within his district.

Powers vested in agents may be exercised by assistant agents.

25 Nothing herein contained shall be held to affect the power of the municipal council to impose tolls within the limits of the municipality, with the sanction of the Governor and the Executive Council, as provided by "The Municipal Councils' Ordinance, 1887," or any other Ordinance to be in that behalf hereafter enacted, and when the municipal councils shall so establish tolls, or when tolls shall have been made over, or shall hereafter be made over to any municipal council, they shall be empowered to appoint toll-keepers, and the provisions of this Ordinance shall, unless altered or modified by the by-laws of any municipal council, apply to the tolls so established or made over as if those tolls were specified in this Ordinance.

Municipal tolls.

26 No prosecution shall be instituted against any person for any offence committed against the provisions of this Ordinance, unless the same shall be commenced within one month from the time of the commission of such offence.

Limitation of prosecution.

27 It shall be lawful for the magistrate, should he see fit so to do, to award any portion of the fine actually recovered and realized under any of the provisions of this Ordinance, not exceeding one-half thereof, to the informer.

Informer's share.

Collection of Tolls.

SCHEDULE A.

(Section 2.)

No. and Year.	Title.	Portion repealed.
14 of 1867	The Toll Ordinance, 1867 ...	The whole
4 of 1868	To establish further Tolls ...	do.
2 of 1869	To establish further Tolls ...	do.
18 of 1869	To establish further Tolls ...	do.
2 of 1871	To establish further Tolls ...	do.
9 of 1871	To amend "The Toll Ordinance, 1867" ...	do.
24 of 1871	To establish further Tolls ...	do.
12 of 1872	To establish further Tolls ...	do.
11 of 1874	To establish further Tolls ...	do.
7 of 1875	To amend "The Toll Ordinance, 1867" ...	do.
14 of 1876	To establish further Tolls ...	do.
20 of 1877	To establish further Tolls ...	do.
5 of 1878	To establish further and to discontinue certain Tolls ...	do.
6 of 1879	To amend "The Toll Ordinance, 1867" ...	do.
10 of 1879	To establish further and to discontinue certain Tolls ...	do.
15 of 1880	To establish further and to discontinue certain Tolls ...	do.
10 of 1881	To establish further and to discontinue certain Tolls ...	do.
14 of 1882	To establish further and to discontinue certain Tolls ...	do.
10 of 1884	To establish further and to discontinue certain Tolls ...	do.
41 of 1884	To establish further and to discontinue certain Tolls ...	do.
12 of 1885	Amending "The Toll Ordinance, 1867" ...	do.
12 of 1887	Amending "The Toll Ordinance, 1867" ..	do.

SCHEDULE B.

Roads.

Western Province.

1. Urugodawatta.
2. From Wellampitiya to Dematagoda.
3. From Colombo to Kótté.
4. From Nugégoḷa to Nārāhénpiṭa.
5. From Colombo to Kandy, between the 10th and 12th mileposts.
6. From Colombo to Kandy, between the 21st and 23rd mileposts.
7. From Colombo to Galle.
8. From Colombo to Avisāwella
9. From Já-ḷa to Hanaratgoda.

Collection of Tolls.

10. From Kelaniya through Biyagama to Henaratgoda.
11. From Talawatuhénpita to Udupilla.
12. From Alutgama to Radawana.
13. From Pasyála to Haṅwella.
14. From Kótté to Kaduwela.
15. From Póré to Bópé.
16. From Haṅwella to Nambápána about half a mile from its junction with the high road from Colombo to Avisáwella.
17. From Colombo to Kesbéwa.
18. From Mirihána to Mattégoða.
19. From Véyangoda to Attanagalla.
20. From Talawatugoda to Hókandara.
21. From Negombo to Giriulla, between the 4th and 6th mileposts.
22. From Negombo to Giriulla, between the 8th and 9th mileposts.
23. From Negombo to Giriulla, between the 16th and 18th mileposts.
24. From Negombo to Dúnagaha.
25. From Selathhandiya to Alutapola.
26. From Minuwangoda to Kotadeniyáwa.
27. From Kotadeniyáwa to Mirigama.
28. From Pasyála to Giriulla.
29. From Pánaduré to Nambápána, between the 14th and 15th mileposts.
30. From Tebuwana to Kalutara, from Palátota to Nágoða, and from Nágoða to Agalawatta, at their junction.
31. From Kalutara to Agalawatta, between the 4th and 5th mileposts.
32. From Colombo to Galle, between the 29th and 30th mileposts.
33. From Wisidagama to Wéwiða.
34. From Bandáragama to Waskaḍuwa.
35. At Bandáragama on the road between Horana and Bolgoða.
36. From Wádduwa to Morontuḍuwa.
37. From Horawela to Pelawatta.
38. From Pámankaða to Horana.

Central Province.

1. Pupuressa.
2. Pusselláwa.
3. Ramboda.
4. Bambarakelé-Kodigaha.
5. Gondennáwa.
6. Kaḍawala.
7. Kengalla.
8. Maḍawala.
9. Kaluḍaella-Perabahutenna.
10. Balakaḍuwa.
11. Aluviháre.
12. Wéragama.
13. Dambulla.
14. Galéwela.
15. Ampitiya.
16. Gurudeniya.
17. Kolonghamulla.
18. Rikiligaskaða.
19. Kaḍugannáwa.
20. Gampola.
21. Iriyagama.

Northern Province.

1. From Jaffna to Dambulla.
2. From Point Pedro to Kodikámam with branch toll on the road from Point Pedro to Chávakachéeri through Sarasalai.

Collection of Tolls.

Southern Province.

1. At the 57½ milepost, at Kalawa.
2. At the 47½ milepost, at Welitara.
3. On the road to Udugama, near the junction of the Akmimana minor road.
4. Ambalangoda-Elpitiya, at the Erawawila bridge.
5. Hirimbura-Baddégama, between the 4th and 5th mileposts.
6. Labuduwa-Akmimana, between the 4th and 5th mileposts.
7. On the road to Mátara, at Paradawawatta, near the 74½ milepost.
8. On the road to Akuressa, at Lunavil-éla.
9. On Morawak kóralé road, at Akuressa.
10. At Dewundara, on the Coast road.
11. At Godagama, on the Akuressa road.
12. At Talpawela, on the Kekinadúwa road.
13. At Morawaka, between the 48th and 49th mileposts.
14. At Sinimódara with branch road toll on the road from Beliatta to Dikwella.

North-Western Province.

1. Kurunégala-Polgahawela.
2. Kurunégala-Kandy.
3. Etiyáwala.

Province of Uva.

1. From Nuwara Eliya to Badulla.
2. Lower Badulla road.
3. From Ratnapura to Batticaloa.
4. From Haldummulla to Hambantota.

Province of Sabaragamuwa.

1. From Ratnapura to Badulla.
2. From Ratnapura to Pelmaçulla.
3. From Pelmaçulla to Balangoda, between 72nd and 73rd mileposts.
4. From Pelmaçulla to Balangoda, between 82nd and 83rd mileposts.
5. From Pelmaçulla to Rakwána.
6. From Rambukkana to Dolosbágé, at Kaçigamuwa.
7. From Rambukkana to Dolosbágé, at Gewilipitiya.
8. From Kégalla to Bulatkohupitiya, at Hettimulla.
9. From Warakápola to Ruwanwella, at Mayinoluwa.
10. From Colombo to Kandy, at Ambanpitiya.

SCHEDULE C.
Bridges.*Western Province.*

1. Victoria Bridge at Grandpass.
2. Draw-bridge at Grandpass.
3. At Bambalapitiya over Kirillapona canal.
4. At or near the Kirillapona bridge near the 4th milepost on the Galle road.
5. Dançugama.
6. Tóppu.

Collection of Tolls.

7. Embulgama on the road from Colombo to Badulla *viá* Avisáwélla and Ratnapura.
8. Sitáwaka.
9. Giriulla.
10. Anđiambalam.
11. Kođugoda.
12. Múnamalwatta.
13. Kospalankissa.

Central Province.

1. Gampola.
2. Pannal-oya.
3. Bowwágama.
4. Teldeniya.
5. Nálanda.
6. Pérádeniya.
7. Kađugastota.
8. Talátu-oya.

Northern Province.

1. At Navetkuli, known as Uppár bridge, with branch tolls at the bridge at Kóppay and at the bridge Vannattipalam in Madduvil North.
2. At Tanakarukurichi, known as Vallai bridge, with a branch toll at the bridge at Tonđaimannár.

Southern Province.

1. At Pol-oya.
2. At Bentota.
3. At Polwatta and branch toll at Polkandan-ęla.
4. At Akuręssa.
5. At Walawe.
6. At Gintota.
7. At Bandattara.

North-Western Province.

1. Tuntota, on the road from Nárammola to Mádampé.
2. Mętibokka, on the road from Kurunęgala to Kandy.
3. Maguru-oya, on the road from Kurunęgala to Puttalam.
4. Maguru-oya, on the road from Kurunęgala to Giriulla.
5. Dęduru-oya, on the road from Kurunęgala to Puttalam.
6. Dęduru-oya, on the road from Kurunęgala to Dambulla.
7. Kođtukachchiya.
8. Tunmódara and its branch station at Muddarawala.
9. Nainamadam.
10. Dęduru-oya, on the road from Chilaw to Puttalam.

Province of Sabaragamuwa.

1. Geđahętta.
2. Kuruwięa.
3. Bilihul-oya, at Galagama.
4. Kahawatta.
5. Ambępussa.
6. Máwanęlla.
7. Maha-oya, at Yattatawala.
8. Karawanęlla.
9. Bibili-oya.
10. Gurugođa-oya, at Ruwanwella.

Collection of Tolls.

SCHEDULE D.

Ferries.

Western Province

1. Pashetal (Wattala).
2. Mutwal (Módara).
4. Gorakápola.
3. Hénamulla.
5. Haḡwella.
6. Púgoda.
7. Wéwala.
8. Tárakuliya.
9. Gorakagahatoḡupola.
10. Siduwa.
11. Mutuwáḡiya.
12. Rukgahatoḡupola.
13. Digala.
14. Kitulgahawatta.
15. Anguruwátota.
16. Keḡu-ḡla.
17. Galpata.

Central Province.

1. Wéragantota.
2. Ilḡukmódara.
3. Kundasále.
4. Hembarastota.
5. Halloluwa.
6. Gónawatta.
7. Léwella.

Northern Province.

1. Pannai.
2. Aráli.
3. Mannár.

Southern Province.

1. Halpatota.

Eastern Province.

1. Kalladi.
2. Valaichohenai.

North-Western Province.

1. Chilaw-Puttalam road.
2. Battulu-oya, Chilaw-Puttalam road.
3. Bandirippuwa, over the Giḡ-oya.
4. Lunuwila, over the Giḡ-oya.
5. Etalai, across Puttalam lake
6. Kalpiḡiya Mutwal.

Province of Sabaragamuwa.

1. Demuwata.
2. Idangoda.
3. Arandara.
4. Kelani-gaḡa at Ruwanwella.
5. Gurugoda-oya at Anguruwella.
6. Riḡigaha-oya.

Collection of Tolls.

SCHEDULE E.

Canals.

Western Province.

1. Draw-bridge at Grandpass.
2. Lock-gate, St. Sebastian.
3. Hēndala.
4. Pamunugama.
5. Kittampahuwa.
6. Negombo.
7. Old canal at Kalutara.
8. New canal at Kalutara.

North-Western Province.

1. Pálávi.
 2. Munatupirivu.
 3. Náttandiya.
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SCHEDULE F.

Places at which Tolls shall be collected.

Roads.

Western Province.

1. Urugōdawatta, at a point east of its junction with the Base Line road.
2. Wellampitiya to Demaṭagoḍa, at a point between the Urugōdawatta canal and the North and South Base Line road.
3. Colombo to Kótté, at or near the junction of Buller's road with the Kótté road near the 4th milepost. Payment of toll within the same day at this station shall clear the Bambalampitiya bridge.
4. Nugégoḍa-Nárahenpita, at or near the junction of the said road with the North and South Base Line road.
5. Colombo-Kandy, at a spot between the 10th and 12th mileposts.
6. Colombo-Kandy, at a spot between the 21st and 23rd mile-posts.
7. Colombo-Galle, at a point between the 14th and 15th mile-posts.
8. Colombo-Avisáwēlla, at the junction with the road leading from Kosgama to Púgoḍa between the 23½ and 23¾ mileposts.
9. Jáēla-Henaratgoḍa, at Meḍagama in Gampaha at or near the 21st milepost.
10. Keḷaniya-Henaratgoḍa, between the 12th and 13th mileposts, and between the 20th and 21st mileposts. Such tolls to clear and to be cleared by that established on the road from Talawatuhenpita to Udupilla.
11. Talawatuhenpita-Udupilla, at Migahawatta at or near Madarawa bridge. Payment of toll within the same day at this station shall clear the tolls established on the Keḷaniya-Henaratgoḍa road.
12. Alutgama-Radáwana, at a spot between the 3rd and 4th mileposts.
13. Pasyála-Haṅwēlla, at Ellakkala near the 2nd milepost.
14. Kótté-Kaḍuwēlla, at a spot between the 8th and 9th mileposts.
15. Póré-Bópé, between the 15th and 16th mileposts at the junction with the new minor cross road from Panágoḍa to Hēnpiṭa (the toll to be levied to cover both roads).

Collection of Tolls.

16. Haḡwella-Nambápána, at Mipé between the 3rd and 4th mileposts on the said road.
17. Colombo-Keşbéwa, at a spot between the 10th and 11th mileposts at or near Bókundara.
18. Mirihána-Mattegoda, at or near the 12th milepost.
19. Véyangoda-Attanagalla, at the junction of the Kandy road.
20. Talawatugoda-Hókandara, at Hókandara (a point about 11 miles from Colombo) at or near the junction of the road from Talawatugoda to Hókandara with the road from Araggala to Morakeṭiya.
21. Negombo-Giriulla, between the 4th and 6th mileposts. Such toll to clear and to be cleared by the toll between the 8th and 9th mileposts on the same road.
22. Negombo-Giriulla, at a spot between the 8th and 9th mileposts.
23. Negombo-Giriulla, between the 16th and 18th mileposts at or near the Welihinda bridge.
24. Negombo-Dunegaha, at a place between the 6th and 7th mileposts on the said road.
25. Selathhandiya-Alutapola, at a point near the 5th milepost.
26. Minuwangoda-Kotadeniyáwa, at a spot within a quarter of a mile from the 26th milepost.
27. Kotadeniyáwa-Mirigama, at a point near the railway level crossing at Mugurugampola.
28. Pasyála-Giriulla, at Mallehéwa near the 2nd milepost and at Kandangomuwa near the 9th milepost. Payment of toll within the same day at one place to clear the other.
29. Pánaduré-Nambápána, between the new 14th and 15th mileposts from Pánaduré.
30. Tebuwana-Kalutara, Palátota-Nágoḡa, and Nágoḡa-Agalawatta, at the junction of the said roads. Such toll to clear and to be cleared by that established on the road from Kalutara to Agalawatta at Doḡangoḡa near the junction of the road with the minor road from Payyágala.
31. Kalutara-Agalawatta, at Dodangoḡa near the junction of the road with the minor road from Payyágala.
32. Colombo-Galle, between the 29th and 30th mileposts at or near the village Etagama. Such toll to clear and to be cleared by the toll at Nágoḡa, and at Dodangoḡa.
33. Wisidágama-Wéwiṭa, at or near Wisidágama (the toll to form one with that established at Bandáragama). Payment of toll within the same day at one place to clear the other at Nugégoḡa, Mawala, and Rukgahatotupola.
34. Bandáragama-Waskaḡuwa, at or near the bridge across the canal at Nugégoḡa. Payment of toll within the same day at this station to clear the tolls at Máwala on the road from Wáḡduwa to Morontuḡuwa, at Wisidágama, and at Rukgahatotupola ferry, and at Bandaragama.
35. Horana-Bolgoḡa, at Bandáragama at the junction of the roads. Payment of toll within the same day at this station to clear the tolls at Nugégoḡa on the road from Bandáragama to Waskaḡuwa, at Máwala on the road from Wáḡduwa to Morontuḡuwa, at Wisidágama, and at Rukgahatotupola ferry.
36. Wáḡduwa-Morontuḡuwa, at a point between the 2nd and 3rd mileposts. Payment of toll within the same day at this station to clear the tolls at Nugégoḡa, Máwala, Wisidágama, and Rukgahatotupola ferry.
37. Horawela-Pelawatta, at a place within the 1st half-mile of the Pelawatta road, the measurement of which commences at the Horawela junction. Payment of toll within the same day at this station or at Múnamalwatta ferry shall clear the other.
38. Pámankaḡa-Horana, at a spot between the 18th and 19th mileposts.

*Collection of Tolls.**Central Province.*

1. Pupuressa, at Delpitiya.
2. Pussellawa, near the 23rd milepost on the road from Kandy to Nuwara Eliya.
3. Rambođa, between the 33rd and 34th mileposts from Kandy to Nuwara Eliya.
4. Bambarakelė-Kođigaha, at or near the paņsala at Bambarakelė on the Rambođa side of the Oliphant cart road between the 46th and 47th mileposts on the Kandy-Nuwara Eliya road.
5. Gondennawa, at Gondennawa on the road from Nawałapitiya to Kandy within one mile of the railway station.
6. Kađawala, at the junction of the two roads Ambagamuwa-Dikoya and Yatiyantota-Dikoya, at Kadawala.
7. Kengalla, at Kengalla on the road to Međamahanuwara *via* Rájawella and Teldeniya.
8. Mađawala, at Mađawala between the 6th and 7th mileposts from Kandy.
9. Kaludaela-Perabahutenna, at Perabahutenna.
10. Balakađuwa, at Alawatugođa on the top of the Balakađuwa Pass.
11. Aluvihare, at Aluvihare.
12. Wėragama at Wėragama. Payment of toll at either Wėragama or Aluvihare to clear the other on the same day.
13. Dambulla, (i.) at Dambulla bazaar on the North road between the Post Office and the turn to the road from the resthouse to the Police Station, Dambulla; (ii.) at Dambulla on the road from Kurunėgala to Trincomalee, a few yards to the west of the road from the police station to the resthouse. Payment at either of these places to clear the other on the same day.
14. Galėwela, at Galėwela on the road from Kurunėgala to Trincomalee, a few yards to the east of the turn to Akuramboda.
15. Ampitiya, on the road from Kandy to Talātu-oya through Ampitiya at Narangaspiṭiyawatta or Walawwėwatta within 75 yards on the Talātu-oya side of the 2nd milepost out of Kandy.
16. Gurudeniya, at Gurudeniya on the road from Talātu-oya to Gurudeniya within a quarter of a mile of Kershaw's bridge. Payment of toll at either of the above two places (Gurudeniya or Ampitiya) to clear the other on the same day.
17. Kolongahamula, at Kolongahamula near Haragama-oya.
18. Rikiligaskađa, at a point within 100 yards of the ambalama at Rikiligaskađa and on the road between the ambalama and Padiyapelella.
19. Kađuannawa, at Danđudeniyagedarawatta within a quarter of a mile of the junction of the Paranapaṭitiya road with the Colombo road.
20. Gampola, at Ganetennawatta, bearing assessment No. 19. Payment of toll at either of the above two places (Gampola or Kadugannawa) to clear the other on the same day.
21. Iriyagama, at Iriyagama.

Northern Province.

1. At the village of Mirusuvil, on the Central road close to the 182½ milepost from Kandy.
2. At the village of Tunnalai Segetkoditevan, on the road from Point Pedro to Kođikamam at the junction of the Point Pedro-Kođikamam road, with the Karanavai-Tunnalai road between the 4th and 5th milestones, with a branch toll at the village of Karavettikuruli on the road from Point Pedro to Chavakachchėri through Sarasalai, between the 9th and 10th mileposts, at the junction of the Point Pedro-Chavakachchėri road with the Karanavai-Tunnalai road.

Collection of Tolls.

Southern Province.

1. At the 57 $\frac{1}{4}$ milepost at Káháwa.
2. At the 47 $\frac{1}{2}$ milepost at Welitara.
3. Uḷugama, to be collected on the land Galwellawatta at or within 50 yards (southwards) of the junction of the Akmimana minor road with the Uḷugama principal road.
4. Ambalangoḷa-Elpiṭiya, to be collected on the land called Tembiligahawatta at the Orowila bridge at Karandeniya between 2nd and 3rd mileposts.
5. Hirimbura-Baddégama, to be collected on the land called Galagahawatta on the Uluwiṭike junction between 4th and 5th mileposts.
6. Labudúwa-Akmimana, to be collected on the land called Wellagahawatta at Totagoḷa between the 4th and 5th mileposts.
7. On the road to Mátara at Paradúwéwatta, between the turn to Buona Vista Hill and the 74 $\frac{3}{4}$ milepost.
8. On the road to Pilana.
9. At Akuressa in the garden Ambatotawatta.
10. At Dewundara in the land Kalapumodara or Totupalewatta between the 102nd and 103rd mileposts.
11. At Goḷagama, in the land called Kadawattehena between the 3rd and 4th mileposts.
12. At Talpawela, on the Hakmana line.
13. At Morawaka, between the 48th and 49th mileposts in the garden called Badalgewatta.
14. At Sinimóḷara, between the 118th and 119th mileposts with the branch road toll at Goḷakumbura on the road from Beliatta to Dikwella.

North-Western Province.

1. Kurunégala-Polgahawela, at Polgahawela at or near the 47th milepost from Colombo or 11th milepost from Kurunégala.
2. Kurunégala-Kandy, at Mallowapitiya at or near the 24th milepost from Kandy or 22nd milepost from Kurunégala.
3. Etiyáwala, at Etiyáwala junction.

Province of Uva.

1. Nuwara Eliya-Badulla, at Welimaḷa and at or near the village Padináwela.
2. Badulla, at Taldena.
3. Ratnapura-Batticaloa, at Marangahawela, at Uḍa Kumbalwala (between the 12th and 13th mileposts), and at Lunugala between the 26th and 27th mileposts.
4. Haldummulla-Hambantota, at the junction of the roads leading respectively to Buttala, Hambantota, and Koslanda, and at Tanamalwila opposite the resthouse and between the 28th and 29th mileposts.

Province of Sabaragamuwa.

1. Ratnapura-Haputale, at Ketandola between the 58th and 59th mileposts, about 100 fathoms from the bridge over Ketandola.
2. Ratnapura-Haputale, at Patakada between the 65th and 66th mileposts close to the 65th milepost.
3. Ratnapura-Haputale, at Hunuwala between the 72nd and 73rd mileposts, 25 yards from the bridge over the Hunuwaloya.
4. Ratnapura-Haputale, at Balangoḷa between the 82nd and 83rd mileposts near the Balangoḷa police station.

Collection of Tolls.

5. Pełmadulla-Rakwána, at Weralugahamulla between the 81st and 82nd mileposts on the Ratnapura-Rakwána road, and about 2 miles from Rakwána.
6. Rambukkana-Dolosbáge, at Kałigamuwa between 3rd and 4th mileposts. Payment at this toll or at the bridge at Mawanela within the same day to clear both.
7. Rambukkana-Dolosbáge, at Gewilipitiya near the 16th milepost.
8. Kęgalla-Bulatkohupitiya, at Hettimulla.
9. Warakápola-Ruwanwella, at Mayinoluwa.
10. Colombo-Kandy, at the 45½ milepost at Ambanpitiya, to the west of the Public Works Department store.

Bridges.

Western Province.

1. At the north side of the Victoria Bridge at Grandpass, in the District of Colombo.
2. Draw-bridge, Grandpass, at or near the bridge. Payment of toll within the same day at either of the above two stations shall clear the other.
3. Bambalapitiya bridge, at or near the bridge. Payment of toll within the same day at this station shall clear the toll at the 4th milepost on the road from Colombo to Kóttę.
4. Kirillápona }
5. Danđugama } At or near the bridge.
6. Tóppu }
7. Embulgama, at or near the 13th milepost.
8. Sitáwaka }
9. Giriulla } At or near the bridge.
10. Anđiambalam, at a point 370 yards east of the bridge on the road from Negombo to Minuwangođa.
11. Kođugođa, at or near the bridge.
12. Múnamalwatta }
13. Kospalankissa } At or near the bridge.

Central Province.

1. Gampola }
2. Pannal-oya }
3. Bowwágama } At or near the bridge.
4. Teldeniya }
5. Nálanda }
6. Pérádeniya }
7. Kađugastota }
8. Tálátu-oya, at any place between the junction of the Uđatenna road with the principal road from Kandy to Hárágama and the junction with the same road of the turn to Gónawatta ferry. Payment of toll at this station to clear the toll at Gonawatta on the same day, and *vice versa*.

Northern Province.

1. At the eastern end of the Uppár bridge in Návatkuli, on the Central road, close to the 195th milepost from Kandy, with branch tolls at what is called the Kopay causeway at Kaitadi, on the Manippai-Kaitadi road, close to the 7¼ milepost; and at Madduvil North, at the bridge called Vannattipálam, on the Púttar-Sarasálai road, close to the 4¾ milepost.
2. At the northern end of the Vallai bridge in the village of Tanakarakurichchi on the Jafna-Point Pedro road, close to the 12¾ milepost, with a branch toll at the eastern end of the Tondamannár bridge in the village of Tondamannár, close to the 7½ milepost on the Point Pedro-Kankęsanturai road.

Collection of Tolls.

Southern Province.

1. At the bridge at Pol-oya.
2. At the bridge at Bentaṭa.
3. At the bridge Polwatta and branch toll at the bridge Polkandaṅḡa.
4. At the Akuressa bridge.
5. At the bridge at Walawe.
6. At the bridge at Gintota on the southern side.
7. At the bridge at Bandattara on the northern side.

North-Western Province.

1. Tuntoṭa, at or near the bridge between the 29th and 30th mileposts.
2. Meṭibokka, at or near the bridge near the 13th milepost from Kandy.
3. Maguru-oya, at or near the bridge on the Kurunḡala-Puttalam road.
4. Maguru-oya, at or near the bridge between the 3rd and 4th mileposts on Kurunḡala-Giriulla road.
5. Deḡuru-oya, at or near the bridge between the 22nd and 23rd mileposts from Kurunḡala to Puttalam.
6. Deḡuru-oya, at or near the bridge between the 5th and 6th mileposts from Kurunḡala to Dambulla.
7. Koṭṭukachchiya, at quarter of a mile east of the bridge on the Puttalam-Kurunḡala road.
8. At Tunmḡdara and its branch station at Muddarawala, at Tunmḡdara and Mādampé.
9. At Nainamadam.
10. Deḡuru oya, at the junction of the main road from Chilaw to Puttalam and the southern approach road.

Province of Sabaragamuwa.

1. Geṭahaṭṭa, between the 32nd and 33rd mileposts, Colombo-Ratnapura road, 100 yards north of the bridge over Geṭahaṭṭa-oya.
2. Kuruwiṭa, between the 47th and 48th mileposts, Colombo-Ratnapura road, 50 yards from the bridge over Kuru-gaṅga.
3. Bilihul-oya, between the 92nd and 93rd mileposts, Ratnapura-Haputale road, 200 yards from bridge over Bilihul-oya.
4. Kahawatta, between the 71st and 72nd mileposts, Pelmadulla-Rakwána road, near the bridge over the We-gaṅga.
5. Ambépuṣsa, near the 36½ milepost on the Colombo-Kandy road within 200 yards of the bridge over the Kuḡá-oya.
6. Māwanella, near the 56th milepost, Colombo-Kandy road, within 200 yards of the bridge.
7. Yattatawala, near the quarter milepost within 200 yards of the bridge over Maha-oya, Polgahawela-Kéḡalla road.
8. Karawanella, near the 38th milepost within 200 yards of the northern end of the bridge over Kelani-gaṅga on the road from Avisáwella to Yaṭiyantḡta and Ruwanweḡla.
9. Bibili-oya, between the 52nd and 53rd mileposts within 200 yards of the bridge, Yaṭiyantḡta-Ginigathéna road.
10. Gurugoda-oya within one mile of the bridge at Ruwanweḡla. Payment of toll at this station or at the ferry tolls over the Kelani-gaṅga, Gurugoda-oya at Anguruwella, or Ritigaha-oya within the same day to clear all four.

Collection of Tolls.

Ferries.

Western Province.

1. At Pasbatal (Wattala) } At the ferry.
2. Mutwal (Módara) }
3. Henamulla, at or near the ferry across the Pánaduré-gagga on the road connecting the old and new Colombo-Galle road between the 14th and 15th mileposts on the new road.
4. Gorakapola, at or near the ferry across the Pánaduré-gagga on the road connecting the old and new Colombo-Galle road between the 14th and 15th mileposts, new road. Payment within the same day at this station shall clear the toll at the Henamulla ferry and *vice versa*.
5. Haṇṇella, at the ferry.
6. Púgoḍa, at or near the ferry across the Kēlani-gagga on the minor road from Púgoḍa to Kosgama.
7. Wēwala, at the ferry.
8. Tarakuliya, on the land called Telagahawatta. Payment at this station within the same day shall clear the canal tolls at Hēndala and Pamunugama, and the ferry toll at Gorakagahatoṭupola.
9. Gorakagahatoṭupola, at the ferry.
10. Siduwa, at or near the ferry across the Danḍugam-oya on the road from Siduwa to Henaratgoḍa.
11. Mutuwāḍiya, at the ferry.
12. Rukgahatoṭupola, at the ferry. Payment at this station within the same day shall clear the road tolls at Nugégoḍa, Māwala, Visidāgama, and Bandaragama.
13. Digala, at the ferry.
14. Kitulgahawatta, at the ferry on the road from Pánaduré to Horana and across Bolgoḍa lake to Kindelpiṭiya.
15. Anguruwatota } At the ferry.
16. Kēpu-ēla }
17. Galpata at the ferry across the Kalu-ganga at Galpata. Such toll to clear and to be cleared by that established at the ferry across the Kēpu-ēla on the road from Desēstara Kalutara to Anguruwatota.

Central Province.

1. Wéragantota } At the ferry.
2. Illukmódara }
3. Kundasále }
4. Hembarastota }
5. Halloluwa }
6. Gónawatta, at the ferry. Payment of toll at this station to clear the toll at Talātu-oya bridge on the same day, and *vice versa*.
7. Léwēlla, at the ferry.

Northern Province.

1. Pannai, at the Pannaitturai jetty by the side of the Pannaitturai maddam close to the Fort of Jaffna.
2. Aráli, at the Aráliturrai jetty near the 6½ milepost on the road from Jaffna to Aráliturrai.
3. Mannár, at the Mannár end of the causeway.

Collection of Tolls.

Southern Province.

1. At Halpatota in Ganegama.

Eastern Province.

1. At Kalladi or Puiyantivu shore.
2. At Valaichenai shore.

North-Western Province.

1. Mutwal, at the ferry.
2. Battulu-oya, at the ferry.
3. Banḍirippuwa, at Dummaladeniya.
4. Lunuwila, at the ferry.
5. Etalai, at Etalai jetty.
6. Kalpiṭiya Mutwal, at the ferry.

Province of Sabaragamuwa.

1. Demawatta, at the junction of Wē-gaṅga with Kalu-gaṅga on the road from Ratnapura to Karawiṭa.
2. Idangoda, on the eastern bank of Kalu-gaṅga on the minor road from Kukulu kóralé to Kurúwiṭi kóralé.
3. Arandara, between the 4th and 5th mileposts within 200 yards of the ferry across the Gurugoda-oya on the road from Ballapána to the Riṭigaha-oya.
4. Over the Kelani-gaṅga, at Ruwanwella.
5. Over the Gurugoda-oya, at Anguruwella near Ruwanwella.
6. Paved ford over the Riṭigaha-oya near Ruwanwella. Payment of toll at any one of the three above ferries or at the bridge over the Gurugoda-oya within the same day to clear all four.

Canals.

Western Province.

1. Draw-bridge at Grandpass, at the bridge at the northern entrance of St. Sebastian canal.
2. Lock-gate, St. Sebastian, at the spot.
3. Hēndala, at Hēndala and at Pamunugama. Payment of toll within the same day at either of these stations to clear the tolls at Tarakuliya and Gorakagahatoṭupola.
4. Kittampahuwa, at the spot.
5. Negombo, at or near the bridge (at the entrance of the canal) on the Custom-house road, and at or near the bridge at Pallansēna at the junction of the canal with the Kammal ferry. Payment of toll at one station within the same day shall clear the other.
6. Old canal at Kalutara, at Keṇu-ḷa Mōdara and at Galtude. Payment of toll at one station within the same day shall clear the others.
7. New canal at Kalutara, at Etanamada, and at Hataramōdara. Payment of toll at one place within the same day shall clear the others.

North-Western Province.

1. Pálavia, one-eighth mile north-east of the bridge.
2. Munatupirivu
3. Nātandaia } At the spot.

Collection of Tolls.

SCHEDULE G.

Form of Ticket.

Toll station _____ No. _____
 Date: _____, 18__.
 This ticket clears _____.
 Received for _____.
 The sum of _____

Signature.

Passed in Council the Seventh day of February, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
 Acting Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of February, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
 Acting Colonial Secretary.

No. 4 of 1896.

An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1894.

[February 7, 1896.]

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

No. 5 of 1896.

An Ordinance to enable one Judge of the Supreme Court to hear all pending Appeals from District Courts which relate to matters not exceeding Three Hundred Rupees.

WEST RIDGEWAY.

WHEREAS it is expedient to make provision for the more expeditious hearing of appeals pending in the Supreme Court from judgments of the several district courts of this Colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 All appeals pending at the date of the passing of this Ordinance before the Supreme Court from judgments and order of the several district courts of the Colony in actions in which the debt, damage, or demand shall not exceed three hundred rupees, and in actions in which the title to interest in or right to the possession of any land shall be in dispute, where the value of such land or the particular share, right, or interest in dispute does not exceed three hundred rupees, may be heard, and all powers given to the Supreme Court in respect of such appeals may be exercised by any one judge of the Supreme Court, anything in the provisions of section 41 of "The Courts Ordinance, 1889," to the contrary notwithstanding.

2 This Ordinance and "The Courts of Requests Amendment Ordinance, 1895," shall be read together as one Ordinance.

Passed in Council the Fourth day of November, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Eleventh day of November, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

Price 5 cents.

Preamble.

Appeals from district courts in matters not exceeding three hundred rupees may be heard by one judge.

To be read as one with Ordinance No. 12 of 1895.

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

No. 6 of 1896.

An Ordinance to amend "The Masters Attendant's Ordinance, 1865."

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to amend in certain respects the Ordinance No. 6 of 1865, intituled "An Ordinance to declare the duties of Masters Attendant, and to provide for the better preservation of the Ports of the Island, and for the better regulation of the Shipping therein," and the Ordinance No. 6 of 1880, intituled "An Ordinance for the regulation and government of Boatmen employed in Licensed Boats": It is hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

To be read as one with Ordinances Nos. 6 of 1865 and 6 of 1880.

1 This Ordinance may be cited for all purposes as "The Masters Attendant's Amendment Ordinance, 1896," and shall be construed and read as one with "The Masters Attendant's Ordinance, 1865," and "The Boatmen's Ordinance, 1880."

Amendment of section 6 of Ordinance No. 6 of 1865.

2 After sub-section 11 of section 6 of "The Masters Attendant's Ordinance, 1865," there shall be inserted the following sub-section, namely :

11 (a) For regulating bumboats, and all boats used by traders, hawkers, and others for the conveyance of goods for sale in any such port.

Amendment of section 23 of Ordinance No. 6 of 1865.

3 In section 23 of "The Masters Attendant's Ordinance, 1865," after the words "for the conveyance for hire of passengers" shall be inserted the words "or as a bumboat, or as a boat for the conveyance of traders, hawkers, or of goods for sale."

Amendment of section 3 of Ordinance No. 6 of 1880.

4 To section 3 of "The Boatmen's Ordinance, 1880," the following words shall be added : "and any bumboat and any boat used by traders or hawkers, or for the conveyance of goods for sale."

Passed in Council the Fourth day of November, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Eleventh day of November, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

Price 5 cents.]

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

No. 7 of 1896.

**An Ordinance to amend the Ordinance No. 19 of 1891, intituled
"An Ordinance relating to Markets in the
Northern Province."**

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 19 of 1891, hereinafter referred to as 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 :

To be read as one with the Ordinance No. 19 of 1891.

1 This Ordinance shall be construed and read as one with the principal Ordinance.

Insertion of section 16 (a).

2 After section 16 of the principal Ordinance the following shall be inserted and numbered 16 (a) :

The committee may borrow money.

(1) It shall be lawful for the committee, 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 the improvement, by erecting buildings or otherwise, of existing markets, or for the purchase of land for the purpose of establishing new markets and for the erection of buildings thereon.

Interest thereon.

(2) 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.

Revenue to be charged.

(3) And for the purpose of securing the repayment of the sum or sums so borrowed and the interest accruing thereon, the committee may mortgage and assign over its revenue or such part of its revenue as to it shall seem meet.

Mortgage to be by instrument in writing.

(4) Every mortgage and assignment executed under this Ordinance shall be by instrument in writing free of stamp duty, and signed by the chairman and any two members of the committee.

Passed in Council the Eleventh day of November, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of November, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

Price 5 cents.]

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

No. 8 of 1896.

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

WEST RIDGEWAY.

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

Preamble.

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

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

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

Powers and jurisdiction of district judges under this Ordinance.

3 An appeal may be preferred to the Supreme Court from any sentence of imprisonment exceeding one month or of fine exceeding twenty-five rupees imposed by a district judge acting under the provisions of this Ordinance, anything in the Criminal Procedure Code, 1883, or any other Ordinance to the contrary notwithstanding.

Appeal.

Price 5 cents.]

**Powers of
Attorney-
General.**

4 (a) Every officer acting under the provisions of this Ordinance shall, whenever required so to do by the Attorney-General, forthwith transmit to the Attorney-General the proceedings in every case in which an inquiry or trial has been or is being held before such officer, and thereupon such inquiry or trial shall be suspended in the same and in the like manner as upon an adjournment thereof.

(b) The Attorney-General may exercise in respect of any case forwarded to him as hereinbefore provided all or any of the powers conferred upon him under chapters XVI. and XX. of "The Criminal Procedure Code, 1883."

Passed in Council the Eighteenth day of November, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twentieth day of November, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 9 of 1896.

An Ordinance to amend "The Village Communities' Ordinance, 1889."

WEST RIDGEWAY.

WHEREAS it is expedient to amend in certain particulars "The Village Communities' Ordinance, 1889:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance shall be read as one with the Ordinance No. 24 of 1889, herein referred to as the principal Ordinance, and may be cited for all purposes as "The Village Communities' Ordinance, 1896."

This Ordinance and No. 24 of 1889 to be read together.

2 After section 26 of the principal Ordinance the following section shall be inserted and numbered 26 (a) :

Insertion of section 26 (a).

26 (a) Any person eligible to serve as a councillor who shall be noticed in writing by the president to attend as a councillor at the time and place specified in such notice, and who without lawful excuse fails to attend as required by such notice, or who having attended departs without having obtained the permission of the president, or fails to attend after an adjournment of the tribunal after being ordered to attend, shall be liable by order of the president to a fine not exceeding five rupees, and in default of payment of the fine to simple imprisonment not exceeding fourteen days.

Councillor absenting himself without leave.

3 To section 28 of the principal Ordinance the following sub-sections shall be added and numbered (5) and (6) respectively :

Amendment of section 28.

(5) Offences under the Ordinance No. 20 of 1886, intituled "An Ordinance to amend the Law relating to Vaccination."

(6) Offences under section 1 and breaches of by-laws made under section 5 of Ordinance No. 15 of 1862, intituled "An Ordinance for the better preservation of Public Health and the suppression of Nuisances."

4 After section 49 of the principal Ordinance the following section shall be inserted and numbered 49 (a) :

Insertion of section 49 (a).

49 (a) It shall be competent for a village committee to take cognizance under the provisions of "The Cattle Trespass Ordinance, 1876," of any case of trespass by animals, and to award and impose the full amount of the damages, charges, and penalties payable under sections 7, 8, and 9 thereof or any of them, notwithstanding that such amount is otherwise beyond the jurisdiction of such village committee to award or impose.

Village committee may try cases under Ordinance No. 9 of 1876 and impose full amount of damages and penalty.

Price 5 cents.]

Insertion of section 50 (a).

Process may be directed for service to any person.

Warrant how executed outside jurisdiction.

Endorsement of warrant.

Procedure on arrest.

5 After section 50 of the principal Ordinance the following section shall be inserted and numbered 50 (a):

(1) Any summons or warrant issued by any president under the provisions of this Ordinance may be directed for service to any person or persons named therein, and such person or persons or any police officer may execute the same at any place in Ceylon.

(2) When a warrant is to be executed outside the local limits of the jurisdiction of the village tribunal issuing the same, such tribunal may, instead of directing such warrant to any person, forward the same by post or otherwise to any village tribunal or police court within the local limits of the jurisdiction of which it is to be executed.

(3) The president of the village tribunal or the magistrate of the police court to which the warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

(4) When a warrant is executed outside the local limits of the jurisdiction of the village tribunal by which it was issued, the person arrested shall be taken before the village tribunal or the police court within the local limits of the jurisdiction of which the arrest was made, and the president of such tribunal or the magistrate of such police court shall, if the person arrested appear to be the person intended by the tribunal which issued the warrant, direct his removal in custody to such last-mentioned tribunal, or if the offence be bailable, and the person arrested be ready and willing to give bail to the satisfaction of the president or magistrate before whom he shall have been brought, such last-mentioned president or magistrate shall take bail and forward the bond to the village tribunal which issued the warrant.

Passed in Council the Twenty-third day of November, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-sixth day of November, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 10 of 1896.

An Ordinance to amend "The Marriage Registration Ordinance, 1895."

WEST RIDGEWAY.

WHEREAS it is expedient to amend the Ordinance No. 2 of 1895, intituled "An Ordinance to consolidate and amend the Laws relating to the registration of Marriages other than the Marriages of Kandyans and Mohammedans," hereinafter referred to as "the principal Ordinance," by repealing section 15 thereof: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance and the principal Ordinance shall be construed and read as one Ordinance, and may be cited collectively as "The Marriage Registration Ordinances, 1895 and 1896."

Ordinance to be construed as one with Ordinance No. 2 of 1895.

2 Section 15 of the principal Ordinance is hereby repealed.

Repealing clause.

Passed in Council the Twenty-third day of November, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-sixth day of November, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

Price 5 cents.]

Colombo: Printed by G. J. A. SKEEN, Government Printer, Ceylon; and to be purchased at the GOVERNMENT RECORD OFFICE, Colombo.

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

No. 11 of 1896.

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

WEST RIDGEWAY.

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

PART I.

FORMATION OF THE CONTRACT.

Contract of Sale.

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

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

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

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

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

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

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

Formalities of the Contract.

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

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

4 (1) A contract for the sale of any goods shall not be enforceable by action unless the buyer shall accept part of the goods so sold, and actually receive the same, or pay the price or a part thereof, or unless some note or memorandum in writing of the contract be made and signed by the party to be charged or his agent in that behalf. No contract to be in force unless in writing and signed.

Price 10 cents.]

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

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

Subject-matter of Contract.

Existing or future goods.

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

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

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

Goods which have perished.

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

Goods perishing before sale, but after agreement to sell.

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

The Price.

Ascertainment of price.

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

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

Agreement to sell at valuation.

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

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

Conditions and Warranties.

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

Stipulations as to time of payment.

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

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

When condition to be treated as warranty.

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

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

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

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

Implied undertakings as to title, &c.

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

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

Sale by description.

14 Subject to the provisions of this Ordinance and of any Ordinance in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular

Implied conditions as to quality or fitness.

purpose of goods supplied under a contract of sale, except as follows :

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

Sale by Sample.

Sale by sample.

- 15 (1) A contract of sale is a contract for sale by sample where there is a term in the contract, express or implied, to that effect.
- (2) In the case of a contract for sale by sample—
 - (a) There is an implied condition that the bulk shall correspond with the sample in quality.
 - (b) There is an implied condition that the buyer shall have a reasonable opportunity of comparing the bulk with the sample.
 - (c) There is an implied condition that the goods shall be free from any defect, rendering them unmerchantable, which would not be apparent on reasonable examination of the sample.

PART II.

EFFECTS OF THE CONTRACT.

Transfer of Property as between Seller and Buyer.

Goods must be ascertained.

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

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

Property passes when intended to pass.

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

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

Rules for ascertaining intention.

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

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

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

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

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

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

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

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

Reservation of right of disposal.

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

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

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

Risk *primâ facie* passes with property.

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

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

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

Transfer of Title.

Sale by person not the owner.

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

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

- (a) The provisions of "The Factors' Act," or any Imperial enactment in force in the island, or any local Ordinance, enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.
- (b) The validity of any contract of sale under any statutory power of sale or under the order of a court of competent jurisdiction.

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

Sale under voidable title.

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

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

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

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

Seller or buyer in possession after sale.

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

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

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

Effect of writs of execution.

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

PART III.

Performance of the Contract.

Duties of seller and buyer.

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

Payment and delivery are concurrent conditions.

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

Rules as to delivery.

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

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

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

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

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

Delivery of wrong quantity.

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

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

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

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

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

Instalment deliveries.

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

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

Delivery to carrier.

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

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

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

Risk where goods are delivered at distant places.

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

Buyer's right of examining the goods.

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

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

Acceptance.

Buyer not bound to return rejected goods.

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

Liability of buyer for neglecting or refusing delivery of goods.

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

PART IV.

Rights of Unpaid Seller against the Goods.

Unpaid seller defined.

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

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

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

Unpaid seller's rights.

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

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

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

Unpaid Seller's Lien.

Seller's lien.

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

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

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

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

Part delivery.

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

Termination of lien.

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

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

Stoppage in transitu.

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

Right of stoppage in transitu.

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

Duration of transit.

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

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

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

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

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

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

How stoppage
in transitu is
effected.

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

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

Re-sale by Buyer or Seller.

Effect of
sub-sale or
pledge by buyer.

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

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

Sale not
generally
rescinded by
lien or stoppage
in transitu.

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

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

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

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

PART V.

ACTIONS FOR BREACH OF THE CONTRACT.

Remedies of the Seller.

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

Action for price.

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

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

Damages for non-acceptance.

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

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

Remedies of the Buyer.

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

Damages for non-delivery.

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

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

50 In any action for breach of contract to deliver specific or ascertained goods the court may, if it thinks fit, on the application of the plaintiff, by its judgment or decree direct that the contract shall be performed specifically, without giving the defendant the option of retaining the goods on

Specific performance.

payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price, and otherwise as to the court may seem just. And the application by the plaintiff may be made at any time before judgment or decree.

Remedy for breach of warranty.

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

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

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

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

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

Interest and special damages.

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

PART VI.

Supplementary.

Exclusion of implied terms and conditions.

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

Reasonable time a question of fact.

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

Rights, &c., enforceable by action.

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

Auction sales.

56 In the case of a sale by auction—

- (1) Where goods are put up for sale by auction in lots, each lot is *prima facie* deemed to be the subject of a separate contract of sale.
- (2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer or in other customary manner. Until such announcement is made any bidder may retract his bid.

- (3) Where a sale by auction is not notified to be subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ any person to bid at such sale, or for the auctioneer knowingly to take any bid from the seller or any such person. Any sale contravening this rule may be treated as fraudulent by the buyer.
- (4) A sale by auction may be notified to be subject to a reserved or upset price, and a right to bid may also be reserved expressly by or on behalf of the seller.

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

57 Sub-section 3 of section 21 of the Ordinance No. 7 of 1840 is hereby repealed : Provided that such repeal shall not affect anything done or suffered, or any right, title, or interest acquired or accrued before the commencement of this Ordinance or any legal proceeding or remedy in respect of any such thing, right, title, or interest.

Repeal.

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

Savings.

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

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

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

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

Interpretation of terms.

“Action” includes claim in reconvention.

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

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

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

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

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

“Fault” means wrongful act or default.

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

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

“Lien” includes the right of detention.

“Plaintiff” includes the defendant claiming in reconvention.

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

“Quality of goods” includes their state or condition.

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

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

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

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

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

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

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

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

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

Passed in Council the Twenty-fifth day of November, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the First day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 12 of 1896.

An Ordinance to incorporate the Consistory of the Dutch Reformed Church at Wolfendahl, Colombo.

WEST RIDGEWAY.

WHEREAS in consequence of the prospective withdrawal of State aid to the Dutch Reformed Church at Wolfendahl, Colombo, on the retirement or death of the present chaplain or minister thereof, the consistory of the said church have applied to be incorporated for the purpose of effectually transacting the affairs of the said church according to its constitution as set forth in the schedule hereto, and of controlling, managing, and dealing with the property and funds thereof, and of raising moneys for the purposes of the said church :

Preamble.

And whereas certain immovable property belonging to the said church was by resolution of the said consistory purchased in the name of and conveyed to the treasurer of the funds belonging to the said church, and the funds of the said church have also by resolution of the said consistory been invested in the name of such treasurer :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

1 From and after the passing of this Ordinance the members of the consistory of the Dutch Reformed Church at Wolfendahl, Colombo, as described in the schedule hereto, shall be incorporated under the name of "The Consistory of the Dutch Reformed Church at Wolfendahl, Colombo," and by the said name they shall have perpetual succession, and shall and may use a common seal with power to change and alter the same at their pleasure.

Consistory of Dutch Reformed Church incorporated.

2 They and their successors by the same name may sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all and any courts whatsoever, and before any judge, magistrate, or judicial officer within the island, in all manner of actions, suits, complaints, matters, and causes whatsoever.

Corporation may sue and be sued.

3 They and their successors by the name aforesaid shall be able and capable in law of holding all such estate, movable and immovable, as hath been already acquired by them, and of having, taking, and holding for ever hereafter other estate, movable and immovable, either by purchase, gift, devise, or legacy to and for the use and benefit of the said church, with full power to sell, mortgage, lease, exchange, or otherwise dispose of and deal with the same.

May hold movable and immovable property.

Price 5 cents.]

All securities for money to hold in name of corporation.

4 All mortgages and other securities for money, lands, and tenements held in the island in the name of any person or persons as trustee or trustees of the said church shall be and the same are hereby declared to be transferred and vested in the said "Consistory of the Dutch Reformed Church at Wolfendahl, Colombo," and their successors in the corporate name as fully as if the same had been assigned and transferred by the person or persons, trustee or trustees, in whose name or names the same are now held to the said corporation. And the said corporation shall have full power to assign, transfer, and dispose of all such mortgages and other securities to which they shall be entitled as the said corporation shall think proper.

Affixing of seal of corporation.

5 The seal of the corporation shall not be affixed to any instrument whatsoever except in the presence of the president of the consistory and of either the treasurer or bookkeeper, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Short title.

6 This Ordinance shall be called "The Ordinance for incorporating the Consistory of the Dutch Reformed Church at Wolfendahl, Colombo," and may be cited as such for all purposes.

To include churches at Bambalapitiya and Maligakanda,

7 For the purposes of this Ordinance the Dutch Reformed Church at Wolfendahl shall be held to include the branch churches at Bambalapitiya and Maligakanda, and any churches to be hereafter erected by the consistory.

SCHEDULE.

1. The consistory shall consist of the minister or ministers (the senior of whom shall be the president), four elders, and six deacons, elected from and by the members of the congregation in the manner hereinafter set forth.

2. The nomination for an eldership or a deaconship shall, in the first instance, be made by the consistory then in office, and the name of the member so nominated shall be notified to the members of the congregation from the pulpit on three successive Sundays. If no valid objection, of which the consistory shall be the judge, shall be urged in writing to the election of such member, he shall be duly ordained and installed in office, according to the rites of the church.

3. The term of service of elders and deacons shall be four years. Upon withdrawal they shall be eligible for immediate re-election, but they shall not be eligible for a re-election for the second time until they shall have been out of office for at least twelve months.

4. For the due and efficient discharge of the duties of the consistory, the following offices shall be undertaken by such members of consistory as shall be nominated thereto by their brethren, viz. :

- (1) Scriba.
- (2) Treasurer.
- (3) Bookkeeper.
- (4) Church Warden.
- (5) Director of the necessities for the Sacrament.
- (6) Director of Burial Grounds.

5. Five members of consistory, of whom two shall be elders and three deacons, in addition to the minister when resident in Ceylon, shall constitute a quorum. The president shall have a casting vote in addition to his original vote.

6. Meetings for the transaction of business shall be held at least once a month on a written notice from the scriba; but the president may at any time summon a meeting for the transaction of business.

7. The notice convening meetings shall specify the business to be transacted, and no business other than that specified shall be entered into.

8. The president, on the requisition of five or more members, shall, within fourteen days of the date of such requisition, call a special meeting for the transaction of such special business as may be specified in the requisition.

9. The consistory shall cause a correct record of the proceedings of each meeting to be kept by the scriba, and the minutes so recorded shall be confirmed and authenticated by the signature of all the members present thereat at the meeting next ensuing.

10. The consistory shall cause proper books of account to be kept. At each monthly meeting a statement of receipts and expenditure signed jointly by the treasurer and the bookkeeper shall be laid before it, which shall be duly audited by an elder and a deacon deputed for the purpose by the consistory, and finally passed at the ensuing meeting.

11. An annual statement of the receipts and disbursements shall be made up as soon as practicable after the close of each year, which, after being duly audited by an elder and deacon, shall be left in the church for the inspection of members of the congregation for a period of one day, after previous notice shall be given thereof.

12. The control and management of the property and funds of the church shall be vested in the consistory, which shall adopt measures with reference thereto by resolution passed by unanimity or majority of votes.

13. No member of the congregation shall be eligible to be an office bearer if pecuniarily indebted to the church.

14. The consistory may by resolution make such rules for the regulation of their ecclesiastical affairs as to them shall seem fit, provided that nothing be done at variance with the doctrines and discipline of the Dutch Reformed Church.

Passed in Council the Second day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Eighth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 13 of 1896.

An Ordinance relating to Pilgrimages.

WEST RIDGEWAY.

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

Preamble.

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

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

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

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

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

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

Officers to assist in enforcing regulations.

Liability of such officers.

Price 5 cents.]

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

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

Repeal.

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

Passed in Council the Ninth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twelfth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 14 of 1896.

An Ordinance to consolidate and amend the Law relating to the Construction, Upkeep, and Repair of Branch Roads.

WEST RIDGEWAY.

WHEREAS it is expedient to consolidate and amend the Ordinances relating to the construction, upkeep, and repair of branch roads: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

CHAPTER I.

Preliminary.

1 This Ordinance may be cited for all purposes as "The Branch Roads Ordinance, 1896."

Short title.

2 This Ordinance shall come into operation at such date as the Governor shall by Proclamation, to be published in the *Government Gazette*, appoint.

Commencement.

3 In the construction and for the purposes of this Ordinance the word "proprietor" shall mean the sole or any joint owner or lessee of an estate; the words "provincial committee" shall mean the provincial committee constituted and appointed under the provisions of the Ordinance No. 10 of 1861; the words "cost of constructing" shall include the cost of acquiring the land as well as the cost of making the road; and the word "estate" shall mean a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons and forming a separate or distinct property. Provided that nothing in this Ordinance contained shall be held to apply to proprietors of paddy lands or land cultivated with paddy or other grain.

Interpretation.

4 The Ordinances Nos. 6 of 1874 and 28 of 1892 are hereby repealed, but such repeal shall not affect—

Repeal of former Ordinances.

- (a) The past operation of any Ordinance hereby repealed, nor anything duly done or suffered under any Ordinance hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Ordinance hereby repealed.

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

CHAPTER II.

Construction of Branch Roads.

5 The proprietors of any two or more estates situated in the same locality, to which there is no available cart road leading from some convenient principal thoroughfare, may
Price 10 cents.]

Application for construction of road.

Particulars to be set out in application.

make application in writing to the provincial committee of the province in which such estates are situated, that the provisions of this Ordinance be extended to the said locality, and such application shall set forth, so far as the same may be ascertained, the following particulars :

- (1) The description of the locality ;
- (2) The names of all the estates therein ;
- (3) The names of the proprietors, or, if they be absent from the Island, of the resident manager or superintendent, and of the agents, if any, of each estate ;
- (4) The acreage of each estate, so far as it is known, with the extent of land under cultivation ;
- (5) The estimated length in miles of the road required to be made to connect the said estates with the most convenient principal thoroughfare.

If estates within two provinces, the Governor to choose the province the committee of which shall be empowered to act.

If the estates fall within two provinces, it shall be lawful for the Governor to choose the province the provincial committee of which shall be empowered to act as provided by this Ordinance ; and upon such choice being made and published in the *Government Gazette*, the provincial committee so chosen shall have power to act as hereinafter provided.

The provincial committee to define limits of district upon day appointed ;

6 On receipt of such application the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to define the limits of the district, the estates in which will—if the proposal for the construction of such branch road under the provisions of this Ordinance be assented to by the proprietors of two-thirds of the acreage in such district—be assessed for the construction and maintenance of such road. In such notice the provincial committee shall appoint the time and place at which it will take evidence if necessary, and receive and consider objections, and after making such inquiry as it may deem requisite, and considering any such objection, shall proceed to define the limits of such district ; or, if need be, shall adjourn such meeting as often as it considers necessary to any day or days to be fixed by it, when it shall upon such adjourned meeting define the limits of such district. And it shall be competent to the provincial committee from time to time, if occasion arise, to alter and vary such limits so as to include such estates as may have been newly opened or may have been inadvertently or otherwise excluded, or, if it considers just, to exclude any estate which may have been erroneously included. Provided, however, that the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to alter and vary the limits of any district, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district ; and the limits so altered shall thereupon be the limits of such district as if they had been originally defined, and the estates included within such limits, altered as aforesaid, shall become bound and be liable to be assessed for the upkeep and repair of such branch roads as if they had been originally included within such district.

or at any adjourned meeting.

Committee empowered to vary or alter limits, if occasion arise.

Provided further that it shall be competent to the chairman of the provincial committee to call upon the proprietor or resident manager of any estate other than an estate or part of an estate formed out of land purchased from the Crown after such road shall have been constructed, included within such limits so altered as aforesaid, to pay the sum which he would have been liable to pay had such estate been originally assessed for construction of such road, as well as such sum as may be assessed for the repair and upkeep of such road from such time as such estate began to use such road; and in default of payment of any such sum the same shall be recovered in manner hereinafter provided for the recovery of sums assessed.

Sums assessed for construction to be recovered in manner hereinafter provided.

7 (1) Upon the limits of the district being defined as aforesaid, the chairman of the provincial committee shall transmit to the proprietor (or, in case of his absence from the island, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent, if any, in this island, of the proprietor) of every estate within the limits of such district, so defined as aforesaid, a requisition calling upon him to declare in writing within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such district for the purpose of the construction therein of a branch road. Such requisition shall be in form A of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause such requisition to be affixed to some conspicuous part of the estate, and published in two consecutive numbers of the *Government Gazette*. If no answer be received at the office of the said committee within the time limited by such requisition, the person to whom the same was forwarded shall be deemed to have assented to the proposal referred to therein.

Proprietors to be called upon to declare whether they desire to bring district under the Ordinance.

If no agent, requisition to be affixed.

(2) It shall be lawful for the proprietors, in reply to such requisition, to state that they are prepared to contribute, in addition to the moiety of the cost of making such branch road within such district, the whole cost of acquiring the land required for the construction of such road.

Proprietors may express willingness to pay cost of acquiring land.

8 If it shall appear to the provincial committee, from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend and be applied to the said district for the purpose of constructing therein a branch road, it shall forthwith forward the application to Government, together with its report as to the necessity for the said road, and as to the direction and terminus which it recommends as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Governor to direct the Director of Public Works to examine the said district and to report to the provincial committee as to the best mode of giving effect to the proposal, and to frame and submit an estimate of the probable cost of properly constructing and metalling the proposed road in such sections as in that behalf provided in section 18.

If proprietors of two-thirds of acreage assent, committee to forward application to Governor with report.

Director of Public Works to report and submit estimates for construction.

Provincial committee to appoint assessors.

9 (1) Upon the receipt of the report of the Director of Public Works it shall be lawful for the provincial committee to appoint two assessors by writing under the hand of the chairman. The assessors so appointed shall, upon the receipt of such appointment, forthwith issue a notice to the person in charge of each of the estates through which the proposed road will pass, that they will, on a day to be named in such notice, visit such estate and summarily inquire into the value of the land belonging to such estate to be taken over for the construction of the proposed road, and shall fix the amount of compensation to be paid to the proprietor of any such estate therefor.

(2) The assessors so appointed shall, when fixing the amount of compensation to be paid to any proprietor, at the same time fix and determine the equivalent in money of any benefit which will accrue to such estate by the construction of the proposed road. Provided, however, that in no case shall the assessors fix the money equivalent of such benefit at a larger amount than the sum fixed as compensation for land taken over from such estate for the construction of the proposed road.

(3) The decisions of the assessors as to the amount to be paid as compensation for the land acquired from, and as to the amount fixed as the money equivalent of the benefit accruing to, any estate by the construction of the proposed road shall be respectively subject to an appeal to the provincial committee, who may affirm or disallow the same respectively, and the provincial committee may, if it thinks fit, send the same back to the assessors to re-assess the same, or it may appoint an additional assessor or fresh assessors for this purpose, and such re-assessment shall be subject to a like appeal, and every such decision not appealed from within the time hereinafter provided, or when affirmed by the provincial committee on appeal, shall be final, and shall bind the proprietor of the estate in respect of which such decision has been made.

(4) The proprietor of an estate or his agent or representative in the colony taking an appeal under the preceding section shall have thirty days from the date on which the assessors shall have posted a copy of their decision to the person in charge of such estate in which to appeal to the provincial committee from such decision.

(5) Whenever a final decision has been come to as to the amount to be paid as compensation and the amount of the money equivalent of the benefit accruing to any estate by the construction of the proposed road has been finally determined, any sum fixed as the money equivalent of the benefit accruing to an estate shall be deducted from the sum to be paid to such estate as compensation, and the proprietor of such estate shall be entitled to receive any balance.

Governor may propose a vote of moiety of cost out of public funds: and, if voted, proprietors become liable for the other moiety.

10 As soon as the amounts to be paid as compensation to the several proprietors of the lands taken over for the construction of the proposed road have been finally determined in the manner hereinbefore prescribed, the provincial committee shall forward to the Colonial Secretary, to be submitted to the Governor in Executive Council, a report setting out the total net amount to be paid for compensation,

together with the report and estimate prepared by the Director of Public Works as aforesaid. And upon receipt thereof it shall be lawful for the Governor, if to him, with the advice of the Executive Council, it shall appear expedient so to do, to propose an estimate in the Legislative Council. And if the estimate so proposed be approved by the Legislative Council, (a) and a sum of money equal to a moiety or on account of such moiety of the total cost of constructing the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally bound and liable for their contribution, equal to the other moiety, in accordance with the rates to be determined by an assessment as hereinafter provided; or (b) where the proprietors of at least two-thirds of the acreage of any district have stated, in reply to the requisition served on them under the provisions of section 7, that they are prepared to contribute, in addition to the cost of the moiety of making the proposed road, the whole cost of acquiring the land required for the construction of such road, and a sum of money equal to a moiety or on account of such moiety of the total cost of making the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally liable for their contribution equal to the other moiety, together with the cost of the acquisition of the land required for the construction of such road, in accordance with the rates to be determined as aforesaid.

CHAPTER III.

Provincial Road and Local Committees.

11 Upon a vote being passed by the Legislative Council (a) for a moiety of the cost of constructing such road or on account of such moiety; or (b) for the moiety of the cost of making such road, excluding the cost of acquiring the land required for the construction of such road or on account of such moiety, and notice thereof being communicated to the provincial committee, the chairman thereof shall, by notice in two consecutive numbers of the *Government Gazette* and such other means of publication as he may think necessary, convene at some suitable place a general meeting of the proprietors or resident managers of the estates therein to elect a local committee, which shall consist of not less than three nor more than five members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so convened for the election of such committee shall consist of such number of proprietors or resident managers within the district as shall represent not less than one-third of the acreage.

Chairman to convene meeting for election of local committees.

12 At such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of the local committee. The chairman of the provincial committee, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn such meeting to any other time or place. All questions and

Proceedings at election.

resolutions shall be determined by a majority of the votes of the proprietors or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of the local committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the provincial committee, with the names of the persons elected as members of the local committee, and the provincial committee shall cause such names to be published in the *Government Gazette*.

Members to hold office for two years. Proceedings in case of vacancy.

13 The persons elected to act as members of the local committee shall hold office for two years, and shall be eligible for re-election at the end of that term. In case of any member resigning, dying, or leaving the island, or becoming incapable to act, the other members for the time being may, in the manner provided in section 15, elect another proprietor or resident manager to serve in his place for the remainder of the term for which the member so resigning, dying, or leaving the island, or becoming incapable to act, was elected.

Biennial meeting for election of local committee.

14 At the expiration of every two years from the appointment of the first local committee the chairman of the provincial committee shall convene, in manner provided in section 11, a meeting of proprietors or resident managers for the election of a new local committee. At such meeting the chairman of the provincial committee, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman, and in all other respects the proceedings at such meeting shall be governed by the provisions of section 12.

Appointment of chairman.

15 The local committee so elected shall appoint one of its members as chairman, who shall hold office during the said term of two years; and in case of any vacancy the local committee shall elect another member to act as chairman. And it shall be the duty of the chairman so appointed to convene, by notice in two consecutive numbers of the *Government Gazette*, and by such other means as he may deem necessary, a meeting of the members, whenever required by the Government or by the provincial committee, appointing the time and place for such meeting; the chairman, or, if he be absent, such other member of the local committee as the meeting shall elect, shall preside at every such meeting and shall duly record the proceedings of such meeting and forward the same to the provincial committee.

Majority of members to decide all questions.

16 All acts whatsoever authorized or required to be done by any local committee may and shall be done by the majority of members of such committee present at any meeting convened as aforesaid or at any adjournment of such meeting, three of them to form a quorum. Provided that when the votes of the members present shall be equally divided the chairman shall, beside his vote as a member, have a casting vote.

17 (1) If the proprietors or resident managers of estates in any district fail to elect a committee for the district at the meeting convened for that purpose or at the adjourned meeting, it shall be competent to the provincial committee to nominate not less than three nor more than five proprietors or resident managers residing within the district to be the local committee. The persons so nominated shall hold office for two years, and a local committee so nominated may do any of the acts or perform any of the duties which an elected local committee is authorized to do or perform under the provisions of this chapter.

If members not elected, the provincial committee may nominate a local committee.

(2) If the local committee, whether elected or nominated, shall fail to perform the duties imposed upon it by this Ordinance, the same may be performed by the provincial committee.

If local committee fail to perform duties imposed on it, provincial committee to act.

18 The local committee shall, so soon thereafter as it may be required so to do by the provincial committee, convene, by notice in two consecutive numbers of the *Government Gazette*, and by such other means as they may deem necessary, a meeting of the proprietors or resident managers of the estates within the district, at some specified time and place within such district, and the local committee shall thereat or at any adjourned meeting after hearing objections, if any, and taking evidence, if necessary, determine, and make report to the provincial committee, on—

Assessment. Local committee to convene meetings to determine the assessment of estates and report to provincial committee.

- (1) The sections into which the road is to be divided for construction assessments ;
- (2) The sections into which the road is to be divided for upkeep assessments ;
- (3) The estates which in their opinion are interested in and will use each section of the road or of any part thereof ;
- (4) The acreage or reputed acreage of the land belonging to each estate ;
- (5) The names of the proprietors, resident managers, or superintendents, and of the agents.

Provided, however, that the sections into which the road is divided for construction assessment shall in no case exceed half a mile in length, that the sections into which the road is divided for upkeep assessment shall in no case exceed one mile in length, and that an estate using any portion of a section shall be assessed for the whole of such section.

Proviso.

19 On receipt of such report the provincial committee shall cause a notice to be published in two consecutive numbers of the *Government Gazette*, and made public by such other means as it may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the provincial committee shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing by the total number of acres of the estates which, in its opinion, are interested in and will use such section (subject to the exception in section 20 specified), the sum of money equal to (a) where the Government contributes half the cost of acquiring the land for the proposed road, a moiety of the total cost of the construction of each section of the proposed road ;

Provincial committee to determine objections to assessment proposed by local committee and to determine proportion due by each estate.

and (b) in the absence of such contribution of the Government, a moiety of the total cost of making each section together with the whole cost of acquiring the land for such section, and thus apportioning the amount due upon and for each acre, and the rate so assessed by the provincial committee shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of the provincial committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the island to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in this island of the proprietor) a requisition calling upon him to pay into the Colonial Treasury, within such time as shall be therein specified, the amount of the contribution due by him; provided that in any case in which the Governor, with the advice of the Executive Council, shall order that the amount of the contribution due by the proprietors may be payable in instalments, interest at the rate of four per centum per annum shall be charged on the balance due after payment of each instalment, and the requisition shall specify the amount of interest payable on each such date.

Provided further that it shall be lawful for the proprietor to pay into the Colonial Treasury at any time the amount of the contribution unpaid, and interest (if any) due by him at such time, and thereupon his liability to make any further payment in respect of interest shall cease.

The requisition under this section shall be in the form B of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause the requisition to be affixed in some conspicuous part of the estate. The chairman shall also cause a notice to be published in two consecutive numbers of the *Government Gazette* and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which, the instalments by which, and the dates upon which, the several contributions are to be paid into the Colonial Treasury.

Exemption from assessment of uncultivated and abandoned lands.

20 If by reason of any estate, or any portion not less than half of the entire extent thereof, being obviously unfit for cultivation, or having been cultivated and abandoned, or from any other cause it shall seem to the provincial committee right to exempt such estate or portion thereof from the assessment, it shall be lawful for such committee to do so, and to proceed in its assessment as if there was no such land in the district. Provided that to entitle a proprietor to such exemption he or some person representing him shall claim the same at the time and place appointed by the provincial committee for hearing objections of proprietors or of agents to estates included within the limits of the district, as provided by section 19, and shall at his own cost and expense satisfy the committee, by such proof as it shall call for, that he is entitled to such exemption. Provided further that should the proprietor of any such estate or portion thereof, or any person claiming under him, bring such estate or portion thereof into cultivation afterwards,

Proviso 1: Such exemption to be promptly claimed.

Proviso 2: Such estates to be liable if afterwards cultivated.

and use the road for the purposes of, or with a view to such cultivation, it shall be competent for such provincial committee to call upon such proprietor or person to pay the sum which he would have been liable to pay had such estate or portion thereof not been exempted from the original assessment, together with any sums which shall have become due for upkeep and repair since such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed. Provided further that should the proprietor of any estate who had claimed and obtained exemption upon the ground of such road not being the proper outlet, or other cause, or any person on his behalf, use such road, it shall be competent for such provincial committee to include such estate within the limits of the district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had such estate not been exempted from the original assessment, and also any sum not exceeding double the amount of all rates and assessments for the upkeep and repair of such road subsequent to the time when such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

Proviso 3 :
Estates exempted
may subsequently
be included.

21 Moneys recovered under the preceding section, and moneys recovered from estates added to a district as altered under the provisions of section 6, shall—

Application of
moneys
recovered.

- (a) If recovered as construction assessment moneys, be divided amongst the proprietors (at the date of such recovery) of estates which have previously paid construction assessment, in shares proportionate to the sums so previously paid ; and
- (b) If recovered as upkeep or repair assessment moneys, be retained by the provincial committee and applied towards the future upkeep and repair of the roads.

CHAPTER IV.

Completion and Repair of Branch Roads.

22 If, after any road shall have been commenced under the provisions of the Ordinances hereby repealed, or of the present Ordinance, the estimate originally made shall prove insufficient for properly constructing and metalling the same, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the further sum or sums required to complete the road, and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit further estimates for the purpose aforesaid. And on such further estimates being prepared, the provincial committee shall proceed, once or oftener, if necessary, to assess the proportion due by the estates in each section of the road, to make up the moiety of such further estimates, and to take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates assessed by such committee

If amount of
first estimate
prove
insufficient, ...
further
estimates are to
be made, and the
rates payable by
the estates to be
assessed in like
manner as the
original rates.

shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the districts, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Road Ordinance, 1861," or any other Ordinance to be in that behalf hereafter enacted, or by money from the Treasury), for the completion of the said road.

Further rates for repairs or improvements.

23 Whenever it shall be found necessary at any time to repair or improve any road constructed under the provisions of any repealed Branch Roads Ordinance, or of this Ordinance, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the sum or sums required for making the necessary repairs and improvements (provided that the amount of tolls which may be realized on such road shall be deducted from the moiety assessed on the estates), and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit one or more estimates for such repairs. And on such estimates being prepared, the provincial committee shall proceed to assess the proportion due by the estates in each section of the road, to make up the moiety of such estimates, less the tolls as aforesaid, and shall take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates so assessed by the provincial committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the district, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Road Ordinance, 1861," or any other Ordinance to be in that behalf hereafter enacted, or by money from the Treasury), for the purpose of repairing the said road.

Proviso.

Provided also that a moiety of the cost of erecting cooly lines for the coolies engaged in repairing or improving any road as aforesaid shall be borne by the estates in the district (including any which may have been opened since the original assessment), and the proportion due by such estates for the cost thereof shall be assessed by the provincial committee as aforesaid.

CHAPTER V.

Recovery of Sums assessed.

Order in which property is to be seized for the payment of assessment money.

24 If any proprietor or resident manager shall be in default in the payment of any money payable by him under this Ordinance, or under any repealed Branch Roads Ordinance, it shall be lawful for the provincial committee to order proceedings to be taken for the recovery of the same. When the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, or any instalment thereof, it shall be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, live stock, and implements found on such estate, or any other movable property whatsoever belonging to the proprietor, until the full amount due by such estate (including

all interest, costs, and charges payable under sections 26, 27, and 28) shall be recovered. If there be no crop, live stock, and implements on such estate, or other movable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such chairman, or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for such chairman or any person as aforesaid to sell the property so seized by public auction at any time after thirty days from date of seizure.

25 If, after seizing and selling property enumerated in the preceding section, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the chairman of the provincial committee, or the person authorized as aforesaid, to seize the estate or any other immovable property belonging to the proprietor of the estate in default, and sell the same, subject to the existing mortgages and incumbrances thereon, after two months' notice from the date of seizure, but he shall not have the power to take in execution or seize the person of the proprietor in default for the assessment due or for any balance thereon. Provided that in the case of a proprietor absent from the island, and not represented by any person therein, the sale shall not take place without notice of such sale being published in the *Government Gazette* for six months previous to the sale, and being affixed in some conspicuous part of the estate. If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold, but the proceeds are insufficient to satisfy the assessment and all expenses payable under section 28, it shall be lawful for the provincial committee to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the branch road therein, and, if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor. Provided that the right and duty of the provincial committee to recover from the original defaulter, should it subsequently become possible to do so, shall in no way be affected by its proceeding against such other proprietors and estates as aforesaid. And in case the provincial committee shall subsequently recover any moneys from such original defaulter, such moneys, in so far as they may have been so recovered in respect of construction assessment, shall be divided among the proprietors (at the date of such recovery) of the other estates, who paid in lieu of such original defaulter, in proportion to the sum so paid; and so far as such moneys may have been so recovered in respect of upkeep or repair assessment, they shall be retained by the provincial committee and applied towards the future upkeep and repair of the road.

26 If any proprietor shall neglect or refuse to pay, when the same shall become due, his proportion of the money due by proprietors for the construction, completion, or repair of branch roads under any repealed Branch Roads Ordinance,

If above insufficient, estate may be sold subject to mortgage.

Proviso.

If the estate cannot be sold, then deficiency to be charged against other proprietors.

Proviso.

Defaulting proprietors made liable in interest.

or of the present Ordinance, he shall be liable to pay interest at the rate of nine per centum per annum from the time fixed for such payment, and such interest shall, with the principal and other costs and charges due, be recovered from him in manner prescribed for the recovery of sums assessed.

Keeping a person in charge of property seized.

27 It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid pending such sale. Any movable property so seized as aforesaid may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

Costs and charges of seizure and sale.

28 It shall be lawful for the chairman of the provincial committee, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as assessment, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the cost of seizure, removal, custody, and sale of any property sold under sections 24 and 25.

Return of overplus to owner.

29 In the event of a sale of property seized the chairman of the provincial committee at whose instance such seizure was made shall, after deducting the amount due by the defaulter, and also all costs and charges due (which said costs and charges such chairman is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

Certificate of sale.

30 If property be sold for non-payment as aforesaid, a transfer in form C in the schedule hereto annexed, or as near thereto as may be, signed by the chairman of the provincial committee, shall be sufficient to vest the right, title, and interest of the defaulting proprietor in the purchaser, any law or custom to the contrary notwithstanding: Such transfer shall be liable to stamp duty as a conveyance, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Provincial committees liable in damages.

31 The provincial committee, the chairman of which shall cause property to be seized and sold as aforesaid, shall, in the execution of the authority entrusted to it by this Ordinance, be civilly responsible in damages to any person who shall be aggrieved by reason of any irregularity of proceeding or abuse of authority on the part of such chairman as aforesaid, or on the part of any person specially authorized by him as aforesaid. Provided, however, that no action for such damages shall be brought against the provincial committee or any of its officers after the expiration of three months from the time when the cause of action shall have arisen.

Proviso.

CHAPTER VI.

General Provisions.

Provincial committee to keep a register of names of proprietors and agents.

32 The provincial committee shall keep a register of the names of the proprietors and agents (if any) for the time being of all estates in districts defined under this Ordinance, and upon any estate being transferred to a new proprietor or upon the agents of the estate being changed, it shall be the duty of the provincial committee to record such transfer

or change in the said register. Provided always that the duty of notifying every such transfer or change shall lie on the transferee and the agents of the estate, and until such transfer or change, as the case may be, shall have been notified to the provincial committee by the proprietor or agents of the estate, all notices to be sent under this Ordinance by the provincial committee to the proprietor or agents of the estate shall be deemed duly sent if sent to the late proprietor or agents, as the case may be.

Duty of notifying transfers or changes of agency to provincial committee.

33 Any person aggrieved by any decision or order of the provincial committee in respect of the definition of districts under section 6, or the assessment of estates under sections 19, 22, or 23, or any decision or order made under sections 20 or 34, may apply to the Governor for relief at any time within twenty-one days after such decision or order shall have been notified to him. It shall be lawful for the Governor, with the advice of the Executive Council, upon such application, to make or direct further inquiry, and to confirm the decision or order of the provincial committee, or to alter or modify the same. Provided always that no such appeal as aforesaid shall lie until the person aggrieved as aforesaid shall have paid (subject to the decision of the appeal) any moneys which he may have been required to pay by the decision or order in question.

Appeal to Governor in Council against decisions or orders under sections 6, 19, 20, 22, 23, or 34.

34 If costs shall be incurred in any suit, other than that provided by section 31, brought by or against the provincial committee for anything done under the provisions of this Ordinance, or if a survey be indispensable to enable the provincial committee to act, such committee shall order one to be made, and such costs and the expenses of such survey shall be payable by the proprietors of the estates in the district in proportion to the acreage of such estates. And if any proprietor refuse or neglect to pay his proportion when required to do so, the chairman shall recover the same in the manner and subject to the provisions herein prescribed, under chapter V. relating to "Recovery of Sums assessed."

Costs.

35 It shall be lawful for the Governor, with the advice of the Executive Council, to make the grant of the moiety voted by the Legislative Council subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the public funds as by the proprietors, as the Governor, with the advice of the Executive Council, shall think fit from time to time to establish, either specially in each case or generally applicable to all cases. Provided that no warrant shall be issued to the Treasurer for the payment of any such sum of money, or of any part thereof, from the Colonial Treasury, nor shall any sum be issued by him from the said Treasury until the amount payable by the proprietors of the estimated cost of constructing or repairing such road, or so much thereof as the Governor may think necessary, shall have been deposited in the said Treasury by or on behalf of the proprietors of such estates as aforesaid.

The grant of the moiety may be made subject to conditions.

Moiety not to be paid by Government till deposit of amount payable by proprietors or part thereof.

36 Every road towards the construction or repair of which any money shall be issued from the Colonial Treasury, under the authority of this Ordinance, shall be deemed and taken to be a public thoroughfare to all intents and purposes.

Roads for which such grants-in-aid are made to be deemed public roads.

Tolls on branch roads.

37 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to direct that tolls not exceeding those specified in the Ordinance No. 3 of 1896, entitled "An Ordinance to consolidate and amend the Law in respect to the Collection of Tolls," or in any Ordinance to be in that behalf hereafter enacted, shall be levied on any of the roads which shall have been constructed, made, or completed or repaired under the provisions of any repealed Branch Roads Ordinance, or which shall be made or completed or repaired under the provisions of this Ordinance, and to determine at what place the tolls so levied shall be collected, and such places from time to time in like manner to alter, and other places to establish instead thereof, for the collection of such tolls; and when the tolls shall have been so established, the provisions of the Ordinance No. 3 of 1896, or of any other Ordinance to be in that behalf hereafter enacted, shall, so far as they are applicable thereto, be of force in respect of the tolls to be levied in virtue of the Proclamation to be made as aforesaid, and shall be read and construed as if the said provisions had been expressly enacted as applicable to the said places, and shall be applied, observed, and put in execution accordingly.

And may fix toll stations.

Provisions of the Ordinance No. 3 of 1896 extended to the tolls to be so established.

Proprietor may be represented by resident manager or agent.

38 In case of the absence from the island of the proprietor of any estate, the resident manager—or, if there be no resident manager or superintendent, the agent, if any, in this island, of the proprietor—shall and may represent such proprietor and act for him in all matters and things which it may be lawful or necessary for such proprietor to do under any of the provisions of this Ordinance. If there be no known agent, notice affixed on the land and published in the *Government Gazette* shall be deemed notice to the proprietor.

Provisions of Ordinance No. 10 of 1861 to be in force so far as they are consistent with this Ordinance.

39 The provisions, regulations, and directions in "The Road Ordinance, 1861," contained, so far as they are applicable to the making and repairing of roads and not inconsistent with this Ordinance, shall be of force in respect of the roads to be constructed or repaired under this Ordinance, and shall be read and construed as if such provisions, regulations, and directions had been inserted herein as applicable to the said roads, and shall be applied, observed, and put in execution accordingly.

Pupuressa road to be repaired as a branch road.

40 The road leading from the Gampola and Pussellawa road to Pupuressa, and known as the Pupuressa road, shall be treated as a road made under this Ordinance, and provision shall be made for its upkeep and repair as if it had been originally constructed under the provisions of this Ordinance.

Certain roads may be brought under the provisions of the Ordinance.

41 In any case in which a road or portion of a road has been constructed, or partially constructed, or shall hereafter be constructed, by the proprietors of any estates, it shall be lawful for the proprietors for the time being of such estates to apply to the Governor that such road may be treated as a branch road constructed under this Ordinance, and on receipt of such application the Governor may, if he thinks fit, with the advice of the Executive Council, issue a Proclamation declaring that such road shall be treated as a road

made under this Ordinance, and on the publication of such Proclamation in the *Government Gazette* the provisions of this Ordinance relating to improvement, upkeep, and repair of roads shall apply to such road as if it had been originally constructed under the provisions of this Ordinance.

42 It shall be lawful for the Governor, with the advice and consent of the Executive Council, by Proclamation in the *Government Gazette*, to declare that such of the provisions of this Ordinance as to him may seem advisable shall apply to the construction, upkeep, and repair of any bridge, or of any road other than a cart road, or the repair, upkeep, and improvement of any such existing bridge or road.

Bridges and roads other than cart roads may be brought under the provisions of this Ordinance.

43 It shall be lawful for the provincial committee, for sufficient reasons to it appearing, from time to time to amalgamate and combine any two or more districts defined under this Ordinance into one district. Provided, however, that the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to amalgamate and combine such districts, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district, and the districts so amalgamated and combined shall thereupon become one district for the purposes of this Ordinance.

Districts may be combined and amalgamated.

44 If any question arises as to what constitutes the use of a road under this Ordinance, the decision of the provincial committee on such question shall be final.

Decision of provincial committee final as to the use of a road.

45 The provisions of this Ordinance shall apply to all roads which have been constructed under any repealed Branch Roads Ordinance, and any district which has been defined under the provisions of any such Ordinance shall be treated for the purposes of this Ordinance as a district defined hereunder.

Provisions of Ordinance to apply to roads constructed under repealed Ordinance.

SCHEDULE.

A (Section 7).

Office of the Provincial Committee,

To _____, _____, 18__.

Proprietor (or Resident Manager) of _____ Estate.

SIR,—It has been proposed to construct a branch cart road leading from the main road near the _____ milepost (or at the village of _____) to the district of _____, in which your estate _____ is situated, under the provisions of "The Branch Roads Ordinance, 1896," and I am therefore to request you to fill up the accompanying paper, and return the same to me before the _____ day of _____ next ensuing, in failure whereof you will be deemed to have concurred in the said proposal.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

(Paper referred to in the foregoing Letter.)

To the Chairman of the Provincial Committee for the
Central Province, Kandy.

SIR,—I hereby declare that I (do or do not) desire that the provisions of "The Branch Roads Ordinance, 1896," should be extended

to the district of _____, in which my estate (or the estate under my management) called _____ is situated, for the purpose of the construction of a branch cart road to the said district, from the main road to _____ near the _____ milepost (or, at the village of _____).

I am, Sir,
Your obedient Servant,

Proprietor (or Resident Manager, or Agent)
of _____ Estate.

B (Section 19).
Office of the Provincial Committee,

To _____, 18—
Proprietor (or Resident Manager or Agent) of _____ Estate.

SIR,—The Governor, with the advice and consent of the Legislative Council, having agreed to grant a moiety for the construction (or completion, or repair, as the case may be) of a branch cart road, leading from the main road near the _____ milepost (or at the village of _____) to the District of _____, in which your estate _____ is situated, the Provincial Committee, acting under the provisions of "The Branch Roads Ordinance, 1896," have assessed the portion due by your estate at Rs. _____, which sum you are hereby required to pay into the Colonial Treasury on or before the _____ day of _____ 18—.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

C (Section 30).

Whereas _____, of _____, was in default in the payment of the moneys due by him as contribution for constructing (or completing, or repairing, as the case may be), under "The Branch Roads Ordinance, 1896," _____, and became liable in the sum of Rs. _____, inclusive of costs, and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance, and sold, also in conformity therewith, on the _____ day of _____, and the same was purchased by _____ for the sum of Rs. _____, which has been duly paid by the said _____.

Now, know ye that I, _____, Chairman of the Provincial Committee of _____, by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property, to wit: (*here describe the property accurately*), has been sold and purchased by _____ of _____ for the sum of Rs. _____, which he has duly paid, and that the right, title, and interest of the said _____ in the said premises are and shall henceforward be vested in the said _____, his heirs, executors, administrators, and assigns, for ever.

Given under my hand at _____, this _____ day of _____, 18—.

Chairman, Provincial Committee.

Passed in Council the Ninth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fourteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 15 of 1896.

An Ordinance for the Repression of Crime in this Colony.

WEST RIDGEWAY.

WHEREAS it is expedient to make further provision for the investigation of offences and for the repression and prevention of crime : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

CHAPTER I.

Investigation of Offences.

1 (1) For the purposes of chapter I. of this Ordinance the Governor may appoint any person or persons, by name or office, to be inquirer or inquirers for any area, the limits of which shall be specified in such appointment.

Governor may appoint inquirer.

(2) Every president of a village tribunal shall within the limits of the jurisdiction of the village tribunal or tribunals of which he is president be by virtue of his office an inquirer for the purposes of this chapter.

President of village tribunal *ex officio* an inquirer.

2 Every information given to an inquirer relating to the commission of a cognizable offence shall be given to him orally, and shall be reduced to writing by him and be read over to the informant ; and every such information shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such inquirer, who shall append to such entry the date and hour on which such information was given.

Information to inquirer.

3 If from information received or otherwise any inquirer has reason to suspect the commission of a cognizable offence, he shall forthwith send a report of the same to the police court having jurisdiction in respect of such offence, and shall proceed in person to the spot to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender.

Procedure where cognizable offence suspected.

4 (1) An inquirer making an investigation under this chapter may by order in writing require the attendance before himself of any person, being within the local limits of his jurisdiction, who from the information given or otherwise appears to be acquainted with the circumstances of the case, and such person shall be legally bound to attend as so required.

Inquirer's power to require attendance of persons able to give information.

(2) If any such person refuses to attend as so required, such inquirer may thereupon in his discretion issue a warrant to secure the attendance of such person as required by such order as aforesaid.

Price 5 cents.]

Examination of witnesses by inquirer.

5 (1) An inquirer making any investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case, and shall reduce into writing any statement made by the person so examined, but no oath or affirmation shall be administered to any such person.

(2) Such person shall be bound to answer truly all questions relating to such case put to him by such inquirer other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statement to inquirer not to be signed or admitted in evidence.

6 No statement other than a dying declaration made by any person to an inquirer in the course of any investigation under this chapter shall, if reduced to writing, be signed by the person making it, or shall be used otherwise than to prove that a witness made a different statement at a different time.

No inducement to be offered.

7 No inquirer shall offer or make, or cause to be offered or made, any inducement, threat, or promise to any person charged with an offence to induce such person to make any statement having reference to the charge against such person. But no inquirer shall prevent or discourage by any caution or otherwise any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Search by inquirer.

8 (1) Whenever an inquirer making an investigation in a cognizable case considers that the production of any document or thing is necessary to the conduct of an investigation into any offence into which he is authorized to investigate, and there is reason to believe that a person to whom summons or order under section 4 has been or might be issued will not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such inquirer may search or cause search to be made for the same in any place.

(2) Such inquirer shall, if practicable, conduct the search in person.

(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may require any peace officer or headman to make the search; and he shall deliver to such peace officer or headman an order in writing specifying the document or other thing for which search is to be made and the place to be searched, and such peace officer or headman may thereupon search for such thing in such place.

(4) The provisions of the Criminal Procedure Code as to search warrants and searches thereunder shall, so far as may be, apply to a search made under this section.

Inquirer may require bond for appearance of complainant and witnesses.

9 If upon an investigation under this chapter it appears to the inquirer making such investigation that there is sufficient reason to justify the commencement or continuance of criminal proceedings for a cognizable offence against any person, such inquirer shall require the complainant, if any, and so many of the persons who appear to such inquirer to be acquainted with the circumstances of the case as he may

think necessary, to execute a bond to appear before a police court therein named and give evidence in the matter of the charge against the accused.

(2) The inquirer in whose presence the bond is executed shall deliver a copy thereof to each of the persons who executed it, and shall then send to the police court the original.

(3) If any complainant or witness refuse to execute such bond, such inquirer shall report the same to the police court, which may thereupon in its discretion issue a warrant or summons to secure the attendance of such complainant or witness before itself to give evidence in the matter of the charge against the accused.

10 In addition to the powers hereinbefore mentioned, every inquirer shall within the local limits of his jurisdiction have the following powers :

Additional powers of inquirers.

- (a) Power to arrest or direct the arrest in his presence of any offender.
- (b) Power to issue a warrant or to order the removal of an accused person arrested under a warrant.
- (c) Power to authorize the detention of a person during any investigation.
- (d) Power, upon receiving an order from a magistrate, to investigate a non-cognizable offence and to exercise all the powers conferred on him by this chapter in respect of such investigation.

11 Any magistrate having jurisdiction to hold an inquiry into any offence which is being investigated by an inquirer may withdraw the case from such inquirer, and himself inquire into and try such case or commit the same for trial.

Magistrate may withdraw case from inquirer.

12 (1) Every inquirer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which he began and closed the investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Diary of proceedings in investigation.

(2) Any criminal court may send for the diaries of a case under inquiry in such court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the courts; but if they are used by the inquirer who made them to refresh his memory, or if the court uses them for the purposes of contradicting such inquirer, the provisions of "The Ceylon Evidence Ordinance, 1895," section 161 or section 145, as the case may be, shall apply.

13 Every investigation under this chapter shall be completed without unnecessary delay, and as soon as it is completed the inquirer making the same shall forward to the police court within whose division such investigation was made a report setting forth the names of the parties, the nature of the information, and the names of the persons who appear to be acquainted with the circumstances of the case.

Report of inquirer.

CHAPTER II.

Quartering of Police.

Quartering of police in districts where crime exists or is apprehended.

14 (1) When it appears to the Governor, with the advice of the Executive Council, from time to time, that by reason of the existence or apprehension of crime and outrage in any district it is desirable to quarter police in such district, or, should a police force have been already established there, to increase the same, he may by Proclamation which shall be published in the *Government Gazette* declare that for the reason aforesaid such district requires police or additional police, and may order police to be quartered in such district or additional police to be employed there.

Cost thereof to be certified to the Governor.

(2) The Inspector-General of Police shall from time to time make out in such manner as the Governor may order an account of the total cost of the police or of any additional police employed in any district under this section, and shall certify the amount to the Governor.

Provision for payment of such cost.

(3) The whole or such part of the whole as the Governor, with the advice of the Executive Council, may order of the amount so certified shall be a charge payable by every male inhabitant above the age of 18 years of the district in which such police or additional police are employed, and the Governor, with the like advice, may exempt from charge any inhabitants of the area declared to be chargeable.

In certain cases of murder, maiming, or injury, Governor may by warrant nominate person to investigate application for compensation.

15 (1) Where it appears from information on oath and in writing that any one has been murdered, maimed, or otherwise injured in his person, and an application is made for compensation, the Governor, with the advice of the Executive Council, may, if he thinks fit, after giving public notice in the *Government Gazette* and by beat of tom-tom in the village where such crime has been committed, by warrant nominate such person or persons as he thinks fit to investigate the application, and after hearing all parties whom he or they deem to be interested, including any inhabitants of the village, to report to the Governor thereon. The parties shall be heard personally or by pleaders, and the evidence taken on oath in open court.

Power of such person to compel attendance of witnesses at investigation.

(2) For the purposes of such investigation the person or persons so nominated shall, with respect to empowering the attendance of witnesses and all other matters, have the same power as a district judge. Such public notice shall be given of the place and time at which the investigation will be held, and the investigation shall be proceeded with in such manner, and the report to the Governor shall be made in such manner, as the Governor may direct. The remuneration of such person or persons and the expenses of holding the investigation shall be fixed by the Governor, with the advice of the Executive Council, and shall be defrayed out of the general revenue.

Governor may award compensation.

(3) Upon such report the Governor, with the advice of the Executive Council, may dismiss the application if he thinks fit, or may award such sum for compensation as he thinks just.

(4) The said sum shall, if the Governor, with the advice of the Executive Council, thinks just, be a charge payable by such village, and in such instalments as the Governor may by warrant order, and shall be paid to the personal representative of the person murdered or to the person maimed or injured, or, if he is dead, to his personal representative.

Amount of compensation may be charged against inhabitants of village, and be paid in such instalments as the Governor may by warrant order.

(5) Applications under this Ordinance may be made by the personal representative or one of the next of kin of any person murdered, or by any person maimed or injured, or by any person in that behalf authorized by the Governor.

Applications for compensation to be made, by whom.

(6) An application for compensation under this section shall not be entertained unless it is made within three months after the occurrence of the act causing the murder, maiming, or injury.

Application for compensation must be made within three months.

(7) 219022

16 (1) For the purposes of this Ordinance, with respect to quartering police in any district, or increasing the number of police employed therein, the expression "district" means any area the limits of which shall be defined in the Proclamation issued under the provisions of sub-section 1 of section 14.

Definition of expression "district."

3 19023

(2) For the purposes of this Ordinance, with respect to compensation in cases of murder, maiming, or injury, the expression "village" means any area the limits of which shall be defined in the public notice issued under the provisions of sub-section 1 of section 15.

Meaning of expression "village."

(3) Any charge in respect of police, or any sum for compensation as aforesaid, which is for the time being a charge payable by any district or any village, shall be allotted equally among all the male inhabitants of the district or village over the age of 18 years other than those exempted by the Governor in pursuance of this Ordinance, and shall be payable by such inhabitants.

Charges payable by inhabitants of a district or village to be allotted ratably.

(4) Such allotments shall be made, and such charges collected, by the government agent or assistant government agent for the time being appointed by warrant of the Colonial Secretary for that purpose. And every person so appointed shall, as soon as may be after he has made such allotment, cause to be served upon every person liable to the payment of any amount due in respect of any such allotment a notice of the amount due by him, and requiring him to pay the said amount into the office of the government agent or assistant government agent within a week after service of such notice. Such notice shall be in the English and Sinhalese or Tamil languages, in the discretion of such government agent or assistant government agent, and shall be served either personally on the person to whom it is addressed, or by leaving it with some member of his household, or by affixing it to some conspicuous part of his house.

Who shall allot charges.

(5) If any person shall not pay the amount due by him under sub-section 4 as soon as the same is due, either into the office of the government agent or assistant government agent, or to some collector authorized by the government agent or assistant government agent by writing under his hand to collect and receive the same, upon demand made by

Proceeding if amount not duly paid.

such collector, it shall be lawful for the government agent or assistant government agent, and he is hereby authorized and required, for non-payment of the amount due to seize any property whatsoever belonging to the person by whom such amount is due, wheresoever the same may be found within the province of such government agent or the district of such assistant government agent; and if the amount due, together with the costs and charges payable by virtue of sub-section 7, shall not be sooner paid to such government agent or assistant government agent, to sell the property so seized by public auction at any time not less than ten nor more than thirty days from the time of such seizure. Notice of every such sale shall be published in such district or village by beat of tom-tom and in such manner as to the government agent or assistant government agent shall seem expedient. It shall be lawful for the government agent or the assistant government agent to authorize any person specially in writing to seize and sell property as herein provided for.

(6) Provided however that the following property shall not be liable to such seizure or sale :

- (a) The necessary wearing apparel, beds, and bedding of the person by whom such amount is due, or of his wife and children.
- (b) Tools, utensils, and implements of trade or business, and where the person by whom such amount is due is an agriculturist, his implements of husbandry and such cattle and seed grain as may in the opinion of the government agent or assistant government agent be necessary to enable him to earn his living.
- (c) The wages of labourers and domestic servants.

(7) Any movable property seized as aforesaid may be removed by the government agent or assistant government agent for safe custody, pending the sale thereof, to such place as he may think fit; and in case of the seizure of immovable property, or of any property which cannot be conveniently removed, such government agent or assistant government agent may place and keep a person in possession thereof pending such sale.

(8) It shall be lawful for the government agent or assistant government agent to demand, take, and receive from the person by whom the amount is due in respect of any such allotment the several sums of money mentioned in the following table :

Table of Charges incurred in the Recovery of amount due.

- (1) For cost of proceeding to the house or land of the party in default, in order to seize property, a charge not exceeding four cents for every fifty cents of tax due.
- (2) For removal of the goods seized in case such removal takes place, a charge not exceeding four cents for every fifty cents of tax due.
- (3) For keeping the same in safe custody in case of such detention, a charge not exceeding four cents per day.

Property seized may be removed or a person placed in possession.

Cost of seizure.

(4) For keeping a person in possession in case of a seizure of immovable property, or if the goods seized are not removed, a charge not exceeding fifty cents per day.

(5) For the expenses of sale where any takes place, a charge not exceeding twenty-five cents in every ten rupees on the net produce of the sale.

(9) It shall be lawful for the government agent or assistant government agent to break open or cause to be broken open in the daytime any house or building for the purpose of seizing property in pursuance of this Ordinance.

Houses may be broken open, &c.

(10) In the event of a sale of property seized, the government agent or assistant government agent shall, after deducting the amount due and also the costs and charges payable by virtue of sub-section 8 (which said costs and charges the government agent or assistant government agent is hereby authorized to retain), restore the surplus arising from such sale, if any there be, to the owner of the property sold; and the government agent or assistant government agent shall, upon application in that behalf, grant a receipt for the amount received, and of such costs and charges, to the owner of such property.

After payment of amount due and charges, overplus accruing from sale to be restored to the owner of the property.

(11) If land or other immovable property be sold for non-payment of amount due a certificate signed by the government agent or assistant government agent shall be sufficient to vest the property in the purchaser, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Certificate of sale.

(12) Every warrant imposing a charge upon a district or a village in respect of such police, or such compensation as aforesaid, shall specify the time during which it is to be enforced, and shall be in the form prescribed by the Governor, and shall be conclusive proof that the sums named in the warrant are to be raised in the district or village as therein mentioned, and that the person named in the warrant is authorized to collect the same, and a copy of every such warrant shall be laid before the Legislative Council within one month after the date of the warrant if the Legislative Council is then sitting, if not within one month after the next meeting of the Legislative Council.

Requirements of warrant imposing a charge upon a district or village.

CHAPTER III.

General.

17 In the 7th column of Schedule II. of the Criminal Procedure Code the words "police court" shall be inserted for the words "district court" as applying to section 315.

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

18 Whenever a person is convicted before a police court of an offence under section 315 of the Ceylon Penal Code, such police court may, in addition to any punishment to which the offender may be sentenced by him for such offence, order such offender to be whipped in manner prescribed by

Power of police magistrate to order persons convicted under section 315 of

Ordinance No. 2
of 1883 to be
whipped.

sections 55 and 56 of the Ceylon Penal Code, anything in such Code or "The Criminal Procedure Code, 1883," to the contrary notwithstanding. Provided that the number of lashes or strokes to be inflicted shall in no case exceed twenty-five.

Repeal.

19 Part VI. of "The Village Communities' Ordinance, 1889," is hereby repealed.

Passed in Council the Fourteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fourteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 18 of 1896.

**An Ordinance to amend Ordinance No. 17 of 1869, intituled
“An Ordinance for the General Regulation of Customs
in the Island of Ceylon.”**

WEST RIDGEWAY.

WHEREAS it is expedient to amend the Ordinance No. 17 of 1869, intituled “An Ordinance for the General Regulation of Customs in the Island of Ceylon :” Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance and No. 17 of 1869 shall be read and construed as one Ordinance.

This Ordinance and No. 17 of 1869 to be read as one Ordinance.

2 For the purposes of the Ordinance No. 17 of 1869 the term “true wholesale market value” shall mean—

Definition of “true wholesale market value.”

- (a) The wholesale cost price, less trade discount, for which goods of the like kind and quality are sold, or are capable of being sold, at the time and place of importation without any abatement or deduction whatever except of the amount of the duties payable on the importation thereof ; or
- (b) Where such price is not ascertainable, the cost at which goods of the like kind and quality could be delivered at such place without any abatement or deduction except of the duties as aforesaid.

Passed in Council the Fourteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fourteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

Price 5 cents.]

Colombo : Printed by G. J. A. SKEEN, Government Printer Ceylon ; and to be purchased at the GOVERNMENT RECORD OFFICE, Colombo.

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

No. 19 of 1896.

repealed 5 1901

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

WEST RIDGEWAY.

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

Preamble.

1 This Ordinance shall be in force within the Municipality of Kandy, and shall be read as one with the Municipal Councils' Ordinances, 1887, 1890, and 1896.

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

2 (1) In this Ordinance, unless the context otherwise requires—

Interpretation clause.

"The municipality" means the Municipality of Kandy.

"The municipality."

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

"The council."

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

"The chairman."

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

"The standing committee."

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

"The health officer."

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

"The secretary."

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

"The superintendent of works."

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

"The magistrate."

"Municipal inspector" means an inspector of the Municipal Council of Kandy.

"Municipal inspector."

(2) In by-laws 20 and 21 of chapter VI., and whenever used in chapter VII., "animal" means cattle, sheep, and goats.

"Animal."

"Cattle" and "licensed butcher" shall have the meaning assigned to them respectively by "The Butchers' Ordinance, 1893," and the interpretations in section 3 of "The Municipal Councils' Ordinance, 1887," and in section 1 of Ordinance No. 26 of 1890, shall be applicable to the respective words and expressions therein specified when used in this Ordinance.

"Cattle" and "licensed butcher."

Price 25 cents.]

By-laws set out in schedule to be legal.

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

Service of notices.

4 When any notice is required by this Ordinance to be given to the owner or to the occupier of any house, building, or land, such notice addressed to the owner or occupier, 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 chairman, it shall be his duty, if such owner be residing within the municipality, to cause every notice to be given to the owner, and if he be not resident within the town, the chairman shall send every such notice by post addressed to his residence.

Penalty for unnecessary violence by an officer.

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

Penalty for obstructing officers of the council.

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

Penalty for breach of by-laws.

7 Whoever shall commit any breach of any of the by-laws hereby enacted, or any by-laws hereafter lawfully made, by doing any act prohibited or declared to be an offence by any such by-laws, or by neglecting to do any act directed to be done by any such by-laws, or in anywise howsoever, shall on conviction be liable to a penalty not exceeding twenty rupees, and in case of a continued infringement, to a further penalty not exceeding ten rupees a day for every day after notice from the chairman of such infringement. Provided that no complaint shall be preferred in any court for any breach of any by-law except with the previous sanction of the chairman.

1901 296

8 1901 2

Deposited Same as to by law
Here still in force

(3)

SCHEDULE.

BY-LAWS OF THE MUNICIPAL COUNCIL OF KANDY.

CHAPTER I.

Establishment.

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

Offices and salaries.

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

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

Duties of officers.

CHAPTER II.

Conduct of Business, &c.

1. For all purposes connected with the council, the precedence and seniority of councillors shall be regulated as follows:

Precedence of councillors.

After the chairman shall rank the councillors in the order of the priority of their nomination or election, and in the case of former councillors re-elected or re-nominated, of the priority of their continuous membership of council.

2. The chairman shall preserve order, and shall decide on all points of order.

Duties of chairman.

3. The business of the council at its meetings shall be taken in the following order, viz.:

Order of business.

(a) The minutes of the previous meeting shall be read and (if need be) corrected and confirmed.

Minutes.

(b) Monthly statement of receipts and disbursements, bank pass-book, progress reports of revenue collected and of works, return of work by the municipal magistrate, the health officer's report, and reports of other municipal officers, shall be submitted to the council.

Statements.

(c) Memorials, petitions, complaints, and communications addressed to the council shall be laid before the council and orders made thereon.

Memorials, petitions, &c.

(d) Questions of which previous notice has been given shall be asked.

Questions.

(e) Notices of motions shall be given.

Notices of motions.

(f) Motions shall be made.

Motions.

(g) Reports of committees shall be brought up and a day fixed for their consideration, unless the council shall resolve to proceed to their consideration at once.

Reports of committees.

(h) Any other matter set down in the notice of meeting shall be proceeded with, provided that the council may, if it see fit, deviate from the order herein prescribed.

Other business of the day.

4. The council may at any time resolve itself into a committee of the whole council, and, on resuming, the resolutions of the committee shall be dealt with by the council.

Committee of council.

Petitions to be respectful.

5. Any councillor presenting a petition or other communication shall be responsible for its contents being throughout respectful.

Presenting petitions.

6. When a petition or other communication is presented, the purport thereof shall be concisely stated ; on the motion of any councillor, duly seconded, the question shall be put whether the document shall be read.

Hearing petitioners.

7. In any case where individual rights or interests may be affected by any act, order, or proceeding of the council, all parties so affected may be heard upon petition before the council in committee, either in person or by counsel.

List of witnesses.

8. When it is intended to examine any witnesses, the petitioner or councillor requiring such witnesses shall deliver to the secretary, three days at least before the day appointed for their examination, a list containing the names, residences, and occupations of such witnesses.

Summoning witnesses.

9. The secretary shall thereupon, under the sanction of the chairman, issue to each of the witnesses a summons in the form A in the appendix hereto, and such summons shall be served by some person appointed in that behalf by the chairman, either by delivery thereof to the witness, or by leaving it at his residence forty-eight hours at least before the time appointed for his attendance.

Every witness summoned shall be bound to obey such summons.

Evidence on petitions.

10. The evidence of every witness shall be recorded by the secretary and read over to the witness, who may then desire any correction to be made; and in case no correction shall be made, the evidence shall stand as taken down, and not be altered afterwards.

Notices of motions and questions.

11. Any councillor desiring to ask a question, or make a motion, shall (unless by leave of the council) give notice of such question or motion, either at some previous sitting of the council or by a letter to the secretary at least three days before the day on which he intends to ask such question or make such motion.

Notices how given.

12. Every councillor giving such notice shall deliver to the secretary a copy of the proposed question or motion.

Asking questions.

13. In asking any question no argument or opinion shall be offered, nor any fact stated, except in so far as may be necessary to explain such question ; and no councillor may debate the matter to which the question refers.

Putting the question.

14. When a motion has been made and seconded and the debate thereon concluded, the question thereupon shall be put to the vote by the chairman.

Motion not seconded.

15. Any motion not seconded may not be debated, and no entry thereof shall be made in the minutes.

Routine resolutions.

16. Routine resolutions, such as recording periodical statements or confirming minutes of proceedings, may be put to the meeting by the chairman without their having been moved or seconded. Motions regarding the choice of a presiding chairman, the precedence of certain business, adjournments, and the like must be seconded, but need not be in writing.

Withdrawing motions.

17. A councillor who has made a motion may withdraw the same by leave of the Council.

Rules of debate.

18. Every councillor, while speaking, shall address the chair, and shall stand while so doing. The speaker may refer to notes, but will not be allowed to read a written or printed speech.

Two members rising to speak.

19. The councillor who first rises has the right to be heard. If two or more councillors rise to speak at the same time, the chairman shall call on the person entitled in his opinion to pre-audience.

Members to speak once only on motion, except in explanation, &c.

20. In discussing any motion, no councillor shall be at liberty to speak more than once, except in explanation, or when any matter is under discussion in committee ; but a reply shall be allowed to a councillor who has made a substantive motion, not being an amendment. Immediately after such reply the motion shall be put.

21. All imputations of improper motives shall be considered as being highly disorderly, and such conduct shall be minuted in the minute book if it shall appear to a majority of the council to be necessary.

No imputations of improper motives.

22. An adjournment of a discussion of any question may be moved by a councillor at any time, and, if seconded, shall be forthwith put to the vote.

Adjournment of discussion.

23. Every motion and amendment shall be reduced to writing and handed to the secretary by the councillor proposing the same.

Motions and amendments in writing.

24. No amendment shall be proposed upon an amendment under discussion ; but so soon as the amendment shall have become a substantive motion, a subsequent amendment may be moved, and, if seconded, discussed.

No amendment on amendment.

25. On any question being put every councillor present shall be bound to give his vote, beginning with the junior councillor present, the secretary minuting each vote, after which the chairman shall declare the number of votes for and against the motion.

Members bound to vote.

26. It shall be competent for any councillor who is in the minority to record the reasons of his dissent from the opinion of the majority, and such written dissent shall be sent to the secretary within one week, and shall be filed by the secretary.

Member in minority may record dissent.

27. In every special or sub-committee the quorum thereof shall be three, unless specially fixed.

Quorum of committees.

28. Upon the appointment of a special or sub-committee they shall (provided the chairman of the council be not a member, or in case of his absence) proceed to elect their own chairman. The chairman of the committee shall fix an early day for their first meeting. Every subsequent meeting shall be by adjournment from the next previous meeting ; or if there be no such adjournment, then by appointment to be made by the chairman of the committee.

Meetings of committees.

29. When a special or sub-committee shall have agreed to a report, the same shall be brought up by the chairman of the committee or some other member thereto appointed, and be read by the secretary, or otherwise dealt with as may then be directed. By leave of the council a special or sub-committee may from time to time report their opinions or observations, or the minutes of evidence only, or the proceedings.

Proceedings of committee.

30. In the event of any division taking place in a special or sub-committee, it shall be entered in the minutes, together with the motion or resolution proposed, the name of the proposer, and the respective votes of the members present, and such minutes shall be submitted to the council with the report of such committee.

Division in committees.

31. The standing committee and all special and sub-committees shall have like powers with the council to summon witnesses, as provided in by-law 9 of this chapter, and every witness summoned shall be bound to obey such summons.

Power of committees respecting witnesses.

32. The secretary shall keep and submit to the council at every meeting a book, to be called the Complaint Book, in which shall be entered by the parties themselves or by their authorized agents any complaint made, and shall provide that the book shall be accessible to the public at the municipal office between the hours of 11 A.M. and 4 P.M. on every week day, excepting Saturdays and holidays, and excepting also on such days as the council may sit. Every inhabitant of the municipality may have access to the book on furnishing the secretary with his correct name and address.

Complaint book.

CHAPTER III.

Accounts and Taxes.

1. The accounts of the municipality shall be kept on the system of double entry. There shall be a cash book, a ledger, a journal, and cheque and receipt books, for payments and receipts respectively.

Form of accounts.

Bank pass-book to be laid on table.

2. The bank pass-book, written up to the close of the preceding month, shall be laid on the table at every general meeting of the council.

Returns under section 138.

3. The return to be furnished by the owners or occupiers of houses, buildings, or lands under section 138 of "The Municipal Councils' Ordinance, 1887," shall be in the form B in the appendix hereto, which form shall be supplied by the council, and shall be filled up and returned by the person to whom it is addressed.

Returns under section 146.

4. The schedule required to be filled up under section 146 of the said Ordinance shall be in the form C in the appendix hereto.

Special notice required from persons acquiring further vehicles and animals.

5. If any person, after having filled up and returned the schedule referred to in the preceding by-law, shall acquire, keep, or use any carriage, cart, jinricksha, hackery, horse, pony mule, bullock, or ass not mentioned in such schedule, he shall be bound, within one month of acquiring any such vehicle or animal, to send written notice thereof to the secretary containing true and correct information in respect of every such vehicle or animal so acquired, kept, or used.

Returns by notaries.

6. The secretary shall from time to time, whenever directed by the chairman, cause a copy of the form D in the appendix hereto to be served on every notary within the municipality, in order to ascertain whether any, and, if any, how many clerks have been articulated under him during the current year, or any previous year subsequent to the establishment of the council, the date of the articles, and the period of their services. Every notary shall within fifteen days from the service of such form fill up the same correctly with the information thereby required and return it to the secretary.

Carts and hackeries to bear metal plates.

7. Every cart and hackery kept or used within the municipality shall, besides any other plates that may be required by law, after July 1 in every year, have a metal plate, which shall be furnished by the council, affixed on such cart or hackery. Such plate shall bear the design of the letter K, with figures representing the year and a number corresponding with the number assigned to such cart or hackery in the register kept in the municipal office; and shall in the case of carts licensed to ply for hire be taken as proof of payment of the tax due on the bullocks employed in drawing such cart, under section 128 of Ordinance No. 7 of 1887. Before issuing the plate last mentioned the chairman may require the year and the registered number of the cart or hackery to be painted in a conspicuous part thereof.

Vehicles without plates may be seized.

8. No person shall keep, use, or drive any cart or hackery within the municipality without the plate required by the preceding clause affixed to it; and every cart or hackery kept, used, or driven without such plate affixed to it shall be liable to be detained by any municipal inspector or police officer until such plate shall be, after payment of any tax due, obtained and affixed to such cart or hackery.

CHAPTER IV.

Construction of Drains, Buildings, &c.

Householders to build proper approaches over road drains.

1. The owner or occupier of any house or premises adjoining any street by the side of which a drain shall have been made or excavated, shall, subject to such conditions as the chairman shall impose, provide the necessary means of access to such house or premises from such street by constructing over such drain a bridge, platform, or arch which shall in no case cover less than four feet, or without the sanction of the council more than six feet of the length of such drain, and which shall be so constructed as not to impede the flow of water in such drain, and the drain under such bridge, platform, or arch shall be paved with bricks or stones, and such owner or occupier shall

maintain such bridge, platform, or arch and the drain thereunder in good order to the satisfaction of the council ; and it shall be lawful for the council, if it shall come to its knowledge that any parties have access to any house or premises so situated without such bridge, platform, or arch as aforesaid, or by some bridge, platform, or arch not constructed as aforesaid, to give notice to the owner or occupier thereof forthwith to construct or alter the same, and have the drain in the manner aforesaid, or in the event of his failing to maintain in good order such bridge, platform, or arch, or the drain thereunder, to give notice to the said owner or occupier to put the same in good order; and if he shall fail to fulfil the requirements of any notice so given within fourteen days from the service of the said notice, the chairman may cause the work to be done, and the costs thereof shall be paid by such owner or occupier.

2. It shall be lawful for the chairman, should he deem it necessary, to require, by notice in writing, the owner of any yard or ground adjoining a dwelling-house, or the owner of any alley, to have such yard, ground, or alley paved in such manner as the chairman shall direct, and to lay sufficient drains or pipes to the nearest municipal sewer or drain for the purpose of draining such yard, ground, or alley. Such drains or pipes shall be of such materials, of such size, of such level, and with such fall, and shall be carried to such point of junction with the said municipal sewer or drain as the chairman shall appoint, provided that the council shall supply to such owner on application, at cost price, the materials necessary for the drains or pipes which he is required to lay. If such owner shall fail to comply with the requirements of such notice within the time appointed, the chairman and any officers or workmen authorized by him may enter upon the premises and cause the required work to be done, and the costs thereof shall be paid by the owner.

Chairman may require yard or alley to be drained.

3. It shall be lawful for the chairman to require, by notice in writing, the owner of any private sewer or house drain, whether under his house or without the house, to fix such pipes as the chairman may consider necessary for the proper ventilation of such private sewer or drain. Such ventilation pipes shall be of such size and materials and shall be carried up to such height as the chairman shall direct. If such owner shall fail to comply with the requirements of such notice within the time appointed, the chairman and any officers and workmen authorized by him may enter upon the premises and cause the required work to be done ; and the costs thereof shall be paid by such owner. The amount of the costs payable under this or any of the preceding by-laws of this chapter shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if the same were costs directed to be paid by the said Ordinance.

And private sewers to be ventilated.

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

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

5. The owner of any new building sanctioned by the chairman, or any person or persons who may obtain permission from the chairman to build any drain, privy, or cesspool, or any person or persons who may be required by the chairman, by virtue of powers conferred on him by law, to build, alter, or repair any drain, privy, or cesspool, shall give notice in writing of the completion of the work to the chairman within fourteen days after completion thereof.

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

CHAPTER V.

Execution of Works.

Persons authorized by chairman empowered to enter upon lands for repair, &c., of roads within the municipality.

1. It shall be lawful for any person or persons thereunto authorized in writing by the chairman, at all reasonable times, with all necessary and proper servants, labourers, workmen, carriages, and animals, and other means, to enter upon any land adjacent or near to any existing or intended street within the limits of the municipality, and there severally to do and perform all acts, matters, and things necessary for the purposes of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any such street, or for building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon or in any way connected therewith, or for performing any act, matter, or thing under the provisions of "The Municipal Councils' Ordinance, 1887."

And to take materials.

2. It shall be lawful for any such person or persons authorized as aforesaid, with the servants, workmen, and labourers employed by or under him, at all reasonable times, and with all necessary and proper carriages, animals, and other means, to search for, dig, cut, take, and carry away any water, timber, brushwood, stone, gravel, clay, or any other material whatsoever for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing, or in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any existing or intended street, or of building, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or repairing any lines, or any buildings whatsoever required on or near any such thoroughfare for the use of any officer of the council employed on any work connected with such street, or any workmen, carriages, persons, or things employed in his service, in and from any land adjacent or near to any such street, and to carry away the same through the ground of any person without being deemed a trespasser; provided that no such materials shall be dug for, cut, or taken away upon or from any yard, avenue to a house or lawn, or any enclosed garden, plantation, field, or wood without the consent of the owner thereof, unless sufficient materials cannot conveniently be obtained from the neighbouring waste lands, or common or abandoned grounds, in which case the person or persons authorized as aforesaid may take any of such materials where they can be conveniently procured; provided also that reasonable compensation for all materials so taken, and for the damages done by the getting and carrying away the same, shall be made to the owner thereof; and provided further that such person or persons shall rail or fence off any quarries or pits from which any such materials shall be taken, so that the same shall not be dangerous to any person or animal.

And to throw rubbish on adjacent lands.

3. In the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended street, or building, excavating, repairing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, it shall and may be lawful for the person or persons authorized as aforesaid to throw upon any lands adjacent or near thereto such earth, rubbish, or materials as it shall or may be necessary to remove from the place of any such work; provided that such earth, rubbish, and materials shall be removed within a reasonable time.

And make temporary roads.

4. It shall be lawful for any person or persons authorized as aforesaid to make a road through the grounds adjacent or near to any existing or intended street during the execution of any work thereupon or in any way connected therewith; provided that such road shall not run over any ground whereon any building stands, or over an enclosed garden or yard.

And cut trees.

5. It shall be lawful for the person or persons authorized as aforesaid to cut and remove and place upon any ground adjacent or near thereto all trees, bushes, or shrubs, and all leaves or branches or roots of trees that grow in or overhang any street within the limits of

the municipality, or cause any obstruction therein, and for that purpose to enter upon any lands or premises with such persons, animals, and instruments as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots.

6. It shall be lawful for any person or persons authorized as aforesaid to put up or make fences, hedges, ditches, drains, or banks by the side of any street whenever it shall appear to him or them necessary, and the owners or occupiers of lands adjoining such fences, hedges, ditches, drains, or banks shall and are hereby required to keep the same in good substantial repair and order.

And put up fences.

7. The superintendent of works and every person authorized in writing by the chairman shall have power to make, scour, cleanse, and keep open all ditches, gutters, and drains or water-courses, and also to make and lay such trunks, tunnels, plats, or bridges as he shall deem necessary for the protection, preservation, improvement, repair, or construction of any street or road in and through any lands or grounds adjoining or lying near to such street or road or intended street or road.

And to make and keep open ditches, &c., and to lay trunks, &c.

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

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

9. Every person who shall sustain any loss or damage by reason of the exercise of any of the powers and authorities conferred by the by-laws in this chapter upon the superintendent of works or other persons authorized by the chairman, shall be entitled to receive compensation for the same ; provided such person shall make application in that behalf to the chairman at any time before the expiration of three months after the act, matter, or thing, in respect of which such damage is claimed, shall be alleged to have been done ; and if he shall fail to make such application within the aforesaid period, his claim to compensation for the alleged injury shall be disallowed, and he shall be barred from recovering the same ; and the amount of compensation, if the same cannot be agreed to, may be decided by arbitration, the chairman naming one arbitrator and the person claiming compensation another. If the two arbitrators cannot agree, they shall appoint an umpire, and the award of the arbitrators or umpire, to be given in terms of the reference to be agreed to by the parties, shall be final.

Compensation for damages.

CHAPTER VI.

Markets.

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

Public markets.

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

Hours of business.

2. It shall be lawful for the council to demise or let to farm for any term all or any of the rents, tolls, and fees from time to time payable in any public market under section 227 of "The Municipal Councils' Ordinance, 1887."

Lease of stall rents.

Disputes as regards rents how determined.

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

List of rents.

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

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

5. No person shall sell, or expose or hawk about for sale, any beef, mutton, or other meat or fish, in any place or street within the municipality (except at a public market provided by the council) without a special license from the council, or contrary to the tenor of such license.

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

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

Fee for special license.

7. It shall be lawful for the council to levy a fee not exceeding fifty cents a month for every special license mentioned in by-law 5 of this chapter.

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

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

Public market not to be occupied without license.

9. No person shall hold, use, or occupy a stall in any public market without a license (which license shall be in the form E in appendix hereto annexed, and shall be signed by the secretary), nor shall he contravene any of the conditions of the license.

Spaces for sale of vegetables, fruits, &c.

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

No person to enclose space.

11. No person shall enclose any such space or any part thereof, or erect any screen or fixture thereon, or have any box or erection thereon exceeding one foot in height. No person shall leave any article on any such space after the hour fixed for the closing of the market.

License not transferable.

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

No other than licensee to sell.

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

Only license and ticket-holders and registered agents permitted to sell goods in stalls.

14. No person holding a license or ticket for any stall or space in the public market shall under any pretence whatsoever suffer or permit any other person (excepting a person authorized as provided for in the preceding by-law) to use or occupy such stall or space or any part thereof, or to sell or expose for sale any goods, articles, or things of any description whatsoever without the authority of the council.

Licenses and tickets to be returned.

15. All licenses and tickets issued under by-laws 9 and 10 of this chapter shall be returned to the market-keeper by the person holding such license or ticket on his quitting the stall or space.

16. No person holding a license or ticket for any stall or space in a public market shall use or occupy or permit or allow any person acting on his behalf to use or occupy, and no servant of a person holding such license or ticket shall use or occupy, any ground beyond the limits of the stall or space rented by him.

Occupation of ground beyond limits prohibited.

17. Every person holding a license for a stall in a public market shall keep on or near such stall a receptacle to be approved by the chairman, in which such person shall deposit all rubbish and refuse matter.

Receptacles.

18. No person shall throw any rubbish, refuse, bones, skins of animals, or such like in or upon any public market or its premises, except into a receptacle provided for such purpose.

Throwing rubbish.

19. Every person holding a license for a stall in a public market shall sweep his stall daily and keep the same clean, and also any unoccupied space opposite his stall.

Stall to be swept daily.

20. Except as hereinafter provided, no carcase of any animal (or any portion thereof) not slaughtered at a municipal slaughter-house shall be brought into a public or private market or to any place specially licensed as provided in by-law 5 of this chapter, or sold or exposed for sale in any public or private market or in such specially licensed place. The provisions of this by-law shall not apply to frozen meat, game, or fish imported into the island.

No meat not slaughtered at municipal slaughter-house to be brought into market.

21. It shall not be lawful for any licensed butcher or for his agent or servant, or for any person, on any pretence whatsoever, to rub on and over, or to apply cocconut or other oil or substance to any meat or any part of the carcase of any animal exposed for sale within the municipality.

Butcher not to rub oil, &c., on meat.

22. If any person having a license to hold or occupy a stall in any public market, or holding a special license under by-law 5 of this chapter, shall wilfully neglect or refuse to serve the public during two consecutive days, it shall be lawful for the council to suspend or revoke any such license, and to refuse thereafter to grant a license to any such person.

Stalls to be kept open to public.

23. No person convicted of theft or other similar offence shall occupy a stall or space or be employed at any public market by any person holding a license or ticket for any stall or space in a public market.

Persons convicted of theft cannot be employed.

24. Any dog found straying in a public market unaccompanied by its owner may be seized by any person authorized by the chairman to seize dogs straying therein. Such dog may be released on payment, by any person claiming it, of any tax due in respect of such dog, and of a further sum of fifty cents, or if the dog shall have been seized during the night of a further sum of one rupee, in addition to the tax. If the dog be unclaimed, it shall be sent to the municipal pound to be disposed of in the manner provided under Ordinance No. 7 of 1893.

Seizure of stray dogs in the market.

25. All poultry and animals other than dogs found straying in a public market or the market premises shall be seized by any person authorized by the chairman to seize the same, and shall, if claimed within six hours from the time of seizure, be delivered over to the owner thereof upon payment of twenty-five cents each. If the same be not claimed within such time, they shall be detained in the municipal pound, and if not claimed within twelve hours of the seizure, shall be sold, and out of the proceeds the council shall be entitled to make a charge of one rupee, and the surplus, if any, shall be paid to the owner.

Seizure of poultry.

26. It shall not be lawful for any person to do any of the following acts :

Certain acts forbidden.

(a) Being a person holding a license or ticket for a stall or space in a public market, or being a servant or agent of any such person, to subject any person resorting to such market to unnecessary and vexatious annoyance or delay.

Causing vexatious annoyances or delay.

Cooking in public market.
Recovering or demanding fee in excess of that authorized.

- (b) To carry on any cooking in a public market.
- (c) Being a market-keeper or lessee of a public market or any person employed under him, to demand or receive a greater rent, toll, or fee than that authorized to be received, or to give any unnecessary or vexatious annoyance to any person under pretence of performing any duty or exercising any authority imposed or conferred upon him.

Fishing in tank.

- (d) To fish in the tank at the public market at Bogambra, or to throw into it any dirt, rubbish, or other substance.

Behaving in disorderly manner.

- (e) To behave in a disorderly manner, or commit any nuisance in any public market, or the premises appertaining thereto.

Vagrants.

- (f) To remain in a public market, or to loiter about such market after the place is closed for business at 9.30 P.M., without being able to give a satisfactory account of himself.

Damage to market and pollution of water.

- (g) To damage, or in anywise deface, any portion of the buildings, stalls, lamps, or any property of the council in or about a public market, or defile or pollute in any way the water provided for use in such public market.

No person suffering from infectious diseases to occupy market, stall, or space.

- (h) Being a person affected with any loathsome or contagious or infectious disease, to occupy any stall, seat, or space in any public or private market, or expose or carry about for sale in such market or in any street within the municipality any article whatsoever. And no person shall employ in any capacity in any public or private market any person affected with any such disease.

Coolies working for hire to be licensed.

27. With the exception specified below, no person shall work for hire as a market cooly within the limits of a public market who is not duly licensed for this purpose by the chairman or by such officer as he may authorize to grant licenses to market coolies.

Register to be kept.

28. A register of licensed coolies shall be kept in the office of the market-keeper, which shall be open to inspection of the standing committee during office hours on all days, except on Sundays and public holidays.

Licensed cooly to wear badge.

29. Every licensed cooly shall wear a badge and such distinctive dress as shall enable every person frequenting the market to know that he is licensed, and shall wear on his arm, or in some conspicuous place, a number corresponding with the number in the register of licensed coolies.

No other person to wear badge.

30. No other person than the licensed cooly shall wear the badge, distinctive dress, or number indicated in the preceding by-law.

Charge for badge and dress.

31. Licensed coolies shall be charged such sum for the badge and other distinctive dress referred to above as the standing committee shall from time to time prescribe.

License may be recalled.

32. The license issued to any cooly may be recalled and cancelled by the chairman if he sees proper. These rules shall not apply to prevent servants employed by persons frequenting the market to carry purchases made by them.

CHAPTER VII.

Slaughter Houses.

Cattle, &c., intended for human food to be exposed to public view.

1. Except as hereafter provided by by-laws 9, 10, 11, and 19 of this chapter, all animals intended for human food within the municipality shall be brought between the hours of 7 and 9 A.M. to a shed provided for the purpose, and shall be there exposed to public view for a period of not less than twenty-four hours immediately preceding the time of slaughter.

2. The municipal inspector on duty (or any other person authorized by the chairman) shall inspect the animals so brought, and shall reject all cows in calf and ewes and she-goats in kid, as well as any other animal that may appear to him, for any reason, to be unfit to be slaughtered for human food. Any animal so rejected shall be forthwith removed by the owner.

Inspector to reject animals unfit.

3. All animals which have been approved by such municipal inspector or other authorized person as fit to be slaughtered for human food shall be secured in the shed above mentioned until the expiration of the period of twenty-four hours mentioned in by-law 1 of this chapter, when such municipal inspector or other authorized person shall issue a permit (in the form F in the appendix hereto) for the slaughter of such approved animals, upon payment of the fees payable under these by-laws. Such animals shall be slaughtered at one of the municipal slaughter-houses at such hours as the chairman shall from time to time appoint.

And to issue permit for slaughter of approved animals.

4. Such permit for slaughter shall only be valid for two days after the date of issue.

Permit valid for two days.

5. In default of removing under a reasonable time any animal which has been rejected under by-law 2 of this chapter, or for the slaughter of which a permit has been issued, but which has not been slaughtered, or in respect of which any fee due under these by-laws has not been paid, the chairman may, after two days' notice by beat of tom-tom, sell such animal by public auction, and out of the proceeds retain the amount of the fees due and the reasonable expenses attending the sale, and shall pay over the surplus, on application, to the owner of the animal.

Sale of animals not removed, &c.

6. No person shall remove to the slaughter-house or premises, or possess within such slaughter-house or premises, any animal for which he has not obtained a permit as required by by-law 3 of this chapter. Every such animal may be detained by any municipal inspector, and if it be diseased it shall be destroyed.

Persons found within slaughter-house with animals without a permit guilty of offence.

7. It shall be lawful for the municipal inspector on duty (or other person authorized by the chairman) to refuse permission to slaughter for human food any animal notwithstanding it has been approved as aforesaid, if it should before slaughter be found diseased or otherwise unfit to be slaughtered for human food.

Animal found to be diseased not to be slaughtered.

8. If on any animal which has been approved as aforesaid being slaughtered, the carcase shall appear diseased or otherwise unfit for human food, the said municipal inspector or other person authorized by the chairman shall cause the said meat to be then and there destroyed or so disposed of as to prevent its being exposed for sale or used for human food. Should it be denied that the meat is unfit for human food, the said municipal inspector or other authorized person shall forthwith call upon the health officer or one of the councillors to proceed with him to the slaughter-house and there inspect the said meat; and should it be decided by the said health officer or councillor, whose decision in the matter shall be final, that the meat is unfit for human food, it shall be lawful for such municipal inspector or other authorized person thereafter to destroy or dispose of the same as hereinbefore provided in this by-law.

Disposal of diseased meat.

9. No meat of any cattle, sheep, or goat not slaughtered at a municipal slaughter-house shall be brought into the municipality without a special license from the chairman. Provided that this by-law shall not apply to imported frozen meat.

Meat of animal slaughtered beyond municipal limits not to be brought in without license.

10. It shall not be lawful for any person to sell or expose for sale within the municipality any meat brought in upon such special license, unless the same shall have been previously inspected and passed at the municipal slaughter-house as fit for human food by the officer appointed thereto by the chairman, and for every such inspection the council shall be entitled to charge and recover a fee of not more than four cents for every pound of meat so inspected; and upon payment of such fee a certificate shall be issued by such officer, stating that the meat has been inspected, and permitting the sale thereof.

Nor to be sold within municipal limits until after inspection.

For removal of meat from slaughter-house a pass necessary.

11. No person shall remove any meat of any animal slaughtered at a municipal slaughter-house, or inspected as in the preceding by-law provided, without a pass in the form G in the appendix hereto, certifying to such slaughter or inspection, signed by the slaughter-house keeper or other officer appointed to issue such passes, and it shall be the duty of the slaughter-house keeper or other duly appointed officer to issue such passes to any licensed butcher.

Meat to be conveyed in covered carts.

12. No person shall remove, or permit or cause to be removed, any meat of any animal in any quantity exceeding twenty pounds in weight from a municipal slaughter-house or any other place of slaughter to the market or other place within the municipality, unless the same shall be conveyed in a cart, with suitable roof or covering and screened in at each end, or in some other covered vehicle, so as to protect the said meat effectually from sun, dust, and rain, and screen it from public view. And no person shall expose or cause to be exposed to public view any raw skin or skins or raw hide or hides during carriage from place to place.

Carts to be washed and cleaned daily.

13. Every such cart used for conveying meat, skins, or hides shall be thoroughly washed and cleansed, and shall be produced to the slaughter-house keeper or a municipal inspector for his inspection daily.

Inspector to keep register of cattle.

14. The municipal inspector on duty or other person authorized as aforesaid shall keep a register of all cattle inspected by him, giving a description of the cattle and their brandmarks, and the other particulars set forth in the form H in the appendix. Such register shall be accessible to the public at the municipal office between the hours of 1 P.M. and 4 P.M. daily, except on Sundays and public holidays.

Owner shall produce proofs of ownership.

15. Such municipal inspector or other authorized person shall require the owner of each head of cattle brought for inspection to produce a certificate of ownership, signed by the person or persons from whom the same was received or purchased, containing the description of such cattle and the name and abode of such person or persons, and attested by two witnesses, one of whom shall be the police vidané, constable, or other headman of the district or division from which the animal was removed; and such certificates or vouchers shall be forwarded to the municipal office daily with the register prescribed by the preceding by-law.

Persons claiming animal.

16. Should any person claim any animal while exposed as aforesaid, or while in a municipal slaughter-house previous to slaughter, the said municipal inspector or other authorized person is hereby required to cause the slaughtering of the said animal to be stayed, and to call upon the claimant to furnish him in writing within twenty-four hours with the particulars of his claim, together with the address of the claimant, and with such other information as to the said inspector or other authorized person shall seem necessary.

Animal claimed to be taken before magistrate.

17. The said municipal inspector or other authorized person shall, as soon as such particulars have been furnished, cause the said animal to be produced before the magistrate, who shall thereupon summarily investigate and adjudicate upon the claim. Should, however, the claimant fail to furnish the particulars of his claim as before required, it shall be lawful for the said municipal inspector or other authorized person at the expiration of the twenty-four hours to permit the animal to be slaughtered.

In default of claimant substantiating his claim animal to be slaughtered.

Notice to be given to council when butchers intend leaving the municipality.

18. Every licensed butcher and every person holding a license for a stall in a public market, who intends leaving the municipality, shall give at least two days' previous notice in writing to the council of his intention, and he shall state in such notice the name in full of his agent or attorney who will carry on his trade as such butcher or his other business during his absence, and the name of every such agent or attorney shall be duly registered by himself or his agent in the register which shall be kept in the municipal office for that purpose, and such registration shall be entered within seven days of the licensed butcher leaving the district of Kandy. Every such agent or attorney shall be liable and amenable to all rules, regulations, and laws to which any licensed butcher or stall-renter is or shall be

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liable. Should any licensed butcher or person holding a license for a stall in a public market fail to give the notice above required, the chairman may revoke the license issued to such butcher or person licensed to occupy a stall in a public market.

Butcher failing to give notice.

19. The following fees shall be paid :	Cents.
For a permit to slaughter each buffalo or ox ...	50
For a permit to slaughter each sheep or goat ...	12½
For a permit to slaughter each pig ...	25
For housing and feeding each head of cattle—for every twenty-four hours or any part of twenty-four hours ...	25
For housing and feeding each sheep or goat—for every twenty-four hours or any part of twenty-four hours ...	12½
For housing and feeding each pig—for every twenty-four hours or any part of twenty-four hours...	12½

Fees to be charged.

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

20. It shall not be lawful for any person who is not a licensed butcher to slaughter any animal or any pig without a special license from the chairman, or contrary to the tenor of such license. A fee, to be determined from time to time by the council, shall be levied for every such license in addition to the stamp duty.

Fee for special license.

CHAPTER VIII.

Encroachments and Obstructions.

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

Council may in certain cases demand production of title deeds.

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

Demand of production of deed to include power of examination.

3. It shall be lawful for the chairman or any person authorized by him in writing, after reasonable notice to the occupier, to enter upon any land or premises upon which any such building, enclosure,

Chairman may authorize survey.

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

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

4. Should it appear to the council after such survey that the building, enclosure, or obstruction aforesaid is an encroachment upon the street, or that the line of the street has been altered without proper authority, the chairman shall give notice in writing to the occupier of the land or premises upon which such building, obstruction, encroachment, or alteration of the line of the street shall have been raised or made, that a survey of the premises has been made by the authority of the chairman and is open to the inspection of such occupier at a place to be therein mentioned, and that unless within one month from the service of such notice he or the person under whom he holds shall take legal proceedings for establishing his title to such land or premises, and for preventing the removal of any such building, obstruction, or encroachment, or the restoration of the former line of the street unlawfully altered, the said council will proceed with the removal or restoration thereof. If no legal proceedings are taken within the time specified, or being taken are not duly prosecuted, the council shall cause any such building, obstruction, or encroachment to be forthwith removed, or such altered street to be restored to its former line. And it shall be lawful for the council, or any person thereto authorized in writing by the council, to enter into any house, garden, enclosure, or other premises, and to cause to enter therein such persons with such instruments and things as may be necessary to effect such removal or restoration. And the expenses thereby incurred shall be paid by the person who claimed to be the owner of the land or premises on which the building, obstruction, encroachment, or alteration of the line of street was raised or made, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if they were expenses directed to be paid by the said Ordinance. When legal proceedings are taken as aforesaid, it shall be incumbent on the claimant to prove his title to the land or premises on which the said building, obstruction, encroachment, or alteration of line of street was raised or made.

Repealed 25/1901 CHAPTER IX.

Tax on Dogs.

Amount of tax.

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

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

2. The said tax shall be payable on or before such date in each year as the chairman shall direct, and if the amount of such tax be not paid into the municipal office within the time appointed, the chairman shall issue a warrant to some collector or other officer of the municipality directing him to levy the same and the costs of recovery, by seizure and sale of any property of the persons who have made default in the payment thereof, such sale being conducted, and the proceeds thereof disposed of, in all respects in accordance with the provisions of the Ordinance No. 7 of 1887.

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

Persons acquiring dogs to give notice.

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

Occupiers of houses to furnish returns when necessary.

CHAPTER X.

Seizure of Unwholesome Meat, &c.

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

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

CHAPTER XI.

Dangerous or Offensive Trades.

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

License required for manure depôt.

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

Fee for registration of kilns, &c.

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

Business under section 259 liable to inspection.

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

Holder of license to submit to conditions, &c.

use note

Conservance of
cattle stalls, &c.

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

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

6. Every owner or occupier of any place within municipal limits used for any of the purposes specified in section 259 of "The Municipal Councils' Ordinance, 1887," and every owner or occupier of a cart stand, cattle yard, bakery, coach-building yard, or manufactory, shall remove or cause to be removed from such premises, twice in every twenty-four hours (between 6 and 8 A.M., and again between 4 and 6 P.M.), all filth, dirt, and rubbish, and deposit it in such places as the chairman may approve.

Cart stands, &c.,
to be drained.

7. Every cart stand, cattle yard, and sheep pen shall be paved and drained to the satisfaction of the chairman.

CHAPTER XII.

Municipal Water Service.

Water-rate how
recoverable.

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

Appointment of
officers.

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

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

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

Waterworks
vested in council.

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

Council may
provide filtering
tanks, &c.

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

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

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

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

No person to foul water

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

or to wash at any standpipe, &c.

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

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

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

"Domestic purposes," what not included in.

11. The council may at its discretion, on application by the owner or occupier of any house, allow a private service of water to such house for domestic purposes in such quantities and under such conditions as the council shall deem reasonable. When a private service is allowed, the connection between the municipal main and the premises to be served, as well as the necessary service pipes and fittings, shall be made, laid, and affixed by municipal workmen under the supervision of the superintendent of works, at the expense of the person applying for such private service. The council may require the estimated cost of such private service to be paid into the municipal fund before the work in connection therewith is commenced.

Council may allow private service.

12. No communication pipe or service pipes or fittings shall be liable to be seized for any debt.

Water pipes not liable to be seized for debt.

13. No person shall lay or have any communication or service pipe or pipes for the conveyance of water from any of the municipal mains into any house, land, or premises, or alter, extend, or disconnect any existing service pipes without the sanction or consent, in writing, of the council; nor shall any such pipes be laid except by the employés of the council, nor until the council shall have approved of the point or place at or through which the same shall be laid.

Pipes not to be laid from mains to the house without sanction of council.

14. Unless the council shall otherwise permit, every house or premises to which water has been or may hereafter be laid on shall have its own separate communication pipe, and no house shall have more than one communication pipe, or have its service pipes connected with any service pipe, cistern, or other water fittings of any other house.

Communication pipes for groups of houses.

15. If any person shall, contrary to the provisions of the preceding by-laws, lay, or alter, or extend any communication or service pipe or pipes, it shall be lawful for the council to direct and order the said pipe or pipes to be removed; and if the same be not removed within three days of the service of notice upon such person requiring him to do so, the council may cause the same to be removed, and the expenses thereby incurred shall be ascertained and determined and recovered from such person in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if the same were expenses directed to be paid by the said Ordinance.

Council may order removal of pipes laid without leave and recover expenses.

16. No pipes for the conveyance of, or in connection with, the water supplied by the council shall communicate with any cistern, butt, or other receptacle used or intended to be used for rain water.

Communication of pipes.

17. No cistern buried or excavated in the ground shall be used for the storage of water supplied by the council, unless the use of such cistern shall be allowed in writing by the council.

Cisterns in the ground cannot be used for storage of water.

MS. MS.

Receptacle for storage of water.
Waste of water.

18. No wooden receptacle without a proper metallic lining shall be used for the storage of water supplied by the council.

19. No owner or occupier of a house shall allow water from any cistern, pipe, or tap on his premises to run to waste. Should any leakage occur in any communication or service pipe or in any cistern, tap, or other water fittings in any house or premises, the owner or occupier shall, within twenty-four hours, give notice of the same to the secretary.

When water improperly used, &c., meter to be affixed.

20. Should the council have reason to believe that in any house or premises water from the municipal waterworks is used by others than the members of the household, or for other than domestic purposes, or is wasted or unduly consumed, it shall be lawful for the council to fix a meter on the pipe supplying such house or premises, and the owner or occupier shall be liable to pay at such rates as may from time to time be determined by the council for all water shown by the meter to have been consumed in excess of one thousand gallons for every rupee of water-rate assessed in respect of such house or premises. It shall be lawful for the council to agree with any person to supply water for other than domestic purposes on such terms and subject to such conditions as to the council shall seem fit.

Council to provide meters.

21. The council shall provide and fix all meters, and may charge for the use of any such meter such rent as the council may deem reasonable.

Council may remove meter for testing, &c.

22. The council may from time to time remove any meter for the purpose of testing the accuracy thereof, or for examination or repair, or for the purpose of substituting another meter, or upon discontinuance of any private service.

Meter to be repaired only by employes of council.

23. No meter shall be altered or repaired except under the direction of or by persons employed by the council.

Council may shut off water.

24. It shall be lawful for the council to stop or cut off the supply of water between such hours as it shall deem necessary.

Council not liable for failure of water caused by unavoidable circumstances.

25. The council shall not be liable to any penalty or damages for not supplying water to the municipality if the want of such supply arises from any accident or from unusual drought or other unavoidable cause.

Owner, &c., of house having a private service not to supply water to others.

26. No owner or occupier of any premises having a private water service shall supply to any other person, or wilfully permit him to take, any water from any cistern or pipe in such premises, unless for the purpose of extinguishing a fire, or unless such other person shall also be an occupier having a private service, and the pipes supplying him shall be, without his default, out of repair.

Misuse of water an offence.

27. No person who has not been allowed a supply of water from the municipal waterworks for other than domestic purposes shall use for any other than domestic purposes any water supplied to or obtained by him from such waterworks.

Council may authorize entering and examination of premises having a private service.

28. Any person authorized by the Council may at any time between eight of the clock in the morning and five of the clock in the evening, after giving one hour's notice to the owner or occupier, enter any building or premises in order to examine the condition of the pipes, works, and fittings therein, and to ascertain if there be any waste or misuse of water. If such person is without reasonable cause refused admittance for the purpose aforesaid, or is prevented without reasonable cause from making such examination, or if necessary preventing waste of water, the council may stop the supply of water to such building or premises.

Water may be cut off for contravention of by-laws, &c.

29. The council may also stop the supply of water to any building or premises having a private supply should the owner or occupier be in default of payment of the water-rate fifteen days after the same has become due, or if such owner or occupier does, or causes or permits to be done, anything in contravention of any of the provisions of the by-laws in this chapter, or wrongfully fails to do anything which ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water belonging to the municipal waterworks.

30. In all cases in which the council is by these by-laws authorized to cut off or stop the supply of water to any building or premises or to remove any pipe or pipes, and in all cases in which any building or premises having a private service shall have become unoccupied, any person thereto authorized by the council and his workmen may, after giving six hours' notice to the occupier, if any, or the owner, enter such building or premises between the hours of eight of the clock in the morning and five of the clock in the evening, and cut off any pipes by which water shall be conveyed from the municipal main to such premises, and remove any pipe, meter, or fittings which the council may be entitled to remove.

Persons authorized by council may enter and cut off pipes, &c.

31. Whenever used in this chapter, the word "main" shall mean the pipe and all its branches by which water is conveyed from the municipal reservoir to the town of Kandy ;

Interpretation clause.

"Communication pipe" shall mean the pipe which extends from the main up to the stop valve placed at or near the point of entrance into any building or premises ; and

"Service pipe" shall mean the pipe and all its branches laid from the said stop valve into any building or premises.

CHAPTER XIII.

Prevention of Nuisances, and Public Safety and Convenience.

1. It shall be lawful for the chairman at any time to require the owner or occupier of any house, building, enclosure, or premises within the limits of the municipality, by notice in writing, to remove or cause to be removed the contents of any privy, pit, or water-closet in or belonging to such house, building, enclosure, or premises, to such place or places and within such time as shall be set forth in the said notice. Should such owner or occupier fail to comply with the requirements of such notice within three days from the time when such notice shall have been served on him, the chairman may cause the necessary work to be done, and for that purpose shall have power to enter into and upon any such house, out-house, building, enclosure, or premises, with such labourers, implements, and things as may be required ; and the expenses incurred shall be paid by the owner or occupier, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of " The Municipal Councils' Ordinance, 1887," as if the same were expenses directed to be paid by the said Ordinance.

Removal of contents of privies.

2. Any person who shall bury or cause to be buried, or deposit or cause to be deposited, the contents of any latrine, privy, pit, or water-closet within any house, building, or premises, or in or on any land within one hundred feet of any dwelling-house, well, stream, or water-course, shall be guilty of an offence. Upon receiving notice he shall at once remove the same to such place and within such time as the chairman shall direct. In default of compliance with such notice within the time appointed, the chairman and any officers or workmen authorized by him may enter upon such house, building, or premises and cause the necessary work to be done, and the expenses thereby incurred shall be paid by the person in default, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of " The Municipal Councils' Ordinance, 1887," as if the same were expenses directed by the said Ordinance to be paid.

Burying contents of privy within one hundred feet of a dwelling-house prohibited.

3. The owner or occupier of any house or land within the municipality who is desirous of removing, or who has been required as provided in by-law 1 of this chapter to remove, the contents of any privy on the said house or land, shall give notice to the chairman of the day and hour in which he intends to have the work done, upon which the chairman shall grant a permit to such owner or occupier to have the work done under the supervision of a municipal inspector, and

Owners and occupiers to employ only licensed persons.

V 12-158

upon such terms and conditions as shall be stated in such permit, by a scavenger licensed as hereinafter provided ; and no such owner or occupier shall employ on such work persons other than those licensed by the chairman.

Licensed scavenger or nightman.

4. Every person desirous of being employed as a licensed scavenger within the limits of the municipality shall first obtain a license from the chairman (in the form K in the appendix hereto).

Licensed person to be bound by rules on back of license.

5. Every licensed scavenger shall obey the rules and regulations endorsed on the back of his license, and upon an infringement by him of any of such rules and regulations the chairman may revoke his license.

Scavenger removing soil not to loiter.

6. No person carrying night soil through the street shall loiter, or deposit any vessel containing or intended to contain night soil on or by the side of any public road or street.

Carriage or cart removing night soil not to stand about.

7. No person in charge of a cart, wagon, or carriage used for the purpose of receiving and removing night-soil, sewage, or other matter from any cesspool, privy, or receptacle shall suffer such cart, wagon, or carriage to stand or remain in any public street, passage, highway, or thoroughfare for any longer time than shall be necessary for the loading thereof.

Removal of night soil.

8. Night soil shall be removed by such routes only as the chairman shall appoint.

Night soil, &c., to be deposited only in places provided.

9. No person shall deposit any night soil, dung, or other filth, dust, dirt, ashes, rubbish, or refuse in or upon any place except such places as are provided under section 172 of the Ordinance No. 7 of 1887.

Householder to deposit rubbish in proper receptacles.

10. Any person who is desirous that ashes, sweepings, refuse, or other rubbish from his premises shall be removed by the scavengers of the council, shall deposit the same in proper covered tubs, boxes, or other like receptacles on the curb-stones or edge of footpaths outside his premises at such hours daily as the council shall from time to time appoint by notice duly given ; and shall remove the said tubs, boxes, or other like receptacles within half an hour after the emptying of such tubs, boxes, or other like receptacles by the scavengers. No person shall place any ashes, sweepings, refuse, or other rubbish on any street except in covered tubs, boxes, or other receptacles as aforesaid.

Owner of alleys to supply receptacles.

11. The owner of any building let in apartments, flats, or portions shall provide the occupier of every separate tenement or portion of such building with covered tubs, boxes, or other receptacles for the deposit of sweepings, refuse, or other rubbish.

Use of public ground.

12. No public ground within the municipality shall be used for any purpose prohibited by the chairman by public notice.

Stabling in verandahs, &c., forbidden.

13. No person shall make use of the verandah of his house, or of any place not properly adapted for the purpose, in front of his house, or by the side of any street, as a stable or stall for keeping a horse, cattle, or any other animal.

Horses, &c., not to be groomed on street.

14. No person shall wash or groom, or permit or cause to be washed or groomed, any vehicle or animal in or on any pavement or street.

Interment of carcasses of animals.

15. The occupier of any house or premises within or upon which any cattle, horse, sheep, goat, or pig may die, shall, within four hours after its death, or if death occurs at night, within four hours after daylight, either remove the carcass at his own expense to such place as may be appointed by the council for that purpose, or report its death to the municipal inspector of the division in which such premises may be situated, and in such latter case shall pay to the inspector the expense of removing or burying the carcass at such rate as the chairman shall determine.

16. Whenever any tree, or branch or fruit of a tree, within the limits of the municipality, shall be deemed by the chairman to be likely to fall upon any house or building and injure the occupiers thereof, or whenever the same shall overhang any street, it shall be lawful for the chairman to cause notice in writing to be given to the owner or to the occupier of the ground upon which such tree stands to cut down or remove the said tree or branch or fruit; and if such owner or occupier shall not cut down or remove the same within twenty-four hours after such notice, the chairman and any officers or workmen authorized by him may enter upon such ground and cause the work to be done, and the expenses thereby incurred shall be paid by such owner or occupier, and shall be ascertained and determined and recovered in the manner provided by sections 281 and 282 of "The Municipal Councils' Ordinance, 1887," as if such expenses were expenses directed to be paid by the said Ordinance.
17. It shall not be lawful for any person to do any of the following acts :
- (1) To remove timber or other substance of more than twenty feet in length in any cart without having one end thereof secured to another or sling cart.
 - (2) To carry timber or other substance of more than twenty feet in length without one end being carried by another person.
 - (3) To remove iron bars in any cart without duly fastening each end of the said bars so as to prevent the noise they would otherwise make.
 - (4) To load firewood, casks, or any other articles in carts to any height exceeding six feet above the platform of such cart.
 - (5) To load on any cart or vehicle any timber, firewood, casks, straw, or other goods of any description whatsoever so as to project laterally beyond the wheels of the said cart or vehicle.
18. It shall be lawful for any municipal or police officer, and they are hereby required to detain any cart in which any timber or other article aforesaid has been loaded or is being conveyed contrary to the provisions of the preceding by-law, until such timber or other article has been so loaded or arranged that it can be conveyed in a manner not prohibited by the said by-law.
19. No person shall drive any cart or hackery conveying dirt, rubbish, cabook, granite, bricks, lime, or other articles or materials whatsoever without properly securing the same therein so as to prevent any part of the same from falling into the public street.
20. No person shall drive a cart drawn by bullocks or any cart or vehicle carrying goods or heavy articles along Lady Gordon's or Lady Horton's walk, or Lady MacCarthy's road.
21. No person shall push, draw, or drive any vehicle of any description on any footpath or pavement intended or made for foot passengers by the side or sides of any street, nor shall any person use, or cause to be used, any such footpath or pavement, or any part or parts thereof, or any part of any street, for location either permanently or temporarily of any stall, table, or platform for the sale of any article or articles of any description whatsoever, or for any purpose calculated to cause inconvenience or obstruction to foot passengers or vehicles.
22. It shall not be lawful for any person to ride any animal, or to drive any cattle, or to ride any bicycle, tricycle, or other similiar vehicle on any footpath or pavement or path set apart for the exclusive use of foot passengers.
23. The external walls of houses and yards adjoining the public streets shall be kept clean and in proper repair.
24. It shall not be lawful for any person to attach or affix any posters, placards, handbills, or other notices to or on any wall, building, house, premises, tree, or other place, save and except in any place which the council may at any time appoint.

Removal of dangerous trees.

Prohibitions.

Timber of twenty feet length to be removed in double or sling cart.

Iron bars to be fastened.

Firewood carts.

Timber, &c., not to project laterally.

Carts improperly loaded may be detained.

Carts carrying materials in insecure or careless manner.

Heavy carts not to be taken along certain roads.

Carriages and vehicles not to use pavements.

Cattle not to be driven on footpath.

External walls of houses adjoining streets.

Posters only to be put up on authorized places.

Seizure of cattle.

25. It shall and may be lawful for any person thereto authorized by the chairman to seize, or cause to be seized, any cattle, horse, sheep, goat, or other animal which he may find tied, tethered, straying, improperly driven, or tended, upon any thoroughfare within the municipality, unless such animal belong to any cart to which it is tied or tethered, whilst the same is being loaded or unloaded; provided that every such animal seized by him as aforesaid shall be forthwith delivered into the custody of the police officer in charge of the police station at Kandy; and such officer shall forthwith report such seizure to the chairman, who shall, if at the time of such report no claim be made to such animal, direct such officer to take the necessary steps for the safe custody and maintenance thereof, and to publish such seizure in the usual manner; and no such animal seized as aforesaid shall be delivered to the owner thereof unless upon payment to the council of the sum of one rupee, and of a further sum not exceeding fifty cents for each day during which the same shall have been kept in the custody of the said officer for the use of such officer; and if no person shall claim such animal, or pay such dues as aforesaid, within ten days after the animal shall have been so seized, it shall be lawful for the chairman, and he is hereby required, to cause the same to be sold by public auction, and after payment of the sum due to such officer for the custody and maintenance thereof, to pay the remainder of the proceeds of such sale, if any, to the secretary.

CHAPTER XIV.

Contagious and Infectious Diseases.

Removal of smallpox or cholera patients to hospital.

1. It shall be lawful for the chairman to cause any person suffering from smallpox, cholera, or other contagious or infectious disease in any house or place in which there are no means of isolating such person from the other inmates, or where the retention of such person is in the opinion of the colonial surgeon or health officer likely to prove a source of danger to others, to be removed to some public hospital or to a house of isolation provided by the chairman.

Removal of patient from one locality to another.

2. It shall be lawful for the chairman to allow any such person to be removed to any locality which such person or his friends may choose, and to which the said colonial surgeon or health officer does not object, instead of to such public hospital or house of isolation.

No removal except by sanction of chairman.

3. Except with the sanction of the chairman as provided in the above by-law, it shall not be lawful for any person to remove or assist in removing any person suffering from smallpox, cholera, or other contagious or infectious disease from the house or place in which such person shall be to any other house or place.

Quarantine of infected hospitals.

4. All hospitals and houses of isolation provided by the chairman shall, whilst being used for the reception of persons suffering from smallpox or cholera or other contagious or infectious disease, be placed under quarantine; and no person other than the duly appointed attendants shall be allowed ingress or egress into or from any such hospital or house of isolation, for any purpose whatsoever, except with the sanction of the medical officer in charge.

Medical certificate required for a patient to quit a hospital.

5. No patient shall be allowed to quit any such hospital or house of isolation until it is certified by the medical officer in charge that he is in a fit state to depart.

Bathing-places of patients restricted.

6. No convalescent patient shall be allowed to bathe in any public place, except those specially provided for such patients.

Infected houses to be placed under quarantine after removal of patients.

7. Any house or building from which a person suffering from smallpox or cholera or other contagious or infectious disease shall have been removed shall, when deemed necessary, for the purpose of cleansing and disinfection, by the chairman or the colonial surgeon or health officer, be placed under quarantine immediately on such

removal for such time not exceeding seven days as the chairman or the said colonial surgeon or health officer shall think sufficient ; and no person other than the duly appointed attendant shall be allowed ingress or egress into or from such building for any purpose whatsoever except with the sanction of the said colonial surgeon or health officer. The cost of charges for the maintenance of the inmates of any building placed as aforesaid under quarantine may, if found necessary, be met by the council.

8 It shall be lawful for the chairman or the said colonial surgeon or health officer, if necessary, for the more effectual placing of any building under quarantine, to surround and enclose the same with a fence, or in such other manner as the chairman or the said colonial surgeon or health officer shall consider advisable, or to block up and prevent people going through any road, street, path, or way near such building.

Isolation of infected houses.

9. The chairman or municipal magistrate shall have the power during the prevalence of cholera, smallpox, or other dangerous contagious or infectious disease, of prohibiting the collection or assembling of people within certain defined limits of any public hospital, house of isolation, or building placed in quarantine as above provided.

Assemblies near infected houses may be prohibited.

10. No corpse of a person dying from smallpox or cholera, or other dangerous contagious or infectious disease, shall be buried at a depth of less than six feet.

Depth of grave.

11. "Colonial surgeon," wherever used in this chapter, means the senior civil medical officer in Government employ stationed at Kandy.

Colonial Surgeon.

CHAPTER XV.

Carriages licensed to ply for Hire.

1. The chairman, acting on behalf of the council, or any officer of the council thereunto authorized by the chairman, shall determine the number of passengers to be carried in each licensed carriage, and such number as well as the registered number of the carriage, and the year for which it is licensed, shall be painted in a conspicuous part (to be determined by the chairman) of such carriage, and shall at all times be plainly and distinctly visible and legible, provided, however, that such painting may be dispensed with at the discretion of the chairman. An infant carried in arms, or on the lap, or a child under eight years of age shall not be deemed a passenger, but two children under eight years of age shall be considered a passenger. No driver of a licensed carriage shall refuse to carry the full number so determined, or shall carry more than the said number.

Chairman to determine number of passengers, and such number to be painted on the carriage.

2. Every licensed carriage shall at all times have and carry two good and sufficient lamps, one on either side of the driver, ready for lighting, and the same shall be lighted, if the carriage be used, between the hours of 6 P.M. and 5.30 A.M.

Every carriage to have two lamps.

3. The owner of every licensed carriage shall keep the same clean and in good repair, and shall not permit it to be used if the said carriage or any part of it, or the horse drawing the same or the harness, is in any way unfit for use, and it shall be lawful for any municipal inspector or officer of police to seize any carriage which he shall find being used, while either the carriage, horse, or harness is not in a fit state to be used, and to convey the same to the nearest police station, and thereafter produce the same as soon as possible before the magistrate, and charge the owner of the said licensed carriage with a breach of this by-law.

Licensed carriages to be kept in good order.

If carriage unfit for use, owner to be noticed not to hire out.

4. If any licensed carriage or the horse or horses, harness, or other equipment belonging thereto shall at any time be found unfit for public use, notice in writing prohibiting the use of such carriage may be given by the chairman to the owner, and after such notice the owner shall not use or suffer to be used or let for hire such carriage until the prohibition aforesaid shall have been withdrawn.

Inspectors to inspect carriage on chairman's authority.

5. A municipal inspector, being thereto authorized by the chairman in writing, shall, at least once a month, or oftener if the chairman or such inspector deem necessary, inspect all carriages licensed to ply for hire within the municipality, and the harness and the horse or horses used in drawing any such carriage, and the other equipments, and shall submit a report thereof to the council.

Carriages produced for inspection.

6. For the purpose of such inspection the owner of every licensed carriage shall produce or cause to be produced every month, on any day between the fifteenth and twenty-third (Saturdays, Sundays, and holidays excepted), at the municipal office or some other place to be appointed by the chairman, between such hours as the chairman shall appoint, the said carriage with the horse described in the license harnessed thereto.

Notice of change of horse.

7. The owner of any licensed carriage who desires to use a horse other than that described in the license issued in respect of such carriage, shall forward his license to the municipal office for alteration, and at the same time send the horse for inspection by the municipal inspector authorized by the chairman to inspect the same, on such day and at such time as may be appointed by the chairman.

License not transferable.

8. It shall not be lawful for the proprietor of any licensed carriage to transfer the license to any other person. Should he sell or transfer to another person any carriage which shall have been licensed, he shall give notice to the chairman of such sale or transfer and return to the municipal office the license granted to him in respect of such carriage.

Council to appoint stands.

9. The council may from time to time appoint places as public stands for licensed carriages, and may at any time, by resolution, abolish or alter the situation of any such public stand.

Notice to be given of opening of stands.

10. Whenever it shall be determined to appoint, abolish, or alter the situation of any public stand, the council shall cause notice to be given in such manner as to the council shall seem fit.

Licensed carriages to pay from stand.

11. Every licensed carriage shall (unless let for hire by special agreement, and except while being kept at the residence of the proprietor) be sent by the proprietor to one or other of the duly appointed public stands, and the driver shall keep such carriage on such stand and remain with it himself between the hours of 6.30 A.M. and 7.30 P.M.

Position to be taken by carriage at stand.

12. Every carriage on its arrival at a public stand shall be drawn up at the end, and be last in the line, of carriages already occupying such stand; and at every such stand all carriages shall be arranged in single rank only.

Space after every fourth carriage in stand.

13. After every fourth carriage on every public stand there shall be left, should such stand be on a public street, a space of at least eight feet for passengers on foot to pass through.

Driver of licensed carriage not to loiter in street.

14. The driver of a licensed carriage shall not at any time suffer the same to stand in any street (except for the purpose of setting down or taking up passengers) or to loiter in any street, nor shall he obstruct the driver of any other carriage in taking up or setting down any person, or wilfully, wrongfully, or forcibly prevent or endeavour to prevent the driver of any other licensed carriage from taking a fare.

Driver to wear a coat and carry a badge bearing number of license.

15. The driver of every licensed carriage shall be cleanly dressed, and shall wear a coat and badge, which shall be provided by the council (at the cost of the owner of such carriage), and such badge shall bear a number corresponding with the number of the license granted in respect of such carriage.

16. The owner or driver of any licensed carriage shall be bound at all times to let such carriage for hire, whether the same be on a public stand or at the residence of the owner, or at any other place wheresoever, to any person applying for the same, and to carry such person from any one place to another on any carriage road within the municipality, unless the said carriage shall have been previously engaged, or unless he has some other reasonable cause for refusing. Provided that the proof that there was reasonable cause for refusing shall lie on the owner or driver, and that any person so applying for such carriage shall, upon demand being thereto made, immediately, and before such carriage is used, pay to the owner or driver the fare authorized by law ; and provided further that no licensed carriage shall be compelled to carry passengers more than ten miles during any period of twelve hours.

Owner or driver of carriage bound to let same on hire.

Proviso.

Fare payable on demand.

17. After a licensed carriage has been engaged by any person, the owner or driver thereof shall be bound to carry out his engagement, and shall not, after refusing to carry or convey the person by whom the said conveyance was first engaged, thereafter hire the said carriage to another.

Refusal of driver to hire after engagement.

18. The following shall be the rates of fare ; no fares for carriages, other than hackeries, shall be charged by distance, unless by special agreement :

Rates and fares.

	Between 6 A.M. and 7 P.M.		Between 7 P.M. and 6 A.M.	
	Rs.	c.	Rs.	c.
<i>For carriages drawn by one horse :—</i>				
From 6 A.M. to 7 P.M. ...	5	0	—	—
For any six consecutive hours ...	2	50	3	20
For the first half hour or part thereof ...	0	60	0	75
For the second half hour or part thereof ...	0	60	0	75
For the second hour or part of such hour ...	0	60	0	75
For every subsequent hour ...	0	30	0	40

For carriages drawn by two horses :—

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

For a hackery drawn by one bullock :—

For every hour or part thereof ...	0	25	0	30
Per mile ...	0	8	0	10

Jinrickshas :—

For first half hour or part thereof ...	0	25	0	30
For the second half hour or part thereof...	0	25	0	30
For any subsequent half hour or part thereof	0	10	0	15
From any place in Hill street, Brownrigg street, Ward street, or the Kachchéri road, or any place within the limits enclosed by the said streets and a line drawn from the Kachchéri to the end of Hill street, to any other place in any of the said streets or within the same limits, each journey...	0	10	0	15

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

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

Table of fares to be affixed inside carriages.

20. In case of any property being left in any such carriage by any person who may have hired or used the same, the owner or driver of such carriage shall, within six hours after such property shall have been found in such carriage, take the same, or cause it to be taken

Property found in carriages.

in the state in which it was found, to the municipal office or the nearest police station, and there deliver the same to the secretary, or the person in charge of such police station ; and the owner or driver delivering such property shall be entitled to such remuneration as the chairman shall direct, payable by the owner of such property before the same shall be allowed to be removed. If the property so found on any such carriage shall not be claimed and removed by the true owner thereof within one month, the property shall be sold by public auction, after due notice of such intended sale, and the proceeds of such sale, deducting the expenses incurred in and about the publication of such sale and the remuneration awarded to the finder, shall go to the municipal fund.

Form of license.

21. The license issued to the owner of any carriage to be let for hire shall be in the form L in the appendix, and such license shall not be transferable. Provided that it shall be lawful for the chairman to grant at his discretion and on such conditions as to him may seem fit, a special license in respect of any carriage intended to be let for hire by private agreement only, and to exempt the owner and driver of any such carriage from the operation of any of the preceding by-laws of this chapter. Such specially licensed carriage shall not be admitted to a public stand.

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

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

Interpretation.

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

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

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

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

CHAPTER XVI.

Public Bathing-places.

Public bathing-places : wells to be walled

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

and drained.

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

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

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

Tubs to be painted.

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

No diseased persons to bathe thereat.

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

Penalty on lessee for failure to observe regulations.

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

7. No person shall bathe or wash in any part of the Kandy lake, or under or near the bridge at the lake spill, except in such place as may be set apart as a bathing-place.

Bathing in the lake forbidden.

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

Fishing prohibited.

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

Washing of animals not allowed in lake.

CHAPTER XVII.

Relating to Guides.

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

Licensed guides to wear uniform

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

and carry pocket register.

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

Fees for licensed guides.

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

CHAPTER XVIII.

Relating to Burials and Burial Grounds.

1. No person shall without special leave of the council bury or cremate or assist in burying or cremating any dead body in any place except in a cemetery duly proclaimed under Ordinance No. 12 of 1862, or in premises specially registered in the office of the council (under Ordinance No. 2 of 1894) as a burial ground or cremation ground.

Burials and cremations where allowed.

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

Burial and cremation grounds to be registered and keeper named.

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

Who is to be the keeper if no keeper named.

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

4. In the event of the death, or inability from any cause to fulfil his duties, of the keeper of a burial or cremation ground, application to have the same registered shall be made as provided in by-law 2 of this chapter, and no burial or cremation shall take place in such ground until registration on such application has been effected, except on the special license of the chairman, or in his absence of the health officer.

Certificate before burial.

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

Keeper to keep register.

6. It shall be the duty of the keeper of every burial or cremation ground within the municipality to keep a register of all burials or cremations carried out on the premises of which he is the keeper, in the form prescribed by the chairman, and to cause to be delivered a copy of this register to the municipal office not more than twenty-four hours after a burial or cremation shall have taken place therein.

Chairman may inspect burial and cremation grounds. Grounds to be kept clean.

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

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

Fees to be approved by chairman.

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

Burial grounds to be enclosed by wall or fence.

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

CHAPTER XIX.

Registration of Mortgages.

Mortgagee may register mortgage.

1. It shall be lawful for every mortgagee of any immovable property situate within the municipality, or for his heirs, or any one of them, or for the legal representative of such mortgagee if deceased, to cause any such mortgage to be registered at the office of the council, and every person holding any such mortgage, and desiring to have it registered, shall either by himself or by his agent furnish the council with his name and address and with the name and address of the owner or mortgagor of the property so mortgaged, together with any other particulars connected with its description or otherwise necessary for the proper identification of the property ; and thereupon, and upon the payment of a fee of 50 cents to be paid by such person, the council shall cause the aforesaid particulars to be entered in a book kept for that purpose in the office of the council.

Register open to inspection.

2. Every such register shall at all times, during the office hours of the council, be open to the inspection of any person desiring to have such inspection, on payment of a fee of 25 cents to the council.

Council to give notice to mortgagee of seizure.

3. In the event of any property concerning which any such mortgage shall have been registered as provided in by-law 1 of this chapter being seized in execution under section 149 of the Municipal Councils' Ordinance, No. 7 of 1887, the council shall, at least fourteen days before advertising such property for sale under section 151 of the said Ordinance, post or deliver to the party who shall have registered such mortgage notice in writing of the said seizure and of the amount of arrears of taxes for the realization of which such property shall have been seized.

4. It shall be lawful for any such mortgagee, or for his heirs, or any one of them, or for his legal representative to pay to the council, at any time before the sale of any property seized as aforesaid, all arrears of taxes, or the arrears in respect of which the seizure shall have been made, due by the owner or mortgagor of such property, and upon such payment being made the property shall be released from seizure.

Mortgagee may pay arrears of tax.

APPENDIX.

Form A (Chapter II., By-law 9).

MUNICIPALITY OF KANDY.

In the matter of _____.

To _____.

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

By order of the Chairman,

Municipal Office,
Kandy, _____, 189 —.

Secretary.

Form B (Chapter III., By-law 3).

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

To _____.

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

Kandy, _____, 189 —.

Signature _____.

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

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

By order of the Chairman,

The Municipal Office,
Kandy, _____, 189 —.

Secretary.

Form C (Chapter III., By-law 4).

Schedule required by Section 146° of the Municipal Councils' Ordinance, No. 7 of 1887.

Occupant, _____ Street.

House No. _____.

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

No. of carts or hackeries of whatever description _____.

No. of jinrickshas _____.

No. of horses, ponies, or mules _____.

No. of bullocks or asses _____.

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

Kandy, _____, 189 —. Signature of Occupant.

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

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

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

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

By order of the Chairman,

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

Secretary.

Form D (Chapter III., By-law 6).

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

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

By order of the Chairman,

The Municipal Office,
Kandy, _____, 189 —.

Secretary.

Form E (Chapter VI., By-law 9).

Market Stall License.

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

This license to be in force during the pleasure of the Municipal Council.
Dated at Kandy this _____ day of _____, 189—.

Secretary, Municipal Council.

Conditions on which License is issued.

1. A sum of Rs. _____ shall be deposited as security; the amount to be forfeited should the rent not be paid in accordance with these conditions.
2. The monthly rent shall be paid regularly in advance.
3. The license is not transferable.
4. The licensee shall conform to the market rules and regulations contained in chapter VI. of the by-laws, and to by-law 18, chapter VII.

I agree to the several conditions :

Kandy, _____, 189—.

Signature of Licensee.

Form F (Chapter VII., By-law 3).

Permit.

No. _____, Kandy, _____ 189—.

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

- Description : _____
- Colour : _____.
- Age : _____ years _____ months.
- Brandmarks on right : _____.
- Brandmarks on left : _____.
- Remarks : _____.
- Butcher's signature : _____.

Inspector on Duty.

Form G (Chapter VII., By-law 11).

_____ having this day slaughtered _____ head of cattle examined and passed by _____ (or having produced for inspection meat of _____ cattle slaughtered outside the Municipality, as the case may be), admit to stall No. _____ the meat carried by him in cart No. _____.

Kandy, _____, 189—.

Slaughterhouse-keeper.

Form H (Chapter VII., By-law 14).

Register of Cattle inspected by _____, on _____, 189—.

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

Form I (Chapter IX., By-law 4).

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

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

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

Date of Service : _____, 189—.

Kandy, _____, 189—.

Signature of Occupier.

By-law relating to tax on Dogs.

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

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

By order of the Council,

The Municipal Office,
Kandy, _____, 189—.

Secretary.

we head

19 12 1896

Form J (Chapter XI., By-law 1).

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

Form K (Chapter XIII., By-law 4).

License.

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

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

By order of the Chairman,

The Municipal Office,
Kandy, _____, 189 —.

Secretary.

Rules and Regulations referred to.

1. The holder of this license shall be entitled to charge every person engaging his services according to rates sanctioned from time to time by the Chairman.
2. The holder of this license shall clean and empty, between the hours of 10 P.M. and 3 A.M. only, all privies in respect of which his services shall be engaged, and shall use disinfectants, to be supplied by the Municipal Council at a moderate cost, when carrying on the work, and shall bury and properly cover over the contents of such privies in such places only as shall be approved of the Council.

Form L (Chapter XV., By-law 21).

Carriage License. (Not Transferable.)

No. _____.
Kandy, the _____ day of _____, 189 —.

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

Such _____ shall not carry more than _____ persons, excluding the driver.
Given under my hand the day and year first above written.

Entd. _____, Chairman, Municipal Council.

Description of the horse to be used in drawing the above carriage.

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 20 of 1896.

An Ordinance to abolish the Local Board and to provide for the Improvement and Sanitation of the Town of Nuwara Eliya.

WEST RIDGEWAY.

WHEREAS it is expedient to abolish the Local Board of the town of Nuwara Eliya and to make provision for the maintenance of the public health, general conservancy, and improvement thereof : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

I.—Preliminary.

1 This Ordinance may be cited for all purposes as "The Nuwara Eliya Board of Improvement Ordinance, 1896," and shall come into operation on such day as the Governor may, by Proclamation in the *Government Gazette*, appoint.

Short title.

Commencement.

2 In this Ordinance, unless the context otherwise requires :

Interpretation.

"Annual value" shall mean the gross annual value without any deduction for expenses of repair, maintenance, or upkeep.

"Street" shall mean any road, street, square, court, ally, 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.

"Bridge" shall include all bridges, culverts, sluices, dams, and bunds.

"Person" shall include any association of persons whether incorporate or not.

"Board of Improvement" shall mean the Board of Improvement of Nuwara Eliya constituted under this Ordinance.

3 From and after the date on which this Ordinance comes into operation the Local Board of Nuwara Eliya, established under the provisions of Ordinance No. 21 of 1877, shall be abolished, and all property, movable and immovable, under the provisions of Ordinance No. 7 of 1876, or of Ordinance No. 27 of 1890, heretofore vested in the Local Board of Nuwara Eliya, shall, as and from the date aforesaid, become and be vested in the Board of Improvement, subject to any debts or liabilities which may have been incurred by the Local Board of Nuwara Eliya in respect thereof.

Local Board of Nuwara Eliya abolished.

II.—Constitution of Board of Improvement.

4 All rates, taxes, assessments, fines, recoveries, and incomes, and all moneys which at the time this Ordinance comes into operation shall be standing to the credit of the

Rates and taxes to vest in Board of Improvement.

Price 15 cents.]

local fund of the town of Nuwara Eliya, and all moneys levied in the town of Nuwara Eliya under the authority of this Ordinance, or any other Ordinance to be hereafter enacted, or which may be made over at any time from the general revenue, shall form a fund, which shall be and the same is hereby vested in a board consisting of four persons, two of whom shall be the Government Agent of the province and the Assistant Government Agent of the district, and two to be appointed from time to time by the Governor, who, if need be, shall have power to remove such persons and to appoint others in their place. Such board shall be called the Board of Improvement of Nuwara Eliya.

Constitution of board.

5 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 define the limits of the town for the purposes of this Ordinance, and such Proclamation to amend, alter, or revoke as and whenever the Governor shall, with the like advice, determine.

Limits to be defined by Governor.

6 All rates, taxes, rents, or other payments due to or imposed by, and all assessments made by or for the Local Board of Nuwara Eliya under Ordinance No. 7 of 1876 or Ordinance No. 27 of 1890 at the time this Ordinance comes into operation, shall be enforced, levied, recovered, paid, acted on, and proceeded with by the Board of Improvement in like manner as if the same had been respectively due to, imposed by, or made by the Board of Improvement under the provisions of this Ordinance; and all fines and penalties incurred previously to the coming into operation of this Ordinance shall be enforced, levied, and recovered by the Board of Improvement in like manner as if the same had been incurred under the provisions of this Ordinance; and all executive proceedings commenced by the Local Board of Nuwara Eliya previously to the coming into operation of this Ordinance shall be continued, proceeded with, and completed by the Board of Improvement in like manner as if the same had been commenced by the Board of Improvement under the provisions of this Ordinance.

Rates, taxes, &c., due when Ordinance comes into operation to be enforced by board.

7 The Assistant Government Agent of the district shall be the executive officer of the Board of Improvement of Nuwara Eliya, and he shall carry out and give effect to the decisions and resolutions of the board.

The executive officer.

8 It shall be lawful for such Assistant Government Agent to do, as executive officer of the Board of Improvement, any of the acts he is specially authorized by this Ordinance to do. Provided, however, that in no case shall he spend, apply, or pay moneys out of or belonging to the fund without the authority in writing of the Board of Improvement first had and obtained.

May do certain acts.

9 For the purposes of this Ordinance the Government Agent of the Province shall be ex-officio chairman of the Board of Improvement, and shall, when present, preside at any meeting thereof. If the ex-officio chairman is absent at any meeting, the members present shall appoint their own chairman to preside at such meeting.

Government agent to be ex-officio chairman. When ex-officio chairman absent members to appoint their own chairman.

10 All acts whatsoever authorized or required by virtue of this Ordinance to be done by the Board of Improvement may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, two of whom shall form a quorum. 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.

Powers of board to be vested in the majority.

Quorum.

Chairman to have a casting vote.

III.—Accounts.

11 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 the 31st day of December, and a statement of the sums levied and expended under this Ordinance, shall be made in writing by the Board of Improvement, and a copy or duplicate of such account and statement shall be forwarded to the Colonial Secretary to be laid before the Governor in Executive Council ; and an abstract thereof shall be published in the *Government Gazette* for general information before the first day of March following.

Annual accounts to be prepared and submitted to Government and an abstract published in the *Government Gazette*.

IV.—Actions by and against Board.

12 In any suit, action, or legal proceeding which may be brought by or against the Board of Improvement, such board may sue and be sued by the style or description of the Board of Improvement of Nuwara Eliya, 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 the board may become liable to pay or be chargeable with, shall be paid from the fund, and no member shall become personally liable for the payment thereof. The service of all processes in any legal proceeding against the board shall be made upon the Assistant Government Agent of Nuwara Eliya.

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 Assistant Government Agent.

V.—Funds of Board.

13 All moneys vested in the Board of Improvement of Nuwara Eliya shall be applied by such board to the conservancy and improvement of the town, to the maintenance of the public health therein, the construction and maintenance of waterworks, the lighting of the town by electricity, the payment of the salaries and wages of the officers and servants employed by the board, the payment of interest and sinking fund on loans, and, with the previous sanction of the Governor in Executive Council, to purposes of public recreation, and all other expenses incurred in and about the carrying out of the provisions of this Ordinance.

Application of moneys vested in board.

14 The Board of Improvement shall be entitled to take and receive for the 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) :

Other constituents of fund.

- (1) All stamp duties payable for or in respect of the licenses of any carts, boats, or coaches registered in the kachchéri of the town of Nuwara Eliya,

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 by the inhabitants of such town under the 5th and 9th sections of the Ordinance No. 9 of 1893, intituled "An Ordinance to amend the Law relating to Butchers and the Slaughter of Cattle;" under the 4th section of "The Nuisances Ordinance, 1862;" under the Ordinance No. 4 of 1878, intituled "An Ordinance to amend the Law relating to the possession and sale of Opium and Bhang;" under the Ordinance No. 19 of 1869, intituled "To make provision relating to the possession and use of Firearms;" under "The Licensing Ordinance, 1891;" and under "The Sale of Poisons Regulation Ordinance, 1876," 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 "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 "To amend and consolidate the Law relating to Notaries;" and for articles of clerkship or contract to serve as clerk for admission as a notary under "The Stamp Ordinance, 1890," or under any of the above enactments.
- (4) All fines levied and penalties recovered in the police court of Nuwara Eliya in respect of any offence committed within the limits of the town.

Board may assess rates on property.

Such rates not to exceed six per cent. per annum.

15 It shall be lawful for the Board of Improvement, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to make and assess, with the sanction of the Governor in 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 six per centum per annum on such annual value over and above the sum necessary for the maintenance of the police and the water-rate for the said town of Nuwara Eliya. Provided also that all buildings appropriated to religious or educational purposes or in charge of military sentries 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 ratable under this Ordinance.

16 The valuation of lands, houses, and tenements which shall have been made, and shall hereafter from time to time be made for the purpose of police assessment tax under the Ordinances No. 16 of 1865 and No. 7 of 1866, shall be taken as the valuation for the purposes of assessment under this Ordinance.

Value of police assessment to be adopted in any town in which a police force is established.

17 The assessment rate imposed under this Ordinance shall be paid and recovered in the same manner and at such times 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 Assistant Government Agent of Nuwara Eliya shall collect and recover the assessment rate payable under this Ordinance, and shall pay such rate into the fund.

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

18 From and after the day on which this Ordinance comes into force, it shall be lawful for the Board of Improvement, acting under the authority of this Ordinance, to impose and enforce an annual tax payable in six days' labour, or in such sum of money not exceeding two rupees and fifty cents as the board by resolution may determine in commutation of such labour, upon all persons residing within the limits of the town who 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, if this Ordinance had not been passed.

Board may levy road tax.

19 It shall be lawful to the Board of Improvement, and they are hereby authorized and empowered, with the sanction of the Governor in Executive Council, to levy an annual tax on all carriages, carts, hackeries, horses, ponies, mules, bullocks, asses, and dogs kept or used within the town of Nuwara Eliya, and which are not (as respects carts, carriages, and coaches) the carts, carriages other than hackeries, and coaches referred to in section 14, at the rates not exceeding those specified in the Schedule A hereto, and such tax shall be payable at such times as the Assistant Government Agent shall direct, and shall be assessed and levied in the manner hereinafter mentioned.

Taxes on carriages, &c., not plying for hire.

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 the town, or vehicles kept for sale by *bona fide* dealers in such vehicles.

Proviso.

20 (1) The tax leviable under section 19 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 the town of Nuwara Eliya. But no person shall be liable under this section for any vehicle or animal which has been in his possession for less than sixty days in any half year.

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

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

20 of 1896.

Transferee not liable.

(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.

Tax how recoverable.

(3) If any person liable to pay the tax leviable under section 19 fails to pay the same within seven days after demand, the Assistant Government Agent 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.

Assistant Government Agent may compound with livery stable keepers and others.

21 The Assistant Government Agent 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 specified in the Schedule A hereto.

List of persons liable to the tax to be entered in a book.

22 The Assistant Government Agent shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the kachchéri, 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 19, a description of the vehicles and animals in respect of which they are liable, and the amount of the tax assessed thereon.

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

23 In order to enable the Assistant Government Agent to make such list, the Assistant Government Agent 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 Assistant Government Agent 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 kachchéri 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.

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

24 It shall be lawful for the Assistant Government Agent 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 19. And the Assistant Government Agent 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 such person is liable to be taxed.

Penalty for disobeying summons or hindering the Assistant Government Agent.

25 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 Assistant Government Agent, 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.

VI.—*Property vested in Board.*

26 All waste ground or land situate within the town of Nuwara Eliya, and all stone, cabook, or gravel quarries therein situate, which may be handed over to the Board of Improvement, with the sanction of the Governor (and of which handing over a record in writing shall be made, signed by the persons authorized to hand the same over and by the chairman of the said Board of Improvement), and all right, title, and interest in such ground, land, and quarries shall be and the same are hereby vested in the said board, to be administered and the revenue thereof employed and made use of for the benefit of the town and for the purposes 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 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 Ordnance has or may have in the property hereinbefore mentioned or in any part thereof.

Certain lands to be vested in the board.

Proviso.

Further proviso.

27 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 of Improvement), shall be and the same is hereby vested in the Board of Improvement, 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.

28 All public streets and bridges and public markets and the lands used as such within the town of Nuwara Eliya (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 Improvement for the purposes of this Ordinance.

Public streets and bridges to be vested in board.

VII.—*Powers, Duties, and Functions of the Board of Improvement and of the Assistant Government Agent.*

29 From and after the time when this Ordinance shall come into operation, 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 the town of Nuwara Eliya, be transferred to and become vested in and be exercised by the Board of Improvement.

Powers given to boards of health under Ordinances No. 15 of 1862 and No. 8 of 1866 to be vested in the Board of Improvement.

30 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," it shall be

Power to make by-laws.

lawful for the Board of Improvement of Nuwara Eliya from time to time to make such by-laws as it may deem expedient, and the same from time to time to add to, cancel, alter, or amend for any of the following purposes :

- (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, management, and regulation of markets.
- (6) For the imposition and recovery of rents for the use of stalls or spaces in any market, and for the issue of permits with or without conditions to occupy the same, or the imposition and recovery of an annual fee therefor.
- (7) For regulating the use of firearms within the town.
- (8) For the regulation of dangerous and offensive trades.
- (9) For the seizure and forfeiture of unwholesome flesh, fish, or other provisions introduced into the town or exposed for sale therein.
- (10) For the suppression of cruelty to animals.
- (11) For regulating the mode and times of fishing.
- (12) For taking care of waste or public lands.
- (13) For the putting up and preservation of boundaries and fences of lands, whether public or private.
- (14) For the setting apart and regulation of bathing-places.
- (15) For—
 - (a) Enforcing the recovery of the amount to be paid in commutation of labour due under section 18 ;
 - (b) Calling out and compelling the performance of such labour ; and
 - (c) Enforcing in case of default the performance of increased or double labour, or the payment of increased or double commutation, and costs.

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 the Board of Improvement under 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 com-

mittee shall, so far as respects the town of Nuwara Eliya, be vested in and exercised by the Assistant Government Agent.

- (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 ventilation of huts and houses constructed within the town of Nuwara Eliya.
- (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.
- (20) For preventing waste, misuse, undue consumption, or contamination of the water supplied under the provisions of this Ordinance, and for every other purpose relating to the due preservation and maintenance of 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.

Provided that such by-laws shall not be contrary to any of the provisions of this Ordinance. Provided also that such by-laws, and every added, altered, and amended by-law, shall not be of any force or effect until they have been submitted to and confirmed by the Governor, acting with the advice of the Executive Council, who is hereby empowered, with such advice, to confirm or disallow the same. The by-laws, when allowed, shall be published in the *Government Gazette* in the English, Sinhalese, and Tamil languages respectively, and shall thereupon become as legal, valid, and effectual as if they had been enacted in this Ordinance; and all courts, judges, and magistrates shall take judicial notice thereof.

Rules to be confirmed by the Governor and published in the *Gazette*.

31 It shall be lawful for the Board of Improvement 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 fund such salary or wages as to such board may seem fit.

Board may appoint secretary and other officers.

32 It shall be lawful for the Board of Improvement, with the sanction of the Governor in Executive Council, to do any of the things following:

Power of the board to improve streets and levy and sell lands and buildings.

- (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 fund to the owners or occupiers of any property required for such purposes, or injured by the carrying out thereof.
- (2) To purchase or take on lease land or buildings for the purposes of this Ordinance, and pay for the same out of the fund, and sell the same or any other property vested in the board.

To purchase and sell lands.

20 of 1896.

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

33 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 Assistant Government Agent of Nuwara Eliya, 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.

Other powers of the board.

34 It shall be lawful for the Board of Improvement, 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 drain sewers.
- (9) To establish pounds for stray cattle.

Electric light.

35 The Board of Improvement may, with the sanction of the Governor in Executive Council, light the town with the electric light, and for that purpose may from time to time contract with any person whomsoever, or purchase, take upon lease, hire, or construct and maintain all machinery and apparatus required for such purpose, and do and execute all such works, matters, and things as shall be necessary in that behalf.

Cost of electric light.

36 The cost of providing and maintaining the electric light shall be paid from the fund, and the Governor in Executive Council shall from time to time fix the proportion of the assessment rate that shall be applied to this purpose.

Waterworks.

37 The Board of Improvement may provide the town or any portion of the town within defined limits with a supply of drinking 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.

38 (1) To provide for the cost and maintenance of such waterworks, it shall be lawful for the Board of Improvement to levy within the town or defined portion thereof a water-rate on such annual value of all houses, buildings, lands, and tenements as shall be determined for the purpose 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 five per centum on such annual value as aforesaid,

and shall be collected, recovered, and paid over to the Board of Improvement by the Assistant Government Agent in the same manner as the assessment rate levied under 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.

39 (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.

Ratepayer entitled to water free of charge from public standpipes. 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.

40 The Board of Improvement 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.

Contract for private service and for supply of water for other than domestic purposes. No assessment, valuation, &c., to be impeached for want of form.

41 No assessment or valuation, and no charge or demand of any rate or tax under the authority of this Ordinance, and no seizure and 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 Ordinance or of any by-law lawfully made by the Board of Improvement 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.

42 It shall be lawful for the Board of Improvement, 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 improvements, any waterworks, the lighting of the town of Nuwara Eliya by electricity, or any work of a permanent character. 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 of Improvement 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.

The Board of Improvement may borrow on security of rates and taxes.

Mortgages to be by deed.

43 Every mortgage of rates or taxes authorized to be made under the provisions of this Ordinance shall be by deed, free from stamp duty, in which the consideration shall be truly stated, and every such deed shall be signed by the Assistant Government Agent of Nuwara Eliya, and shall be in the form in the Schedule B to this Ordinance annexed, or to the like effect.

When and how board may pay off mortgages.

44 If the Board of Improvement can at any time borrow or take up any sum of money at a lower rate of interest than secured by any previous mortgage given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and taxes which they are authorized to mortgage under this Ordinance or any part thereof with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein-before contained.

Sinking fund for payment of debts.

45 In order to discharge the principal money borrowed as aforesaid on security of any rates or taxes, the Board of Improvement shall every year appropriate and set apart out of such rates and taxes a sum equal to at least one-hundredth part of the sums so borrowed respectively as a sinking fund, to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Imperial, Indian, or Colonial Government securities, to be approved by the Governor in Executive Council, and to be increased by accumulation in the way of compound interest or otherwise, and which interest shall, when it amounts to a sufficient sum, in like manner be invested until the principal sum and interest respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the Board of Improvement shall think ought then to be paid off, when the same shall be so applied in paying off the said principal debts or part thereof in manner hereinafter mentioned.

Order of payment of mortgages may in certain cases be decided by lot.

46 Whenever the Board of Improvement shall be enabled to pay off one or more of the mortgages which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order of payment by lot among the class to which such one or more of the mortgages belong, and shall cause a notice signed by the chairman to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified, at the expiration of six months from the date of giving such notice.

Proper authority.

47 (1) The Board of Improvement shall, for the purposes of section 23 of the Ordinance No. 9 of 1893, be the "proper authority" for the town of Nuwara Eliya, anything in the said Ordinance to the contrary notwithstanding, and shall and may make, alter, amend, or revoke rules and regulations

in reference to public slaughter-houses, and to places appointed for the slaughtering of cattle in Nuwara Eliya in manner and for the purposes provided in that section.

(2) The provisions of the Ordinance No. 2 of 1893 shall continue to be in operation in the town of Nuwara Eliya, and all powers and duties vested in a local board and the chairman thereof shall be exercised and performed by the Board of Improvement or the chairman thereof as the case may be.

48 It shall be the duty of the Board of Improvement 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 28), and all public wells and tanks within the limits of the town.

49 (1) The Board of Improvement may set apart suitable public places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable public places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants of the town of Nuwara Eliya.

(2) The Assistant Government Agent may by public notice prohibit bathing or washing animals or clothes in any public place not so set apart, or at times or by persons other than those specified, and all other acts which may render water in public places foul or unfit for use, or may cause inconvenience or annoyance to persons using the bathing or washing places. Such notice shall be published in the English, Sinhalese, and Tamil languages in the *Government Gazette* and in two at least of the local newspapers.

(3) Any person who bathes, washes, or does any act contrary to such prohibition as aforesaid shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

50 It shall be lawful for the Assistant Government Agent of Nuwara Eliya 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 he may think fit, regard being had to the comfort and convenience of the inhabitants.

51 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," so far as respects the town of Nuwara Eliya shall be vested in the Board of Improvement, except so far as such powers, duties, and responsibilities are inconsistent with any of the provisions of this Ordinance.

52 It shall not be lawful for any person to erect any range or block of huts or sheds or buildings, whether to be used as dwellings or stables or for any other purposes, on any plot or parcel of ground not previously built upon, or on which no buildings are standing, or to add any hut, shed, or building to any range or block of huts, sheds, or buildings already existing when this Ordinance comes into operation, without previous

Sale of opium licenses.

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

Any person bathing or washing animals or clothes in any public place not set apart for that purpose liable to a fine not exceeding fifty rupees.

The Assistant Government Agent may regulate processions and music in the streets.

Powers of provincial and district committees vested in board.

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

notice to the Board of Improvement ; and the board may require such huts, sheds, or buildings to be built so that they may stand in regular lines, with a free passage or way in front of each line of such width as the board may think proper for salutary ventilation, and for facilitating scavenging, and at such a level as will admit of sufficient drainage, and may require such huts, sheds, or buildings to be provided with latrine or latrines, which must be maintained in proper order. And if any such huts, sheds, or buildings be built without giving such notice to the Board of Improvement 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 huts or 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.

Powers of the board as to existing huts.

53 Whenever the Board of Improvement is satisfied that any huts, sheds, or buildings, whether used as dwellings or stables, or for any other purposes, and whether existing at the time when this Ordinance comes into operation or subsequently erected, are by reason of the manner in which they are crowded together, or of the want of drainage and the impracticability of scavenging attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such huts, sheds, or buildings requiring the owners or occupiers thereof, or, at its option, the owner of the land on which such huts, sheds, or buildings are constructed, within such reasonable time as may be fixed by the board for that purpose, to execute such operations as the board may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, any person appointed by the board in that behalf may cause the said huts, sheds, or 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 huts, sheds, or buildings be pulled down, the said person shall cause the materials of each hut, shed, or building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut, shed, or building, or if the owner be unknown, or the title disputed, shall be held in deposit by the board until the person interested therein shall obtain the order of a competent court for the payment of the same.

Proviso.

Provided always that in case any huts, sheds, or buildings existing at the time when this Ordinance comes into operation should be pulled down under this section by order of the Board of Improvement, or in pursuance of its notice, compensation shall further be made to the owner thereof.

Houses in a ruinous and dangerous state.

54 If in any street any house, building, or wall, or anything affixed thereon, be deemed by the Board of Improvement to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such house or building or to the neighbouring houses or buildings, or to the occupiers thereof, or to passengers, 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 from such owner or occupier.

55 If any such house, building, or wall, or any part of the same be pulled down by virtue of the powers aforesaid, the Board of Improvement 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 house, building, or wall.

Sale of materials of ruinous houses.

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 of Improvement shall be at liberty to pay the amount of such overplus to the credit of the fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The Board of Improvement, although it sells such materials for the purposes aforesaid, shall have a right to recover so much of the said expenses as may remain due after the application of the proceeds of such sale.

Proviso.

56 Whenever it shall appear to the Board of Improvement 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.

Overcrowding of houses.

57 It shall be lawful for the Board of Improvement at any time between sunrise and sunset, by any person appointed by the same (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 from the owner or occupier.

Power of board to inspect and limewash houses.

Penalty for making unauthorized drains into public sewers.

58 Whoever, without the written consent of the Board of Improvement 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 expense incurred thereby shall be paid by the person making such drain, and shall be recoverable from such person.

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

59 No building shall be newly erected over any public sewer, drain, culvert, gutter, or water-course without the written consent of the Board of Improvement; 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 from such person.

Board may order or cause additional latrines to be constructed.

60 In case the Board of Improvement 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 from such owner.

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

61 It shall be lawful for the Board of Improvement 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 from such person.

Neglect to enclose private latrine.

62 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 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 of Improvement may in its discretion permit the continuance of such latrine for such time as it may think fit with a door or trap-door opening on to any street, where such latrine already exists and does not create a nuisance.

63 All drains, latrines, and cesspools within the town of Nuwara Eliya shall be under the survey and the control of the Board of Improvement, 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 from him.

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.

64 If any such drain, or latrine, or cesspool be constructed after this Ordinance comes into operation, contrary to the direction and regulations of the Board of Improvement, 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.

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

65 The Board of Improvement or any person 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 person 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 provisions thereof, 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 from such person; 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 person 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 of Improvement.

Inspection of drains and latrines

66 When any private tank or low marshy ground or any waste or stagnant water, being within any private land, appears to the Board of Improvement 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

Power to fill up unwholesome tanks on private premises.

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 any person appointed by it and its 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 from him.

Place of deposit for filth.

67 The Board of Improvement from time to time shall provide places, or may use places already provided, convenient for the deposit of the night soil, dung, and other filth, and for dust, dirt, ashes, and rubbish.

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

68 All dirt, dust, ashes, rubbish, sewage, soil, dung, and filth collected under the authority of the Board of Improvement from streets, houses, latrines, sewers, and cesspools shall be the property of the Board of Improvement, 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 fund.

VIII.—Miscellaneous.

Assistant Government Agent may enter into contracts.

69 It shall be lawful for the Assistant Government Agent of Nuwara Eliya 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 Assistant Government Agent and by the other party contracting.

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

70 In the event of any special work of local improvement being undertaken by the Board of Improvement 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.

71 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 Assistant Government Agent, it shall be his duty, if such owner be residing within the town of Nuwara Eliya, to cause every such notice to be given to the owner ; and if he be not resident within such town, to send every such notice by the post addressed to the residence of such person.

Proviso.

Assistant Government Agent, in default of owner or occupier, may execute works and recover expenses.

72 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 Assistant Government Agent, 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.

73 If the defaulter be the owner of the house, building, or land, the Assistant Government Agent of Nuwara Eliya 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.

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

74 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 Assistant Government Agent, 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 work as aforesaid.

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

75 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 Assistant Government Agent, 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.

Proviso.

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

76 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 Assistant Government Agent, 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 he think fit, order the occupier to pay to the owner the costs

Proceedings if an occupier opposes the execution of the Ordinance.

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.

77 If neither the owner nor the occupier be able to pay the expenses incurred by the Board of Improvement or by the Assistant Government Agent, 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.

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

Board may direct prosecution.

79 The Board of Improvement or the Assistant Government Agent 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 fund.

No action to be instituted against board until after one month's notice or three months after cause of action.

80 No action shall be instituted against the Board of Improvement 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.

81 The Board of Improvement may make compensation out of the 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.

Board may make compensation out of fund.

82 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.

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

83 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.

Recovery of damages.

84 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.

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

85 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 of Improvement 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.

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

86 When the Board of Improvement or the Assistant Government Agent, with the sanction of 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 of Improvement 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.

Recovery of expenses on account of work done.

87 The breach of any by-law 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.

Punishment for breach of by-laws.

Punishment for obstructing officer of board.

88 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, rigorous or simple, for any term not exceeding three months.

Penalty for misuse of powers by officers.

89 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.

	Ru.	c.
For every carriage of whatever description other than a cart, hackery, or jinricksha ...	5	0
For every cart or hackery of whatever description...	3	0
For every jinricksha ...	2	50
For every horse, pony, or mule ...	2	50
For every dog ...	1	50
For every bullock or ass ...	1	0

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

SCHEDULE B.

No. ——— Form of Mortgage.

By virtue of "The Board of Improvement of Nuwara Eliya Ordinance, 1896," the Board of Improvement of Nuwara Eliya, in consideration of the sum of ——— rupees paid to the credit of the funds of the said board by A. B., of ———, for the purposes of the said Ordinance, grant and assign unto the said A. B., his heirs, executors, administrators, and assigns, such portions 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 ——— rupees 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 ——— rupees, with interest at ——— per cent. 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 ———.

C. D.,

Assistant Government Agent.

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.



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

No. 21 of 1896.

An Ordinance to consolidate and amend the Law providing for the granting of Pensions to Widows and Orphans of Deceased Public Officers of this Colony.

WEST RIDGEWAY.

WHEREAS it is expedient to consolidate and amend the law providing for the granting of pensions to the widows and orphans of deceased public officers of this colony: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited as "The Widows' and Orphans' Pension Fund Ordinance, 1896," and shall come into operation on such day as the Governor may by Proclamation in the *Government Gazette* appoint.

Short title.

2 On and from the day on which this Ordinance comes into operation, the Ordinances mentioned in the schedule hereto shall be severally repealed; provided that such repeal shall not affect—

Repeal.

- (a) The past operation of anything duly done or suffered under the said Ordinances hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder; nor
- (c) Any penalty or forfeiture incurred in respect of any breach of the provisions of the said Ordinances hereby repealed; nor
- (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, or forfeiture as aforesaid.

3 The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction:

Interpretation of terms:

"Public officer" shall mean (1) a person contributing to the Widows' and Orphans' Pension Fund established under the provisions of the Ordinance No. 20 of 1885; (2) a person so contributing and holding a permanent office in the service of this colony separately provided in the estimates, which has been declared to be pensionable by a notification published in the *Government Gazette*, and drawing a salary from the Colonial Treasury of not less than two hundred and fifty rupees annually in respect either of one such office or of two or more such offices held conjointly; and (3) a person appointed or promoted after this Ordinance comes into operation to any such permanent office. Provided that the provisions of this Ordinance shall not apply to any officer who is by law entitled to have more than one wife at any one time, nor to the widow or children of any such officer.

"Public officer."

- "Salary." "Salary" shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of this colony in respect of which office he may become entitled under any regulations which are now or which may hereafter be in force to a pension, but shall not include any fees accruing to any officer in respect of such office.
- "Pension." "Pension" shall include superannuation allowance, but not compassionate allowance, retiring allowance, or gratuity.
- "Directors." "Directors" shall mean the directors appointed under section 6 of this Ordinance.
- "Treasurer." "Treasurer" shall mean the officer holding the office of Treasurer of the colony.

Fund how constituted.

4 The fund already formed and now in existence and the fund to be created under the provisions of this Ordinance for providing pensions for widows and children of public officers shall be consolidated and called "The Widows' and Orphans' Pension Fund."

Investment of fund.

5 All moneys belonging to the fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of this colony, and shall bear interest payable by the said Government during the continuance of the fund, or until by Ordinance passed not earlier than the First day of March, One thousand Nine hundred and Two, the rate of interest be altered, at the rate of six per centum per annum free from any deduction, and such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon the mean monthly balance standing in the hands of the Treasurer of the colony to the credit of such fund during the course of the year.

Appointment of directors.

6 (1) For the due and proper management of the fund the Governor, with the advice of the Executive Council, shall appoint any number of public officers, not exceeding five, as directors thereof.

Cancellation of such appointment.

(2) It shall be lawful for the Governor, with the advice of the Executive Council, to cancel and annul the appointment of any person appointed to be a director, and upon notification thereof in the *Government Gazette* such person shall cease to be a director, and shall cease to have and exercise the powers of a director.

Substitution of director.

(3) In the event of the death of a director, or in the event of the absence from the island of a director, or in the event of the cancellation and revocation of the appointment of any director, the Governor, with the advice of the Executive Council, shall appoint a public officer to be a director in place of the director who shall have died, or shall be absent from the island, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a director by this Ordinance.

Management of fund.

(4) The directors shall superintend and direct the management and administration of the fund, and shall see that the laws and regulations relating thereto are duly fulfilled.

(5) It shall be the duty of the directors annually, on or before the thirty-first day of January, to prepare a statement and account of the fund for the year ending the thirty-first December preceding, and such statement and account shall be laid before the Governor and the Legislative Council.

Annual report.

(6) The Governor may from time to time appoint such officer or officers as he may consider fit and necessary for carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of the Governor.

Appointment of agents, &c.

(7) The Governor, with the advice of the 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 and to those heretofore appointed, and the directors of "The Widows' and Orphans' Pension Fund" shall, subject to such rules, pay such pensions and gratuities out of the moneys of "The Widows' and Orphans' Pension Fund."

Pension to officers employed under the directors.

(8) The officers receiving salaries of Rs. 250 and upwards from the moneys of "The Widows' and Orphans' Pension Fund," and entitled to pension under any rule made under the preceding section, are hereby declared to be public officers within the meaning of this Ordinance, and may be required to give security under the provisions of "The Public Officers' Security Ordinance, 1890."

Officers to give security.

(9) At every meeting of the directors the senior public officer present shall preside. Every question shall be decided by the vote of the majority of those directors present at the meeting, provided that if the votes be equally divided the chairman shall have a casting vote in addition to his vote as director. There shall be no meeting at which there shall not be at the least three directors present and voting.

Meetings of directors.

7 A sum not exceeding five per centum of the annual contributions to the fund may be paid by the Treasurer to the directors for the purpose of defraying all expenses connected with the management and administration of the fund, provided that no payment shall be made to any director as salary or remuneration for his own services without the consent and approval of the Governor, with the advice of the Executive Council.

Cost of management of fund.

8 The directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*, shall be valid and binding upon all persons.

Directors may make rules and regulations.

9 (1) From and after the commencement of this Ordinance a monthly abatement of four per centum shall be made from the salary or pension as the case may be of every public officer.

Abatement from salaries and pensions.

(2) The abatement of four per centum from the salaries and pensions of contributors shall be made by the Treasurer, or in case of payments made by the Crown Agents by such Crown Agents, upon each occasion of payment of salary or pension, and placed to the credit of "The Widows' and Orphans' Pension Fund."

Treasurer to deduct from salaries and pensions.

Officers required to pay abatement to Treasurer.

(3) In the event of such abatement not being made, every public officer shall pay to the Treasurer or Crown Agents within fifteen days after the receipt by him of his salary or pension a sum equal to four per centum upon his monthly salary or pension. Such sum and the arrears of any contribution due and payable under the provisions of the Ordinance No. 20 of 1885 shall be taken to be a debt due to the fund by the public officer, and shall be payable to the Treasurer or Crown Agents, together with interest thereon at nine per centum per annum, forthwith or by such instalments as the directors may determine. The Treasurer or the Crown Agents shall, upon the written order of the directors or of any two of them, deduct from any moneys which may be or may become due or payable to the public officer by whom such debt is payable the whole or any part of such debt. The provisions of the Ordinance No. 22 of 1871 shall not apply to any such debt.

Period for which abatement shall be made.

10 The abatement of four per centum from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four per cent. from such pension.

11 A public officer who has attained the age when he shall have acquired the right to retire from the public service, or who may be allowed to retire from the public service on account of ill-health before he attains the age at which he would otherwise be entitled to retire, or who may be deprived of the situation in respect of which he contributed to the fund, but who is entitled to retire on pension, should he retire on a pension, shall not be called upon to make any further contribution to the fund beyond a monthly abatement from his pension of four per centum on such pension, to commence from the date of his retirement, until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

Provided that in the event of such public officer having no wife or male child below the age of eighteen years or female child unmarried and below the age of twenty-one years at any time intimating his intention in writing to the directors not to contribute further, he shall be considered as having ceased to have any interest in the fund, and shall have no claim thereon.

Contributions may continue in full if income reduced.

12 Whenever the salary of a public officer becomes reduced by abatement of the ordinary emoluments or by retirement on pension, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and subject to the same terms and conditions as if he had continued to draw the higher salary. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary or pension, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

13 A public officer who may retire from the public service, or who may be deprived of the office in respect of which he contributed to the fund, but who shall not be granted a pension, may continue to contribute from the date of his so retiring or being deprived of his office on the salary which he was receiving at the date of such retirement or deprivation, at the same rate and subject to the same terms and conditions as if he had continued in the public service and continued to receive the salary which he was receiving at the date of such retirement or deprivation. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his so retiring or being deprived of his situation or of his ceasing to contribute in accordance with the tables hereinafter referred to.

An officer deprived of his office may continue to contribute.

14 A public officer other than a bachelor who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Crown, may continue to contribute to the fund from the date of his ceasing to hold office in the service of this Government on the salary which he was receiving at the date of such transfer, at the same rate and subject to the same terms as if he had continued in the service of this Government and continued to receive the salary which he was receiving at the date of such transfer. In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled after the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor to the fund at the date of his being transferred or of his ceasing to contribute in accordance with the tables hereinafter referred to.

Provisions for case of officers transferred to other employment under the Crown.

15 Every public officer shall, within three months of the date of his becoming liable to contribute to the fund, forward to the directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births. The public officer making the declaration shall furnish to the directors such proof of the statements made therein as may be required by the directors.

Officer to furnish particulars within three months of his appointment.

16 Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the directors a declaration setting forth the date of such marriage, and the maiden name of his wife, and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify marriage.

17 Every public officershall, within three months, notify to the directors the date of the birth of each child born to him after the passing of this Ordinance.

Officer to notify birth of child.

Officer to notify death of wife, or if she be divorced from him.

18 Every public officer whose wife shall die or be divorced from him, or whose child shall die, or whose female child shall be married, and the guardian of every child who shall die, or of every female child who shall be married, shall, within three months thereof, notify to the directors the date of such death, divorce, or marriage.

Penalty for non-compliance with foregoing.

19 Every public officer who shall in the judgment of the directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided, or who shall in the judgment of the directors have furnished any false information or made any false declaration, may be adjudged by the directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Treasurer shall, upon the judgment of the directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the fund.

Who shall be entitled to pension.

20 The widows and orphans entitled to pensions from the fund are the widows and orphans of public officers who have contributed to the fund in accordance with the provisions of this Ordinance or the Ordinance No. 20 of 1885, save as hereinafter excepted. No pension shall become due, and no pension shall be paid to any widow or orphan of any public officer until every debt due to the fund by such public officer shall have been fully discharged.

Exceptions from benefits of fund.

21 No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance, unless a lawful child is born of such marriage. The child of any public officer born out of wedlock, who has become legitimate by the subsequent marriage of such public officer with the mother of such child, shall be entitled to a pension or allowance from the fund, unless his father shall have died within twelve months of such marriage, in which case such child shall lose all interest in the fund.

Provided that it shall be lawful for the directors, with the consent of the Governor in Executive Council, to award a pension to such widow or child if it shall appear to them just and reasonable in the special circumstances of any case.

When pension to orphans shall cease.

22 The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years.

Pension how computed.

23 The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the Governor with the advice of the Executive Council. Such tables shall be adjusted and revised by an actuary or actuaries who shall be from time to time appointed by the Governor with the advice of the Executive Council. All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to re-adjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.

Pension to orphans.

24 When a public officer being a widower and unmarried dies leaving a child or children entitled to pensions, or when

a widow of a public officer dies and there be a child or children of such public officer surviving entitled to pension, the pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided among the children.

25 The widow of a public officer who marries again shall cease to receive a pension from the date of such marriage ; and the children of such widow and public officer shall thereupon be entitled to pension as hereinbefore provided in the event of the death of both parents.

Provision in case of widow marrying.

26 When a public officer dies leaving a widow and children the issue of a previous marriage existing when he became a contributor to the fund, or contracted after he became such contributor, and such children are of ages which entitle them to pensions from the fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children; and if the public officer dies leaving no such children, or when they cease to be entitled to pension, then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.

Provision in case of a widow and children of a previous marriage.

27 The children of a widower becoming a contributor to the fund shall be entitled on his death to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.

Pension to children of a widower.

28 The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the directors to require proof that any widow or child is alive and entitled to the pension claimed by such widow or child.

Pension to be paid monthly, and proof of death to be produced before payment.

29 In any case in which a minor is entitled to payment of a pension or portion of a pension under this Ordinance, it shall be lawful for the Directors to appoint some fit and proper person to whom such pension shall be paid. Such appointment shall be in writing under the hand of at least three of the directors, and the receipt of such person shall be a legal discharge for the payment of such pension or portion thereof.

Directors to appoint person to receive payment on behalf of minors.

30 No pension payable from the fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void, and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.

Pensions not to be assigned or levied upon.

Questions and disputes to be decided by Governor in Executive Council.

31 Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, it shall be lawful for the directors, and such directors are required, upon the application of any such public officer, widow, or child, to submit such question for decision to the Governor; and the decision of the Governor thereon, with the advice of the Executive Council, shall be final. Provided that nothing in this section contained shall be deemed to take away or abridge any right of action possessed by such public officer, widow, or child.

Widow not entitled to pension if marriage contracted after officer had ceased to contribute

32 No widow of a public officer whose marriage was contracted after he had ceased to contribute, and no child of such marriage shall be entitled to any pension.

Pension not to exceed amount fixed by the actuary.

33 The pension to which any widow, or in the event of the death of the widow to which the child or children of a public officer shall become entitled, shall in no case exceed three thousand rupees, or such sum which shall be fixed by the actuary or actuaries appointed under the 23rd section of this Ordinance.

No increase or decrease of pension if residing in climate less or more healthy than Ceylon.

34 No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being less or more healthy as to climate than Ceylon.

One-half of bachelor's contribution to be returned on retirement.

35 Fifty per cent. of the contributions made by a bachelor shall be returned, but without interest, upon the retirement, unmarried, of such officer from the Public Service of this colony with or without pension.

SCHEDULE.

Ordinances Repealed.

(See Section 2.)

No. and Year.	Title.
20 of 1885 ...	The Widows' and Orphans' Pension Fund Ordinance, 1885.
1 of 1890 ...	An Ordinance to amend "The Widows' and Orphans' Pension Fund Ordinance, 1885."
15 of 1894 ...	An Ordinance to amend the Law providing for the granting of Pensions to Widows and Children of deceased Public Officers of this Colony.

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 22 of 1896.

An Ordinance to amend the Ordinance No. 20 of 1892, intituled "An Ordinance for exempting from Customs Duty certain Articles imported or purchased for the use of Her Majesty's Naval and Military Forces."

WEST RIDGEWAY.

WHEREAS it is expedient to amend the Ordinance No. 20 of 1892, intituled "An Ordinance for exempting from Customs Duty certain Articles imported or purchased for the use of Her Majesty's Naval and Military Forces": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 On and from the date on which this Ordinance comes into operation, sub-sections (c) and (d) of section 1 of the Ordinance No. 20 of 1892, intituled "An Ordinance for exempting from Customs Duty certain Articles imported or purchased for the use of Her Majesty's Naval and Military Forces," in so far as it relates to Her Majesty's regular military forces, shall be repealed; but such repeal shall not affect—

Repeal of Ordinance No. 20 of 1892 so far as it applies to military forces.

Saving clause.

- (a) The past operation of the sub-sections hereby repealed, nor anything duly done or suffered thereunder; or
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder.

2 The Governor, with the advice of the Executive Council, may authorize the payment annually of a sum not exceeding twenty-five thousand rupees from the revenue of this colony to be applied towards the payment to the several officers, warrant officers, sergeants, and rank and file mentioned in the first column of the schedule hereto, at the monthly rate or commutation allowance specified in the second column of the said schedule, or to be applied in such manner as the Secretary of State for War may determine.

A sum not exceeding twenty-five thousand rupees annually to be paid out of the revenue as commutation allowance.

3 The sum or amount not exceeding twenty-five thousand rupees to be paid under the preceding section shall be deemed to be a fixed commutation, payable by the colony, in lieu of the exemption from or rebate of customs duty on articles of every description imported, purchased, or procured for the use of Her Majesty's regular military forces other than those imported, purchased, or procured for the public use of such forces.

And to be a fixed commutation.

Price 5 cents.]

This Ordinance not to affect exemption in favour of naval forces.

Date of operation.

4 Nothing herein contained shall affect the exemption from or rebate of customs duty enacted by sub-sections (c) and (d) of section 1 in respect of Her Majesty's naval forces.

5 This Ordinance shall come into operation on such date as the Governor shall, by Proclamation to be published in the *Government Gazette*, appoint.

SCHEDULE.

Persons.				Rate per Mensem.
				Ra. c.
Officers	..	...	...	6 50
Warrant officers	...	...	...	4 0
Sergeants	...	...	...	2 50
Rank and file of Royal Artillery and Royal Engineers	...	...	...	1 50
Rank and file of the line	...	...	...	1 0

Passed in Council the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of December, One thousand Eight hundred and Ninety-six.

W. T. TAYLOR,
Acting Colonial Secretary.

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

No. 1 of 1897.

An Ordinance relating to Claims to Forest, Chena, Waste, and Unoccupied Lands.

WEST RIDGEWAY.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims to forest, chena, waste, and unoccupied lands: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 (1) Whenever it shall appear to the government agent of a province or to the assistant government agent of a district that any land situated within his province or district is forest, chena, waste, or unoccupied land, it shall be lawful for such government agent or assistant government agent to declare by a notice that if no claim to such land is made to him within the period of three months from the date of such notice, every such land shall be deemed the property of the Crown, and may be dealt with on account of the Crown.

Government agent or assistant government agent to publish notice calling for claims.

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(2) Every such notice shall be published in the English, Sinhalese, and Tamil languages six times at least in the *Government Gazette*, and if the land shall be more than ten acres in extent in any two of the newspapers published in the island, and copies of such notice shall be posted on such land and shall also be affixed to the walls of the several kachcheries and the several courts of the province within which such forest, chena, waste, or unoccupied land is situated, and in such other localities as may secure the greatest possible publicity thereto, and the said notice shall likewise be advertised by beat of tom-tom at such places on or near the land and at such times as the government agent or assistant government agent may direct and order. Every such notice shall be, as near as is material, in the form in the schedule hereto; and the publication of the notice in the *Government Gazette* shall be proof of the date and proper publication of such notice.

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(3) If any such land has not been previously surveyed at the instance of the Government, the government agent or assistant government agent shall, either before or after the issue of such notice, cause such land to be surveyed for the purposes of this Ordinance.

Survey.

Price 10 cents.

Forest, Chena, Waste, and Unoccupied Lands.

When no claim
is made
government
agent or
assistant
government
agent to declare
the land the
property of the
Crown.

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Provisions for
inquiry into
claims to land.

11899 3

Procedure in
such cases.

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Proviso
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2 (1) If no claim shall be made within the period of three months from the date of such notice as aforesaid, the government agent or assistant government agent shall make an order declaring such land to be the property of the Crown.

(2) Every such order shall be published in the *Government Gazette* and shall be final and conclusive, and the *Government Gazette* containing such order shall be received in all courts of law in this colony as conclusive proof that the land mentioned in the order was at the date of such order the property of the Crown.

(3) Provided always that whenever within the said period of three months it shall be brought to the knowledge of the government agent or assistant government agent that some person is interested in such forest, chena, waste, or unoccupied land, and that such person is then absent from the colony, and was so at the date of the notice aforesaid, then and in every such case the government agent or assistant government agent shall not make his order declaring such land to be the property of the Crown until the expiration of a further period of six months, commencing on the expiry of the said period of three months.

3 (1) If, in pursuance of the notice issued under the provisions of section 1, any claim shall be made to such land, or to any interest in such land, within the period of three months, or in any case in which such period has been extended under the provisions of sub-section (3) of the preceding section within such extended period, the government agent of the province or assistant government agent of the district in which such land is situated shall forthwith proceed to make inquiry into such claim.

(2) For the purpose of such inquiry the government agent or assistant government agent as aforesaid may exercise the powers conferred on commissioners appointed under the provisions of Ordinance No. 9 of 1872, for compelling the attendance of witnesses and the production of documents and for administering oaths to all persons who shall be examined before them, provided that the requirements of the proviso to section 2 of that Ordinance shall not be necessary for the purposes of this Ordinance.

4 (1) The government agent or assistant government agent as aforesaid shall call upon the claimant to produce before him any evidence or documents upon which he may rely in proof of his claim; and after considering the same, and making any further inquiry that may appear proper, may either admit the whole or part of such claim or enter into an agreement in writing, which shall be signed by the government agent or the assistant government agent and the claimant, for the admission or rejection of any portion of such claim, or for the purchase of any portion of the land which is the subject of such claim, and shall embody such admission or agreement in an order. Provided that in any case in which such land is more than ten acres in extent no such admission shall be made or agreement entered into without the consent of the Governor.

Forest, Chena, Waste, and Unoccupied Lands.

(2) Every such order shall be published in the *Government Gazette* and shall be final and conclusive, and the *Government Gazette* containing such order shall be received in all courts of law in this colony as conclusive proof of the admission or agreement entered into under sub-section (1).

5 If and whenever the government agent or assistant government agent does not admit such claim either as to the whole or as to part, and fails to enter into any agreement with the claimant in respect thereof, then and in every such case the government agent or assistant government agent shall refer such claim, or so much thereof as is in dispute between the government agent or assistant government agent and the claimant, to the commissioner to be appointed as hereinafter provided, or in the event of no commissioner being appointed to the district judge of the district within which such land is situated.

Disputed claims to be referred to commissioner or district judge.

*Swand Ct
Procedure
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Provided that whenever the government agent or assistant government agent and claimant agree to refer such claim to the commissioner of requests of the division within which such land is situated, the government agent or assistant government agent shall refer such claim to such commissioner, who shall have and exercise in respect of such claim all the powers and duties vested by this Ordinance in the district judge; and any decision or order of such commissioner shall be subject to appeal to the Supreme Court, and the provisions of section 18 shall apply to all such appeals.

6 In making a reference under section 5 the government agent or assistant government agent shall state, for the information of the commissioner or district judge, in writing under his hand—

Form of reference to commissioner or district judge.

- (a) The situation, name (if any), boundaries, and extent of the land in dispute;
- (b) The names of the claimants or claimant and of any other person whom he has reason to think interested in such land.

7 (1) The commissioner or district judge shall thereupon cause to be served on each of the persons so named as aforesaid a notice requiring him to make a written statement to such commissioner or judge on or before a date to be mentioned in such notice setting out the nature and extent of his claim, and in every such statement of claim the government agent or assistant government agent shall be named as the party defendant on behalf of the Crown.

Proceedings of court on reference.

(2) Any two or more persons claiming under the same right or title may join and embody their claims in one statement of claim.

8 (1) If no statement of claim is made to the commissioner or district judge pursuant to the notice mentioned in section 7, the commissioner or judge shall cause to be affixed on some conspicuous place on or near such land a notice to the effect that if the persons interested in such land do not,

Proceeding when no claim has been made.

Forest, Chena, Waste, and Unoccupied Lands.

on or before a day to be therein mentioned, appear before such commissioner or district judge and state the nature of their respective interests in the land and the particulars of their claims, the commissioner or district judge will proceed to adjudicate such land to be the property of the Crown.

(2) If on the day named no such person appears in pursuance of such notice, the commissioner or district judge shall adjudicate such land to be the property of the Crown, and from such adjudication there shall be no appeal.

Special commissioner for trying claims.

9 It shall be lawful for the Governor, as occasion may require, from time to time to appoint a proper person for any province or district to be commissioner for the investigation and trial of references under this Ordinance.

Notice of appointment of commissioners.

10 Whenever any commissioner is appointed under this Ordinance for any province or district, notice thereof shall be given by Proclamation in the *Government Gazette*, copies of which shall be affixed in the several courts of the island; and from the date of the issue of such Proclamation no other court shall be competent to entertain any references for the investigation and trial of which such commissioner is appointed.

Claims not cognizable in other courts.

Special courts where to be held.

11 (1) Every commissioner appointed under this Ordinance shall hold his court at such place or places within the limits of his jurisdiction as shall be by him considered most convenient, and for the purpose of every investigation and trial under this Ordinance may administer oaths, and shall have and exercise within his province all and every the powers and jurisdiction of a district judge.

(2) In case of the death, sickness, resignation, removal from office, absence from the island, or other disability of any such commissioner before whom any inquiry upon a reference made under this Ordinance is pending, such inquiry may be continued by the successor of such commissioner, who shall have power to act on the evidence already recorded by such first named commissioner, or partly recorded by such first named commissioner and partly recorded by himself, or, if he think fit, to re-summon the witnesses and commence afresh.

Plaintiff and defendant in references under section 5.

12 (1) In every reference under section 5 of this Ordinance the claimant shall appear as plaintiff and the government agent or assistant government agent aforesaid shall appear as defendant on behalf of the Crown.

Parties may appear by pleader.

(2) Either party to any reference may appear by pleader or by agent.

Proceedings regulated by Civil Procedure Code.

13 In references instituted under this Ordinance, except as in this Ordinance provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

Cases to have precedence.

14 All proceedings in any district court had under this Ordinance shall be taken up before any other business of the said court, unless special circumstances of urgency in any particular case call, in the opinion of the judge, for a relaxation of this rule.

Forest, Chena, Waste, and Unoccupied Lands.

15 The commissioner or district judge, as the case may be, shall, as soon as the written statement is presented under section 7, or the persons interested appear in pursuance of the notice issued under section 8, fix a day for the appearance of the parties and for the hearing of the reference, of which due notice shall be given to the parties, their pleaders, or agents; and on the day so fixed the parties or their agents shall bring their witnesses into court, together with any documents on which they intend to rely. If either party require the assistance of such commissioner or judge to procure the attendance of a witness or the production of any document on such day, he shall apply to such commissioner or judge in sufficient time before the day fixed for the hearing of the reference, and such commissioner or judge shall issue a summons for such purpose. It shall be competent to such commissioner or judge to require the personal attendance of a claimant on the day fixed for the hearing or at any subsequent stage of the proceedings.

Procedure before hearing of reference.

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16 On the day fixed for the hearing of the reference, or as soon after as may be practicable, the commissioner or district judge, as the case may be, shall proceed to examine the claimant or his agent (when his personal attendance is not required), and the witnesses of the parties, and upon such examination, and after inspecting the documents of the parties and making any further inquiry that may appear necessary, shall proceed to pass such order in the case as he may consider just and proper.

Procedure on hearing.

17 Whenever the commissioner or district judge is of opinion that a fresh survey is necessary for the purposes of the investigation and trial of any claim under this Ordinance, he may cause the land, the subject of the claim, to be surveyed, and the costs of such survey shall be costs in the cause.

Commissioner or judge may order a survey.

18 (1) Any party to the reference who is dissatisfied with the decision or order of the commissioner or district judge, as the case may be, may appeal to the Supreme Court against such order or decision, by lodging within thirty days from the date of such order or decision with such commissioner or district judge a petition of appeal addressed to the Supreme Court, together with an affidavit setting out the value of the land with regard to which the order or decision has been given against him.

Appeals.

(2) Such commissioner or judge on receiving such affidavit and petition of appeal shall transmit the same, together with all proceedings taken by him, to the Registrar of the Supreme Court, and the said court shall make such order as the justice of the case may require, and such order shall be duly carried into effect.

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(3) Stamp duty shall be charged upon every such petition of appeal and upon every such affidavit at the rates specified in Part II. of the Schedule B to "The Stamp Ordinance, 1890," for similar instruments in the district courts, and

Forest, Chena, Waste, and Unoccupied Lands.

upon subsequent proceedings at the rates specified in the said schedule for appeals from the district courts; and every such appeal shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from district courts are dealt with and disposed of.

Records of cases where to be deposited.

19 The records of cases disposed of by commissioners appointed under this Ordinance or by district judges shall be deposited amongst the records of the district court of the district in which the land, the subject of the claim, is situated.

Limitation as to claims.

20 No claim to any land or to compensation or damages in respect of any land declared to be the property of the Crown under the provisions of this Ordinance shall be received after the expiration of one year from the date on which such declaration shall have been made. If within such year any claimant shall prefer a claim to such land or to compensation or damages in respect thereof before the commissioner appointed under this Ordinance for the province in which such land is situated, or in the event of no commissioner being appointed, before the district judge of the district in which such land is situated, and shall show good and sufficient reason for not having preferred his claim to the government agent or assistant government agent as aforesaid within the period limited under section 1 of this Ordinance, such commissioner or judge shall file the claim, making the claimant plaintiff and the government agent or assistant government agent as aforesaid defendant on behalf of the Crown in the action, and the foregoing provisions of this Ordinance shall be applicable to the investigation and trial thereof.

Provision for such claim if preferred within time.

If claim established and land sold, possession not to be given, but compensation.

21 (1) In any case in which the land has been sold, if such commissioner or judge shall be of opinion that the claim of the claimant is established, such commissioner or judge shall not award the claimant possession of the land in dispute, but shall order him to receive from the Crown, by way of compensation, a sum equal to the price at which the land was sold by public auction.

If claim established and land not sold, claimant to be placed in possession.

(2) In any case in which the land shall not have been sold, but shall have been otherwise dealt with on account of the Crown, and such commissioner or judge shall be of opinion that the claim to such land is established, such commissioner or judge shall order that the claimant be placed in possession of the said land.

Award to be in full satisfaction.

(3) The amount awarded under sub-section (1) shall be in full satisfaction of the claim of the claimant, and shall bar any future claim on his part in respect of the land claimed.

Prohibition of building, clearing, &c., pending investigation.

22 Whenever a government agent or assistant government agent has issued the notice prescribed in section 1 with regard to any land, it shall not be lawful for any person thereafter, without the written consent of the government agent or assistant government agent, to acquire any right in

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Forest, Chena, Waste, and Unoccupied Lands.

or over such land, or to enter therein or thereon, or to build any house or hut, or to form a plantation thereon, or to make clearings for the purpose of cultivating such land, or for any other purpose, or to cut or fell any trees upon such land, until such land has been declared not to be the property of the Crown. Any person acting in contravention of this section shall be guilty of an offence, and liable on conviction to simple or rigorous imprisonment for a term which may extend to three months, or to a fine which may extend to one hundred rupees, or to both. Provided that the prohibition hereby imposed shall cease in any case in which the government agent or assistant government agent shall fail to make a reference under section 5 within six months from the day of a claimant having preferred his claim.

23 Whenever the claim of any person to a land, in respect of which a notice under section 1 of this Ordinance has issued, is upheld by the commissioner or district judge or by the Supreme Court in appeal, and the claimant to such land satisfies the Governor in Executive Council that he has suffered pecuniary loss by reason of the prohibition in the preceding section contained, it shall be lawful for the Governor in Executive Council to ascertain and determine the amount of compensation that should be allowed in respect of such loss, and to cause the amount so determined to be paid to such claimant.

Governor in Executive Council may award damages.

24 For the purposes of this Ordinance :

- (a) All forest, waste, unoccupied, or uncultivated lands, and all chenas and other lands which can be only cultivated after intervals of several years, shall be presumed to be the property of the Crown until the contrary thereof be proved.
- (b) The occupation by any person of one or more portions or parcels of land shall not be taken as creating a presumption of ownership against the Crown in his favour for any greater extent of land than that actually occupied by him.
- (c) The term "unoccupied land" includes uncultivated land and all land which at the time of the passing of this Ordinance was not in the actual occupation of any person or persons, and also all lands which shall not have been in the uninterrupted occupation of some person or persons for a period exceeding five years next before notice given by the government agent or assistant government agent under section 1 in respect of the same.

Presumption as to forest and waste land.

Occupation of a small portion of land not to create presumption of ownership of a large tract of land.

Definition of unoccupied land.

25 In any case in which the claimant is a minor or person of unsound mind, or in which any person shall claim for and on behalf of a minor or a person of unsound mind, the government agent or assistant government agent shall apply to the district judge of the district in which such land is situated, to appoint a fit person in manner provided

Application for appointment of guardian or curator.

Forest, Chena, Waste, and Unoccupied Lands.

by the Civil Procedure Code to represent such minor or person of unsound mind for the purposes of the claim and the investigation and trial thereof.

Government not barred from awarding compensation for land.

26 Nothing in this Ordinance shall be held to prevent the Governor from awarding to any claimant of land which has been dealt with under this Ordinance, on proof to his satisfaction of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the government agent or assistant government agent as aforesaid within the period prescribed by this Ordinance, or has not made any statement of claim to the commissioner or district judge as required by section 7 of this Ordinance), such amount of compensation as to the Governor may seem proper.

Penalty for obstructing surveyor, &c.

27 Whoever at any time shall obstruct or molest any surveyor, headman, or officer of the Crown, or any person acting under the immediate orders of any such surveyor, headman, or officer of the Crown, from carrying out or performing any survey or other act or thing which he may be directed, empowered, or required to do by any government agent, assistant government agent, commissioner, district judge, or special officer acting under the authority of this Ordinance, shall be guilty of an offence, and liable on conviction to rigorous or simple imprisonment for a term which may extend to three months, or to a fine not exceeding fifty rupees.

Governor may appoint one or more special officers to carry out Ordinance.

28 It shall be lawful for the Governor to appoint one or more special officers for the whole island, who may for the purposes of this Ordinance perform, do, and exercise in any province or district all or any of the powers, duties, and functions vested in the government agent or assistant government agent under this Ordinance.

Crown rights of disposition of land reserved.

29 Nothing in this Ordinance contained shall preclude or prevent the Crown in any case in which no notice has been issued under section 1 in respect of any land from selling, leasing, reserving, or otherwise dealing with the same, or from instituting in any court an action to recover such land.

1899 9 "law" = alluringly, with boundaries demarcated and defined by survey

SCHEDULE.

Form of Notice.

(Section 1.)

Take notice that unless within three months from the _____ day of _____, being the date of this notice, the persons, if any, who claim any interest in the land commonly called or known as _____, situate in the village of _____ in the _____ koralé, in the _____ Province, containing in extent about _____ acres, and bounded as follows : _____, appear before me at the _____ Kachchéri and make claim to the said land or to some interest therein :

Forests, Chena, Waste, and unoccupied Lands.

I, ———, Government Agent of ——— (or Assistant Government Agent of ———), in pursuance of the powers in me vested by Ordinance No. 1 of 1897, will, on the ——— day of ———, being the date on which this notice expires, declare by writing under my hand that the said land is the property of the Crown.

—————
Government Agent
or Assistant Government Agent.

Passed in Council the Sixth day of February, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Ninth day of February, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

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

No. 2 of 1897.

An Ordinance to empower Banking Companies to become Incorporated under the Joint Stock Companies' Ordinances.

WEST RIDGEWAY.

WHEREAS it is expedient to empower persons associated together for the purpose of banking to incorporate themselves as a joint stock company under "The Joint Stock Companies' Ordinances, 1861, 1888, and 1893 :"
Be it therefore enacted by the Governor, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance may be cited for all purposes as "The Joint Stock Banking Ordinance, 1897."

Short title.

2 It shall be lawful for the Governor to authorize by order, under the hand of the Colonial Secretary, to be published in the *Government Gazette*, any number of persons, not less than seven, who desire to be incorporated and registered as a company for the purpose of carrying on the business of banking, to apply under the provisions of "The Joint Stock Companies' Ordinances, 1861, 1888, and 1893," and of this Ordinance, to be incorporated and registered as a banking company with limited liability. And upon such order such persons may proceed in the manner provided by part II. of "The Joint Stock Companies' Ordinance, 1861," to obtain incorporation and registration as a company limited, and all the provisions of "The Joint Stock Companies' Ordinances, 1861, 1888, and 1893," shall, in so far as they are not inconsistent with the provisions of this Ordinance, apply to all companies so incorporated and registered.

Governor may authorize banking companies to be incorporated and to be registered.

3 No company, association, or partnership consisting of more than six persons shall be formed after the commencement of this Ordinance for the purpose of carrying on the business of banking in the island, unless such company, association, or partnership be incorporated and registered as a banking company under the Ordinances or Acts relating to companies from time to time in force in this island, or in any British colony or possession, or in British India, or under any Acts of Parliament, or be incorporated by an Act of Parliament, or of the Governor-General of India in Council, or by Royal Charter or Letters Patent.

Prohibition on banking companies not so incorporated.

4 In lieu of the memorandum of association prescribed by section 9 of "The Joint Stock Companies' Ordinance, 1861," the memorandum of association of a banking company shall be in the form marked A in the schedule hereto, or as near thereto as circumstances admit ; and it shall, when the

Form of memorandum of association.

Price 20 cents.]

company is incorporated, bind the company and the shareholders therein as if there were in such memorandum contained on the part of every shareholder, his heirs, executors, and administrators a covenant to conform to all the regulations of such memorandum, subject to the provisions of "The Joint Stock Companies' Ordinances, 1861, 1888, and 1893," and of this Ordinance.

Articles of association.

5 The memorandum of association may be accompanied by or have annexed thereto or endorsed thereon articles of association signed by the subscribers to the memorandum of association, and prescribing regulations for the company; but if no such regulations are prescribed, or so far as the same do not extend to modify the regulations contained in the table marked B in the schedule hereto, then, in the case of a banking company, in lieu of the regulations prescribed by section 11 of "The Joint Stock Companies' Ordinance, 1861," the regulations contained in the aforesaid table B in the schedule hereto shall, so far as the same are applicable, be deemed to be the regulations of the company, and shall bind the company and the shareholders therein to the same extent as if they had been inserted in articles of association and such articles had been registered.

Banking companies to publish half-yearly statements.

6 Every banking company duly incorporated and registered under the provisions of "The Joint Stock Companies' Ordinances, 1861, 1888, and 1893," and of this Ordinance, shall, before it commences business and also on the first Monday in February and the first Monday in August in every year during which it carries on business, make a statement in the form marked C in the schedule hereto, or as near thereto as circumstances will admit, and a copy of such statement shall be put up on a conspicuous place in the registered office of the company and in every branch office or place where the business of the banking company is carried on; and if default is made in compliance with the provisions of this section, the banking company shall be liable to a penalty not exceeding fifty rupees for every day during which such default continues, and every director and manager of such company who shall knowingly and wilfully authorize or permit such default shall incur the like penalty.

Every member and every creditor of any banking company shall be entitled to a copy of the above-mentioned statement on payment of a sum not exceeding twenty-five cents.

On registration of banking companies with limited liability, notice to be given to customers.

7 Every association of bankers existing as such at the date of the passing of this Ordinance which registers itself as a company limited under the provisions of "The Joint Stock Companies' Ordinances, 1861, 1888, and 1893," and of this Ordinance, shall, at least thirty days previous to obtaining a declaration of incorporation with limited liability, give notice that it is intended so to do to every person and partnership firm who have a banking account with the association, and such notice shall be given either by delivering the same to such person or firm, or by leaving the same or putting the same into the post addressed to him or them at such address

as shall have been last communicated, or otherwise become known as his or their address to or by the association, or should there be no such address, by publishing the notice addressed to such person or firm in the *Government Gazette* and one of the local newspapers ; and in case the association omits to give any such notice as is hereinbefore required to be given, then as between the association and the person or persons only who are for the time being interested in the account in respect of which such notice ought to have been given, and so far as respects such account and all variations thereof down to the time at which such notice shall be given, but not further, or otherwise the declaration of incorporation with limited liability shall have no operation.

Audit of accounts of banking companies.

8 (1) Once at least in every year the accounts of every banking company registered after the passing of this Ordinance as a company limited shall be examined by an auditor or auditors, who shall be elected annually by the company in general meeting.

(2) A director or officer of the company shall not be capable of being elected auditor of such company.

(3) An auditor on quitting office shall be re-eligible.

(4) If any casual vacancy occurs in the office of any auditor, the surviving auditor or auditors (if any) may act, but if there is no surviving auditor, the directors shall forthwith call an extraordinary general meeting for the purpose of supplying the vacancy or vacancies in the auditorship.

(5) Every auditor shall have a list delivered to him of all books kept by the company, and shall at all reasonable times have access to the books and accounts of the company, and any auditor may in relation to such books and accounts examine the directors or any other officer of the company.

(6) The auditor or auditors shall make a report to the members on the accounts examined by him or them and on every balance sheet laid before the company in general meeting during his or their tenure of office ; and in every such report shall state whether in his or their opinion the balance sheet referred to in the report is a full and fair balance sheet properly drawn up so as to exhibit a true and correct view of the state of the company's affairs as shown by the books of the company, and such report shall be read before the company in general meeting.

(7) The remuneration of the auditor or auditors shall be fixed by the general meeting appointing such auditor or auditors, and shall be paid by the company.

9 Every balance sheet submitted to the annual or other meeting of the members of every banking company registered after the passing of this Ordinance as a company limited shall be signed by the auditor or auditors and by the secretary or manager (if any) and by the directors of the company, or three of such directors at the least.

Signature of balance sheet.

SCHEDULE.

Form A.

Memorandum of Association of "The ----- Bank, Limited."

First.—The name of the company is "The ----- Bank, Limited."

Second.—The registered office of the company will be situate in -----.

Third.—The objects for which the company is established are—

- (1) The carrying on the business of bankers, including making advances of money and dealing in exchange, coin, and bullion.
- (2) The acting as agent for any corporation, company, firm, or person in making and obtaining loans and advances on security of stock, funds, debentures, bonds, produce, manufactured goods, and otherwise; and in the transaction of any other monetary business.
- (3) The acquisition by purchase, concession, or otherwise of any powers, rights, privileges, or property in ----- or elsewhere, which the company may deem it advantageous to possess for the purpose of occupation, sale, or otherwise, and the acting as agents in relation to any such acquisition.
- (4) The doing of all such things as shall be incidental or conducive to the above objects.

Fourth.—The liability of the shareholders is limited.

Fifth.—The capital of the company is -----, divided into -----.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a company in pursuance of this memorandum of association, and we respectively agree to take the number of shares in the capital of the company set opposite to our respective names :

Names, Addresses, and Descriptions of Subscribers.	Number of Shares taken by each Subscriber.

Dated the ----- day of -----, 18 --.

Witness to the above signatures : -----.

Table B.

Articles of Association of "The ----- Bank, Limited."

It is agreed as follows :

I.—*Interpretation.*

Interpretation clause.

1. In the interpretation of the memorandum of association and of these presents the following words and expressions have the following meanings, unless excluded by the subject or context :

" Ordinances."

The " Ordinances " mean and include " The Joint Stock Companies' Ordinances, 1861, 1888, and 1893," and " The Joint Stock Banking Ordinance, 1897," and every other Ordinance for the time being

in force concerning joint stock companies with limited liability and affecting the company.

The "company" means "The _____ Bank, Limited."

"Company."

"These presents" mean these articles of association and the regulations of the company for the time being in force.

"These presents."

"Capital" means the capital for the time being of the company.

"Capital."

"Shares" or "share warrants" mean respectively the shares or share warrants for the time being of the capital.

"Shares."

"Shareholders" mean the duly registered holders from time to time of the shares and the holders of share warrants.

"Shareholders."

"Directors" mean the directors for the time being of the company, or the directors assembled at a board, as the case may be.

"Directors."

"Board" means a meeting of the directors duly called and constituted, or the directors assembled at a board meeting, or the majority according to votes of the directors so assembled, as the case may be.

"Board."

"Special board" means a board called by three days' notice specifying the special business to be transacted thereat.

"Special board."

"Ordinary meeting" means an ordinary meeting of the shareholders of the company duly called and constituted, and any adjourned holding thereof.

"Ordinary meeting."

"Extraordinary meeting" means an extraordinary meeting of the shareholders of the company duly called and constituted and any adjourned holding thereof.

"Extraordinary meeting."

"General meeting" means and includes ordinary meeting and extraordinary meeting.

"General meeting."

"Office" means the registered office for the time being of the company.

"Office."

"Seal" means the common seal for the time being of the company.

"Seal."

"Month" means a calendar month.

"Month."

"Writing" includes printing and typewriting.

"Writing."

Words importing the singular number only include the plural number.

Singular number.

Words importing the plural number only include the singular number.

Plural number.

Words importing the masculine gender only include the feminine gender.

Gender.

II.—Business.

2. The business of the company shall include the several objects expressed in the memorandum of association and all matters incidental thereto.

Company's business.

3. The company may begin business as soon as it is registered.

Commencement of business. Management.

4. The business shall be carried on by or under the management of the directors, subject only to such control of general meetings as is provided for by these presents.

5. No person other than the directors and persons thereunto expressly authorized by the board, and acting within the limits of the authority so conferred on them, shall have any authority to make, draw, accept, or indorse any promissory note, bill of exchange, cheque, or order for the payment of money in the name or on behalf of the company, or to enter into any contract so as to impose thereby any liability on the company, or otherwise to pledge the credit of the company.

Making and acceptance of bills.

6. The company shall have a banking-house or office either in _____, or the town of _____, and the board may from time to time establish such branch banking-houses or branch offices in _____ as they from time to time think requisite for the business of the company.

Place of business.

III.—*Capital.*

Capital and allotment of shares.

7. The capital of the company shall be issued by the board at several times. The first issue of capital shall be ———, to be allotted and issued by the board to such persons and in such amounts as the directors think fit. The residue of the capital may from time to time be issued by a special board to such persons, at such times, in such amounts, on such terms, and in such manner as such board thinks fit, but not below par.

Shares may be divided into others of smaller amount.

8. The company, by special resolution, may at any time divide the capital or any part thereof by the subdivision of the existing shares or any of them, into shares of smaller amount than ——— each, provided that in the subdivision of the existing shares the proportion between the amount which is paid and the amount (if any) which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share of reduced amount is derived.

Conversion of paid up shares into stock.
Transfer of stock.

9. The board, with the sanction of the company previously given in general meeting, may convert any paid up shares into stock.

10. When any shares have been converted into stock, the several holders of such stock may thenceforth transfer their respective interests therein, or any part of such interests, in the same manner and subject to the same regulations as, and subject to which, any shares in the capital of the company may be transferred, or as near thereto as circumstances admit. And such of the provisions herein contained, with regard to shares as are not inconsistent with their application to stock, shall apply to the stock into which shares shall have been converted.

Stockholders to participate in dividends, &c.

11. The several holders of such stock shall be entitled to receive any preferential or guaranteed dividend or interest, or to participate in the dividends and profits of the company, as the case may be, according to the description of shares converted and to the amount of their respective interests in such stock; and such interest shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages for the purpose of voting at meetings of the company and for other purposes as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the receipt of such preferential or guaranteed dividend or interest, or the participation in the dividends and profits of the company, as the case may be, shall be conferred by any aliquot part of the consolidated stock, which would not, if existing in shares, have conferred such privileges or advantages.

Increase and reduction of capital.

12. The board, with the sanction of a special resolution, may from time to time increase the capital by the creation of new shares of such respective amounts as they think fit, and with the like sanction may from time to time reduce the amount of the capital by cancelling any shares or share warrants belonging to the company or otherwise as the company in general meeting may determine.

New shares to be considered part of the original capital.

13. Any capital raised by the creation of new shares shall, except so far as the company in general meeting, on the creation thereof, otherwise determine, be considered as part of the original capital, and shall be issued by the board, subject to the same provisions in all respects, whether with reference to the payment of money on allotment and calls or the forfeiture of shares on non-payment of such money or calls or otherwise, as if it had been part of the original capital.

IV.—*Shares.*

Acceptance of shares.

14. An application for shares, signed by or on behalf of the applicant, followed by an allotment of any shares thereon, shall be an acceptance of such allotted shares within the meaning of these presents, entitling the board to place the name of the allottee on the register in respect thereof; and every person who thus or otherwise accepts any share, and whose name is on the register, shall, for the purposes of these presents, be a shareholder.

15. Share warrants to bearer duly stamped and with the common seal of the company may, if the board thinks fit, be issued in respect of all or any of the shares which are fully paid up, or with respect to stock, on the application of the persons entitled thereto, stating that the bearer of the warrant is entitled to the share or shares or stock therein specified; and the company may provide by coupons or otherwise for the payment of the future interest or dividends on the share or shares or stock included in such warrant. **Share warrants to bearer.**
16. Share warrants shall entitle the holder for the time being to all the profits and rights of a member of the company, and may be transferred from hand to hand without any written transfer. Provided always that the holder of any such warrant shall not be qualified in respect of the shares or stock specified therein for being a director or manager of the company. **Effect of share warrants.**
17. The holder of a share warrant, on delivering the same up to be cancelled, may require to be entered on the register as the member in respect of the share or shares it represents. **Re-registration of holder.**
18. The holder of a share warrant may, by written notice to the company, require all notices of meetings, notices of dividends, and other notices in respect of shares to be sent to him at such place as he may specify within. **Holders may require notices to be sent.**
19. Every shareholder shall, on payment of such a sum not exceeding fifty cents as the board shall from time to time prescribe, be entitled to a certificate under the seal of the company specifying the shares held by him and the amount paid thereon. **Certificates.**
20. If any certificate or share warrant be worn out, lost, or destroyed, it may be renewed on payment of such a sum not exceeding one rupee as the board from time to time prescribes, provided such evidence as the board deem reasonable be afforded of the title of the party applying for the renewal, and such indemnity be given as the board thinks fit to require, and such fees shall be payable on each share warrant brought in to be cancelled upon registration of the holder, and also upon the entry of the name and address of any holder who may require notices to be sent to him. **Renewal of certificate.**
21. The company shall have a first and paramount lien available at law and in equity upon all the shares of every shareholder, whether held by him solely or jointly with any other person, for all his debts, liabilities, and engagements, of what nature or kind soever, to or with the company; and in case such shareholder becomes bankrupt or compounds with his creditors, the board may absolutely sell, either by private contract or public auction, all the shares registered solely in such shareholder's name, and all his interest in any shares registered in his name jointly with that of any other or others, or such portion thereof as shall be sufficient to discharge or satisfy such debts, liabilities, and engagements, and may apply the proceeds, so far as the same will extend, in discharge or satisfaction of such debts, liabilities, and engagements; and upon such sale the board may, without notice or consent of such shareholder or any other person whomsoever, transfer all or any of such shares to the purchaser thereof, and may enter such purchaser's name on the register as the holder of such shares. **Company's lien on shares.**
22. If any share shall stand in the names of two or more persons, the person first named in the register shall, as regards voting at general meetings, receipt of dividends, service of notices and documents, and all or any other matters connected with the company, except the transfer of the share and the company's lien thereon and the payment of money in the nature of a return of capital, be deemed the sole holder thereof. **The first named of joint holders deemed sole holder.**
23. No share shall be subdivided otherwise than as provided by these presents. **No share shall be subdivided.**

Company not bound to recognize any interest in share other than that of registered holder.

24. The company shall not be bound by, nor recognize any equitable, contingent, future, or partial interest in any share, nor (except only as is by these presents otherwise expressly provided) any other right in respect of a share than an absolute right thereto, in accordance with these presents, in the person for the time being registered as the holder thereof.

Notice of change of name or marriage of shareholder.

25. No shareholder who shall change his name, or, being a female, shall marry, and no husband of any such last-mentioned shareholder, shall be entitled to receive any dividend or to vote until notice of the change of name or marriage be given to the company, in order to its being registered.

V.—Transfer and Transmission of Shares.

Register of transfers.

26. The company shall keep, in addition to the register of shareholders, a book to be called the "Register of Transfers," and therein shall be fairly and distinctly entered the particulars of every transfer and transmission of any share, and the book may be from time to time authenticated by having the seal affixed thereto at a general meeting, but share warrants may be transferred from hand to hand without any written transfer or transmission.

Transfer books when closed.

27. The transfer books shall be closed during the fourteen days immediately preceding and on the day of the ordinary meeting in every year, and may be closed by the board for a like period of fourteen days in the half year during which no ordinary meeting is held.

Company may refuse to register transfers.

28. The company may refuse to register any transfer of shares whilst the shareholder making the same is either alone or jointly with any other person indebted to the company on any account whatsoever, and unless the transferee is approved by the board. Before registering any transfer the board may require the certificates of the shares therein mentioned to be left at the office during twenty-four hours for examination.

Titles to shares of deceased holders.

29. The executors or administrators of a deceased shareholder, who shall not during his lifetime have executed a valid transfer of his shares, shall be the only persons recognized by the company as having any title to such shares. The company shall not be affected by notice of any trust.

Registration of persons entitled to shares otherwise than by transfer.

30. Any person becoming interested in a share in consequence of the death, bankruptcy, or insolvency of any shareholder, or the marriage of any female shareholder, or by any other lawful means than transfer, in accordance with these presents, may, upon producing such evidence as the board requires and approves, either be registered himself as the holder of the share or have some person, nominated by him and approved by the board, registered as such holder.

Transfer by such person to his nominee.

31. Any such person as last aforesaid who shall elect to have his nominee registered shall testify his election by executing to such nominee a transfer of the share therein mentioned, but until such transfer is registered he shall not be free from any liability in respect of such share.

Form of transfer to be approved by board.

32. Every transfer of a share shall be in such form as the board from time to time approve, and shall be retained by and presented to the company, accompanied by such evidence as the board require to prove the title of the transferrer. The instrument of transfer shall be executed both by the transferrer and transferee, and the transferrer shall be deemed to remain the holder of such share until the name of the transferee is entered on the register in respect thereof.

33. Until the board otherwise determines the following shall be the form of the instrument of transfer, and it shall be under the respective hands of the transferrer and the transferee :

Form of transfer.

I, A. B., of _____ (in consideration of _____ paid to me by C. D., of _____), do hereby transfer to the said C. D. _____ shares of the capital of the _____ Bank, Limited, Nos. _____, standing in my name in the books of the said company, subject to the conditions on which I now hold them. And I, the said C. D., hereby accept the said shares, subject to such conditions.

As witness our respective hands this _____ day of _____, 18 —.

34. Every transmission of a share shall be verified in such manner as the board require, and the company may refuse to register any such transmission until the same be so verified.

Board may require evidence of transmission.

35. There shall be paid to the company, in respect of the registration of the transfer or transmission of any number of shares to the same person or persons, such sum of money not exceeding Rs. 2.50 as the board may from time to time prescribe.

Fee on transfer or transmission.

VI.—Deposit and Calls.

36. Any moneys which the board, on allotting any shares, requires to be paid by way of deposit or call, or otherwise in respect thereof, shall immediately on the entry of the name of the allottee in the register as the holder of such shares become a debt due to and recoverable from the allottee by the company, and shall be paid by the allottee accordingly.

Deposit on allotment of shares to be debt.

37. In addition to such deposit and call as last aforesaid, a special board may, from time to time, but subject to the conditions hereinafter mentioned, make such calls upon the shareholders in respect of all moneys unpaid on their shares as such board thinks fit ; and every shareholder shall be liable to pay the amount of every call, made in accordance with these presents, to the persons and at the time and place appointed by such board.

Board may make calls to be paid by shareholders.

38. Fourteen days' notice at the least shall be given of the time and place appointed by the board for the payment of every call. But such call shall be deemed to have been made and to become due at the time when the resolution authorizing such call was passed.

Fourteen days' notice of call to be given.

39. There shall be an interval of at least three months between the times for payment of any calls made subsequent to the date on which the moneys payable on allotment are required to be paid.

Interval between calls.

40. No call shall exceed _____ per share.

Amount of call.

41. If any shareholder fails to pay the amount payable by him on allotment, or any call due from him on the day appointed for payment thereof, he shall be liable to pay interest for the same at a rate to be fixed by the board at the time of making the allotment or call, from the day appointed for the payment thereof to the time of actual payment (but without prejudice to the provisions herein contained for the forfeiture of the share or shares in respect of which any money payable by way of deposit or call as aforesaid shall be payable), and shall not be entitled to any dividend or bonus that may be payable during the time such call and interest remain unpaid.

Calls to carry interest.

42. On the trial or hearing of any action or suit to be brought by the company against any shareholder to recover any debt for money payable on allotment or for any call, it shall be sufficient to prove that the name of the defendant is on the register as a holder of the number of shares in respect of which such debt accrued, and that notice of such payment of call was duly given to the defendant ; and it shall not be necessary to prove the appointment of the directors who made such allotment or call, nor that a quorum of directors was present at the

Evidence in action for calls.

board at which such allotment or call was made, nor that the meeting of directors at which such allotment or call was made was duly convened and constituted, nor any other matter whatsoever, save as aforesaid, but the proof of the matters aforesaid shall be conclusive evidence of the debt.

Board may receive advances on shares beyond calls, and pay interest thereon.

43. The board may, if they think fit, receive from any shareholder willing to advance the same the whole or any part of the amount remaining unpaid on any share or shares held by him, either in discharge of the amount of a call payable in respect of any other share or shares held by him or without any call having been made; and upon the moneys so paid in advance, or upon so much thereof as from time to time and at any time thereafter exceeds the amount of the calls then made upon and payable in respect of the shares in respect of which such advances have been made, the board may pay dividend or allow interest at such an agreed rate as they from time to time determine.

VII.—Forfeiture of Shares.

If call not paid, notice to be given to shareholder.

44. If a shareholder fail to pay any money payable by him to the company in respect of his shares on the day appointed for payment thereof, the board may at any time thereafter, while such money remains unpaid, serve a notice on him or his executors or administrators requiring payment of such money, together with any interest accrued due thereon, and any expenses that may have been incurred by reason of such non-payment.

Terms of notice.

45. The notice shall name a day (not being less than thirteen days from the date of the notice) and a place on and at which such money, interest, and expenses are to be paid, and it shall also state that in the event of the non-payment of such money, interest, and expenses at the time and place appointed, the share in respect of which such money, interest, and expenses are payable will be liable to be forfeited.

In default of payment shares to be forfeited.

46. If the requisitions of such notice as last aforesaid be not complied with, any share in respect of which such notice has been given may at any time thereafter, before payment of the money, interest, and expenses payable in respect thereof, be forfeited by a resolution of the board to that effect.

Notice of forfeiture to shareholder.

47. When any share is declared to be forfeited, notice of the forfeiture shall forthwith be given to the registered holder thereof, and an entry of the forfeiture, with the date thereof, shall forthwith be made in the register of shareholders.

Forfeited share to be property of the company and may be sold, &c.

48. Every share which shall be forfeited shall thereupon become the property of the company, and may be sold, extinguished, re-allotted, or otherwise disposed of, either to the former holder thereof or to any other person, upon such terms and in such manner as the board think fit. Provided always that it shall be lawful for the board, in their discretion, to remit or annul the forfeiture of any such share upon such terms as they think fit, and to cause the entry of forfeiture in respect thereof to be erased from the register of shareholders.

Shareholders still liable to pay calls.

49. Any shareholder or his representatives, whose shares are forfeited, shall, notwithstanding the forfeiture, be liable to pay to the company all sums of money, interest, and expenses payable to the company in respect of such shares at the time of forfeiture, and payment thereof may be enforced by the board, notwithstanding and without prejudice to such forfeiture.

Forfeiture of share to extinguish claims on the company.

50. The forfeiture of a share shall involve the extinction at the time of such forfeiture of all interest in and all claims and demands whatsoever against the company in respect of such share, except the right to any dividend theretofore declared thereon and then unpaid.

Certificate of forfeiture.

51. A certificate in writing under the seal of the company signed by two directors and countersigned by the manager or by such other officer as the board may appoint, stating that the share therein mentioned has been duly forfeited in pursuance of these presents, and the amount paid thereon and the time when it was forfeited, shall be

conclusive evidence of such forfeiture as against all persons claiming to be entitled to such share, and an entry of such certificate shall be made in the minutes of the proceedings of the directors. Such certificate and the receipt of any two directors, countersigned by the manager or by such other officer as aforesaid, for the price of such share, shall constitute a good title to such share, and a certificate of proprietorship shall be delivered to the purchaser thereof, and thereupon he shall be deemed the holder of such share, discharged from all calls prior to such purchase (unless otherwise expressly agreed), and his name shall be entered in the register of shareholders, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such forfeiture or sale.

52. The board may at any time accept from any shareholder indebted to the company the surrender of any share on such terms as are mutually agreed on, and every share so surrendered shall, on the surrender thereof, be forfeited to the company, and an entry of such forfeiture, with the date thereof, shall forthwith be made in the register of shareholders.

Board may accept surrender of shares.

VIII.—Meetings of Shareholders.

53. The first ordinary meeting of the company shall be held at _____, and at such time, within four months after the incorporation of the company, as the board determines.

First ordinary meeting.

54. Subsequent ordinary meetings shall be held at least once in every year at such time and place in _____ as the board may from time to time determine. But until the board otherwise appoints, every ordinary meeting subsequently to the first shall be held in the month of August in every year.

Subsequent ordinary meetings.

55. The board may, whenever they think proper, call an extraordinary meeting, and they shall do so upon receiving a requisition in writing signed by ten or more shareholders, holding in the aggregate not less than _____ shares. Provided always that no such meeting shall be held elsewhere than in _____.

Extraordinary meetings.

56. Any requisition so made by shareholders shall express the object of the meeting proposed to be called, and shall be left at the office of the board.

Requisition of shareholders to state object of meeting.

57. Upon the receipt of any such requisition the board shall forthwith convene an extraordinary meeting, and if they neglect to do so for one month after the leaving of the requisition, the requisitionists or any ten or more shareholders, holding in the aggregate not less than _____ shares, may convene such meeting in _____ by giving to the shareholders fourteen days' notice thereof at the least, specifying the place, day, and hour of meeting, and the object and business of the meeting.

On receipt of requisition board to call meeting, and in default shareholders may do so.

58. No resolution passed at an extraordinary meeting convened by requisitionists or shareholders as aforesaid shall be binding on the company, or have any effect, unless and until the same be confirmed by a second extraordinary meeting convened for the purpose by the board, by giving to the shareholders seven days' notice thereof at the least, specifying the several particulars hereinbefore mentioned.

Confirmation of meeting called by shareholders.

59. An ordinary meeting, without notice in that behalf, may elect directors and auditors, and may receive, and either in whole or in part reject, adopt, or confirm the accounts, balance sheets, and reports of the directors and auditors respectively, and may decide on any recommendation of the board with respect to dividend or bonus, and, subject to the provisions of these presents, may generally discuss any affairs of or relating to the company.

Power of ordinary meetings.

60. No business shall be transacted at an extraordinary general meeting other than the business specified in the notice of the meeting.

Extraordinary meeting confined to special business.

Seven days' notice of meeting to be given.

61. Not less than seven nor more than fifteen days' notice of every general meeting, specifying the place, time, and hour of meeting, and (except as regards the business to be transacted without notice at ordinary meetings) the objects and business of the meeting shall be given by circular sent by post, or otherwise, to the registered address of every shareholder, whose registered address is in _____, or where the directors think fit, but not otherwise, both by advertisement and by circular.

Notice of adjourned meetings.

62. When any general meeting is adjourned for seven days or more, the board shall give not less than four days' notice of the adjournment to all the shareholders, in the same manner as notice was given of the original meeting, and where an advertisement is necessary, shall advertise the adjourned meeting not less than four days before the day appointed for holding the same; but when such meeting is adjourned for less than seven days, such notice shall, when practicable, be served on each shareholder, and shall be advertised, if an advertisement is necessary, as early as conveniently may be before the day appointed for holding such adjourned meeting.

By whom notice signed.

63. Every notice of a general meeting given by the board shall be signed by the manager or by such other officer as the board may appoint, and every such notice by shareholders shall be signed by at least ten shareholders convening the meeting.

Omission to give notice not to invalidate proceedings.

64. The omission to give such notice to any shareholder, or the non-receipt thereof by such shareholder, shall not invalidate the proceedings of any general meeting convened by the board.

Number of shareholders necessary for transaction of business.

65. Except as otherwise provided by these presents, no business shall be transacted at any general meeting unless there be personally present at the commencement of the business ten or more shareholders entitled to vote.

Five shareholders to be a quorum for certain purposes.

66. Five shareholders entitled to vote shall be a quorum at a general meeting for the purpose of choosing a chairman of the meeting, the declaration of a dividend or bonus recommended by the board, or the adjournment of the meeting.

If required number not present, meeting to be adjourned.

67. If at the expiration of one-half hour after the time appointed for holding a general meeting the required number of shareholders be not present, the meeting, if convened upon the requisition of shareholders, shall be dissolved, but in any other case it may be adjourned to such time on the following day or on such other day and to such place in _____ as the shareholders present at the expiration of the half-hour determine; provided always that if five shareholders entitled to vote be not then present, the meeting shall stand adjourned to the next working day at the same hour and place as were appointed for the original meeting.

Adjourned meeting to transact business.

68. At any adjourned general meeting the shareholders present, whatever their number, shall have power to decide upon all the matters which could probably have been disposed of at the meeting from which the adjournment took place, in case a sufficient number of shareholders had been present thereat; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.

Chairman of meetings.

69. The chairman, if any, of the directors, or during his absence the deputy chairman, if any, or in case of the absence or unwillingness to act of both, a director chosen by the directors present, or in case of the absence of all the directors at the expiration of half an hour from the time appointed for holding the meeting, then a shareholder chosen by the shareholders present, shall preside as chairman at every meeting.

Chairman, with consent, may adjourn meeting.

70. The chairman, with the consent of a majority of the shareholders present at any general meeting, may adjourn such meeting from time to time and from place to place.

71. Every motion submitted to a general meeting (except where otherwise provided by law or by these presents) shall be decided by a simple majority of votes given thereon, and in the first instance by a show of hands. In case of an equality of votes, the chairman shall have a casting vote in addition to his own vote, both on the show of hands and at the poll, if one be demanded.

Motions to be decided by show of hands or by vote. Chairman to have a casting vote.

72. A declaration by the chairman of any general meeting of the result of a show of hands, division, or poll shall be conclusive, and shall not be questioned, and an entry of such declaration in the book of proceedings of the company shall be sufficient evidence thereof, without proof of the number or proportion of the votes recorded in favour of or against the motion to which such declaration relates.

Chairman's declaration of result conclusive.

73. If immediately on the declaration of the chairman of a general meeting of a show of hands on any motion submitted to the meeting, and not relating to the appointment of a chairman or the adjournment of the meeting, a poll be demanded by at least ten shareholders present and entitled to vote at the meeting, it shall be taken at such time and place and either by open voting or by ballot as the chairman shall direct, and for that purpose he shall have power to adjourn the meeting, if he think fit to do so, for any time not exceeding fourteen days, and the chairman's declaration of the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded. But the demand of a poll or any adjournment of a meeting for taking the same shall not prevent the continuance of such meeting for the transaction of any business other than that on which the poll shall have been demanded.

Poll to be taken if demanded.

74. In case such poll be not taken on the day on which it is demanded, notice shall be given of the time and place of taking it in the same manner as in the case of an adjourned general meeting.

Notice of poll.

75. The proceedings at every general meeting, purporting to have been duly called and constituted, and all resolutions and decisions of such meeting, shall be valid and binding on the company, notwithstanding any defect in the mode of convening or in the constitution of such meeting or otherwise, unless and until they are annulled at an extraordinary meeting called for the purpose within three months after the day on which such meeting was held.

Proceedings and resolutions at meeting to be binding.

IX.—*Votes of Shareholders.*

76. Every shareholder who has been duly registered as the holder of at least five shares for three months previously to any general meeting, or who is the person to whom such shares were originally allotted, or to whom the same may have come by reason of death, bankruptcy, marriage, succession, or otherwise by operation of law, but no other shareholder, shall be entitled to vote at such meeting, and shall have one vote in respect of five shares, and an additional vote for every twenty-five shares beyond the first five up to one hundred and thirty shares; but no shareholder shall have more than six votes.

Number of votes to which shareholders entitled.

77. If any shareholder be lunatic, idiot, or *non compos mentis*, he may vote by his legally appointed curator, and if any shareholder be a minor, he may vote by his guardian or curator, or any one of his guardians or curators if more than one. But no such curator or guardian shall be entitled to vote unless he shall have deposited in the office, not less than forty-eight hours before the time of holding the meeting at which he proposes to vote, all such evidence as the board may require of his filling the character in respect of which he claims to vote.

How shareholders *non compos mentis* may vote.

78. No shareholder shall be entitled to vote in person or by proxy at any general meeting in respect of any share held by him alone or jointly whilst any call or interest on an unpaid call due from him alone or jointly remains unpaid.

No shareholder in arrear with calls to vote.

Shareholders may decline to vote.

79. A shareholder personally present at any general meeting may decline to vote on any question arising thereat, but shall not by so declining be considered as absent from such meeting.

Chairman shall decide validity of vote.

80. No objection shall be taken to the validity of any vote except at the meeting or poll at which such vote shall be tendered, and the chairman of such meeting shall be the sole judge of the validity of every vote tendered thereat.

Voting in person or by proxy.

81. Votes may be given either personally or by proxy, but every proxy shall be appointed in writing or partly in writing and partly in print under the hand of the appointer, or in the case of a corporation under the hand of the secretary or other chief officer thereof.

Form of proxy.

82. Until the board otherwise prescribe, this, with any requisite modifications thereof, shall be the form of the instrument of proxy :

I, *A. B.*, of _____, a shareholder of "The _____ Bank, Limited," appoint *C. D.*, of _____, or him failing, *E. F.*, of _____, both being shareholders of the company, to vote as my proxy at the general meeting of the company to be held at _____, on the _____, 18 —, and at any adjournment thereof.

As witness my hand this _____ day of _____, 18 —.

The proxy must be a shareholder qualified to vote, and his appointment must be deposited at the office.

83. No person shall be appointed or act as a proxy unless he be a shareholder qualified to vote, and unless the instrument of his appointment be left at the office at least forty-eight hours before the hour for holding the meeting at which he is to vote.

X.—Directors.

Appointment of first directors.

84. The first directors, not being less than five in number nor more than fifteen, shall be appointed by the subscribers of the memorandum of association or by a majority of them.

Until such appointment subscribers to act.

85. Until such directors are appointed as aforesaid the subscribers of the memorandum of association shall be the directors of the company, although they may not possess the qualification hereinafter mentioned, and they or any three of them present at a meeting of such subscribers shall have all the powers and indemnities of directors. But immediately upon such appointment such subscribers or such of them as may not be appointed directors shall cease to have any power under these presents.

Duration of office of first directors.

86. The first directors appointed as aforesaid shall continue in office until the ordinary meeting in the year.

Board may add to their number.

87. The directors shall have power at any meeting of the board previously to the first ordinary meeting, by a resolution passed by not less than three-fourths of the whole number of directors for the time being, to appoint any other qualified person or persons as a director or directors, so, however, that the whole number of directors shall at no one time exceed _____, and they, and such new director or directors when so appointed, shall have all the same powers and indemnities as if they had respectively been originally named and appointed in and by these presents.

Board may fill up casual vacancies.

88. The board may at any time fill up any casual vacancy in their number arising from death, resignation, disqualification, or otherwise, by the appointment of any qualified person to act in conjunction with themselves, but the remaining directors may continue to act notwithstanding any such vacancy may not have been filled up as aforesaid, and any person thus appointed shall retain his office so long only as the vacating director would have retained the same if no vacancy had occurred.

89. The board, by a resolution passed by not less than three-fourths of the whole number of directors for the time being, and subject to the approval of the next ordinary meeting, may, at any time after the first ordinary meeting, increase the number of directors to any number not exceeding twenty, or reduce the same to any number not less than three, and they may also determine in what rotation such increased or reduced number shall go out of office.

Board may increase or reduce number of directors.

90. At the first ordinary meeting and at the ordinary meeting in every subsequent year prior to the year ——— two of the directors, exclusive of those who were first appointed as aforesaid, shall retire from office. But at the ordinary meeting in the year ——— one-half of the directors who were first appointed shall retire from office, and at the ordinary meeting in the following year the other half of such directors shall retire, and at the ordinary meeting in every subsequent year two directors who have been the longest time in office shall retire, and shall be taken from the whole body of directors, including those who were first appointed as aforesaid.

Two directors to retire annually.

91. The directors to retire from office at the first ordinary meeting shall, unless the directors otherwise arrange among themselves, be determined by the board by ballot. The directors who retire on any subsequent ordinary meeting shall, unless the directors otherwise arrange among themselves, be re-elected by the board by ballot from those who have been the longest in office.

Retiring directors how determined.

92. In case any question shall at any time arise as to which of the directors who have been the same time in office shall retire, it shall be decided by the board by ballot, unless the directors otherwise determine among themselves.

Directors who have been same time in office.

93. A director retiring on rotation shall continue in office until the dissolution of the ordinary meeting at which he is to retire, and shall then retire, and his successor shall then come into office.

Retiring directors.

94. A retiring director shall be re-eligible, and in case of re-election, the re-elected director shall be considered to be a new director as from the time of his re-election.

Directors to be re-eligible.

95. No person shall be eligible to the office of director unless he be the holder of at least ——— shares, and, except as regards the first directors, unless he has held such shares at least six months next preceding the day of election; nor, except as regards the first directors, unless he has given to the company notice in writing of his willingness to be elected at least five days, and not more than one month, previously to the day of election, and at the time of giving such notice has deposited at the office the certificates of his qualifying shares. Provided that any director retiring by rotation shall be deemed willing and eligible to be re-elected without giving such notice, unless he has given to the company, at least seven days before the day of election, notice in writing of a contrary intention.

Qualification of directors.

96. The first directors shall, within twenty-eight days after they accept office, deposit at the office the certificates of their qualifying shares.

First directors to deposit shares.

97. The company at the general meeting at which any directors retire shall fill up the vacant offices by electing a like number of directors, unless the meeting, in pursuance of a resolution of the board, shall otherwise determine. But if at any general meeting at which an election of directors ought to take place no such election be made, the meeting, unless it shall otherwise determine in pursuance of such resolution as aforesaid, shall stand adjourned to the next business day at the same time and place; and if at the adjourned meeting no election takes place, the directors to retire shall continue in office until the then next ordinary meeting, but shall, for the purposes of retirement in rotation, be deemed to be re-elected at the meeting at which the election ought to have taken place.

Vacant offices to be filled up at meeting. If election not made, meeting to stand adjourned for purpose of election.

Directors may resign.

98. A director may at any time give notice in writing of his wish to resign by delivering the notice to the manager, or leaving it at the office ; and on the acceptance of his resignation by a board, but not before, his office shall be vacant.

Remuneration of directors.

99. The remuneration of the directors shall be fixed from time to time by the shareholders at the ordinary general meetings, and such remuneration shall be appropriated by the board out of the funds of the company, and shall be divided among the directors as they from time to time think fit.

When office of director to be vacated.

100. The office of director shall be vacated—

- (a) If he accepts or holds any other office or place of profit under the company other than that of managing director or general manager.
- (b) If he becomes bankrupt or insolvent, or compounds with his creditors.
- (c) If he is declared lunatic or becomes of unsound mind.
- (d) If he is absent from the board for more than three consecutive months without the consent of the board.
- (e) If he ceases to hold the number of shares required to qualify him for the office.
- (f) If (except only as shareholder of an incorporated company) he participates in the profits of any work done, or materials provided, for the company. Provided always that he shall not vote in respect of such work or materials done or provided by any incorporated company of which he may be a shareholder, and if he does so vote his vote shall not be counted.
- (g) If he knowingly and intentionally violate clause 120 of these articles.

Removal of director by general meeting.

101. The company in general meeting may, by special resolution, remove any director before the expiration of his period of office and appoint another qualified person in his stead, and the person so appointed shall in all respects stand in the place of his predecessor.

Audited accounts conclusive.

102. Every account of the board when audited and approved by a general meeting shall be conclusive, except as regards any error discovered therein within three months after the approval thereof, and when any error is discovered therein within that period, the account shall forthwith be corrected, and thenceforth shall be conclusive.

XI.—Directors and Officers.

Indemnity to directors and others for their own acts.

103. Every director, auditor, manager, secretary, and other officer, and his heirs, executors, administrators, and assigns shall be indemnified by the company from all losses and expenses incurred by them respectively in or about the discharge of their respective duties, except such as happen from their own respective wilful act or default.

Indemnity to directors and others from the acts of other persons.

104. No director or officer, his heirs, executors, administrators, or assigns, shall be liable for any other person whomsoever, or for joining in any receipt or other act of conformity ; or for any loss or expense happening to the company by the insufficiency or deficiency of title to any property, or for the insufficiency or deficiency of any security in or upon which any of the moneys of the company shall be invested ; or for any loss or damage arising from the bankruptcy, insolvency, or tortuous act of any person with whom any moneys, securities, or effects of the company shall be deposited ; or for any loss, damage, or misfortune whatsoever which shall happen in the execution of the duties of his respective office, or in relation thereto, unless the same happens through his own wilful act or default.

Removal of solicitors and manager.

105. The manager, solicitor, and officers (other than auditors) of the company shall be from time to time appointed by special boards, and no solicitor or manager shall be removed from his office except by the resolution of a special board, at which not less than three-fourths of the whole number of directors for the time being are present and concur in the expediency of the removal.

XII.—Powers and Proceedings of Directors.

106. The business of the company shall be managed by the directors, who, in addition to the powers and authorities by the Ordinances and by these presents expressly conferred upon them, may exercise all such powers, give all such consents, make all such arrangements, and generally do all such acts and things as are or shall be by the Ordinances or by the memorandum of association or by these presents directed or authorized to be exercised, given, made, or done by the company, and are not thereby expressly directed to be exercised, given, made, or done by the company in general meeting, but subject, nevertheless, to such (if any) regulations as are from time to time prescribed by the company in general meeting. But no regulation made by the company in general meeting shall invalidate any prior act of the board which would have been valid if the regulation had not been made.

Powers of the board.

107. The directors shall meet together for the despatch of business at such times and places as they think fit, and may make such regulations as they think proper for the summoning and holding of boards, and for the transaction of business thereat, and for determining the quorum necessary for the transaction of business. But, notwithstanding any such regulation as aforesaid, two directors may at any time require the manager or other proper officer to summon a meeting of the board at the office by giving to all of the directors one clear day's notice in writing, specifying the objects of such meeting. Until any regulations shall be made to the contrary, any three directors present at a meeting of directors duly convened shall form a quorum sufficient for the transaction of business.

Meetings of directors.

108. The directors may appoint a president or chairman and, when they think fit, a deputy chairman, and determine the period for which they respectively shall retain office.

Directors may appoint a chairman and deputy.

109. All boards shall be presided over by the chairman if present, or, in his absence, by the deputy chairman; but if neither a chairman nor a deputy chairman shall have been appointed, or if neither the chairman nor the deputy chairman be present at the time appointed for holding the board, the directors present shall choose one of their number to preside.

Appointment of chairman of board meetings.

110. Any question which shall arise at any board shall be decided by a majority of votes, and in case of an equality of votes, the chairman thereat shall have a second or casting vote in addition to his own vote.

How questions at board meetings decided.

111. The board may delegate any of their powers, other than the power to make calls and to vary the capital of the company and to appoint and remove officers, to committees consisting of such one or more director or directors as the board think fit, and they may from time to time revoke and discharge the appointment of any such committee either wholly or in part and either as to persons or purposes; but every such committee shall, in the exercise of the powers delegated to it, conform to all such regulations as are prescribed for it by the board. All acts done by any such committee, in conformity with such regulations and in fulfilment of the purposes of their appointment, but not otherwise, shall have the like force and effect as if done by the board, and the board may remunerate the members of any special committee, and charge the remuneration to the current expenses of the company.

Board may appoint committee.

112. The acts of the board and of any committee appointed by the board and of any person acting as a director shall, notwithstanding any vacancy in the board or committee or of any member of the committee or any want of qualification of any director, be as valid as if no such vacancy or defect or want of qualification existed, and as if every such person had been duly appointed, provided the same be done before the discovery of such vacancy, defect, or disqualification.

Acts of board or of committee to be valid notwithstanding informal appointments.

Meetings of committees.

113. The meetings and proceedings of any committee shall be governed by the provisions of these presents for regulating the meetings and proceedings of directors so far as the same are applicable thereto, and are not superseded by the express terms of the appointment of the committee.

Minutes of proceedings of directors to be kept.

114. The board shall cause minutes to be made in books provided for the purpose of the following matters, viz. :

- (1) Of all the appointments of officers and committees made by the board.
- (2) Of all the names of the directors present at every board, and of the members of committee present at every meeting of the committee.
- (3) Of the proceedings and resolutions of all general meetings.
- (4) Of the proceedings and resolutions of all boards and committees.

And any such minute as aforesaid if signed by some person purporting to be the chairman of the meeting or of the board or committee to which it refers, or by any two directors present thereat, or by the chairman of the next succeeding meeting, shall be receivable in evidence without further proof of the matters therein contained or any other proof.

Custody and use of common seal.

115. The directors shall provide a common seal for the purposes of the company, and may from time to time change the same ; and such seal shall be kept by such person and in such manner as the board from time to time determine, but shall not be used except by the authority of a board and in the presence of at least two directors. The directors shall have full power to use the said seal in the execution of all or any of the powers hereby vested in them, or otherwise in relation to the affairs and business of the company as they in their discretion see fit.

Deeds how executed.

116. Every deed, contract, or other instrument to which the seal is required to be affixed shall be signed by two of the directors and countersigned by the manager or by such other officer as the board may appoint.

Expenses of establishing the company.

117. The board shall, out of the funds of the company, pay all costs, charges, and expenses which have been or shall be hereafter incurred or sustained in or about the getting up, registration, and establishing of the company, obtaining the capital thereof, and in any manner in relation or incidental thereto, and in their management of the business of the company the board, without any further power or authority from the shareholders, may do the following things, viz. :

Appointment, supervision, dismissal, and remuneration of proctors, general manager, and officers.

- (a) They may, except as by these presents is otherwise provided, appoint, and at their pleasure remove or suspend, a proctor or proctors, a general manager, as well as branch or local managers, a secretary, and such other officers, clerks, and servants, either for permanent or temporary or special service, as they from time to time deem expedient for carrying on the business of the company, and may determine their respective duties and powers, and may fix the amount of their respective salaries and emoluments, and may pay the same out of the funds of the company. Provided that they shall in all cases require security to be given by every such manager, secretary, officer, clerk, or servant before he shall enter upon the duties of his office, in such an amount as they think sufficient, to insure the faithful discharge of his duties.

Employment and remuneration of brokers, &c.

- (b) They may employ such brokers, surveyors, agents, valuers, and other persons as they think necessary to dispose of, survey, examine, or report upon any property of the company, or which may be offered to the company, or for the acquisition of which the directors think it expedient to treat ; and may allow and pay out of the funds of the company to the persons so employed such commissions, salaries, wages, and other remuneration as the directors deem reasonable.

- (c) They may establish such branch banks and agencies in this colony as they think fit, and may do all such acts, matters, and things as may be necessary for that purpose, and may make such regulations for the management of any such branch bank or agency as the directors from time to time think proper. They may pay the expenses occasioned by any of the matters aforesaid out of the funds of the company, and may from time to time discontinue all or any of such branch banks or agencies as and when they see fit.
- Establishment of branch banks, agencies, and local boards.**
- (d) They may in the name and for the purposes of the company and by any person or persons authorized by them, purchase, draw, make, give, accept, indorse, transfer, discount, issue, and negotiate such bills of exchange, promissory notes, or other negotiable securities as they think desirable for carrying on the business of the company.
- Acceptance of bills and promissory notes.**
- (e) They may lend or advance any part of the funds of the company, upon the security of any bonds, debentures, mortgages, or other securities, whether real or personal or otherwise, to such corporations or individuals, and upon such terms as they from time to time think expedient.
- Loans and mortgages.**
- (f) They may purchase, hire, rent, or otherwise acquire, at any place whatever, such lands, houses, and buildings, on such terms and for such estate as they from time to time think advisable. They may pull down, alter, remove, and convert any such houses or buildings and may erect and build such other houses and buildings in lieu thereof on any land so acquired; and may from time to time alter or convert any such houses or buildings in such manner as they consider necessary or advisable for carrying on the business of the company. They may fit up and furnish and insure against loss by fire all or any of such houses or buildings, and may let, or demise, or give possession of the whole or any part of the same, whether fitted up or furnished or otherwise, to such persons and on such terms as to tenancy or occupation as they consider advisable with regard to the interests of the company and the promotion or carrying on of its business. They may from time to time sell and buy in and re-sell, either by public auction or by private contract, any such lands, houses, or buildings as aforesaid, and may otherwise deal with all or any part of the same as they consider conducive to the interest of the company.
- Acquisition of business premises.**
- (g) They shall adopt and carry into effect any contract, agreement, or arrangement already entered into on behalf of the company, whether in relation to any land or buildings intended for its use, or in relation to establishing the company, the raising or obtaining subscriptions for the capital thereof, or otherwise in connection with the promotion or formation of the company, and may enter into and carry into effect any other contract, agreement, or arrangement which they deem expedient, whether with corporations or individuals, for the acquisition or for the disposal of any property, or otherwise in relation to any matter connected with the capital, property, or business or affairs of the company, upon such terms and in such manner as they from time to time deem desirable.
- Contracts.**
- (h) They may give credit or make advances, with or without security, upon cash accounts, to such amount, at such rate of interest, and upon such terms as they think fit, but no director shall vote on any motion respecting the loan or advance of money or otherwise giving credit to himself, his partner, or any relative, or respecting any such loan or advance, or giving credit on any security, or discounting any bill, promissory note, or other security offered by himself, or where his partner or any relative is the person or one of the
- As to credits and loans.**

persons to receive the money referred to in the motion. No shareholder shall be entitled to demand as of right a cash or other credit, and it shall be entirely in the discretion of the board whether such credit shall be given, and no director shall have any such loan or credit except on good security and by resolution of a special board.

Payment for acquired property.

(i) They may pay for the acquisition, pulling down, removal, alteration, conversion, erection, or building of any property by these presents authorized to be acquired by the company either in cash or in shares (to be treated as either wholly or in part paid up), or partly in cash and partly in such shares, or in such other manner as they from time to time deem expedient.

Mortgage and sale of property.

(j) They may let, mortgage, sell, or otherwise dispose of any property of the company, either absolutely or conditionally, and in such manner and upon such terms and conditions in all respects as they think fit, and may accept payment or satisfaction for the same in cash or in the company's debentures or in fully paid up or other shares of the company, or partly in cash and partly in such debentures or shares, or in such other manner as the board deem expedient.

Transfer of mortgage and other securities.

(k) They may procure or take upon such terms as they deem expedient a transfer of any mortgage or other security affecting any property belonging to the company, or authorized to be acquired for the company, and that whether they have or have not at the time of taking the transfer acquired or entered into any treaty relative to the acquisition of the property, and may pay out of the funds of the company all sums necessary for that purpose.

Amalgamation with or purchase of business of any other company and sale of business.

(l) They may, upon such terms and as they think fit, amalgamate with, or purchase or acquire the business, contracts, debts, property, funds, and connection of any company, partnership, or person carrying on, or formed for the purpose of carrying on, or intending to carry on, any business included amongst the objects specified in the memorandum of association, and may pay for the same either in cash or in debentures or in shares (to be treated as either wholly or part paid up), or partly in cash and partly in such debentures or shares, or in such other manner as the board from time to time deem expedient. They may also, after a resolution to that effect has been passed by the votes of three-fourths of the whole number of directors for the time being given at a board specially convened for the purpose of considering the advisability thereof, and confirmed by the resolution of a like number of directors passed at a subsequent meeting specially convened for the purpose of considering the advisability of confirming the previous resolution, and with the assent of an extraordinary meeting of the company specially convened for the purpose of considering the advisability of approving such resolution, sell and transfer for and upon sufficient consideration and indemnity, the whole or any portion of the business, contracts, debts, property, and funds of the company to any other such company, partnership, or person as is hereinbefore mentioned, upon such terms as the board may in that behalf think fit.

May give security for money deposited with the company.

(m) They may secure the repayment of any money deposited with the company and the interest thereon by means of deposit notes, bills of exchange, promissory notes, debenture notes or bonds, or in such other manner as is agreed upon between them and the depositor.

Issuing debentures and borrowing money.

(n) They may in the name and on behalf of the company issue debentures, bonds, and other obligations of the company at any time and in any form or manner, upon any conditions, and for any amount which they may from time to time determine, and may borrow from any person or corporation

27107

whomsoever any sum or sums of money either upon mortgage or charge of any of the property of the company or its unpaid capital, whether called up or not, or on bonds or debentures or other obligations of the company, or otherwise as they see fit, and may cause or permit any such mortgages, charges, bonds, debentures, or obligations to be redeemed or transferred as they think fit.

- (o) They may, for the purpose of securing the repayment of any money so borrowed with interest, make and carry into effect any arrangements which they deem expedient by conveying any property of the company to trustees or otherwise.
- (p) They may invest such part of the funds of the company as is not required to satisfy or provide for immediate demands in or upon Government stocks of Great Britain, of India, or of this colony, or upon such other securities, whether real or personal, as they think expedient, and may from time to time vary such securities and convert the same as occasion requires or as they deem expedient. But they shall not invest or employ any part of the funds of the company in the purchase of its own shares.
- (q) They may institute, conduct, defend, compromise, refer to arbitration, and abandon legal and other proceedings and claims by or against the company or the directors or any officer of the company or otherwise relating to or concerning the property or affairs of the company.
- (r) They may settle and allow or disallow, in whole or in part, the accounts of any officer, agent, or servant of the company.

May secure repayment of borrowed money.

Investments of funds.

Proceedings and claims by and against the company.

Settlement of accounts.

XIII.—*Manager.*

118. The manager shall be paid such a salary as the directors from time to time determine; and in the event of any vacancy occurring in the office of manager, the directors may from time to time supply the vacancy by the appointment of such person as they think fit.

The manager's remuneration and filling up vacancies.

119. The manager, before he shall enter upon the duties of his office, shall give such security for the due and faithful performance of his duties, and in such amount as the board think fit.

Manager to give security.

XIV.—*Declaration of Secrecy.*

120. Every director, manager, auditor, proctor, trustee, member of a committee, officer, servant, agent, accountant, or other person employed in the business of the company, shall, before entering upon his duties, sign a declaration pledging himself to observe a strict secrecy respecting all transactions of the company with the customers, and the state of accounts with individuals, and in all matters relating thereto, and shall by the declaration pledge himself not to reveal any of the matters which come to his knowledge in the discharge of his duties, except when required so to do by the board, or by any general meeting, or by a court of law, or by the person to whom the matters relate, and except so far as is necessary in order to comply with any of the provisions of the Ordinances or of these presents.

Declaration of secrecy.

XV.—*Accounts.*

121. Every sum paid on behalf of the company, otherwise than in the course of banking business, amounting to rupees one hundred or upwards, shall be paid by a cheque, which shall be signed by two directors, and shall be countersigned by the manager or by such other officer as the board shall appoint for the purpose.

Payments by cheque: how cheques to be signed.

122. No payment, otherwise than in the course of banking business, shall be made without the order of the board or of a committee of directors, except only payments on petty cash account, for which the board may place such sum as they may think fit at the disposal of the manager or other officer.

Payments to be made by order of board, except petty cash.

Receipts of two directors or appointees to be good.
Accounts of receipts and expenditure.

123. The receipts of two directors or of any person thereto expressly authorized by the board for moneys payable to the company shall be effectual discharges for the same.

124. The directors shall cause true accounts by double entry to be kept of all sums of money received or expended by the company and of the matter respecting which the receipt or expenditure takes place, and of the credits and liabilities of the company, and of all other matters necessary for showing the true state and condition of the company ; and the accounts shall be kept in such books and in such manner, and the books of accounts shall be kept in such place or places of security as the directors appoint.

Preliminary expenses account.

125. All costs, charges, and expenses incurred or sustained in or about the establishment of the company, and subsequent to the registration thereof, including therein the cost of advertising, travelling expenses, printing, stationery, brokerage, commission, furniture and fittings of offices, expenses attendant upon the formation of branch banks and agencies, and all other costs, charges, or expenses which the board consider may be fairly deemed and treated as preliminary, shall be placed to a separate account, to be called the "Preliminary Expenses Account," and shall be chargeable on the funds of the company, and may be spread over such period, not being more than three years, as the board deem expedient.

Inspection of documents.

126. No shareholder, unless he be a director or an auditor, or any officer, clerk, accountant, or other person whose duty requires him to do so, shall be entitled to inspect any of the books, accounts, documents, or writings of the company, except such as are produced for that purpose at a general meeting, nor shall any shareholder be entitled in equity to a discovery thereof.

Statement of account and report to be furnished to general meetings.

127. At every ordinary meeting the directors shall lay before the meeting a balance sheet or statement of the accounts of the company made up to a date not more than two months before the meeting from the time when the last preceding statement was made, or in case of the first balance sheet or statement from the commencement of the company, and every such balance sheet or statement shall be accompanied by a report of the directors as to the state and condition of the company, and as to the amount (if any) which they recommend to be paid out of the profits by way of dividend or bonus to the shareholders, and the amount (if any) which they recommend to be retained for the reserve fund ; and such statement shall particularize the securities on which the reserve fund is invested.

XVI.—*Audit.*

Accounts to be audited.

128. The accounts of the company shall be from time to time examined, and the correctness of the statements shall be from time to time ascertained, by not less than two auditors, to be appointed in accordance with these presents.

Qualification of auditor.

129. No person shall be eligible as an auditor who is interested otherwise than as a shareholder in any transactions of the company, or who is a director or other officer of the company ; and one at least of such auditors shall be an accountant, or a firm of accountants, which firm shall, for the purposes of these presents, be deemed to be one auditor, and any and every member of such firm may act as such auditor.

Notice to be given of intention to propose auditors

130. No person, not being a retiring auditor, shall be eligible to the office of auditor, unless notice of an intention to propose him at an ordinary meeting be given at least five days and not more than one month before the meeting ; and a copy of every such notice shall be posted up at the office during three days before the meeting.

Auditors to have copies of statement of account.

131. The auditors shall be supplied, at least fourteen days before the day for holding an ordinary meeting, with copies of the accounts and balance sheet intended to be laid before the meeting, and it shall be their duty to examine the same with the vouchers relating thereto, and also to examine and report on the assets of the company.

132. Within ten days after the receipt by the auditors of the accounts and balance sheet, they shall either approve them and report generally thereon, or if they do not see fit to approve them shall report specially thereon, and shall transmit such report to the office of the company.

Auditors to report.

133. At least three days before every ordinary meeting a printed copy of the accounts and balance sheet, so audited as aforesaid, shall be sent by the board to every shareholder holding five shares or upwards and resident in Ceylon, in accordance with his registered address.

Copy of accounts to be sent.

134. If and whenever the auditors discover or apprehend any error or irregularity, whether wilful or accidental, in any of the accounts or books of accounts of the company, it shall be their duty at once to make and deliver to the board a report in writing thereon.

Auditors to report errors and irregularities to board.

135. Every balance sheet or statement of accounts when audited shall, after adoption by a general meeting, be conclusive, except as regards any error discovered therein within three months next after the adoption thereof. Whenever any such error is discovered within that period the balance sheet or statement of accounts shall be forthwith corrected by the auditors, and shall thenceforth be conclusive.

Balance sheet or statement of accounts conclusive after approval.

XVII.—Dividends, Bonus, and Reserve Fund.

136. The directors may, with the sanction of the company in general meeting, declare a dividend or bonus, or both a dividend and bonus, to be paid to the shareholders in proportion to the amount from time to time paid on their shares (but exclusively of any amount for the time being paid up in advance of calls and carrying interest at an agreed rate), and subject to any special privileges or priority, for the time being subsisting, with regard to any particular shares.

Declaration of dividend or bonus.

137. If and as long as ordinary meetings are held once a year only, the directors may, without the sanction of a general meeting, declare half-yearly dividends for those half years during which an ordinary meeting is not held. Provided always that no dividend shall be sanctioned by the shareholders exceeding the amount recommended by the directors.

Half-yearly dividends.

138. No dividend or bonus shall be payable except out of the profits arising from the business of the company.

All dividends to be paid out of profits.

139. The directors may, before recommending any dividend or bonus, set aside out of the profits of the company such a sum as they think proper as a reserve or guarantee fund.

Reserve fund.

140. The reserve fund shall be invested by the directors upon such Government securities, stocks, or funds of Great Britain, India, Ceylon, or of any British colony, or in such other good and easily convertible stocks or securities, other than the shares of the company, as they think fit.

To be invested in Government stock.

141. No dividend exceeding five per cent. per annum shall be paid until such reserve fund amounts to a sum equal to one-fifth of the other paid up capital.

Reserve fund to be one-fifth of the capital.

142. The board may from time to time apply such portion as they think fit of the reserve fund to meet contingencies, or for equalizing dividends, or for repairing or maintaining the buildings and premises connected with the business of the company, or any part thereof, or for any other purpose of the company, which they from time to time deem expedient.

Application of reserve fund.

143. No unpaid dividend or bonus shall ever bear interest as against the company.

Unpaid dividend or bonus not to bear interest. Board may deduct money due for calls.

144. The board may deduct from the interest dividends and bonus payable to any shareholder all sums of money due from him to the company on account of calls or interest thereon or otherwise.

Notice to be given of interest and dividends. Forfeiture of unclaimed dividend.

145. Notice of all interest, dividend, or bonus payable shall be given to every shareholder entitled thereto.

146. Any interest, dividend, or bonus unclaimed for three years after such notice may be forfeited by the board for the benefit of the company, and if the board think fit may be applied in augmentation of the reserve fund.

Board may pay dividend to claimant.

147. Notwithstanding such forfeiture the board may at any time thereafter, if they think fit, as a matter of grace and favour, authorize the payment thereof to any claimant who shall adduce a title thereto to the satisfaction of the board.

XVIII.—*Dissolution of the Company.*

When reserve fund exhausted, extraordinary general meeting to be called. Events in which company may be wound up and dissolved.

148. If at any time the directors find that the losses of the company have exhausted the reserve fund, and also one-fourth of the paid-up capital, they shall forthwith call an extraordinary meeting, and submit to it a full statement of the affairs of the company.

149. If the board shall pass a resolution recommending a dissolution of the company, or that it shall discontinue its business and wind up its affairs, either in contemplation of or in connection with, or in order to effect a transfer of its business, property, and liabilities to any other company, and the continued prosecution of its business by such other company, or without reference to and independently of any such objects, and the company shall by special resolution adopt such recommendation, or if all the members shall in writing under their hands agree thereto, thereupon the affairs of the company shall be wound up by the directors as the liquidators of the company, and they shall continue in office for that purpose, anything hereinbefore contained to the contrary notwithstanding.

Winding up powers of directors.

150. Such directors shall have full power to carry such resolutions or agreement into full and complete effect, and they shall and may have and exercise for such purpose all the powers conferred by the Ordinances upon liquidators appointed in the case of a voluntary winding up of a company, as well as all other powers applicable to such purpose, which might have been exercised by them in reference to their continued prosecution of the company's business, and any other powers which under the circumstances of the case may be conferred upon them by any general meeting, or which may be requisite for enabling them to effect a complete winding up of the affairs of the company and a dissolution thereof.

If directors' powers insufficient, powers of winding up to be applied.

151. If in either of the events stated in the article 149 the powers of the directors shall be found inadequate to enable them to effect a complete winding up of the affairs of the company, then the company shall be wound up so far as remains to be done, in accordance with and subject to such of the provisions of the Ordinances as are applicable to the voluntary winding up of the company under the Ordinances, on the occurrence of any event in which the company may be wound up voluntarily, but without reversing or disturbing any acts or proceedings already done or taken in or towards the winding up of the affairs of the company.

The directors may declare debts irrecoverable.

152. In order to assist in such winding up as aforesaid, it shall be lawful for the directors to declare any debt which they consider to be bad or doubtful to be irrecoverable.

Moneys not claimed to be divided.

153. If any moneys to which upon the winding up of the company, any shareholder or his representatives (including therein whatever moneys he or they may be entitled to receive in virtue of this article) shall not be claimed by the person entitled thereto within six months from such day as the directors shall fix by advertisement as being the period within which the same must be claimed or forfeited, such moneys, and all increase, profits, and accumulations made from any investment or employment thereof shall, at the expiration of such period, be forfeited, and be divided and distributed among the rest of the shareholders or their representatives in proportion to their several shares.

154. When the affairs of the company in the opinion of the directors shall be finally wound up, closed, and settled, the directors may thereupon declare the same by a resolution to be passed by them, and advertise such resolution.

Final closing of affairs

By resolution.

155. The resolution so passed and advertised shall immediately on the expiration of one month from the date of such advertisement, if in the meantime no proceedings shall have been taken on the part of any shareholder or his representatives to prevent the operation thereof, operate and be effectual as a full, final, and complete general mutual release between the shareholders and their representatives *inter se* and between the company, and the shareholders and their representatives individually and collectively, in respect of all actions, suits, and causes of action and suit, accounts, reckonings, controversies, disputes, claims, and demands which may be subsisting between them, or which either of them are or is entitled to or can or may have, maintain, bring, prosecute, recover, or set up against any other or others of them, touching the property or affairs of the company, or the management or disposal thereof, or any act, deed, matter, or thing done, committed, executed, omitted, neglected, occasioned, or suffered by the directors or any other person in connection therewith, as fully and completely as if a release to the same extent had been contained in and made by deed or deeds duly made between and executed by and between such shareholders or their representatives *inter se*, and by and between them and the company respectively.

XIX.—Notices.

156. Any notice or other document required to be served by the company upon any shareholder may be served either personally or by leaving it for or sending it through the post in a prepaid letter addressed to the shareholder at his registered place of abode in Ceylon, and every notice or document sent through the post shall be deemed to have been served at the time at which, in the usual course of post, it or the letter containing it ought to have been delivered at the place to which it is addressed ; and in proving such service by post, it shall be sufficient to prove that the notice or document, or the letter containing it, was properly addressed and put into the post office, and the postage thereon paid.

Service of notices on shareholders.

157. Any notice or other document required to be served upon the company by any shareholder may be served by leaving the same at the office, or by sending it through the post in a prepaid letter addressed to the company at the office ; and in proving such service by post it shall be sufficient to prove that the notice or document, or the letter containing it, was properly addressed and put into the post office, and the postage thereon paid.

Services of notices by shareholders.

158. As to any shareholder whose registered place of abode is not in Ceylon, the office shall, as regards the service of notices or other documents, be deemed his registered place of abode in Ceylon and such notices or other documents shall be deemed to have been served upon him there. But such shareholder may register any place in Ceylon at which he desires such service to be made, and the same shall be made accordingly.

Service of notices on shareholders residing out of Ceylon.

159. All notices required by these presents to be or which may be given by advertisement shall be advertised in the *Government Gazette* and in one of the Colombo local newspapers, and shall be deemed to have been sufficiently given if so advertised.

Advertisements.

160. Every person who by operation of law, transfer, or other means whatsoever shall become entitled to any share, shall be bound by any and every notice or other document which, previous to his name and address being upon the register in respect of the share, has been given to the person from whom he derives his title.

Shareholders bound by notices, &c., given to previous holders.

Service of notices good notwithstanding death of shareholder.

161. When any notice or document is served, delivered, or sent in accordance with these presents, at or to the registered place of abode of a shareholder, then, notwithstanding he be then deceased, and whether or not the company has notice of his decease, such service of the notice or other document shall, for all the purposes of these presents, be deemed service thereof on his heirs, executors, or administrators, and every of them, notwithstanding they are not named therein.

XX.—*Arbitration.*

All disputes to be referred to arbitration.

162. Every matter which, in accordance with these presents, and every difference between the company on the one hand and any of the shareholders, their heirs, executors, or administrators on the other hand, or between any of the shareholders, their heirs, executors, or administrators, in any way relating to any of the subject-matters of these presents, or any claim or demand arising out of or relating to the same, shall be referred to and determined by arbitration under the provisions of "The Civil Procedure Code, 1889," in that behalf contained, or under the provisions of any other Ordinance for the time being in force relating to arbitrations and awards.

Ratification of act.

163. All acts, matters, and things heretofore done for or on behalf of the company by the promoters and by the subscribers to the memorandum of association are hereby confirmed and adopted by the company.

Form C.

1. The capital of the company is Rs. _____, divided into _____ shares of Rs. _____ each.
2. The number of shares issued is _____.
3. Calls to the amount of Rs. _____ per share have been made, under which the sum of Rs. _____ has been received.
4. The liabilities of the company on the first day of January (or July) were :
 - Debts owing to sundry persons by the company _____.
 - On judgment, Rs. _____.
 - On bonds, Rs. _____.
 - On notes or bills, Rs. _____.
 - On simple contracts, Rs. _____.
 - On estimated liabilities, Rs. _____.
5. The assets of the company on that day were :
 - Government securities, Rs. _____.
 - Bills of exchange and promissory notes, Rs. _____.
 - Cash at the bankers, Rs. _____.
 - Other securities, Rs. _____.

Passed in Council the Sixth day of February, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Eleventh day of February, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

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

[Reprinted from Vol. I. of the "REVISED EDITION OF THE LEGISLATIVE
ENACTMENTS OF CEYLON."]

No. 3 of 1897.

An Ordinance to make provision for preventing the
introduction and spread of the Plague and other
Contagious and Infectious Diseases.

WHEREAS it is expedient to empower the Governor, Preamble.
with the advice of the Executive Council, to make
regulations for preventing the introduction into the island
of the plague and all other contagious and infectious diseases,
and for preventing the spread of such diseases in the island :
Be it therefore enacted by the Governor of Ceylon, by and
with the advice and consent of the Legislative Council
thereof, as follows :

1 This Ordinance may be cited as "The Quarantine and Short title.
Prevention of Diseases Ordinance, 1897."

2 (1) Sections 10 and 11 of the Ordinance No. 8 of 1866, Repeal.
and the Ordinance No. 3 of 1881, are hereby repealed, but
this repeal shall not affect the past operation of those
enactments or of any regulations or orders made thereunder,
or the validity or invalidity of anything done or suffered
under those enactments before the passing hereof, or inter-
fere with the institution or prosecution of any proceeding
in respect of any offence committed or any penalty incurred
against or under the said enactments or either of them.

(2) Notwithstanding this repeal every regulation or order
made or purporting to be made under the repealed enact-
ments shall continue and be as if this Ordinance had not been
passed, but so that the same shall be as valid and may be
revoked, altered, or otherwise dealt with under this Ordinance
as if it had been made under this Ordinance, and any
contravention or breach thereof of which after the passing
of this Ordinance any person is guilty may be punished in
like manner as if it were a contravention or breach of a
regulation made under this Ordinance.

3 In this Ordinance, and any regulations made there- Interpretation.
under, unless the context otherwise requires—

"Goods" shall mean goods, wares and merchandise,
furniture, packets, packages, baggage, wearing
apparel, books, letters, or any other article whatso-
ever ; and shall include animals.

"Disease" shall mean any disease of a contagious, infec-
tious, or epidemic nature.

"Diseased" shall mean infected or suspected of being
infected with "disease."

4 The Governor, with the advice of the Executive Regulations.
Council, may from time to time make, and when made revoke
or vary, such regulations as may seem necessary or expedient
for the purpose of preventing the introduction into the island
of any disease, and also preventing the spread of any disease.

Price 5 cents.]

Matters in respect of which regulations may be made.

5 (1) The regulations made under the last preceding section may provide, amongst other things—

- (a) For placing vessels and boats arriving at any port or place in the island in quarantine.
- (b) For placing persons or goods coming or brought in such vessels or boats in quarantine.
- (c) For prohibiting or regulating the landing of persons or goods from vessels or boats either absolutely or conditionally.
- (d) For establishing and maintaining quarantine stations, and for regulating the management of the same, and for the charging, imposing, and recovering of fees for the use and occupation of such stations, and for the cost of maintenance of the persons occupying the same.
- (e) For inspecting vessels and boats leaving or arriving at any port or place in the island, and for the detention thereof or of any person intending to sail therein, as may be necessary.
- (f) For inspecting persons travelling by railway or otherwise, and for segregating in hospitals or otherwise persons diseased.
- (g) For isolating all cases of disease and diseased persons.
- (h) For closing wells, pits, cesspits, and cesspools.
- (i) For prescribing the mode of burial or cremation of any person dying of disease.
- (j) For regulating the number of persons to be allowed to inhabit any dwelling place.
- (k) For the removal from infected localities to places of observation or other places of persons found in such localities.
- (l) For the removal of diseased persons to hospitals or other places for medical treatment, and for their detention until they can be discharged with safety to the public.
- (m) For the cleansing and disinfecting of drains, sewers, cesspits, and of houses, buildings, rooms, and other places which have been occupied by any diseased person, or which are otherwise in an insanitary condition, and, if expedient, for destroying the same, with or without compensation as may be deemed expedient.
- (n) For the disinfecting and, if expedient, destroying, with or without compensation as may be deemed expedient, goods which have been in contact with any diseased person, or which may be deemed capable of spreading disease.
- (o) For prescribing and regulating the seizure, detention, and destruction or disposal of any goods landed or otherwise dealt with in contravention of any regulation made under this Ordinance, and for prescribing and regulating the liability of the owner, or consignor or consignee, or importer of the goods for the expenses connected with the seizure, detention, and destruction or disposal thereof.

- (p) For prescribing the reporting to such officer or officers as may be named in the regulations, by medical practitioners and persons professing to treat diseases, of cases of disease treated by them.
- (q) For prescribing the reporting by the householder or occupier of any house or premises to such officer or officers as may be named in the regulations of any case of serious illness occurring in any such house or premises ; and the visiting and inspecting of such case by such officer or officers.
- (r) For the appointment of inspectors and other officers to carry out the provisions of this Ordinance or of any regulations made thereunder, and for regulating their duties and conduct, and for investing them with all powers necessary for the due execution of their duties.
- (s) For prescribing the publication of any regulations made under this Ordinance, and for prescribing and regulating the form and mode of service or delivery of notices and other documents.

(2) Provided always that nothing in this section contained shall in any way restrict or be construed to restrict the generality of the powers conferred on the Governor by the last preceding section, 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.

6 (1) 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 inspector or other officer appointed under this Ordinance, or any 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.

Offence.

(2) Every prosecution for an offence against this Ordinance may be instituted in the police court of the division in which the offence was committed, and such court may impose the full penalties herein prescribed, anything in the Criminal Procedure Code or in any other Ordinance to the contrary notwithstanding.

7 (1) If any person is guilty of an offence against this Ordinance, he shall be liable on conviction before a police magistrate to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees, or to both.

Punishment.

(2) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law, or under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

Duties of inspectors and police officers.

8 (1) When a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Ordinance, any inspector or other officer appointed under this Ordinance, or any police officer may without warrant stop and detain him, and if his name and address are not known may without warrant apprehend him.

(2) If any person obstructs or impedes an inspector or other officer appointed under this Ordinance, or any police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such inspector or other officer or police officer without warrant.

(3) A person apprehended under this section shall be taken with all practicable speed before a police magistrate.

(4) Nothing in this section shall take away or abridge any power or authority that a police officer would have had if this section had not been enacted.

Presumption.

9 Where the person in charge of a diseased person is charged with an offence against this Ordinance relative to such disease, he shall be presumed to have known of the existence of such disease in such person, unless and until he shows to the satisfaction of the police magistrate before whom he is charged that he had not such knowledge, and could not with reasonable diligence have obtained such knowledge.

Officers to be public servants.

10 Inspectors and other officers appointed under this Ordinance shall be deemed public servants within the meaning of the Penal Code.

Master, agent, or consignee of ship landing person in certain cases to give security for expenses.

11 Whenever any person shall have been landed at any port or place in the island for the purpose of performing quarantine, or for medical treatment, or on the ground that such person is alleged to be of unsound mind, the vessel from which such person shall have been landed shall not be entitled to receive a port clearance until sufficient security to the satisfaction of the principal officer of customs shall have been given by the master, agent, or consignee of such vessel to the principal officer of customs for the repayment to the Government of all expenses which may be incurred by the Government in respect of such person, and also the necessary passage money of such person to the place of his original destination should such person not be conveyed thither in the vessel from which he may have landed.

Execution of regulations may be delegated to local authority.

12 The Governor, with the advice of the Executive Council, may delegate the enforcement and execution of any regulation made under this Ordinance to any municipal or local authority, subject to such restrictions as the Governor with the like advice may from time to time think fit to impose.

Regulations to be published.

13 All regulations made under this Ordinance shall be published in the *Government Gazette*, and shall from the date of such publication have the same force as if they had been enacted in this Ordinance.

9th February, 1897.

No. 4 of 1897.

An Ordinance to amend "The Police Ordinance, 1865."

WEST RIDGEWAY.

WHEREAS it is expedient to alter and amend in certain particulars "The Police Ordinance, 1865," 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:

Preamble.

1 This Ordinance may be cited as "The Police Amendment Ordinance, 1897," and shall be read as one with the principal Ordinance.

To be read as one with Ordinance No. 16 of 1865.

2 For section 12 of the principal Ordinance the following section shall be substituted:

Amendment of section 12.

It shall be lawful for the Governor, with the advice and consent of the Executive Council, by Proclamation in the *Government Gazette*, from time to time to declare that such of the provisions of this Ordinance as to him may seem advisable shall come into operation throughout the island, or in any province, district, town, or place as shall appear to him to require the same, though there be no police force established therein.

Some of the provisions of Ordinance may be brought into operation throughout the island or into any place.

Passed in Council the Twelfth day of November, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fifteenth day of November, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

No. 5 of 1897.

Amended 2/1/900

An Ordinance to amend the Ordinance No. 8 of 1896, intituled "An Ordinance to dispense with Commitments for Trial to District Courts in cases where the Police Court and District Court are presided over by the same Officer."

WEST RIDGEWAY.

WHEREAS doubts have been raised as to whether the provisions of chapter 21 of "The Criminal Procedure Code, 1883," are applicable to trials held under the Ordinance No. 8 of 1896, hereinafter referred to as "the principal Ordinance," and it is desirable to remove such

Preamble.

Inventions.

doubts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

1 This Ordinance shall be construed and read as one with the principal Ordinance.

2 The provisions of chapter 21 of "The Criminal Procedure Code, 1883," shall not apply to trials held under the provisions of the principal Ordinance.

Passed in Council the Twelfth day of November, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fifteenth day of November, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

No. 6 of 1897.

An Ordinance to amend "The Inventions Ordinance, 1892."

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to amend "The Inventions Ordinance, 1892," in manner hereinafter appearing: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title.
To be read as one with the Ordinance No. 16 of 1892.

1 This Ordinance may be cited as "The Inventions Amendment Ordinance, 1897," and shall be read and construed as one with "The Inventions Ordinance, 1892," hereinafter referred to as "the principal Ordinance."

Entry of assignments and transmissions in register.

2 When a person becomes entitled by assignment, transmission, or other operation of law to an exclusive privilege granted under the provisions of section 7 of the principal Ordinance, the Colonial Secretary shall on request, and on proof of title to his satisfaction, cause the name of such person to be entered as proprietor of the grant of exclusive privilege in the register of inventions kept under the provisions of the said Ordinance. The person for the time being entered in the register of inventions as proprietor of a grant of exclusive privilege shall, subject to any rights appearing from such register to be vested in any other person, have power absolutely to assign, grant licenses as to, or otherwise deal with the same, and to give effectual receipts

Pilgrimages.

for any consideration for such assignment, license, or dealing. Provided that any equities in respect of such grant of exclusive privilege may be enforced in like manner as in respect of any other movable property.

Passed in Council the Twelfth day of November, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fifteenth day of November, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

No. 7 of 1897.

**An Ordinance to amend the Ordinance No. 13 of 1896, intituled
"An Ordinance relating to Pilgrimages."**

WEST RIDGEWAY.

WHEREAS it is expedient to amend the Ordinance No. 13 of 1896, intituled "An Ordinance relating to Pilgrimages," 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 :

Preamble.

1 In the preamble of the principal Ordinance, for the words "it is expedient" there shall be substituted "for sanitary reasons it is expedient to confer upon the Governor power in certain cases."

Amendment of
preamble of
Ordinance No. 13
of 1896.

2 In section 1 of the principal Ordinance, after the words "from time to time" there shall be inserted the following words, "in anticipation of any pilgrimage proposed to be made which in his judgment may probably occasion such a concourse of people as, in the absence of adequate regulation or restriction, to give rise to public inconvenience or be dangerous to the public health."

Amendment of
section 1.

Passed in Council the Twelfth day of November, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fifteenth day of November, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

*Land Surveyors, Auctioneers, &c.***No. 8 of 1897.****An Ordinance to amend the Ordinance No. 15 of 1889, intituled
"An Ordinance relating to Land Surveyors,
Auctioneers, and Brokers."****WEST RIDGEWAY.****Preamble.**

WHEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 15 of 1889 : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

To be read as one with Ordinance No. 15 of 1889.

1 This Ordinance and the Ordinance No. 15 of 1889, intituled "An Ordinance relating to Land Surveyors, Auctioneers, and Brokers," hereinafter referred to as "the principal Ordinance," shall be read together as one Ordinance.

Sub-section 2 of section 4 amended.

2 For sub-section 2 of section 4 of the principal Ordinance the following sub-section shall be substituted :

Every applicant shall be examined in Colombo at the Technical College by such person as may be appointed by the Governor.

Section 5 amended.

3 For section 5 of the principal Ordinance there shall be substituted the following section :

Every applicant for a license not being a student of the Technical College shall, before being examined, pay to the Surveyor-General a fee of thirty-five rupees. All such fees shall be accounted for and appropriated as the Governor shall from time to time direct.

Schedule A amended.

4 To Schedule A of the principal Ordinance there shall be added the following :

Holders of the diploma of the Ceylon Technical College bearing the signature of the person appointed by the Governor to conduct the final examination in surveying and levelling.

Passed in Council the Twelfth day of November, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fifteenth day of November, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

*Opium, Bhang, and Ganja.***No. 9 of 1897.***Repealed 5 1899*

An Ordinance to increase the Duty on the import of Opium and to prohibit the importation of Bhang and Ganja into this Island.

WEST RIDGEWAY

WHEREAS it is expedient to prohibit the import into this island of bhang and ganja and to increase the duty on the import of opium: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited for all purposes as "The Opium and Bhang Ordinance, 1897."

Short title.

2 For the purposes of this Ordinance, "bhanga" shall mean the dry leaves of hemp plants, whether male or female and whether cultivated or uncultivated, and shall include any substance containing "bhanga"; and "ganja" shall mean the dried flowering tops of cultivated female hemp plants which have become coated with resin in consequence of having been unable to set seeds freely, and shall include any substance containing "ganja."

Interpretation clause.

3 From and after the coming into operation of this Ordinance the duty leviable and payable upon all opium imported into this island under Ordinance No. 17 of 1869 shall be two rupees per pound.

Increase of duty leviable on opium.

4 From and after the coming into operation of this Ordinance the Ordinance No. 4 of 1878, as amended by this Ordinance, shall come into operation in all places and districts in the island which have not been brought within the operation of the Ordinance No. 4 of 1878 by Proclamation under the provisions of section 2 thereof, and in which the Ordinances Nos. 9 of 1889 and 2 of 1893 are not in force.

Ordinance No. 4 of 1878 to come into operation throughout the island.

5 In section 3 of the Ordinance No. 9 of 1889, for the words "thirty-first day of October" there shall be substituted the words "thirtieth day of November."

Amendment of section 3 of Ordinance No. 9 of 1889.

6 To Schedule C of the Ordinance No. 17 of 1869 shall be added the following words:

Addition to Schedule C of Ordinance No. 17 of 1869.

"Bhang and ganja, and any substance containing bhang or ganja."

Prohibition of the importation of bhang and ganja.

7 Any person who shall possess or sell, or offer for sale, or suffer to be sold any bhang or ganja, shall be guilty of an offence, and be liable, on the first conviction, to a fine not exceeding fifty rupees, or to simple or rigorous imprisonment not exceeding three months, or to both; and on every subsequent conviction to a fine not exceeding one hundred rupees, or to imprisonment, simple or rigorous, not exceeding six months, or to both.

Penalty for possession or sale of bhang or ganja.

Opium, Bhang, and Ganja.

Search into place where bhang or ganja is kept for sale.

8 It shall be lawful for any police officer or municipal inspector to enter and inspect any shop or place in which there shall be reasonable cause for suspicion that bhang or ganja is kept, possessed, or sold, and to seize any bhang or ganja which may be found therein and the vessels holding the same, and to take into custody the persons suspected to be keeping, possessing, or selling the same.

Sale of opium to children prohibited.

9 (1) Every holder of a license for the sale by wholesale or retail of opium, who sells or allows any person to sell opium to any person apparently under the age of fifteen years, shall be liable for the first offence to a fine not exceeding fifty rupees, or to imprisonment, simple or rigorous, not exceeding three months, or to both; and for the second and any subsequent offence to a fine not exceeding one hundred rupees, or to imprisonment, simple or rigorous, not exceeding six months, or to both.

Cancellation of license.

(2) It shall be lawful for the police magistrate in any case in which a person has been convicted under this section to cancel the license held by such person.

Informer's share.

10 It shall be lawful for the court imposing a fine under this Ordinance to award to the informer any share not exceeding a moiety of so much of the fine as is actually recovered and realized.

Repeal.

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

- (a) The enactments mentioned in the schedule to this Ordinance to the extent in the third column of that schedule mentioned; and
- (b) So much of any other enactments as is inconsistent with this Ordinance.

SCHEDULE.

Number and Year.	Title.	Extent of Repeal.
4 of 1878 ...	The Opium and Bhang Ordinance, 1878.	The words "and bhang" wherever they occur in sections 4 and 7 and in the schedule. Section 2. The word "respectively" in section 4 and the words "or bhang" wherever they occur in sections 4, 6, 7, 10, 11, and 13.
39 of 1884 ...	An Ordinance to re-adjust the Customs Duties leviable under Ordinances No. 17 of 1869 and No. 14 of 1871.	So much of Schedule A as refers to opium.

Partition Actions.

Number and Year.	Title.	Extent of Repeal.
9 of 1889 ...	An Ordinance relating to the sale by retail of Opium and Bhang within the Colombo Municipality.	The words "and bhang" wherever they occur in sections 2, 3, and 4.
2 of 1893 ...	An Ordinance relating to the sale by retail of Opium and Bhang within Municipalities and Local Board towns.	The words "and bhang" wherever they occur in sections 3 and 4.

Passed in Council the Twelfth day of November, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fifteenth day of November, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

No. 10 of 1897.

An Ordinance to exempt Partition Actions from Stamp Duty.

WEST RIDGEWAY.

WHEREAS it is expedient to exempt from stamp duty proceedings for the partition or sale of land, and to amend the Ordinances No. 10 of 1863 and No. 3 of 1890 in certain particulars: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance shall be read as one with "The Stamp Ordinance, 1890," herein referred to as "the principal Ordinance," and shall come into operation on the passing thereof.

To be read with Ordinance No. 3 of 1890.

2 The duty imposed on deeds of partition by Part I. of Schedule B of the principal Ordinance is hereby repealed.

Repeal of duty on deeds of partition.

3 Part II. of Schedule B of the principal Ordinance is hereby amended by inserting therein under the head "Exemptions" and after the word "thereto" the following words:

Part II. of Schedule B amended.

All pleadings and other documents in actions or proceedings for the partition or sale of land instituted under the provisions of the Ordinance No. 10 of 1863, intituled "An Ordinance to provide for the Partition or Sale of Lands held in common;"

Partition Actions.

and by inserting therein in the last proviso, under the head "In the Police Courts," after the words "municipal officer" the words "or local board officer."

Recovery of double stamp fees in actions wrongly instituted under Ordinance No. 10 of 1863.

4 If it should appear to the court before which any action or proceeding for the partition or sale of land has been instituted that such action or proceeding is one which should not have been instituted under the provisions of the Ordinance No. 10 of 1863, or that it was instituted in order to deprive any person not named in the plaintiff's application to such court of his interest in the said land, or in order improperly to take advantage of the exemption from stamp duty by this Ordinance created, such court shall, in disposing of such action or proceeding, order the plaintiff to pay double the amount of stamp duty which would have been payable throughout such action or proceeding by both plaintiff and defendant had this Ordinance not been passed, and shall enforce payment of the same by writ of execution against the property and person of the plaintiff.

Remuneration to commissioners limited to one per cent.

5 The remuneration to be awarded to the commissioners under section 10 of the Ordinance No. 10 of 1863 shall not exceed one per cent. of the value of the property, unless the court is of opinion that the commissioners are entitled to a larger remuneration, in which case the court shall, in awarding such larger remuneration, record in writing its reasons therefor.

Taxation of costs in partition cases.

6 All bills of costs, whether between party and party or between proctor and client, in any action or proceeding for partition or sale in the court of requests shall be taxed by the chief clerk of such court according to the rates specified in Schedule C of the Ordinance No. 12 of 1895 for money cases which have not been contested, and in the district court, where the value of the property is under three thousand rupees, shall be taxed by the secretary of the court according to the rates specified in Class I. of Schedule 3 of the Civil Procedure Code, anything in the Civil Procedure Code, the Ordinance No. 12 of 1895, or any other Ordinance to the contrary notwithstanding.

Passed in Council the Second day of December, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Seventh day of December, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

*Habitual Criminals.***No. 11 of 1897.** *repealed 7 1899*

**An Ordinance to amend the Ordinance No. 17 of 1894, intituled
"An Ordinance relating to Habitual Criminals and to
Convicts licensed to be at large."**

WEST RIDGEWAY.

WHEREAS it is expedient to amend the Ordinance No. 17 of 1894 relating to Habitual Criminals and to Convicts licensed to be at large: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 In section 2 of the principal Ordinance, for the definition of "habitual criminal" shall be substituted the following:

Amendment of section 2 of Ordinance No. 17 of 1894.

"Habitual criminal" shall mean a person convicted of a crime against whom a previous conviction of a crime is proved, or a person liable under section 91 of the Criminal Procedure Code to be ordered to execute a bond with sureties for his good behaviour.

2 For section 5 of the principal Ordinance shall be substituted the following:

Section 5 amended.

If the person formally charged as aforesaid appears to the police magistrate to have been previously twice or oftener convicted of a crime within a period of ten years from the date of the crime so formally charged against him, and to have been sentenced to undergo terms of rigorous imprisonment exceeding in the aggregate six months, it shall not be lawful for such police magistrate to try such person summarily, but he shall deal with the case as a non-summary case under chapter XVI. of the Criminal Procedure Code and forward the same to the Attorney-General for instructions, anything in the said Code to the contrary notwithstanding.

Criminals previously convicted, before what courts to be tried.

Passed in Council the Second day of December, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Seventh day of December, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

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*Security by Public Officers.**Supply, 1897.***No. 12 of 1897****An Ordinance to amend "The Public Officers' Security Ordinance, 1890."****WEST RIDGEWAY.****Preamble.**

WHEREAS it is expedient to amend the Ordinance No 14 of 1890, hereinafter referred to as "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 principal Ordinance shall be read together as one Ordinance, and may be cited as "The Public Officers' Security Amendment Ordinance, 1897."

Amendment of section 2.

2 In section 2 of the principal Ordinance for the words "the duties of his office" shall be substituted the words "any duties to be performed by him in the course of such employment."

Amendment of section 8.

3 In section 8 of the principal Ordinance for the words "the duties of his office" shall be substituted the words "any duties to be performed by him in the course of his employment by the Government of Ceylon."

Passed in Council the Second day of December, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Seventh day of December, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

No. 13 of 1897.**An Ordinance for making provision for the Supplementary Contingent Charges for the year 1897.**

[December 9, 1897.]

No. 14 of 1897.

**An Ordinance for making provision for the Contingent Services
for the year 1898.**

—
[December 22, 1897.]
—

No. 15 of 1897.

**An Ordinance for making final provision for the Supplementary
Contingent Charges for the year 1896.**

—
[December 22, 1897.]
—

No. 16 of 1897.

**An Ordinance to exempt from Customs Duty Frozen Meat, and
to allow a rebate of such Duty on Kerosine Oil used in
Oil Engines.**

WEST RIDGEWAY.

WHEREAS it is expedient to exempt from the payment
of customs duty frozen meat, and to allow a rebate
of such duty on kerosine oil used in oil engines: Be it
therefore enacted by the Governor of Ceylon, by and with
the advice and consent of the Legislative Council thereof, as
follows:

Preamble.

1 This Ordinance shall come into operation on the First
day of January, 1898.

Commencement.

2 In this Ordinance, unless the context otherwise
requires:

Interpretation.

“Frozen meat” includes the frozen or refrigerated flesh
of animals.

Exemptions from Customs Duty.

“Kerosine oil” includes the liquids commonly known by the names of rock oil, Rangoon oil, Burmah oil, kerosine, petroleum, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid that is made from petroleum, coal, schist, shale, peat, or any other bituminous substance, or from any products of petroleum.

Exemption of frozen meat from customs duty.

3 From and after the coming into operation of this Ordinance, frozen meat shall not be liable to payment of customs duty when imported into this island, anything in the Ordinances No. 17 of 1869, No. 14 of 1871, and No. 39 of 1884, or any other Ordinance to the contrary notwithstanding.

Rebate of duty on kerosine oil used in oil engines.

4 (1) From and after the coming into operation of this Ordinance a rebate shall be allowed by the Principal Collector of Customs of duty paid on kerosine oil used as the source of motive power in oil engines, upon the production of such certificate and such evidence as may be prescribed by the regulations to be made by the Governor, with the advice of the Executive Council, under this Ordinance, anything in the Ordinance No. 5 of 1892 or any other Ordinance to the contrary notwithstanding.

(2) The rebate shall be paid out of the duties received by the Principal Collector of Customs, anything in section 16 of the Ordinance No. 17 of 1869 to the contrary notwithstanding.

Regulations.

5 The Governor, with the advice of the Executive Council, may from time to time make, and when made revoke or vary, such regulations as may seem necessary or expedient in respect of the allowance of rebate, by the Principal Collector of Customs, of duty paid on kerosine oil which has been used as the source of motive power in oil engines.

Matters in respect of which regulations may be made.

6 (1) The regulations made under the last preceding section may provide amongst other things :

- (a) For prescribing the nature and form of the certificate required by section 4.
- (b) For prescribing the nature of the evidence to be produced in support of a claim for rebate.
- (c) For inspecting any engine in which kerosine oil is used as the source of motive power, and in respect of which a claim for rebate under section 4 is made, and the premises in or upon which such engine is kept.
- (d) For prescribing the times when and the periods for which payments of rebate shall be made.
- (e) For the appointment of inspectors and other officers to carry out the provisions of any regulations made under this Ordinance, and for regulating their duties and conduct, and for investing them with all powers necessary for the due execution of their duties.

Exemptions from Customs Duty.

(2) Provided always that nothing in this section contained shall in any way restrict or be construed to restrict the generality of the powers conferred on the Governor by the last preceding section, 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.

7 (1) 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 any such regulations he ought not to do or omit, or if he obstructs or impedes, or assists in obstructing or impeding, any inspector or other officer appointed under this Ordinance in the execution of any provision of any such regulation, he shall be guilty of an offence against this Ordinance.

Offence.

(2) Every prosecution for an offence against this Ordinance may be instituted in the police court of the division in which the offence was committed, and such court may impose the full penalties herein prescribed, anything in the Criminal Procedure Code or in any other Ordinance to the contrary notwithstanding.

8 (1) If any person is guilty of an offence against this Ordinance, he shall be liable on conviction before a police magistrate to imprisonment of either description for a term not exceeding three months, or to a fine not exceeding one thousand rupees, or to both.

Penalty.

(2) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law, or under any enactment other than this Ordinance, but so that a person shall not be punished twice for one and the same offence.

9 All regulations made under this Ordinance shall be published in the *Government Gazette*, and shall from the date of such publication have the same force as if they had been enacted in this Ordinance; provided that all such regulations shall be laid before the Legislative Council within one month of the commencement of the session next after the making of such regulations, and shall cease to have any force or effect if disapproved by the Council within two months of being so laid on the table.

Regulations to be published.

Passed in Council the Twenty-second day of December, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Thirty-first day of December, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

Widows' and Orphans' Pension Fund.

No. 1 of 1898.

An Ordinance to consolidate and amend the Law providing for the granting of Pensions to Widows and Orphans of Deceased Public Officers of this Colony.

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to consolidate and amend the law providing for the granting of pensions to the widows and orphans of deceased public officers of this colony: 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 Widows' and Orphans' Pension Fund Ordinance, 1898," and shall come into operation on such day as the Governor may by Proclamation in the *Government Gazette* appoint.

Repeal.

2 On and from the day on which this Ordinance comes into operation the Ordinance No. 21 of 1896 is repealed; provided that such repeal shall not affect—

- (a) The past operation of anything duly done or suffered under the said Ordinance hereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder; nor
- (c) Any penalty or forfeiture incurred in respect of any breach of the provisions of the said Ordinance hereby repealed; nor
- (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, or forfeiture as aforesaid.

Interpretation of terms.

3 The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction:

"Public officer."

"Public officer" shall mean and include—

- (1) Any person who at the time of the passing of this Ordinance is holding or has held any office in the public service of this colony, and is contributing in respect of his salary or pension to the fund established under the provisions of the Ordinance No. 20 of 1885;
- (2) Any person who at the said time is holding or who shall hereafter hold any permanent office in the service of this colony which is (a) separately provided for on the estimates

vide 319002

Widows' and Orphans' Pension Fund.

and (b) has been declared to be pensionable by notification published in the *Government Gazette*, and who draws a salary from the Colonial Treasurer of two hundred and fifty rupees per annum or upwards, either in respect of one or of two or more such offices held permanently and conjointly; and

- (3) Any person who, having been a "public officer" as last aforesaid, is in receipt of a pension from the Government of this colony in respect of his services as such.

Provided that the provisions of this Ordinance shall not apply to any officer who is by law entitled to have more than one wife at any one time, nor to the widow or children of any such officer.

"Salary" shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of this colony in respect of which office he may become entitled, under any regulations which are now or which may hereafter be in force, to a pension, but shall not include any fees accruing to any officer in respect of such office.

"Salary."

"Directors" shall mean the directors appointed under section 6 of this Ordinance.

"Directors."

"Treasurer" shall mean the officer holding the office of Treasurer of the colony.

"Treasurer."

4 There shall be carried to the fund created under the Ordinances Nos. 20 of 1885 and 21 of 1896, and which shall continue to be styled "The Widows' and Orphans' Pension Fund" (hereinafter referred to as "the fund"), such sums as are hereinafter required to be contributed thereto, and such fund, together with the accretions of interest thereto, shall be applicable to the payment of the expenses of management thereof as hereinafter provided, and of pensions to the widows and orphans now chargeable to the same under and subject to the provisions of any repealed Ordinances, and to the widows and orphans of the public officers now or hereafter contributing to the same under and subject to the provisions hereinafter contained.

Fund how constituted.

5 All moneys belonging to the fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of this colony, and shall bear interest payable by the said Government during the continuance of the fund, or until by Ordinance passed not earlier than the first day of March, One thousand Nine hundred and Two, the rate of interest be altered, at the rate of six per centum per annum free from any deduction, and such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon the mean monthly balance standing in the hands of the Treasurer of the Colony to the credit of such fund during the course of the year.

Investment of fund.

vide 3 1900 3

Widows' and Orphans' Pension Fund.

Appointment of directors.

6 (1) For the due and proper management of the fund the Governor, with the advice of the Executive Council, shall appoint any number of public officers, not exceeding five, as directors thereof.

Cancellation of such appointment.

(2) It shall be lawful for the Governor, with the advice of the Executive Council, to cancel and annul the appointment of any person appointed to be a director, and upon notification thereof in the *Government Gazette* such person shall cease to be a director, and shall cease to have and exercise the powers of a director.

Substitution of director.

(3) In the event of the death of a director, or in the event of the absence from the island of a director, or in the event of the cancellation and revocation of the appointment of any director, the Governor, with the advice of the Executive Council, shall appoint a public officer to be a director in place of the director who shall have died, or shall be absent from the island, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a director by this Ordinance.

Management of fund.

(4) The directors shall superintend and direct the management and administration of the fund, and shall see that the laws and regulations relating thereto are duly fulfilled.

Annual report.

(5) It shall be the duty of the directors annually, on or before the thirty-first day of January, to prepare a statement and account of the fund for the year ending the thirty-first December preceding, and such statement and account shall be laid before the Governor and the Legislative Council.

Appointment of agents, &c.

(6) The Governor may from time to time appoint such officer or officers as he may consider fit and necessary for carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of the Governor.

Pensions to officers employed under the directors.

(7) The Governor, with the advice of the 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 and to those heretofore appointed, and the directors of "The Widows' and Orphans' Pension Fund" shall, subject to such rules, pay such pensions and gratuities out of the moneys of "The Widows' and Orphans' Pension Fund."

Officers to give security.

(8) The officers receiving salaries of Rs. 250 and upwards from the moneys of "The Widows' and Orphans' Pension Fund," and entitled to pension under any rule made under the preceding section, are hereby declared to be public officers within the meaning of this Ordinance, and may be required to give security under the provisions of "The Public Officers' Security Ordinance, 1890."

Meetings of directors.

(9) At every meeting of the directors the senior public officer present shall preside. Every question shall be decided by the vote of the majority of those directors present at the

Widows' and Orphans' Pension Fund.

meeting, provided that if the votes be equally divided the chairman shall have a casting vote in addition to his vote as director. There shall be no meeting at which there shall not be at the least three directors present and voting.

7 A sum not exceeding five per centum of the annual contributions to the fund may be paid by the Treasurer to the directors for the purpose of defraying all expenses connected with the management and administration of the fund, provided that no payment shall be made to any director as salary or remuneration for his own services without the consent and approval of the Governor, with the advice of the Executive Council.

Cost of management of fund.

8 The directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*, shall be valid and binding upon all persons.

Directors may make rules and regulations.

9 (1) From and after the commencement of this Ordinance a monthly abatement of four per centum shall be made from the salary or pension, as the case may be, of every public officer.

Abatement from salaries and pensions.

(2) The abatement of four per centum from the salaries and pensions of contributors shall be made by the Treasurer, or in case of payments made by the Crown Agents by such Crown Agents, upon each occasion of payment of salary or pension, and shall be placed to the credit of "The Widows' and Orphans' Pension Fund."

Treasurer and Crown Agents to deduct from salaries and pensions.

Provided that in the latter case such abatement of four per centum shall be calculated and made in rupees by the Crown Agents on the full salary in rupees payable to such contributor when employed in the colony, or on the pension in rupees payable to such contributor if resident in the colony, and such contributor shall be entitled to receive from the Crown Agents the equivalent in sterling of the balance in rupees of such salary or pension, calculated at the rate at which such contributor is entitled to receive such salary or pension in England.

Proviso.

And in the case of a contributor entitled only to a half of such full salary, such contributor shall be entitled to receive from the Crown Agents the equivalent in sterling calculated in manner aforesaid of the balance in rupees of the half of such full salary after the abatement of four per centum has been calculated on such full salary in rupees and made on the half of such full salary in rupees.

(3) In the event of such abatement not being made, every public officer shall pay to the Treasurer or Crown Agents within fifteen days after the receipt by him of his salary or pension a sum equal to four per centum upon his monthly salary or pension, or in the event of any public officer being on leave without salary such public officer shall pay before

Officers required to pay abatement to Treasurer.

Widows' and Orphans' Pension Fund.

the fifteenth day of each and every month during the continuance of such leave, to the Treasurer or Crown Agents, a sum equal to four per centum upon the full salary which he would have received monthly had he not been on leave. All sums due under the provisions of this sub-section and the arrears of any contribution due and payable under the provisions of the Ordinance No. 21 of 1896 shall be taken to be a debt due to the fund by the public officer, and shall be payable to the Treasurer or Crown Agents, together with interest thereon at six per centum per annum, forthwith or by such instalments as the directors may determine. The Treasurer or the Crown Agents shall, upon the written order of the directors or of any two of them, deduct from any moneys which may be or may become due or payable to the public officer by whom such debt is payable the whole or any part of such debt. The provisions of the Ordinance No. 22 of 1871 shall not apply to any such debt.

Period for which abatement shall be made.

10 The abatement of four per centum from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four per cent. from such pension.

11 A public officer who from any cause whatever ceases to belong to the public service and retires on a pension shall not be called upon to make any further contribution to the fund beyond a monthly abatement from his pension of four per centum on such pension, to commence from the date of his retirement until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

Provided that in the event of such public officer having no wife or male child below the age of eighteen years, or female child unmarried and below the age of twenty-one years, at any time intimating his intention in writing to the directors not to contribute further, he shall not be required to contribute further, and he shall be considered as having ceased to have any interest in the fund, and shall have no claim thereon.

Contributions may continue in full if income reduced.

12 Whenever the salary of a public officer becomes reduced by abatement of the ordinary emoluments or by retirement on pension, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and subject to the same terms and conditions as if he had continued to draw the higher salary. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary or pension, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

Widows' and Orphans' Pension Fund.

13 A public officer who may retire from the public service, or who may be deprived of the office in respect of which he contributed to the fund, but who shall not be granted a pension, may continue to contribute from the date of his so retiring or being deprived of his office on the salary which he was receiving at the date of such retirement or deprivation, at the same rate and subject to the same terms and conditions as if he had continued in the public service and continued to receive the salary which he was receiving at the date of such retirement or deprivation. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his so retiring or being deprived of his situation or of his ceasing to contribute, in accordance with the tables hereinafter referred to.

An officer deprived of his office may continue to contribute.

14 A public officer other than a bachelor who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Crown, may continue to contribute to the fund from the date of his ceasing to hold office in the service of this Government on the salary which he was receiving at the date of such transfer, at the same rate and subject to the same terms as if he had continued in the service of this Government and continued to receive the salary which he was receiving at the date of such transfer. In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled after the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor to the fund at the date of his being transferred or of his ceasing to contribute, in accordance with the tables hereinafter referred to.

Provisions for case of officers transferred to other employment under the Crown.

15 Every public officer shall, within three months of the date of his becoming liable to contribute to the fund, forward to the directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births. The public officer making the declaration shall furnish to the directors such proof of the statements made therein as may be required by the directors.

Officer to furnish particulars within three months of his appointment.

16 Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the directors a declaration setting forth the date of such marriage and the maiden name of his wife and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify marriage.

Widows' and Orphans' Pension Fund.

Officer to notify birth of child.

17 Every public officer shall, within three months, notify to the directors the date of the birth of each child born to him after the passing of this Ordinance.

Officer to notify death of wife, or if she be divorced from him.

18 Every public officer whose wife shall die or be divorced from him, or whose child shall die, or whose female child shall be married, and the guardian of every child who shall die or of every female child who shall be married, shall, within three months thereof, notify to the directors the date of such death, divorce, or marriage.

Penalty for non-compliance with foregoing.

19 Every public officer who shall in the judgment of the directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided, or who shall in the judgment of the directors have furnished any false information or made any false declaration, may be adjudged by the directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Treasurer shall, upon the judgment of the directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the fund.

Who shall be entitled to pension.

20 The widows and orphans entitled to pensions from the fund are the widows and orphans of public officers who have contributed to the fund in accordance with the provisions of this Ordinance or the Ordinances Nos. 20 of 1885 and 21 of 1896, save as hereinafter excepted. No pension shall become due, and no pension shall be paid to any widow or orphan of any public officer, until every debt due to the fund by such public officer shall have been fully discharged.

Exceptions from benefits of fund.

21 No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance unless a lawful child is born of such marriage. The child of any public officer born out of wedlock, who has become legitimate by the subsequent marriage of such public officer with the mother of such child, shall be entitled to a pension or allowance from the fund, unless his father shall have died within twelve months of such marriage, in which case such child shall lose all interest in the fund.

Provided that it shall be lawful for the directors, with the consent of the Governor in Executive Council, to award a pension to such widow or child if it shall appear to them just and reasonable.

When pension to orphans shall cease.

22 The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years.

Pension how computed.

23 The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the Governor with

Widows' and Orphans' Pension Fund.

the advice of the Executive Council. Such tables shall be adjusted and revised by an actuary or actuaries who shall be from time to time appointed by the Governor with the advice of the Executive Council. All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to re-adjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.

24 When a public officer being a widower and unmarried shall die or have died leaving a child or children entitled to pensions, or when a widow of a public officer shall die or have died and there be a child or children of such public officer surviving entitled to pension, the pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided among the children.

Pension to
orphans.

25 The widow of a public officer who marries again shall cease to receive a pension from the date of such marriage; and the children of such widow and public officer shall thereupon, and in the case of the widow of a public officer who has married again and has ceased to receive a pension from the date of such marriage the children of such widow and public officer shall, from and after the coming into operation of this Ordinance, be entitled to pension as hereinbefore provided in the event of the death of both parents.

Provision in case
of widow
marrying.

26 When a public officer dies leaving a widow and children the issue of a previous marriage existing when he became a contributor to the fund, or contracted after he became such contributor, and such children are of ages which entitled them to pensions from the fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children; and if the public officer dies leaving no such children, or when they cease to be entitled to pension, then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.

Provision in case
of a widow and
children of a
previous
marriage.

27 The children of a widower who shall become or has become a contributor to the fund shall be entitled on his death, and the children of a widower who has contributed to the fund and has died prior to the coming into operation of this Ordinance, shall be entitled from and after the coming

Pension to
children of a
widower.

Widows' and Orphans' Pension Fund.

into operation of this Ordinance, to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.

Pension to be paid monthly, and proof of death to be produced before payment.

28 The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the directors to require proof that any widow or child is alive and entitled to the pension claimed by such widow or child.

Directors to appoint person to receive payment on behalf of minors.

29 In any case in which a minor is entitled to payment of a pension or portion of a pension under this Ordinance, it shall be lawful for the directors to appoint some fit and proper person to whom such pension shall be paid. Such appointment shall be in writing under the hand of at least three of the directors, and the receipt of such person shall be a legal discharge for the payment of such pension or portion thereof.

Pensions not to be assigned or levied upon.

30 No pension payable from the fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.

Questions and disputes to be decided by Governor in Executive Council.

31 Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, it shall be lawful for the directors, and such directors are required, upon the application of any such public officer, widow, or child, to submit such question for decision to the Governor; and the decision of the Governor thereon, with the advice of the Executive Council, shall be final.

Widow not entitled to pension if marriage contracted after officer had ceased to contribute.

32 No widow of a public officer whose marriage was contracted after he had ceased to contribute and no child of such marriage shall be entitled to any pension.

Pension not to exceed amount fixed by the actuary.

33 The pension to which any widow, or in the event of the death of the widow to which the child or children of a public officer shall become entitled, shall in no case exceed three thousand rupees, or such larger sum as shall be fixed by the actuary or actuaries appointed under section 23 of this Ordinance, provided that no public officer shall be compelled to pay any contributions beyond such as would bring up the pension to which a widow or child or children might be entitled to such maximum amount.

Military Expenditure.

34 No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being less or more healthy as to climate than Ceylon.

No increase or decrease of pension if residing in climate less or more healthy than Ceylon.

35 Fifty per cent. of the contributions made by a bachelor shall be returned, but without interest, upon the retirement, unmarried, of such officer from the public service of this colony with or without pension.

One-half of bachelor's contribution to be returned on retirement.

Passed in Council the Twelfth day of January, One thousand Eight hundred and Ninety-eight.

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

No. 2 of 1898.

An Ordinance to appropriate a percentage of Nine and a half per centum of the Colonial Revenues as a Contribution for the Defence of the Island.

WEST RIDGEWAY.

WHEREAS it is expedient to appropriate a percentage of nine and a half per centum of the colonial revenues as a contribution for the defence of the island: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 This Ordinance may be cited as "The Defence Contribution Ordinance, 1898."

Short title.

2 "The Military Expenditure Ordinance, 1867," and the Ordinance No. 4 of 1869, intituled "An Ordinance to amend the Ordinance No. 12 of 1867," are hereby repealed.

Repeal of Ordinances 12 of 1867 and 4 of 1869.

3 A sum equivalent to nine and a half per centum of the colonial revenues shall be appropriated yearly to the Imperial Government as a contribution for the defence of the island.

Yearly appropriation for defence of the island.

Military Expenditure.

Definition of
"colonial
revenues."

4 The colonial revenues for the purposes of this Ordinance shall include the net receipts of the Ceylon Government Railway, that is to say, the gross receipts of the Ceylon Government Railway less the charges for maintenance of the same and for interest and sinking fund on amounts borrowed by the Ceylon Government for railway construction and extension, and the gross receipts by the Ceylon Government from all other sources of revenue, but shall not include the proceeds of land sales and premia on leases or land grants.

Percentage how
calculated.

5 In the first instance the said percentage shall be calculated on the estimated revenue of the year, and shall be paid at that rate, subject, however, to revision and adjustment in the manner following; that is to say:

(1) After the close of any year for which payment shall have been made according to this Ordinance, when the actual revenue shall have been ascertained, if there shall prove to have been an excess of receipts over the estimate, a further payment of nine and a half per centum of such excess receipts shall be made.

(2) If there shall prove to have been a deficiency of receipts compared with the estimate, a deduction equivalent to nine and a half per centum of such deficiency shall be made from the next payment or payments due for the defence contribution.

What expenses
are included in
percentage.

6 The said percentage shall be deemed to be a fixed contribution payable by the Ceylon Government in full return for the annual cost of the Imperial garrison, including the cost of maintenance of all military works and buildings, but not including any capital expenditure required for military lands and buildings outside Trincomalee, which shall be provided for by vote of the Legislative Council in the usual way, provided that in no year shall the sum paid by way of percentage exceed three-fourths of the cost of the garrison for that year.

Percentage
payable
quarterly.

7 The said percentage shall be paid quarterly on or about the fifteenth day of March, June, September, and December in each year into the Imperial treasury chest in the island on account of Her Majesty's Government.

Passed in Council the Twelfth day of January, One thousand Eight hundred and Ninety-eight.

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

*Repression of Crime.***No. 3 of 1898.**

An Ordinance to amend the Ordinance No. 15 of 1896, intituled
 “An Ordinance for the repression of Crime in this Colony.”

WEST RIDGEWAY.

WHEREAS it is expedient to amend in the particulars hereinafter mentioned the Ordinance No. 15 of 1896, intituled “An Ordinance for the repression of Crime in this Colony,” hereinafter referred to as “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 :

1 To the principal Ordinance the following chapter shall be added, namely :

CHAPTER IV.*Prohibition of Carrying of Knives.*

20. In this chapter, unless the context otherwise requires—

“Knife” includes every instrument with which a stabbing wound can be inflicted, but shall not include a knife which is commonly known as a penknife.

“Court” includes the district court and police court as well as the Supreme Court.

“Peace officer” includes police officer and headmen appointed by a government agent in writing to perform police duties.

21. Whenever any person is convicted by any court of any offence not punishable by death, in which the knife has been used, or of the abetment of or the attempt to commit any such offence, and sentenced to undergo a term of imprisonment therefor, it shall be lawful for such court, in addition to such sentence, to make an order in such case prohibiting such person on his discharge from custody from wearing, carrying, or concealing about his person any knife outside the precincts of the house, hut, or boutique in which such person ordinarily resides, unless he shall have first obtained a license from the government agent as provided for in section 26.

22. Whenever it appears to a police magistrate upon the report of a peace officer, or upon other information, the substance of which report or information shall be recorded by such magistrate, that it is expedient to make order prohibiting any person from wearing, carrying, or concealing about his person any knife outside the precincts of the house, hut, or boutique in which such person ordinarily resides, he shall, if such person is not present in court, issue a summons requiring him to appear, or when such person is in custody but not present in court a warrant directing the officer in whose custody he is to bring him before the court.

Preamble.

Addition of chapter IV. to Ordinance No. 15 of 1896.

Definition.

Convicted person may be prohibited from carrying a knife.

When necessary, police magistrate to call on person to show cause.

Summons.

Repression of Crime.

**Form of
summons or
warrant.**

23. Every summons or warrant issued under the last preceding section shall contain a brief statement of the substance of the report or information on which such summons or warrant is issued.

Inquiry.

24. When any person appears or is brought before a police magistrate in compliance with or in execution of a summons or warrant issued under section 22, such magistrate shall proceed to inquire into the matter and take such evidence as may appear necessary.

Order.

25. If upon such inquiry it is proved to the satisfaction of the police magistrate that it is expedient to prohibit such person from wearing, carrying, or concealing about his person any knife outside the precincts of the house, hut, or boutique in which such person ordinarily resides, such magistrate shall make an order that such person shall not, unless he shall have first obtained a license from the government agent as provided for in section 26 for any period not exceeding two years, wear, carry, or conceal about his person any knife outside the precincts of the house, hut, or boutique in which such person ordinarily resides.

**License to carry
knife.**

26. There shall be no appeal from an order under section 25, but when an order has been made under the provisions of section 21 or of section 25 prohibiting a person from wearing, carrying, or concealing about his person any knife, it shall be lawful for the government agent of the province in which such person resides to issue a license (either with or without conditions) to such person to wear or carry a knife outside the precincts of the house, hut, or boutique in which such person ordinarily resides, for such period and under such conditions as to the government agent shall seem fit.

**Contravention of
order or
condition of
license.**

27. When any person against whom an order has been made under section 21 or under section 25 does, without having obtained a license under the last preceding section, any act in contravention of such order or in any way contravenes the terms or conditions of any license issued under the last preceding section, then and in every such case such person shall be guilty of an offence punishable, on conviction, with imprisonment of either description for any period not exceeding six months, and if a license has been granted to him such license shall thereupon be cancelled.

Penalty.

Passed in Council the Fourth day of February, One thousand Eight hundred and Ninety-eight.

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

*Colombo Municipal Loan.***No. 4 of 1898.**

An Ordinance to authorize a loan of Rs. 50,000 to the Colombo Municipal Council for the purpose of making provision for the disposal of Night Soil in the Town of Colombo.

WEST RIDGEWAY.

WHEREAS it is expedient that the Colombo Municipal Council should be enabled to borrow a sum of fifty thousand rupees for the purpose of making provision for the disposal of night soil : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance may be cited for all purposes as "The Colombo Municipal Loan Ordinance, 1898."

Short title.

2 The Colombo Municipal Council may borrow, and the Governor, with the advice of the Executive Council, may advance to such Council by way of loan, a sum of fifty thousand rupees for the purpose of enabling such Council to make provision for the disposal of night soil in the town of Colombo.

Power to Colombo Municipal Council to borrow Rs. 50,000.

3 The loan shall be repaid by five equal annual instalments to the Treasurer of the island, together with interest on the amount of such loan, or on so much thereof as for the time being shall remain unpaid, at and after the rate of four per centum per annum, on the Thirty-first day of December, 1898, the Thirty-first day of December, 1899, the Thirty-first day of December, 1900, the Thirty-first day of December, 1901, and on the Thirty-first day of December, 1902.

Loan to bear interest at 4 per cent. and to be repaid in five annual instalments.

4 The loan advanced under the provisions of this Ordinance is hereby declared to be a first charge on the rates and taxes, rents, and all other income and property whatsoever of the Colombo Municipal Council, and such charge and hypothecation shall take effect from the date on which such loan shall be made.

Loan to be first charge on rates and taxes.

Passed in Council the Sixteenth day of March, One thousand Eight hundred and Ninety-eight.

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

*General Cemeteries.***No. 5 of 1898.****An Ordinance relating to General Cemeteries and Burial
and Cremation Grounds situated within the limits
of Local Board Towns.****WEST RIDGEWAY.****Preamble.**

WHEREAS it is expedient to further amend "The Cemeteries Ordinance, 1862," and to vest certain powers and duties conferred by the said Ordinance on the Governor and Executive Council in the chairman of the local board and the local board in respect of general cemeteries situated, or used for the burial of persons dying, within the limits of a local board town, and to make provision touching private burial grounds and cremation grounds situated within the limits of any such town, with a view to the protection of the public health : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

CHAPTER I.*General Cemeteries.*

Local board to provide land for the purpose of establishing general cemeteries in local board towns.

1 For the purpose of carrying out the provisions of sections 5 and 6 of the Ordinance No. 12 of 1862, and the provisions of the Ordinance No. 2 of 1885, it shall be the duty of the local board of any town, on the request of the Governor in Executive Council, to provide land for the purpose of the establishment of a general cemetery for the burial of persons dying within the limits of such town, or for the addition to the limits of any such cemetery heretofore or hereafter to be established under the Ordinance No. 12 of 1862.

Powers and duties vested in Governor and Executive Council to be exercised within local board limits by chairman and local board.

2 The powers and duties vested in and appertaining to the Governor, with the advice and consent of the Executive Council, under and by virtue of the provisions of sections 10, 12, 18, 20, 22, 24, 26, and 28 of the Ordinance No. 12 of 1862 and section 3 of the Ordinance No. 17 of 1886, and to the Governor under and by virtue of the provisions of sections 8, 17, and 22 of the Ordinance No. 12 of 1862 and section 2 of the Ordinance No. 17 of 1886, shall be exercised and performed by the local board and the chairman of such board, respectively, in respect of any general cemetery established under the Ordinance No. 12 of 1862, and situated or used for the burial of persons dying within the limits of a local board town.

Moneys raised by sale under section 20 of Ordinance No. 12 of 1862 to form part of local board revenue.

3 All moneys realized by the sale of any portion of such cemeteries under section 20 of the Ordinance No. 12 of 1862 shall be paid into the local board fund and form a portion of the local board revenue.

General Cemeteries.

4 The provisions of section 21 of the Ordinance No. 12 of 1862 shall not apply, after the coming into operation of this Ordinance, to any cemetery established under the Ordinance No. 12 of 1862, and situated or used for the burial of persons dying within the limits of any local board town.

Within local board limits section 21 of Ordinance No. 12 of 1862 not to apply.

5 The local board shall make regulations as to the fees to be paid for the performance of burial services, for digging graves, and such other services in any general cemetery established under the provisions of the Ordinance No. 12 of 1862, and situated or used for the burial of persons dying within local board limits, and all such fees shall be paid to the keeper of such cemetery to be by him paid to the chairman of the local board as part of the local board revenue. Provided that the fees payable under this section in respect of any portion of any cemetery set apart for the special use of any religious denomination, and all fees payable under the Ordinance No. 17 of 1886, shall, as heretofore be paid and appropriated by the board of management for such portion appointed under the said Ordinance, and shall be applied by such board in manner provided by section 7 of the said Ordinance.

Local board to make regulations as to the fees, &c.

6 Whenever the local board of any town shall refuse to authorize the erection of a chapel or other building for the performance of burial services within the limits of any general cemetery, or to set aside a portion thereof for the special use of any religious denomination applying for the same, or to grant or sell a portion of such cemetery for the purpose of exclusive right of burial therein to any such denomination, it shall be lawful for the Governor, with the advice and consent of the Executive Council, on application by such denomination, if it should seem expedient, to exercise in respect of such cemetery all or any of the powers conferred on him by the provisions of sections 10, 12, and 20 of the Ordinance No. 12 of 1862, or any of them, anything in the preceding section to the contrary notwithstanding.

Should local board refuse to exercise powers conferred by sections 10, 12, and 20 of Ordinance No. 12 of 1862, Governor and Executive Council may exercise same.

7 Nothing in this chapter contained shall in any way affect, vary, or alter (1) any right, privilege, obligation, or liability accrued to, or incurred by, any person, body corporate, or religious denomination under the provisions of the Ordinance No. 12 of 1862, or of the Ordinance No. 17 of 1886; (2) or any legal proceeding or remedy in respect of any such right, privilege, obligation, or liability as aforesaid; and any such legal proceeding and remedy may be carried on as if this Ordinance had not passed.

Rights of persons and religious denominations under Ordinances 12 of 1862 and 17 of 1886 reserved.

CHAPTER II.

Burial and Cremation Grounds.

8 In this chapter the term "burial ground" shall mean any land or ground other than a general cemetery used for the burial of the dead at the time of the coming into operation of this Ordinance, or subsequently approved by the Governor in manner provided by section 9 for the purpose of burying the dead.

Definition of burial ground.

General Cemeteries.

New burial grounds and cremation grounds in local board towns to be approved by the Governor.

9 No new burial ground or cremation ground shall be provided and used in any local board town without the previous approval of the Governor on the recommendation of the local board of such town, and such approval shall be signified by notice in the *Government Gazette*. Every application for a new burial ground shall be accompanied by a plan prepared by a surveyor licensed under Ordinance No. 15 of 1889, and showing clearly the position of said burial ground.

Burial grounds and cremation grounds may be prohibited.

10 In case it appears to the Governor and Executive Council, upon the representation of the local board of any town, that any burial ground or cremation ground situated in such town is in such a state or locality as to be dangerous to the health of the inhabitants of such town, it shall be lawful for the Governor, with the advice of the Executive Council, to order that after a time to be mentioned in the order burials or cremations in any such burial ground or cremation ground shall be discontinued; and every such order shall be published in the *Government Gazette*.

Burial or cremation not to take place after order of discontinuation.

11 After the time mentioned in any such order it shall not be lawful to bury or cremate any corpse in any burial ground or cremation ground mentioned in such order; and every person who after such time as aforesaid shall bury or cremate, cause, permit, or suffer to be buried or cremated, or assist in burying or cremating any corpse contrary to this section, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

By-laws.

12 It shall be lawful to the local board of any town from time to time to make by-laws for the following purposes:

- (1) For the registration of burial grounds and cremation grounds situated within the local board limits;
- (2) For the inspection of such burial and cremation grounds;
- (3) For the proper regulation of the burial and cremation of corpses in such burial and cremation grounds, and for ensuring that the graves are of proper depth;
- (4) And generally for the proper management, regulation, and control of all such burial and cremation grounds, and for the maintenance of order, decency, and cleanliness within the limits thereof;

and such by-laws at any time to repeal, alter, or amend. Provided that such by-laws shall not be of any force or effect unless and until they shall be submitted to and confirmed by the Governor in Executive Council, who is hereby empowered to alter, amend, or disallow the same, or any repeal, alteration, or amendment thereof as he may think proper; and all such by-laws and any repeal, alteration, or amendment thereof shall be published in the *Government Gazette*.

General Cemeteries.

13 All courts of justice shall take judicial cognizance of such by-laws and of any repeal, alteration, or amendment thereof, when and so soon as the same shall have been so duly confirmed and published as aforesaid; and all officers of police are hereby required to assist in carrying out the provisions thereof.

Courts to take cognizance of by-laws.

14 From and after the expiration of three months from the date of the publication in the *Government Gazette* of by-laws providing for the registration of burial grounds and cremation grounds, it shall not be lawful to bury or cremate any corpse in any place other than a general cemetery established under the Ordinance No. 12 of 1862, or a burial or cremation ground registered in the manner prescribed by such by-laws, and every person who shall contrary to the provisions of this section bury or cremate, or cause, permit, or suffer to be buried or cremated, or assist in burying or cremating a corpse, shall be guilty of an offence, and liable on conviction thereof to a fine not exceeding two hundred rupees. Provided that it shall be lawful for the Governor, with the advice of the Executive Council, at any time to grant permission to bury or cremate any corpse in any place other than a general cemetery established under Ordinance No. 12 of 1862, or a burial or cremation ground registered in the manner prescribed by such by-laws, and the provisions of this section shall not apply to any such burial or cremation.

Burials and cremations in unregistered burial or cremation grounds prohibited.

15 The breach of any by-law made and published under this Ordinance shall be an offence, and any person convicted of any such breach shall be liable to a fine not exceeding two hundred rupees, and in the case of a continuing offence to a further fine not exceeding one hundred rupees for each day on which the offence is continued.

Breach of by-laws made an offence.

16 Police courts are hereby empowered to deal summarily with all cases instituted under this Ordinance or any by-law made in pursuance thereof, and to impose the full penalties herein prescribed, anything in "The Criminal Procedure Code, 1883," or any other Ordinance to the contrary notwithstanding.

Police courts empowered to deal with offences.

17 All fines imposed by virtue of this Ordinance or any by-law made in pursuance thereof shall be paid to the local board to be by it applied to the purposes of "The Local Board of Health and Improvement Ordinance, 1876."

Fines to be paid to the local board.

Passed in Council the Sixteenth day of March, One thousand Eight hundred and Ninety-eight.

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

*Inventions.**Export Duty on Arrack.***No. 6 of 1898.****An Ordinance to amend "The Inventions Ordinance, 1892."**

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 16 of 1892, intituled "An Ordinance to consolidate and amend the Law relating to the granting of Exclusive Privileges to Inventors," hereinafter referred to as "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 :

To be read as one with Ordinance No. 16 of 1892.

1 This Ordinance and the principal Ordinance shall be read together as one Ordinance, and may be cited collectively as "The Inventions Ordinances, 1892 and 1898."

Amendment of sub-section 3 of section 5.

2 For sub-section 3 of section 5 of the principal Ordinance there shall be substituted the following sub-section :

(3) Before such petition is so referred the petitioner or petitioners shall pay to the Colonial Secretary, within such time as the Governor in Executive Council may by rule or otherwise prescribe, such fee as the Governor in Executive Council may determine.

Passed in Council the Sixteenth day of March, One thousand Eight hundred and Ninety-eight.

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

No. 7 of 1898.**An Ordinance to impose an Export Duty on Arrack.**

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to levy a duty on arrack distilled in this colony and exported therefrom : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :—

Interpretation clause.

1 For the purposes of this Ordinance, unless the context otherwise requires—

"Arrack" shall include all spirits distilled from the produce of the cocoanut or other description of palm.

Wharf and Warehouse.

2 There shall be levied and paid on all arrack distilled in this island when exported therefrom a duty of one rupee and twenty-five cents per gallon of the strength of proof by Sikes' hydrometer, and so in proportion for any greater or less strength than the strength of proof and for any greater or less quantity than a gallon.

Export duty to be levied.

3 The duty leviable hereunder shall be levied at the Customs on the entry for exportation of arrack, and shall be payable to and shall be collected and received by the proper officers of the Customs Department; and the payment thereof shall be enforced under the provisions of the Ordinance No. 17 of 1869, intituled "An Ordinance for the general regulation of Customs in the Island of Ceylon."

Duty how to be levied.

Passed in Council the Sixteenth day of March, One thousand Eight hundred and Ninety-eight.

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

No. 8 of 1898. *repealed 1900*

An Ordinance to amend "The Wharf and Warehouse Ordinance, 1876."

WEST RIDGEWAY.

WHEREAS it is expedient to amend the Ordinance No. 10 of 1876, intituled "An Ordinance to repeal 'The Wharf and Warehouse Ordinance, 1865,'" and hereinafter referred to as "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:

Preamble.

1 This Ordinance may be cited as "The Wharf and Warehouse Amendment Ordinance, 1898."

Short title.

2 The principal Ordinance, the Ordinance No. 3 of 1895, and this Ordinance shall be read as one Ordinance, and may be cited for all purposes as "The Wharf and Warehouse Ordinance, 1876, 1895, and 1898."

Ordinance to be construed as one with Ordinances No. 10 of 1876 and No. 3 of 1895.

3 The Ordinance No. 8 of 1890 is hereby repealed except as to rights or liabilities which shall have been acquired or incurred, acts which shall have been duly done or suffered, and all proceedings or matters which shall have taken place thereunder before this Ordinance comes into operation.

Repealing clause.

*Wharf and Warehouse.*Amended
schedule.

4 The Schedule A hereto shall be the schedule of the maximum rates, rents, and charges to be enforced under the principal Ordinance.

SCHEDULE A.				Imports.		
				Rates for Goods re- moved to and from Bond.	Wharf & Warehouse Co.'s revised Rates for Goods removed from transit Warehouses.	
				Rs. c.	Rs. c.	
				Nett.	Nett.	
Asphalt	...	—	... per ton	1 75	1 20	
Cement	...	—	... per barrel	0 37½	0 26½	
Cotton goods	...	In bales or cases of ordinary size	... each	0 45	0 30	
Earthenware	...	Crates or casks of ordinary size	... do.	1 10	0 60	
			Of large size	... do.	1 25	0 90
Fish (dried)	...	In packages not exceeding 1 cwt.	... each pkg.	0 8	0 7	
			Exceeding 1 cwt.	... per cwt.	0 8	0 7
Flour	...	In barrels...	... each	0 45	0 28	
			In bags of 200 lb.	... do.	0 15	0 9
			In cases 8 to 25 cubic ft. and upwards	... do.	0 80	0 65
Glassware	...	In casks and crates up to 30 cubic ft.	... do.	0 95	0 75	
			In casks and crates above 30 cubic ft.	... do.	0 80	0 65
Gunny bags	...	Manufactured jute and such-like goods in bales...	... do.	0 45	0 30	
			In casks or cases of ordinary size	... do.	0 75	0 50
Hardware	...	In casks or cases of large size	... do.	1 25	0 75	
			In bars, bundles, hoops, plates, pig, or packages not exceeding one ton in weight	... per ton	1 50	1 25
Manure	...	—	... do.	1 50	1 0	
Nails, &c.	...	In kegs or drums of 1 cwt.	each	0 20	0 10	
Oil, turpentine, &c.	...	In drums of 5 gallons	... do.	0 30	0 20	
			Packages of 1 dozen size	... do.	0 20	0 10
Oilmanstores (according to size)	...	Packages of 2 dozen size	... do.	0 40	0 20	
			Packages of 3 dozen size	... do.	0 50	0 25
Parcels	...	And small packages not over 25 lb. in weight not containing valuables	... do.	0 20	0 20	
Rice and grain	...	Per bag of 164 lb.	... do.	0 9	0 7	
Sugar	...	Per bag of 164 lb.	... do.	0 10	0 10	
			Hogsheads	... 100 bundles	9 50	7 50
Staves	...	Puncheons	... do.	11 0	8 50	
			Pipes	... do.	12 0	10 50
Tar	...	In barrels	... each	0 34	0 24	
Vegetables and miscellaneous articles	...	Such as potatoes, onions, ginger, pepper, saffron, arrowroot, and such-like.	If in baskets or robbins not exceeding 1 cwt.	... do.	0 8	0 7
			Or if in larger packages	... per cwt.	0 8	0 7

Wharf and Warehouse.

	Rate for Goods re-		Wharf & Warehouse Co.'s revised Rates for Goods removed from transit Warehouses.
	moved to and from Bond.		
	Rs.	c.	Nett. Rs. c.
Wines, spirits, and malt liquors	In butts and pipes	...	1 50 1 12
	Puncheons	...	1 0 0 60
	Hogsheads	...	0 50 0 36
	Barrels of bottled beer or porter	...	0 40 0 28
	Quarter casks	...	0 40 0 25
	Cases of 3 or 4 dozen	...	0 50 0 30
	Cases of 2 dozen	...	0 40 0 20
	Cases of 1 dozen	...	0 20 0 12

NOTE.—In the matter of the weighing or examination of goods named in the above tariff (other than cases of wines, spirits, and malt liquor) a charge of 25 cents per ton, measurement or weight, according to usage, will be made against the owners or consignees on all goods selected by them, or by the agents of vessels, for examination or weighing.

Exports.

Rates for Receiving and Shipping Goods.

Rs. 6 per ...	18 casks ...not exceeding 10 cwt. each	} Coffee.	
	30 tierces or hogsheads do. 6 do.		
	40 barrels do. 4 do.		
	120 bags do. 1½ do.		
	12 pipes ... do. 18 do.		
	20 puncheons ... do. 10 do.		
	30 hogsheads ... do. 5 do.		
	60 bales of cinnamon of 100 lb. each ; larger or smaller bales in proportion.		} Cocoa-nut oil.
	160 bags cinnamon chips.		
	40 bales cinchona of 336 lb. each ; larger or smaller bales in proportion.		
	40 cases cinchona of 336 lb. each ; larger or smaller cases in proportion.		
	160 bags cinchona (not pressed).		
	50 bales cotton wool of 300 lb. each ; larger or smaller bales in proportion.		
	120 bags cacao, not exceeding 1½ cwt. each.		
	40 barrels plumbago, not exceeding 5 cwt. each.		
100 cases or chests of tea of 100 lb. each ; larger or smaller cases or chests in proportion.			
50 bales jute of 300 lb. each ; larger or smaller bales in proportion.			
40 bales gunnies of 300 lb. each ; larger or smaller bales in proportion.			
Rs. 6.75 per 2,000 dholls, or 800 ballots, or 40 bales, coir yarn, fibres, &c.			
Rs. 6.75 per 120 cwt. deer horns, in bundles.			
Rs. 6.75 per 100 cwt. deer horns, loose.			
Rs. 6.75 per 160 cwt. ebony.			
Rs. 6.75 per 100 cwt. sapanwood.			
Rs. 8 per 5,000 (in number) coconuts.			

N.B.—No quantity, however small, shall be charged less than one-fourth of the above rates.

Wharf and Warehouse.

Rates for Warehouse Rent.

I.—Imports.

Transit Warehouse, single rates, as provided for under the terms of the Lease.

	For a Week. Centa.
For each butt, pipe, or puncheon	50
For each half pipe or hogshead	25
For each barrel or quarter cask	15
For each cask or keg of smaller size	10
For each crate, cask, or case of hardware, earthenware, or iron- mongery	25
For each bale, case, or box measuring 60 cubic ft. and upwards ...	25
Do. do. 40 cubic ft. and under 60 cubic ft. ...	20
Do. do. 25 do. 40 do. ...	15
Do. do. 15 do. 25 do. ...	12
Do. do. 10 do. 15 do. ...	8
Do. do. 5 do. 10 do. ...	6
For each small box or package	4
For each bag of rice or sugar	4
For beer, wine, or spirits, in bottle, per dozen quarts ...	4
For coir yarn or rope, in ballots or bundles, per cwt. ...	5
Heavy goods, such as metal or timber, per ton ...	25

1. Goods left on the quay, half the above rates; but manure will be charged full rates.

2. Goods may remain in the transit warehouse free of rent for three days, exclusive of Sundays and holidays, after which they will be subject to double the above rates. A week's rent will be charged for all fractions of a week.

II.—Bonded Warehouse.

The following rates will be charged on all goods warehoused in the bonded warehouses.

Rent will commence on the day the goods are deposited therein; and a week's rent will be charged on all fractions of a week.

	For a Week. Centa.
For each butt, pipe, or puncheon	40
For each half pipe or hogshead	20
For each barrel or quarter cask	12
For each octave, or cask of like size	8
For each crate, cask, or case of hardware, earthenware, or iron- mongery	20
For each bale, case, or package measuring 60 cubic ft. and upwards ...	20
Do. do. 40 cubic ft. and under 60 cubic ft. ...	16
Do. do. 25 do. 40 do. ...	12
Do. do. 15 do. 25 do. ...	8
Do. do. 10 do. 15 do. ...	6
Do. do. 5 do. 10 do. ...	4
For each smaller box or package	2
For each bag of sugar or rice	4
Iron, or other heavy goods in bulk, per ton ...	20
Beer, wine, or spirits, per dozen quarts ...	1

III.—Exports.

The following rates will be charged on all goods brought for shipment. Such goods will be allowed three clear days free of rent, after which they will become liable to the payment of a daily rent.

	For a Day. Centa.
For each leagner, pipe, or cask of like size	25
For each hogshead, or cask of like size	12
For each cask or barrel of coffee not weighing more than 3 cwt. gross	6
For each cask or barrel of coffee weighing more than 3 cwt. and not exceeding 7 cwt.	8

Masters Attendant.

	For a Day Cents.
For each cask or barrel of coffee weighing more than 7 cwt. ...	12
For each barrel of Alumbago ...	7
For each bale, case, or package measuring 60 cubic ft. and upwards	25
Do. do. 40 cubic ft. and under	20
Do. do. 25 do. 40 do. ...	15
Do. do. 15 do. 25 do. ...	12
Do. do. 10 do. 15 do. ...	8
Do. do. 5 do. 10 do. ...	6
For each smaller box or package ...	2
For each bag of coffee ...	4
Coir goods in ballots or bundles, per cwt. ...	4

No rent charged for goods brought to the wharf and removed therefrom on the same day. No rent charged for goods on days when the storm flag is hoisted.

Other goods of like size or weight not mentioned in the foregoing schedule to be charged in proportion to the rates specified. Any disagreement to be referred for the final decision of the Principal Collector of Customs.

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

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

No. 9 of 1898. *repealed*

An Ordinance to amend "The Masters Attendant's Ordinance,"
No. 6 of 1865.

WEST RIDGEWAY.

WHEREAS it is expedient to amend the Ordinance No. 6 of 1865 so as to limit the liability of pilots appointed by the Governor of Ceylon: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 (1) The Governor shall continue from time to time to appoint fit, proper, and qualified persons to be pilots for the purpose of conducting ships to or out of any port in the island.

Appointing of pilots by Governor.

(2) The Governor may from time to time remove any pilot so appointed and appoint another in his stead.

2 A pilot appointed by the Governor shall not be liable for neglect or want of skill beyond the sum of one thousand five hundred rupees, and in the event of his being entitled to fees on account of pilotage in respect of the voyage in which he was engaged when he became so liable, his liability shall not exceed the said sum and the amount payable to him as such fees.

Pilot's liability limited.

Branding, Sale, and Transfer of Cattle.

Non-liability of Governor, owner, or master where pilot is employed.

3 The Governor, or the owner or master of a ship, shall not be answerable to any person whatever for any loss or damage occasioned by the fault or incapacity of any pilot appointed by the Governor acting in charge of that ship within the limits of the ports of Colombo and Galle as defined in the schedule hereto.

SCHEDULE.

Port.	Limits.
Colombo...	To the north, a line drawn due west from a point on the beach one geographical mile north of Mutwal point, to a distance of three geographical miles; to the south, a line drawn due west from a point on the beach one geographical mile south of the Flagstaff, to a distance of three geographical miles; to the west, a line connecting the western ends of the above-named north and south limits; to the east, the shore contained between the north and south limits.
Galle ...	To the eastward, Unawatuna point; to the westward, Gindura point; to the southward, the usual sea league from the coast line between these points.

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

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

repealed 1898

No. 10 of 1898.

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

WEST RIDGEWAY.

Preamble.

WHEREAS 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

Branding, Sale, and Transfer of Cattle.

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.

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.

Power to make regulations.

5 The regulations made under the last preceding section may provide amongst other things :

Matters in respect of which regulations may be made.

- (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 ;

Branding, Sale, and Transfer of Cattle.

- (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

Branding, Sale, and Transfer of Cattle.

- 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.

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.

Regulations to be published.

Branding, Sale, and Transfer of Cattle.

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;

Branding, Sale, and Transfer of Cattle.

SCHEDULE.

Form A.

(See Section 5, Sub-section 1.)

CATTLE VOUCHER.

No. _____ (*In foil and counterfoil.*)^c _____ 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.

Branding, Sale, and Transfer of Cattle.

[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.

*Municipal Councils.***No. 11 of 1898.**

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

WEST RIDGEWAY.

WHEREAS it is expedient that the stamp duty imposed by Ordinance No. 9 of 1892 or 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:

Preamble.

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

Tavern license duties vested in Municipal Council of Colombo.

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.

No. 12 of 1898.

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

WEST RIDGEWAY.

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:

Preamble.

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."

Short title.

Municipal Councils.

2 After clause (q 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 :

(q 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.

*Boards of Health and Improvement.***No. 13 of 1898.****An Ordinance relating to Local Boards of Health and Improvement.****WEST RIDGEWAY.**

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 :

Preamble.

I.—Preliminary.

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.

Short title.

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

Repeal.

- (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.

Provided that this repeal shall not affect :

Proviso.

- (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.

3 In this Ordinance, unless the context otherwise requires :

Interpretation clause :

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

“Government agent.”

“Assistant government agent.”

Boards of Health and Improvement.

" 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." 2 1901 2	" 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.

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.

Boards of Health and Improvement.

(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.

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.

Qualification of
unofficial
members.

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.

Qualifications of
electors.

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.

Notice of election
to be published.

Boards of Health and Improvement.

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.

Boards of Health and Improvement.

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.

How membership vacated.

Mode of filling casual vacancies.

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.

Irregular election to be again holden.

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

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.

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

Proviso : board to be complete without any such appointment.

(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.

Duration of office of unofficial members.

Boards of Health and Improvement.

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.

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

Quorum.

Boards of Health and Improvement.

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.

Chairman to have a casting vote.

IV.—Actions by and against Boards.

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.

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.

V.—Books and Accounts.

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.

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

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.

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

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

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

Boards of Health and Improvement.

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

Boards of Health and Improvement.

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.

Boards of Health and Improvement.

Amended on 25/10/96 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.

Boards of Health and Improvement.

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.

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

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.

Board empowered to enforce labour commutation.

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.

Taxes on carriages and animals not plying for hire.

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 *bona fide* dealers in such vehicles.

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

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.

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

Transferee not liable.

Boards of Health and Improvement.

Tax how recoverable.

(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.

Chairman may compound with livery stable keepers and others.

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.

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

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.

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

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.

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

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.

Penalty for disobeying summons or hindering the chairman.

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.

Boards of Health and Improvement.

VII.—*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.

Waterworks.

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.

Water-rate.

(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.

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.

Ratepayer entitled to water free of charge from public standpipes. 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.

(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.

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

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.

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

Boards of Health and Improvement.

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 of this Ordinance shall not at any time exceed in the aggregate ten times the fair average annual income received by the board from all rates and taxes for the preceding five years. And where a local board has not been in existence for five years, it shall be lawful for the board to raise a loan equal to ten times its income for a year as appraised by it and approved by the Governor in Executive Council.

Proviso.

Mortgages to be by deed.

48 Every mortgage of rates or taxes authorized to be made under the provisions of this Ordinance shall be by deed, free from stamp duty, in which the consideration shall be truly stated, and every such deed shall be signed by the chairman and any two members of the board, and shall be in the form in the Schedule B to this Ordinance annexed, or to the like effect.

When and how board may pay off securities.

49 If the board can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and taxes which they are authorized to mortgage under this Ordinance or any part thereof with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are hereinbefore contained.

Sinking fund for payment of debts.

50 In order to discharge the principal money borrowed as aforesaid on security of any rates or taxes, the board shall every year appropriate and set apart out of such rates and taxes respectively a sum equal to at least one-fiftieth part of the sums so borrowed respectively as a sinking fund, to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Imperial, Indian, or Colonial Government securities, to be approved by the Governor in Executive Council, and to be increased by accumulation in the way of compound interest or otherwise, and which interest shall, when it amounts to a sufficient

Boards of Health and Improvement.

sum, in like manner be invested until the principal sum and interest respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the board shall think ought then to be paid off, when the same shall be so applied in paying off the said principal debts or part thereof in manner hereinafter mentioned.

51 Whenever the board shall be enabled to pay off one or more of the mortgages which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order of payment by lot among the class to which such one or more of the mortgages belong, and shall cause a notice signed by the chairman to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified, at the expiration of six months from the date of giving such notice.

Order of payment of mortgages may in certain cases be decided by lot.

VIII.—Property vested in Boards.

52 All waste ground or land situate within the town, and all stone, cabook, or gravel quarries, and all lakes and streams not being private property therein situate, which have been or may be handed over to the board with the sanction of the Governor (and of which handing over a record in writing shall be made, signed by the persons authorized to hand the same over and by the chairman of the said board), and all right, title, and interest in such ground, land, and quarries, and in such lakes and streams, shall be and the same are hereby vested in the said board, to be administered and the revenue thereof employed and made use of for the benefit of the town and for the purposes 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 Ordnance has or may have in the property hereinbefore mentioned or in any part thereof.

Certain lands to be vested in the board.

Proviso.

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.

Boards of Health and Improvement.

Public streets and bridges to be 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.

Powers given to boards of health under Ordinances No. 15 of 1862 and No. 8 of 1866 to be vested in these boards.

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.

Power to make by-laws.

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 :

- (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 ;

Boards of Health and Improvement.

- (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.

Boards of Health and Improvement.

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

2 (901)

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.

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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.

Boards of Health and Improvement.

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

Other powers of the board.

- (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.

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.

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

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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.

Board may regulate processions and music in the streets.

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.

Powers of provincial and district committees vested in 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 :

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

- (1) Space to be left about the building or block of buildings to secure free circulation of air and to facilitate scavenging ;

Boards of Health and Improvement.

- (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

Boards of Health and Improvement.

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.

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.

Projecting houses when taken down to be set back.

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.

Houses in a ruinous and dangerous state.

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

Sale of materials of ruinous houses.

Boards of Health and Improvement.

Proviso. 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.

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.

Boards of Health and Improvement.

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 order or cause additional latrines to be constructed.

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.

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

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 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.

Neglecting to enclose private latrine.

Proviso.

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.

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.

Boards of Health and Improvement.

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

Boards of Health and Improvement.

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.

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.

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

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.

Power to cut overhanging trees.

X.—*Miscellaneous.*

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.

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

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

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.

Board may enter into contracts.

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.

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

Boards of Health and Improvement.

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

Proviso.

Boards of Health and Improvement.

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.

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.

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

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.

Proceedings if an occupier opposes the execution of the Ordinance.

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.

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

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.

Right of entry in houses.

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.

Board may direct prosecution.

Boards of Health and Improvement.

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

Boards of Health and Improvement.

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.

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.

Recovery of expenses on account of improvement to private property.

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.

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

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.

Punishment for breach of by-laws.

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.

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.

Punishment for obstructing officers of board.

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.

Penalty for misuse of power by officers.

Boards of Health and Improvement.

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 assign 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 _____ per cent. 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 every 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.

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.

Time and place
of meetings.

2005

Boards of Health and Improvement.

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.

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

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*.

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.

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

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.

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.

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.

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.

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.

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.

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

Precedence.

Chairman to preserve order.

Procedure at meetings.

Notice of question or motion.

Copy to be delivered to secretary.

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

Motion negatived not to be made again within three months.

Petition to be respectful.

Proceeding upon petitions.

Order of business

Secretary to keep order book.

Minute book and journal.

Boards of Health and Improvement.

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.

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.

Boards of Health and Improvement.

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

Fresh fish only to be sold in the fish market.

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.

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

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.

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

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

Occupant to keep stall clean.

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.

Persons with cutaneous diseases not to occupy a market.

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.

Occupants to behave in an orderly manner.

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.

Hours during which market shall be open.

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.

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

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.

Meat unfit for sale.

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.

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

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

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

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.

Board may prohibit sale of certain fish or fruit.

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.

Boards of Health and Improvement.

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.

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.

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.

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.

Boards of Health and Improvement.

CHAPTER V.

repealed in the Dog 25 1901

Tax on Dogs.

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.

Tax when payable.

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.

Occupier of house to furnish list of dogs.

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.

Board to provide collar.

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.

Dogs without collar may be seized.

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.

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

Form B.—List of Dogs.

Street : _____
House No. _____
Occupier's name : _____



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

Nuwara Eliya Board of Improvement.

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.

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."

Nuwara Eliya Board of Improvement.

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."

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.

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

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

Amendment of section 54.

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.

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

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

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

*Criminal Procedure Code.***No. 15 of 1898.****An Ordinance for consolidating and amending the Procedure
of the Courts of Criminal Judicature.**

TABLE OF SECTIONS.

Part I.

CHAPTER I.

Preliminary.

Section.

- Preamble.
- 1 Short title.
- 2 Repeals.
- 3 Interpretation clause :
- “ Complaint.”
- “ Inquiry.”
- “ Judicial proceeding.”
- “ Discharge.”
- “ Chief Justice.”
- “ Judge.”
- “ Supreme Court.”
- “ Attorney-General.” “ Solicitor-General.”
- “ District Courts.” “ Police Courts.”
- “ District Judge.”
- “ Police Magistrate.”
- “ Registrar.”
- “ Inquirer.”
- “ Police officer.”
- “ Peace officer.”
- “ Penal Code.”
- “ Pleader.”
- “ Police stations.”
- “ Person.”
- “ Prescribed.”
- “ Offence.”
- “ Cognizable offence.”
- “ Non-cognizable offence.”
- “ Bailable offence.”
- “ Indictable offence.”
- “ Summary offence.”
- “ Fine.”
- “ Chapter.” “ Schedule.” “ Section.”
- “ Place.”
- “ Writing ” “ Written.”
- Words referring to acts include illegal omissions.
- Words to have same meaning as in Penal Code.
- Signatures to be in handwriting.
- 4 Trial of offences under Penal Code and other laws.
- 5 Saving of powers of Supreme Court and Attorney-General.
- 6 Law of England when applicable.

Criminal Procedure Code.

Part II.

CHAPTER II.

Powers of Criminal Courts.

Section.

- 7 Inquiries may be held in private.
- 8 Powers of superintendence.
- 9 Criminal summary jurisdiction of police courts.
- 10 Offences under Penal Code.
- 11 Offences under other laws.
- 12 District courts not to have original criminal jurisdiction.
- 13 Sentence which Supreme Court may pass.
- 14 Sentences which district courts may pass.
- 15 Sentences which police courts may pass.
- 16 Power of district or police courts to sentence to imprisonment in default of payment of fine.
- 17 Sentence in case of conviction for several offences at one trial.
- 18 Committing magistrate not to try offenders in his capacity of district judge without offender's consent.

Part III.—General Provisions.

CHAPTER III.

Of Aid and Information to the Magistrates and Police and Persons making Arrests.

- 19 Public when to assist magistrates and police.
- 20 Aid to person other than peace officer executing warrant.
- 21 Public to give information of certain offences.
- 22 Peace officer bound to report certain matters.

CHAPTER IV.

*Of Arrest, Escape, and Retaking.*A.—*Arrest generally.*

- 23 Arrest how made.
- 24 Search of place entered by person sought to be arrested.
- 25 Procedure where ingress not obtainable.
- 26 Search of persons in place searched under warrant.
- 27 Power to break open doors and windows for purposes of liberation.
- 28 No unnecessary restraint.
- 29 Search of persons arrested.
- 30 Mode of searching women.
- 31 Power to seize offensive weapons.

B.—*Arrest without a Warrant.*

- 32 When peace officers may arrest without warrant.
- 33 Powers of arrest in non-cognizable cases.
- 34 Pursuit of offenders into other jurisdictions.
- 35 Arrest by private persons. Procedure on such arrest.
- 36 How person arrested is to be dealt with.
- 37 Person arrested not to be detained more than twenty-four hours.
- 38 Police to report arrests.
- 39 Discharge of person arrested.
- 40 Offence committed in magistrate's presence.
- 41 Arrest by or in presence of magistrate.
- 42 Power on escape to pursue and retake.
- 43 Provisions of sections 24, 25, and 27 to apply to arrests under section 42.

Criminal Procedure Code.

CHAPTER V.

Of Processes to compel Appearance.

Section.

A.—*Summons.*

- 44 Form of summons.
- 45 Summons how served.
- 46 Service when person summoned cannot be found.
- 47 Procedure when personal service cannot be effected.
- 48 Service on government servant.
- 49 Proof of service.

B.—*Warrant of Arrest.*

- 50 Form of warrant of arrest.
- 51 Court may direct security to be taken.
- 52 Warrants to whom directed.
- 53 Notification of substance of warrant.
- 54 Person arrested to be brought before court without delay.
- 55 Where warrant may be executed.
- 56 Warrants for execution outside jurisdiction.
- 57 Warrant directed to fiscal for execution outside jurisdiction.
- 58 Procedure on arrest of person against whom warrant is issued.

C.—*Proclamation and Attachment.*

- 59 Proclamation for person absconding.
- 60 Attachment of property of person absconding.
- 61 Restoration of attached property.

D.—*Other Rules regarding Processes.*

- 62 Issue of warrant in lieu of or in addition to summons.
- 63 Power to take bond for appearance.
- 64 Summons to run in any part of the island.
- 65 Arrest on breach of bond for appearance.

CHAPTER VI.

Of Process to compel the production of Documents and other Movable Property and for the discovery of Persons wrongfully confined.

A.—*Summons to Produce.*

- 66 Summons to produce document or other thing.
- 67 Procedure as to letters and telegrams, &c.

B.—*Search Warrants.*

- 68 When search warrant may be issued.
- 69 Power to restrict warrant.
- 70 Search of house suspected to contain stolen property, forged documents, &c.
- 71 Disposal of things found in search beyond jurisdiction.

C.—*Discovery of Persons wrongfully confined.*

- 72 Search for persons wrongfully confined.

D.—*General Provisions relating to Searches.*

- 73 Direction, &c., of search warrants.
- 74 Persons in charge of closed place to allow search.
- 75 Officer to make list of things seized.
- 76 Occupant of place searched may attend.

E.—*Miscellaneous.*

- 77 Court may impound things produced.
- 78 Search warrants may be endorsed by peace officer.
- 79 Powers of magistrate when present at search.

*Criminal Procedure Code.***Part IV.—Prevention of Offences.****CHAPTER VII.***Of Security for keeping the Peace and for Good Behaviour.***Section. A.—Security for keeping the Peace on Conviction.**

80 Security for keeping the peace on conviction.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

81 Security for keeping the peace in other cases.

82 Security for good behaviour from suspected persons and vagrants, &c.

83 Security for good behaviour from habitual offenders.

84 Summons or warrant in case of person not so present.

85 Form of summons or warrant.

86 Power to dispense with personal attendance.

87 Inquiry as to the truth of information.

88 Order to give security.

89 Discharge of person informed against.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

90 Commencement of period for which security is required.

91 Contents of bond.

92 Power to reject sureties.

93 Imprisonment in default of security.

94 Simple imprisonment for failure to give security for the peace.

95 Rigorous or simple imprisonment for failure to give security for good behaviour.

96 Power to release person imprisoned for failing to give security.

97 Police magistrate to report to superior court, and such court may order release.

98 Discharge of sureties.

CHAPTER VIII.*Unlawful Assemblies.*

99 Assembly to disperse on command of magistrate or police officer.

100 Use of civil force to disperse assembly.

101 Use of military force.

102 Duty of officer commanding troops required by magistrate to disperse assembly.

103 Power of commissioned military officers to disperse assembly.

104 Protection against prosecution for acts done under this chapter.

CHAPTER IX.*Public Nuisances.*

105 Conditional order for removal of nuisance.

106 Service or notification order.

107 Person to whom order is addressed to obey or show cause.

108 Consequence of failing to do so.

109 Procedure in case of appearance.

110 Procedure on order being made absolute.

111 Consequence of disobedience to order.

112 Injunction pending inquiry.

113 Magistrate may prohibit continuance or repetition of public nuisances.

Criminal Procedure Code.

CHAPTER X.

Section. *Temporary Orders in Urgent Cases of Nuisance.*

- 114 Power to issue absolute order at once in urgent cases of nuisance.

CHAPTER XI.

Preventive Action of Peace Officers.

- 115 Peace officers to prevent cognizable offences.
 116 Information of design to commit such offences.
 117 Peace officers may arrest without orders or warrant to prevent such offences.
 118 Prevention of injury to public property.
 119 Inspection of weights and measures.

Part V.—Investigation of Offences.

CHAPTER XII.

Information to Inquirers and their Powers to Investigate.

- 120 Governor may appoint inquirer.
 121 Information to inquirer.
 122 Procedure where cognizable offence suspected.
 123 Inquirer's power to require attendance of persons able to give information.
 124 Examination of witnesses by inquirer.
 125 Statement to inquirer not to be signed or admitted in evidence.
 126 No inducement to be offered.
 127 Search by inquirer.
 128 Inquirer may require bond for appearance of complainant and witnesses.
 129 Additional powers of inquirers.
 130 Magistrate may withdraw case from inquirer.
 131 Diary of proceedings in investigation.
 132 Report of inquirer.

CHAPTER XIII.

Statements to Magistrates or Peace Officers.

- 133 No inducement to be offered.
 134 Power to record statements and confessions.

Part VI.—Proceedings in Prosecutions.

CHAPTER XIV.

*Of the Jurisdiction of the Criminal Courts in Inquiries and Trials.*A.—*Place of Inquiry or Trial.*

- 135 Ordinary place of inquiry and trial.
 136 Any district or police court to have jurisdiction over offences committed on territorial waters.
 137 Accused is triable in district where act is done or consequence ensues.
 138 Place of trial where act is offence by reason of relation to other offence.
 139 Escape from custody.
 140 Criminal misappropriation and criminal breach of trust.

Criminal Procedure Code.

Section.

- 141 Stealing.
- 142 Place of inquiry or trial in various cases.
- 143 Offence committed on a journey.
- 144 Offences against Railways, Post Office, Telegraphs, and Arms Acts.
- 145 Attorney-General to decide, in case of doubt, district where inquiry shall take place.
- 146 Sentence not to be set aside because inquiry held by wrong police court.
- 147 The conditions necessary for the initiation of prosecutions for certain offences.

CHAPTER XV.

Of the Commencement of Proceedings before Police Courts.

- 148 Proceedings in police court how instituted.
- 149 Procedure to be adopted by magistrate on receipt of complaint or information.
- 150 Examination to be reduced to writing.
- 151 What to be done after examination.
- 152 Procedure to be adopted when case proceeds.
- 153 In case of homicide magistrate to hold inquiry on spot.
- 154 In summons case personal attendance of accused may be dispensed with.

CHAPTER XVI.

Of the Inquiry into Cases which appear not to be triable Summarily by Police Court, but triable by a Higher Court.

- 155 Magistrate to address accused and record his statement.
- 156 Evidence previously taken to be read to accused and evidence for prosecution taken.
- 157 Conclusion of inquiry.
- 158 What to be done on receipt of record from Attorney-General.
- 159 Defendant's witnesses.
- 160 Accused to elect panel.
- 161 Examination of supplementary witnesses.
- 162 Material witnesses to be bound to appear.
- 163 Magistrate to certify record.
- 164 Accused may have copy of evidence.
- 165 Record to be forwarded to court of trial and productions to fiscal.
- 166 Offences triable by a district court may be tried summarily with consent of accused.

CHAPTER XVII.

Of the Charge.

- 167 Charge to state offence.
- 168 Particulars as to time, place, and person.
- 169 When manner of committing offence must be stated.
- 170 Words taken in sense of law under which offence is punishable.
- 171 Effect of errors.
- 172 Court may alter charge.
- 173 When trial may proceed on altered charge immediately.
- 174 When new trial may be directed or trial adjourned.
- 175 Stay of proceedings if prosecution of offence in altered charge requires previous sanction.
- 176 Recall of witnesses when charge altered.
- 177 Effect of material error.

Criminal Procedure Code.

Section.

Joinder of Charges.

- 178 Separate charges for separate offences.
 179 Three offences of same kind within a year may be charged together.
 180 Trial for more than one offence.
 181 Where it is doubtful what offence has been committed.
 182 When a person is charged with one offence he can be convicted of another.
 183 When offence proved included in offence charged.
 184 All persons concerned in committing an offence may be charged together.
 185 When conviction on one charge remaining charges may be withdrawn.
 186 Charges to be brought in name of Attorney-General.

CHAPTER XVIII.

The Trial of Cases where a Police Court has power to try Summarily.

- 187 Particulars of case to be stated to accused.
 188 Admission of offence by accused.
 189 Procedure on trial.
 190 Verdict.
 191 Power to magistrate to discharge accused at any time.
 192 Commitment for trial before higher court.
 193 What to be done when different offence disclosed in course of proceedings.
 194 Accused may be acquitted in the absence of complainant.
 195 Withdrawal of charge by complainant.
 196 Accused may be discharged by magistrate with sanction of Attorney-General.
 197 Frivolous or vexatious complaints.
 198 No appeal.
 199 By whom prosecutions under this chapter may be conducted.

CHAPTER XIX.

Trials by District Court.

- 200 Trials before district court to be by judge or with assessors.
 201 By whom trials before district court to be conducted.
 202 Attorney-General may withdraw prosecution.
 203 Indictment.

Commencement of Trial.

- 204 Arraignment of accused.
 205 Plea of guilty.
 206 Refusal to plead or plea of not guilty.

Choosing Assessors.

- 207 Assessors to be chosen and sworn.
 208 Counsel to open his case and call witnesses.
 209 Accused's statement to be put in.
 210 Court may acquit without calling for defence; or call for defence.
 211 Accused may make his defence.
 212 When prosecuting counsel entitled to reply.
 213 Judge to sum up evidence.
 214 And to pass judgment.
 215 In case of absence of an assessor.

Criminal Procedure Code.

CHAPTER XX.

*Trials before the Supreme Court.**A.—Preliminary.*

Section.

- 216 Trials before Supreme Court.
- 217 Discontinuance of prosecution.
- 218 Indictment.

B.—Commencement of Trial.

- 219 Arraignment of accused.
- 220 Plea of guilty may be recorded and accused convicted thereon.
- 221 Refusal to plead and plea of not guilty.
- 222 Special jury may be summoned.

C.—Choosing a Jury.

- 223 Number of jury and quorum for verdict.
- 224 Empanelling of jury.
- 225 Grounds of objection.
- 226 Decision of objection.
- 227 Foreman of jury.
- 228 Duties of foreman.
- 229 Procedure where juror ceases to attend, &c.
- 230 Discharge of jury in case of sickness of prisoner.

D.—Trial to close of Case for Prosecution and Defence.

- 231 Registrar to read indictment to jury.
- 232 Opening of case for prosecution.
- 233 Statements by prisoner to be put in.
- 234 Procedure after examination of witnesses for prosecution.
- 235 Defence.
- 236 Right of accused as to examination and summoning of witnesses.
- 237 Witnesses in rebuttal and reply.
- 238 View by jury of place where offence committed.
- 239 When juror may be examined.
- 240 Jury to attend an adjourned sitting.
- 241 When jury may be kept together.
- 242 Judge may allow jurors refreshment.

E.—Conclusion of Trial.

- 243 Charge to jury.
- 244 Duty of judge.
- 245 Duty of jury.
- 246 Jury may retire.
- 247 When jury ready to give verdict.
- 248 Verdict to be given on each charge.
- 249 Entry and signing of verdict.
- 250 Discharge of jury when they cannot agree.
- 251 Judgment in case of conviction.

F.—Retrial of Accused after discharge of Jury.

- 252 Retrial of accused.

G.—Procedure in case of previous Conviction.

- 253 Procedure in case of previous conviction.

CHAPTER XXI.

Of Jurors and Assessors.

- 254 Liability to serve as a juror or assessor.
- 255 Disqualifications.
- 256 Exemptions.
- 257 Fiscals to prepare lists of persons liable to serve as jurors.

Criminal Procedure Code.

Section.

- 258 Revision of lists.
 259 Fiscal may call for information for purpose of making up jury list.
 260 Lists to be published in *Gazette*.
 261 One panel of jurors to be prepared from each list.
 262 How panel to be prepared.
 263 Mode of drawing jury.
 264 Further provisions.
 265 Further provisions.
 266 Not more than one juror from same employment.
 267 Name, addition, and address of juror to be written on panel.
 268 Slips to be replaced in box after jury is drawn.
 269 Copy of panels to be annexed to fiscal's precept.
 270 Persons named in panel to be summoned by fiscal.
 271 Jury summons to be in writing.
 272 Precept to be returned to registrar with fiscal's memorandum.
 273 Registrar to bring return before Judge of Supreme Court.
 274 Judge may order further list of jurors to be summoned.
 275 Juror not bound to serve more than a fortnight.
 276 Special jury panel.
 277 Allowances to jurors.
 278 Person may apply to registrar to be excused from attendance as juror.
 279 Judge may excuse juror from attendance.
 280 Juror absenting himself without leave liable to fine.
 281 No proceeding to be invalid by reason of informality of jury list or panel.

CHAPTER XXII.

General Provisions as to Inquiries and Trials.

- 282 Power to compel attendance of witnesses.
 283 Tender of pardon to accomplice.
 284 Power of Attorney-General to direct tender of pardon by magistrate.
 285 Not complying with condition on which pardon has been tendered.
 286 If pardon is withdrawn statement of person may be given in evidence against him.
 287 Right of accused to be defended.
 288 Procedure where accused who is not insane does not understand proceedings.
 289 Power to postpone or adjourn proceedings.
 290 Compounding offences.
 291 Trial of persons previously convicted of certain offences.
 292 Change of magistrate during hearing or inquiry.
 293 Detention of offenders attending court.
 294 Proceedings may be had on Sundays and holidays.
 295 The accused to be examined at close of case for prosecution.
 296 Case for prosecution to be explained by court to undefended accused.

CHAPTER XXIII.

Of the Mode of taking and recording Evidence in Inquiries and Trials.

- 297 Evidence to be taken in presence of accused.
 298 How evidence to be taken down.
 299 Procedure in regard to such evidence when completed.
 300 Interpretation of evidence to accused.
 301 Documentary evidence.
 302 How such examination to be recorded.
 303 Judges to take notes of evidence.

Criminal Procedure Code.

CHAPTER XXIV.

Of the Judgment.

Section.

- 304 Mode of delivering judgment.
 305 Allocutus.
 306 Judgment.
 307 Judgment in alternative.
 308 Sentences of death and whipping.

CHAPTER XXV.

Of Sentences and the carrying out thereof.

- 309 Provisions as to execution of sentences of death.
 310 Execution of sentences of Supreme Court other than sentences of death.
 311 Execution of sentences of courts other than Supreme Court.
 312 Provisions as to sentences of fines.
 313 Execution of sentence may be suspended on execution of bond by offender.
 314 Who may issue warrant.
 315 When and where sentence of whipping to be executed.
 316 In appeal cases whipping not to be inflicted until after ten days.
 317 Nor unless medical officer certifies that offender is in a fit state of health.
 318 When sentence of whipping cannot be carried out offender may be discharged.
 319 Whipping of juvenile offenders under sixteen years of age.
 320 Sentences on escaped convict.
 321 Sentence on offender already sentenced for another offence.
 322 Ordinance No. 1 of 1886 to apply to whole island.
 323 Certain sections of Penal Code to apply to all offences.
 324 Return of warrant on execution of sentence.

CHAPTER XXVI.

Conditional Release of First Offenders.

- 325 Power to court to release upon probation of good conduct instead of sentencing to imprisonment.
 326 Provision in case of offender failing to observe conditions of his recognizances.
 327 Conditions as to the abode of the offender.

CHAPTER XXVII.

Of Suspensions, Remissions, and Commutations of Sentences.

- 328 Governor may suspend or remit sentences on conditions.
 329 Governor may commute sentence.

CHAPTER XXVIII.

Of previous Acquittals or Convictions.

- 330 No person to be tried twice for same offence.
 331 Plea of previous acquittal or conviction.

Criminal Procedure Code.

Part VII.—Of Appeal, Reference, and Revision.

CHAPTER XXIX.

Of Appeals.

Section.

332 No appeal to lie except as provided for.

—

Of Appeals to the Queen in Council.

333 Appeals to the Queen.

334 Duty of all courts in such cases.

—

CHAPTER XXX.

Appeals from District or Police Courts to the Supreme Court.

335 No appeal in certain cases.

336 No appeal against acquittal except at the instance of Attorney-General.

337 Appeal against refusal to issue process.

338 Right of appeal.

339 Computation of time.

340 What appeal shall state.

341 Appellant to be released on giving security.

342 Proceedings to be forwarded to Supreme Court and notice to be given to other side.

343 Procedure in Supreme Court on appeal.

344 Appellant to be heard first.

345 Procedure if respondent not present.

346 Arrest of accused in appeal from acquittal.

347 Power of Supreme Court on appeals.

348 Appellate court may take further evidence or direct it to be taken.

349 Judgment in appeal to be given in open court.

350 Order of Supreme Court to be certified to lower court.

351 Abatement of appeals.

352 Costs.

—

CHAPTER XXXI.

Of Reference and Revision.

353 Reservation of points of law.

354 Determination and orders thereon.

355 Power to reserve questions arising in original jurisdiction of Supreme Court.

356 Supreme Court may call for record of any court.

357 Powers of court on revision.

358 Optional with court to hear parties on review.

359 When record called for judge or magistrate may forward statement of grounds of decision.

360 Judge or magistrate to carry into effect orders of Supreme Court.

—

Part VIII.—Special Proceedings.

CHAPTER XXXII.

Inquests of Deaths.

361 Inquest of death.

362 Duty of inquirers.

363 Death of a person in custody of police or in an asylum.

364 Evidence and finding to be recorded.

365 Disinterment of bodies.

366 Assessors duly summoned to attend.

Criminal Procedure Code.

CHAPTER XXXIII.

Section.

Lunatics.

- 367 Procedure in case of accused being a lunatic.
- 368 Procedure in case of person committed before superior court being a lunatic.
- 369 Release of lunatic pending investigation or trial.
- 370 Resumption of inquiry or trial.
- 371 Procedure on accused appearing before court.
- 372 When accused appears to have been insane.
- 373 Judgment of acquittal on ground of lunacy.
- 374 Person acquitted on such ground to be kept in safe custody.
- 375 Lunatic prisoners to be visited by Inspector-General.
- 376 Procedure where lunatic prisoner is reported capable of making his defence.
- 377 Procedure where lunatic confined under sections 369 or 374 is declared fit to be discharged.
- 378 Delivery of lunatic to care of relative.
- 379 Persons suspected to be lunatics where and how to be remanded.

CHAPTER XXXIV.
Proceedings in case of certain Offences affecting the Administration of Justice.

- 380 Procedure in cases mentioned in section 147.
- 381 Procedure in certain cases of contempt.
- 382 Procedure where court considers case should not be dealt with under section last preceding.
- 383 Imprisonment or committal of person refusing to answer or produce document.
- 384 District judges and magistrates not to try offences referred to in section 147 when committed before themselves.

Part IX.—Supplementary Provisions.

CHAPTER XXXV.

Of Proceedings by the Attorney-General.

- 385 Attorney-General's powers to file informations.
- 386 What persons are deemed to have been brought before the court.
- 387 Attorney-General may appoint court to which commitment shall be made.
- 388 Attorney-General may order person to be discharged.
- 389 Attorney-General may order further evidence to be taken.
- 390 Police magistrate to transmit proceedings to Attorney-General when required.
- 391 Attorney-General may file an information when of opinion that an accused should not have been discharged.
- 392 Attorney-General entitled to appear in all cases before magistrate.
- 393 Solicitor-General and Crown Counsel.

Criminal Procedure Code.

CHAPTER XXXVI.

Of Bail.

Section.

- 394 Bail to be taken in case ofailable offence.
 395 When bail may be taken in case of non-ailable offence.
 396 Bail not to be excessive and Supreme Court may admit to bail in any case.
 397 Bond of accused and sureties.
 398 Discharge from custody.
 399 Power to order sufficient bail when that first taken is insufficient.
 400 Discharge of sureties.
-

CHAPTER XXXVII.

Of Commissions for the Examination of Witnesses.

- 401 Court may issue commission for taking evidence of absent witness.
 402 Procedure on commission.
 403 Parties may examine witness.
 404 Return of commission.
 405 Adjournment of inquiry or trial.
-

CHAPTER XXXVIII.

Special Provisions relating to Evidence.

- 406 Deposition of medical and other special witnesses and reports of Government analyst receivable in evidence in certain cases.
 407 Record of evidence in absence of accused.
 408 When receivers, &c., charged, evidence of other cases allowed.
 409 When evidence of previous conviction may be given.
-

CHAPTER XXXIX.

Provisions as to Bonds.

- 410 Deposit instead of recognizance.
 411 Procedure on forfeiture of bond.
 412 Power to direct levy of amount due on recognizances.
-

CHAPTER XL.

Of the Disposal of Property the subject of Offences.

- 413 Order for disposal of property regarding which offence committed.
 414 Order may take form of reference to police court.
 415 Payment to innocent purchaser of money found on accused.
 416 Stay of order under this chapter.
 417 Destruction of libellous and other matters.
 418 Power to restore possession of immovable property.
 419 Procedure by notice upon seizure of property taken under section 29, or stolen.
 420 Procedure where no claimant appears within six months.
 421 Power to sell perishable property.

Criminal Procedure Code.

CHAPTER XLI.

Transfer of Criminal Cases.

Section.
422 Transfers.

CHAPTER XLII.

Of Irregularities in Proceedings.

- 423 Proceedings in wrong place.
- 424 Non-compliance with provisions of Code.
- 425 Finding or sentence when reversible by reason of error or omission in charge or other proceedings.
- 426 Distress not illegal for defect in proceedings.

General Provisions.

CHAPTER XLIII.

- 427 Official police magistrate is a magistrate under Part I. of said Act.
- 428 Affidavits before whom sworn.
- 429 Power to summon material witness or examine person present.
- 430 Power of court to order prisoner in jail to be brought up for examination.
- 431 Expenses of complainant or witnesses.
- 432 Power of court to pay expenses or compensation out of fine.
- 433 Money ordered to be paid recoverable as fines.
- 434 Copies of proceedings.
- 435 Delivery to military authorities of persons capable of being tried by court-martial.
- 436 Person released on bail to give address for service.
- 437 Compensation for groundlessly giving in charge.
- 438 Power to compel restoration of abducted females.
- 439 Summary trial of witness on alternative charges for giving false evidence.
- 440 Summary punishment for perjury in open court.
- 441 Supreme Court power to make rules.
- 442 Forms.
- 443 Public servants not to bid at sales under this Code.
- 444 Prescription of crimes and offences.

Temporary Provision.

- 445 Pending suits.

SCHEDULE I.

	Page.
Ordinances repealed	637

SCHEDULE II.

Tabular Statement of Offences.

Chapter of Penal Code.	Subject.				
V.	Abetment	...	...	...	638
VI.	Offences against the State	...	...	...	640
VII.	Offences relating to the army and navy	...	...	...	642
VIII.	Offences against the public tranquility	...	...	...	644
IX.	Offences by or relating to public servants	...	...	...	646

Criminal Procedure Code.

Chapter of Penal Code.	Subject.	Page.
X.	Contempts of the lawful authority of public servants	648
XI.	False evidence, and offences against public justice	652
XII.	Offences relating to coin and Government stamps	660
XIII.	Offences relating to weights and measures	664
XIV.	Offences affecting the public health, safety, convenience, decency, and morals	666
XV.	Offences relating to religion	670
XVI.	Offences affecting the human body—	
	Of offences affecting life	670
	Of the causing of miscarriage ; of injuries to unborn children ; of the exposure of infants ; and of the concealment of births	672
	Of hurt	672
	Of wrongful restraint and wrongful confinement	674
	Of criminal force and assault	676
	Of kidnapping, abduction, slavery, and forced labour	678
	Of rape	678
	Of unnatural offences	678
XVII.	Offences against property—	
	Of theft	678
	Of extortion	680
	Of robbery	682
	Of criminal misappropriation of property	682
	Of criminal breach of trust	682
	Of the receiving of stolen property	684
	Of cheating	684
	Of fraudulent deeds and disposition of property	684
	Of mischief	686
	Of criminal trespass	688
XVIII.	Offences relating to documents and to property marks	690
XIX.	Defamation	694
XX.	Criminal intimidation, insult, and annoyance	694
XXI.	Of unlawful oaths	696
XXII.	Attempts to commit offences	696
	Offences against other laws	696

SCHEDULE III.

No. of Form.	Forms.	
1	Summons to an accused person	698
2	Affidavit of service of summons	698
3	Warrant of arrest in default of appearance to summons	698
4	Warrant of arrest in the first instance	699
5	Proclamation requiring the appearance of a person accused	699
6	Warrant of commitment on a sentence of imprisonment	700
7	Summons to a witness	700
8	Warrant remanding a prisoner	701
9	Warrant of commitment on a sentence of imprisonment passed by a magistrate	701
10	Recognizance on appeal against a conviction	702
11	Form of indictment	702
12	Form of petition of appeal	703
13	Form of special case	703
14	Form of oath to be taken by officer to whose charge a jury is committed	704

*Criminal Procedure Code.***No. 15 of 1898.****An Ordinance for consolidating and amending the Procedure of the Courts of Criminal Judicature.**

WEST RIDGEWAY.

WHEREAS it is expedient to consolidate and amend the law relating to the procedure in the Courts of Criminal Judicature of this island : It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

PART I.**CHAPTER I.***Preliminary.*

1 This Ordinance, which is generally referred to hereinafter as "this Code," shall be called "The Criminal Procedure Code, 1898," and shall come into operation on such day as may be appointed by order of the Governor in Executive Council proclaimed in the *Government Gazette*.

Short title.

2 (1) On and from the day when this Ordinance comes into operation the Ordinances mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to render unlawful the continuance of any confinement which is then lawful.

Repeals.

(2) This repeal shall not affect—

- (a) The past operation of any enactment hereby repealed nor anything duly done or suffered thereunder ; or
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any such enactment ; or
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment ; or
- (d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid ; but any such investigation, legal proceeding, and remedy may be carried on as if any such enactment had not been repealed.

(3) Whenever reference is made in any enactment now in force to "The Criminal Procedure Code, 1883" or to any enactment hereby repealed such enactment shall be deemed to refer to the corresponding provisions of this Code so far as the same are applicable.

*Criminal Procedure Code.***Interpretation clause.**

3 (1) In this Code the following words and expressions have the following meanings unless a different intention appears from the subject or context :

" Complaint."	" Complaint " means the allegation made orally or in writing to a police magistrate with a view to his taking action under this Code that some person, whether known or unknown, has committed an offence.
" Inquiry."	" Inquiry " includes every inquiry conducted under this Code before a police court or by an inquirer.
" Judicial proceeding."	" Judicial proceeding " means any proceeding in the course of which evidence is or may be legally taken.
" Discharge."	" Discharge " with its grammatical variations and cognate expressions means the discontinuance of criminal proceedings against an accused, but does not include an acquittal.
" Chief Justice."	" Chief Justice " means the Chief Justice of the Island of Ceylon and includes an acting Chief Justice.
" Judge."	" Judge " means a judge of the Supreme Court and includes an acting judge.
" Supreme Court."	" Supreme Court " and " Court " when applicable to the Supreme Court mean the Supreme Court of the Island of Ceylon for the time being or the Chief Justice or any judge thereof.
" Attorney-General." " Solicitor-General."	" Attorney-General " means Her Majesty's Attorney-General for this island and includes an acting Attorney-General, and " Solicitor-General " has a corresponding meaning.
" District Courts." " Police Courts."	" District Courts " and " Police Courts " mean district courts and police courts respectively as defined by " The Courts Ordinance, 1889."
" District Judge."	" District Judge " means the judge of a district court and includes an acting judge.
" Police Magistrate."	" Police Magistrate " and " Magistrate " mean a magistrate appointed to a police court and include acting officers.
" Registrar."	" Registrar " means the registrar of the Supreme Court and includes deputy registrar and the persons acting for the time being as registrar or deputy registrar.
" Inquirer."	" Inquirer " means a person appointed by the Governor under chapter XII.
" Police officer."	" Police officer " means a member of an established police force and includes the Inspector-General, superintendents, inspectors, sergeants, and constables of police.

Criminal Procedure Code.

- “Peace officer” includes police officer and headmen appointed by a government agent in writing to perform police duties. “Peace officer.”
- “Penal Code” means the Ceylon Penal Code together with every statutory modification or amendment thereof. “Penal Code.”
- “Pleader” used with reference to any proceeding in any court means (1) an advocate; (2) any person authorized under any law for the time being to practice in such court. “Pleader.”
- “Police station” means any post declared generally or specially by the Government to be a police station; and “officer in charge of a police station” includes, when the officer in charge of a police station is absent therefrom or unable from illness to perform his duties, the police officer present at the police station who is next in rank to such officer. “Police stations.”
- “Person” includes a company or association of persons whether incorporated or not. “Person.”
- “Prescribed” means prescribed by this Code or by any rules made thereunder. “Prescribed.”
- “Offence” means any act or omission made punishable by any law for the time being in force in this island. “Offence.”
- “Cognizable offence” means an offence for which and “cognizable case” means a case in which a peace officer may in accordance with the second schedule arrest without warrant. “Cognizable offence.”
- “Non-cognizable offence” means an offence for which and “non-cognizable case” means a case in which a peace officer may not arrest without warrant. “Non-cognizable offence.”
- “Bailable offence” means an offence shown as bailable in the second schedule or which is made bailable by any other law for the time being in force, and “non-bailable offence” means any other offence. “Bailable offence.”
- “Indictable offence” means an offence triable only by the Supreme Court or a district court. “Indictable offence.”
- “Summary offence” means a case triable by a police court. “Summary offence.”
- “Fine” includes any fine, pecuniary forfeiture, or compensation adjudged upon any conviction of any crime or offence or for the breach of any Ordinance by any court. “Fine.”
- “Chapter” means a chapter of this Code and “schedule” means a schedule hereto annexed and “section” means a section of this Code. “Chapter.”
“Schedule.”
“Section.”
- “Place” includes a house, building, tent, and vessel. “Place.”

Criminal Procedure Code.

“Writing.”
“Written.”

“Writing” and “written” include printing, lithography, photography, engraving, and every other mode in which words or figures can be expressed on paper or on any substance.

Words referring to acts include illegal omissions.

Words which refer to acts done extend to illegal omissions; and

Words to have same meaning as in Penal Code.

All words and expressions used herein and defined in the Penal Code and not hereinbefore defined shall be deemed to have the meanings respectively attributed to them by that Code.

Signatures to be in handwriting.

(2) Whenever by or for the purposes of this Code any person is directed or required to sign a document the signature must be written with a pen or other like instrument and must not be affixed or impressed by a stamp or other like means.

Trial of offences under Penal Code and other laws.

4 All offences under the Penal Code* shall be inquired into and tried according to the provisions hereinafter contained; and all offences under any other law shall be inquired into and tried according to the same provisions, subject however to any enactment for the time being in force regulating the manner or place of inquiring into or trying such offences.

Saving of powers of Supreme Court and Attorney-General.

5 Nothing in this Code shall be construed as derogating from the powers or jurisdiction of the Supreme Court or of the judges thereof or of the Attorney-General.

Law of England when applicable.

6 As regards matters of Criminal Procedure for which no special provision may have been made by this Code or by any other law for the time being in force in this island, the law relating to Criminal Procedure for the time being in force in England shall be applied so far as the same shall not conflict or be inconsistent with this Code and can be made auxiliary thereto.

* O. 2 of 1883.

*Criminal Procedure Code.***PART II.****CHAPTER II.***Powers of Criminal Courts.*

7 Notwithstanding anything contained in section 86 of "The Courts Ordinance,"* a magistrate inquiring into an offence may if he thinks fit order at any stage of the inquiry that the public generally or any particular person shall not have access to or be or remain in the court, provided that in no case shall the pleader of the accused be excluded except in case of gross misconduct.

Inquiries may be held in private.

8 In addition to all other powers vested in the Supreme Court and the judges thereof such court in the exercise of its power of superintendence may inspect all inferior courts and give directions as to the keeping of the records thereof.

Powers of superintendence.

9 Every police court shall have as heretofore and under and subject to the provisions of this Code full power and authority and is hereby required to hear, try, determine, and dispose of in a summary way all suits or prosecutions for offences committed wholly or in part within its local jurisdiction, which offences by this Code or any law in force in this colony are made cognizable by a police court ;

Criminal summary jurisdiction of police courts.

And also jurisdiction to inquire into, subject to and as provided for by this Code, all offences committed or alleged to have been committed wholly or in part within the local jurisdiction of such courts or into which jurisdiction is by this Code given to such courts to inquire, and to summon and examine all witnesses touching such offences and to summon and apprehend all criminals and offenders and deal with them according to law ;

Jurisdiction to inquire into the commission of offences.

And to issue warrants to search or to cause to be searched all places wherein any stolen goods or any goods, articles, or things with which or in respect of which any offence has been committed are alleged to be kept or concealed and to require persons to furnish security for the peace or for their good behaviour according to law ;

To require sureties for the peace.

And also jurisdiction under and subject to this Code to inquire into all cases in which any person shall die in any prison or asylum or shall come to his death by violence or accident or when death shall have occurred suddenly or when the body of any person shall be found dead without its being known how such person came by his death ;

To inquire into cases of sudden or accidental death.

Provided however that nothing herein contained shall be held to give a police court summary jurisdiction to hear or determine any suit or prosecution for or in respect of any offence over which any village tribunal has exclusive jurisdiction under any special law.

Proviso saving exclusive jurisdiction of village tribunals.

* O. 1 of 1889.

Criminal Procedure Code.

Offences under Penal Code.

10 Subject to the other provisions of this Code any offence under the Penal Code* may be tried by the Supreme Court or by any other court by which such offence is shown in the eighth column of the second schedule to be triable.

Offences under other laws.

11 Any offence under any law other than the Penal Code shall when any court is mentioned in that behalf in such law be tried by such court. When no court is mentioned it may be tried by the Supreme Court or by any other court mentioned in the second schedule: Provided that—

- (a) No district court shall try any such offence which is punishable with imprisonment for a term which may exceed two years or with a fine which may exceed one thousand rupees; and
- (b) Except as hereinafter provided no police court shall try any such offence which is punishable with imprisonment for a term which may exceed six months or with a fine which may exceed one hundred rupees.

District courts not to have original criminal jurisdiction.

12 No district court shall take cognizance of any offence unless the accused person has been committed for trial by a police court duly empowered in that behalf or unless the case has been transferred to it from some other court for trial by order of the Supreme Court.

Sentence which Supreme Court may pass.

13 The Supreme Court may pass any sentence authorized by law.

Sentences which district courts may pass.

14 A district court may pass any of the following sentences:

- (a) Imprisonment of either description for a term not exceeding two years.
- (b) Fine not exceeding one thousand rupees.
- (c) Whipping.
- (d) Any lawful sentence combining any two of the sentences aforesaid.

Sentences which police courts may pass.

15 (1) A police court may subject to the provisions of section 152 (3) pass any of the following sentences:

- (a) Imprisonment of either description for a term not exceeding six months.
- (b) Fine not exceeding one hundred rupees.
- (c) Whipping if the offender is under sixteen years of age.
- (d) Any lawful sentence combining any two of the sentences aforesaid.

(2) Nothing in this section shall be deemed to repeal the provisions of any enactment now in force whereby special powers of punishment are given to police courts.

* O. 2 of 1883.

Criminal Procedure Code.

16 (1) A district court or a police court may award such term of imprisonment in default of payment of a fine as is authorized by law in case of such default, provided that the term awarded is not in excess of the court's powers under this Code.

Power of district or police courts to sentence to imprisonment in default of payment of fine.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awardable by the court under sections 14 or 15.

17 (1) When a person is convicted at one trial of any two or more distinct offences the court may sentence him for such offences to the several punishments prescribed therefor which such court is competent to inflict; such punishments when consisting of imprisonment to commence, unless the court orders them or any of them to run concurrently, the one after the expiration of the other in such order as the court may direct, but it shall not be necessary for a police court by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of one single offence to send the offender for trial before a superior court.

Sentence in case of conviction for several offences at one trial.

Provided that if the case is tried by a district court or a police court the aggregate punishment shall not exceed twice the amount of punishment which such court in the exercise of its ordinary jurisdiction is competent to inflict.

Maximum term of punishment.

(2) For the purpose of appeal aggregate sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

18 No district judge shall except with the express consent of the accused try any case which he has committed for trial as police magistrate.

Committing magistrate not to try offenders in his capacity of district judge without offender's consent.

*Criminal Procedure Code.***PART III.****GENERAL PROVISIONS.****CHAPTER III.***Of Aid and Information to the Magistrates and Police, and Persons making Arrests.*

Public when to assist magistrates and police.

19 Every person is bound to assist a police magistrate or a peace officer reasonably demanding his aid—

- (a) In the taking of any other person whom such magistrate or peace officer is authorized to arrest ;
- (b) In the prevention of a breach of the peace or of any injury attempted to be committed to any public property ;
- (c) In the suppression of a riot or an affray.

Aid to person other than peace officer executing warrant.

20 When a warrant is directed to a person other than a peace officer any other person may aid in the execution of such warrant if the person to whom the warrant is directed be near at hand and acting in the execution of his warrant.

Public to give information of certain offences.

21 Every person aware—

- (a) Of the commission of or the intention of any other person to commit any offence punishable under the following sections of the Penal Code, namely 114, 115, 116, 117, 118, 119, 120, 121, 122, 126, 296, 297, 371, 380, 381, 382, 383, 384, 418, 419, 435, 436, 442, 443, 444, 445, and 446 ;
- (b) Of any sudden or unnatural death or death by violence or of any death under suspicious circumstances or of the body of any person being found dead without it being known how such person came by death ;

shall in the absence of reasonable excuse—the burden of proving which shall lie upon the person so aware—forthwith give information to the nearest police court or to the officer in charge of the nearest police station or to a peace officer or the headman of the nearest village of such commission or intention or of such sudden unnatural or violent death or death under suspicious circumstances or of the finding of such dead body.

Peace officer bound to report certain matters.

22 Every peace officer shall forthwith communicate to the nearest police magistrate or inquirer having jurisdiction or to his own immediate superior officer any information which he may have or obtain respecting—

- (a) The commission of any offence within the local jurisdiction in which he is empowered to act ;
- (b) The occurrence therein of any sudden or unnatural death or of any death under suspicious circumstances ;
- (c) The finding of the dead body of any person without its being known how such person came by death.

Criminal Procedure Code.

CHAPTER IV.

*Of Arrest, Escape, and Retaking.**A.—Arrest generally.*

23 (1) In making an arrest the person making the same shall actually touch or confine the body of the person to be arrested unless there be a submission to the custody by word or action.

Arrest how made.

(2) If such person forcibly resist the endeavour to arrest him or attempt to evade the arrest, the person making the arrest may use all means necessary to effect the arrest.

Resisting endeavour to arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death.

24 If any person acting under a warrant of arrest or having authority to arrest has reason to believe that any person to be arrested has entered into or is within any place, the person residing in or in charge of such place shall on demand of such person acting or having authority as aforesaid allow him free ingress thereto and afford all reasonable facilities for a search therein.

Search of place entered by person sought to be arrested.

25 If ingress to such place cannot be obtained under the preceding section it shall be lawful in any case for a person acting under a warrant, and in any case in which a warrant may issue but cannot be obtained without affording the person to be arrested an opportunity of escape, for a peace officer to enter such place and search therein, and in order to effect an entrance into such place to break open any outer or inner door of any place whether that of the person to be arrested or of any other person, if after notification of his authority and purpose and demand of admittance duly made he cannot otherwise obtain admittance.

Procedure where ingress not obtainable.

26 Whenever a search for anything is or is about to be lawfully made in any house or place in respect of any offence all persons found therein may be lawfully detained in such house or place until the search is completed, and they may if the thing sought be in its nature capable of being concealed on the person be searched for it by or in presence of a police magistrate or inquirer or a peace officer not under the rank of inspector, korala, muhandiram, or udaiyar.

Search of persons in place searched under warrant.

27 Any person authorized to make an arrest may break open any outer or inner door or window of any place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

Power to break open doors and windows for purposes of liberation.

28 The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

No unnecessary restraint.

Criminal Procedure Code.

Search of
persons arrested.

29 Whenever a person—

- (a) Is arrested by a peace officer under a warrant which does not provide for the taking of bail or under a warrant which provides for the taking of bail, but the person arrested cannot furnish bail ; or
- (b) Is arrested without warrant or by a private person under a warrant and cannot legally be admitted to bail or is unable to furnish bail :

the peace officer making the arrest, or when the arrest is made by a private person the peace officer to whom he hands over the person arrested, may search such person and place in safe custody all articles other than necessary wearing apparel found upon him ; and any of such articles which there is reason to believe were the instruments or the fruits or other evidences of the crime may be detained until his discharge or acquittal.

Mode of
searching
women.

30 Whenever it is necessary to cause a woman to be searched the search shall be made by another woman with strict regard to decency.

Power to seize
offensive
weapons.

31 The person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person and shall deliver all weapons so taken to the court or officer before which or whom the person making the arrest is required by law to produce the person arrested.

B.—Arrest without a Warrant.

When peace
officers may
arrest without
warrant.

32 (1) Any peace officer may without an order from a magistrate and without a warrant arrest—

- (a) Any person who in his presence commits any breach of the peace ;
- (b) Any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned ;
- (c) Any person having in his possession without lawful excuse (the burden of proving which excuse shall lie on such person) any implement of house-breaking ;
- (d) Any person who has been proclaimed as an offender ;
- (e) Any person in whose possession anything is found which may reasonably be suspected to be property stolen or fraudulently obtained and who may reasonably be suspected of having committed an offence with reference to such thing ;
- (f) Any person who obstructs a peace officer while in the execution of his duty or who has escaped or attempts to escape from lawful custody ;
- (g) Any person reasonably suspected of being a deserter from Her Majesty's army or navy ;

Criminal Procedure Code.

(h) Any person found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence ;

(i) Any person who has been concerned in or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in any act committed at any place out of this island, which if committed in this island would have been punishable as an offence and for which he is under any law relating to extradition or under "The Imperial Fugitive Offenders Act, 1881,"* or otherwise liable to be apprehended or detained in custody in this island.

(2) Nothing in this section shall be held to interfere with or modify the operation of any enactment empowering a peace officer to arrest without a warrant.

33 (1) When any person in the presence of a peace officer is accused of committing a non-cognizable offence and refuses on the demand of such peace officer to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such peace officer in order that his name or residence may be ascertained, and he shall within twenty-four hours from the arrest exclusive of the time necessary for the journey be taken before the nearest police court unless before that time his true name and residence are ascertained, in which case such person shall be forthwith released on his executing a bond for his appearance before a police court if so required.

Powers of arrest in non-cognizable cases.

(2) When any person is accused of committing a non-cognizable offence and a peace officer has reason to believe that such person has no permanent residence in the colony and that he is about to leave the colony, he may be arrested by such peace officer and shall be taken forthwith to the nearest police magistrate, who may either require him to execute a bond with or without a surety for his appearance before a police court or may order him to be detained in custody until he can be tried.

34 For the purpose of arresting any person whom he has power to arrest without a warrant a peace officer may pursue any such person into any part of this island.

Pursuit of offenders into other jurisdictions.

35 Any private person may arrest any person who in his presence commits a cognizable offence or who has been proclaimed as an offender, or who is running away and whom he reasonably suspects of having committed a cognizable offence, and shall without unnecessary delay make over the person so arrested to the nearest peace officer

Arrest by private persons. Procedure on such arrest.

* 44 & 45 Vic. c. 69.

Criminal Procedure Code.

or in the absence of a peace officer take such person to the nearest police station. If there is reason to believe that such person comes under the provisions of section 32 a peace officer shall re-arrest him. If there is reason to believe he has committed a non-cognizable offence and he refuses on the demand of a police officer to give his name and residence or gives a name or residence which such officer has reason to believe to be false or is a person who such officer has reason to believe is about to leave the colony, he shall be dealt with under the provisions of section 33. If there is no reason to believe that he has committed any offence he shall be at once discharged.

How person arrested is to be dealt with.

36 A peace officer making an arrest without warrant shall without unnecessary delay and subject to the provisions herein contained as to bail take or send the person arrested before a police magistrate having jurisdiction in the case.

Person arrested not to be detained more than twenty-four hours.

37 No peace officer shall detain in custody a person arrested without a warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not exceed twenty-four hours exclusive of the time necessary for the journey from the place of arrest to the police magistrate.

Police to report arrests.

38 Officers in charge of police stations shall report to the police courts of their respective districts the cases of all persons arrested without warrant by any police officer attached to their stations or brought before them and whether such persons have been admitted to bail or otherwise.

Discharge of person arrested.

39 No person who has been arrested by a peace officer shall be discharged except on his own bond or on bail or under the special order in writing of a police magistrate.

Offence committed in magistrate's presence.

40 When any offence is committed in the presence of a police magistrate within the local limits of his jurisdiction he may himself arrest or order any person to arrest the offender and may thereupon, subject to the provisions herein contained as to bail, commit the offender to custody.

Arrest by or in presence of magistrate.

41 Any police magistrate may at any time arrest or direct the arrest in his presence within the local limits of his jurisdiction of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

Power on escape to pursue and retake.

42 If a person in lawful custody escapes or is rescued the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place, either within or without the jurisdiction where he was so in custody, and deal with such person as he might have done on the original taking.

Provisions of sections 24, 25, and 27 to apply to arrests under section 42.

43 The provisions of sections 24, 25, and 27 shall apply to arrests under section 42 although the person making the arrest is not acting under a warrant and is not a peace officer having authority to arrest.

Criminal Procedure Code.

CHAPTER V.

*Of Processes to compel Appearance.*A.—*Summons.*

44 (1) Every summons issued by a court under this Code shall be in writing in duplicate and signed in the case of the Supreme Court by the registrar and in the case of a district court by the secretary and in the case of a police court by a police magistrate or such other officer as the Governor may from time to time appoint, and shall be in the prescribed form.

Form of
summons.

(2) If the person summoned is a native who is believed not to be able to read English one of such duplicates shall if he is a Sinhalese be in Sinhalese, and if he is a Tamil, Moorman, or Malay one of such duplicates shall be in Tamil.

45 (1) The summons shall ordinarily be served by a fiscal's officer or a peace officer, but the court issuing the same may if it see fit direct it to be served by any other person.

Summons how
served.

(2) It shall if practicable be served personally on the person summoned by delivering or tendering to him one of the duplicates of the summons which in the case of a Sinhalese, Tamil, Moorman, or Malay shall be the duplicate in the vernacular.

(3) In the case of a company or association of persons whether incorporated or not the summons may be served on the secretary or other like officer of the same.

46 When the person to be summoned cannot by the exercise of due diligence be found the summons may be served by leaving one of the duplicates for him with some adult member of his family or with his servant residing with him.

Service when
person
summoned
cannot be found.

47 If the service prescribed in sections 45 and 46 cannot by the exercise of due diligence be effected the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides, and in such case the summons, if the court either before or after such affixing so directs, shall be deemed to have been duly served.

Procedure when
personal service
cannot be
effected.

48 Where the person summoned is in the active service of the Government the court issuing the summons shall ordinarily send it in duplicate to the head of the department or office in which such person is employed; and such head shall thereupon cause one of the duplicates to be served in manner provided by section 45 and shall return the other to the court with an endorsement of service.

Service on
government
servant.

49 (1) When a summons issued by a court is served an affidavit of such service purporting to be made before an officer duly authorized to administer an oath, or a report of such service purporting to be made by a peace officer, or in

Proof of service.

Criminal Procedure Code.

the case mentioned in section 48 the endorsement therein mentioned, shall be admissible in evidence and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

(2) Every person making such report or endorsement as in this section mentioned shall be legally bound to state the truth in such statement or endorsement.

B.—Warrant of Arrest.

Form of warrant of arrest.

50 (1) Every warrant of arrest issued by a court under this Code shall be in writing, signed in the case of the Supreme Court by the Chief Justice or a judge thereof, in the case of a district court by a judge thereof, and in the case of a police court by a magistrate thereof, and shall be in the prescribed form.

Continuance of warrant of arrest.

(2) Every such warrant shall remain in force until it is cancelled by the court which issued it or until it is executed.

Court may direct security to be taken.

51 (1) A police court issuing a warrant for the arrest of any person may in the case of any non-bailable offence and shall in the case of a bailable offence direct by endorsement on the warrant that if such person execute a bond with sufficient sureties for his attendance before the court at a specified time and thereafter until otherwise directed by the court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(2) The endorsement shall state—

(a) The number of sureties ;

(b) The amount in which they and the person for whose arrest the warrant is issued are to be respectively bound ;

(c) The day and hour at which he is to attend before the court.

(3) Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the court.

Warrants to whom directed.

52 (1) A warrant of arrest shall ordinarily be directed to the fiscal of the province wherein the court issuing such warrant is sitting and may be executed by all fiscals, deputy fiscals, fiscals' officers, and peace officers within the limits of their several and respective jurisdictions, or in any part of this island by any police officer.

(2) The court issuing the warrant may direct it to any other person or persons by name or office and such person or persons or any police officer may execute the same.

(3) When the warrant is directed to a peace officer by name it shall not be executed by another peace officer unless endorsed to him by name.

(4) When the warrant is directed to more persons than one it may be executed by all or any one or more of them.

Criminal Procedure Code.

53 The person executing a warrant of arrest shall notify the substance thereof to the person arrested, and if so required shall show him the warrant or a copy thereof signed by the person issuing the same.

Notification of substance of warrant.

54 The person executing a warrant of arrest shall (subject to the provisions of section 51 as to security) without unnecessary delay bring the person arrested before the court before which he is required by law to produce such person, and he shall endorse on the warrant the time when and the place where the arrest was made.

Person arrested to be brought before court without delay.

55 A warrant of arrest may be executed at any place in this island.

Where warrant may be executed.

56 (1) When a warrant of arrest is to be executed outside the local limits of the jurisdiction of the court issuing the same such court shall ordinarily forward the same by post or otherwise to the police court within the local limits of the jurisdiction of which it is to be executed.

Warrants for execution outside jurisdiction.

(2) A magistrate of the police court to which the warrant is so forwarded shall endorse his name thereon and if practicable cause it to be executed within the local limits of his jurisdiction.

(3) Whenever there is reason to believe that the delay or publicity occasioned by obtaining the endorsement of the magistrate within the local limits of whose jurisdiction a warrant is to be executed will prevent such execution, the court issuing the warrant may direct the warrant specially to any person; and a warrant so specially directed shall have effect and may lawfully be executed by such person without such endorsement as aforesaid anywhere within the island. Provided always that upon the execution of such warrant the provisions of section 58 shall apply.

57 When a warrant directed to a fiscal is to be executed outside the province of such fiscal he shall endorse it to the fiscal of the province within which the warrant is to be executed and shall thereupon forward the same by post or otherwise to such fiscal, who upon receipt thereof shall cause such warrant to be executed in the same way as if it had been originally directed to him.

Warrant directed to fiscal for execution outside jurisdiction.

58 (1) When a warrant of arrest is executed outside the local limits of the jurisdiction of the court by which it was issued the person arrested shall, unless the court which issued the warrant is within twenty miles of the place of arrest or is nearer than the police court within the local limits of the jurisdiction of which the arrest was made or unless security be taken under section 51, be carried before such last-mentioned police court.

Procedure on arrest of person against whom warrant is issued.

(2) Such latter police court shall, if the person arrested appears to be the person intended by the court which issued the warrant, direct his removal in custody to such last-mentioned court: provided that if the offence be bailable

Criminal Procedure Code.

and the person arrested be ready and willing to give bail to the satisfaction of the court before whom he shall have been brought or a direction has been endorsed under section 51 on the warrant and such person is ready and willing to give the security required by such direction, such last-mentioned court shall take such bail or security as the case may be and forward the bond to the court which issued the warrant.

(3) Nothing in this section shall be deemed to prevent a peace officer from taking security under section 51.

C.—Proclamation and Attachment.

Proclamation
for person
absconding.

59 (1) If any court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows :

- (a) It shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides ;
- (b) It shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village ; and
- (c) A copy thereof shall be affixed to some conspicuous part of the court-house.

(3) A statement by the court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with and that the proclamation was published on such day.

Attachment of
property of
person
absconding.

60 (1) The court may after issuing a proclamation under the last preceding section order the attachment of any property, movable or immovable or both, belonging to the proclaimed person.

(2) Such order shall authorize the attachment of any property belonging to such person within the local jurisdiction of the court by which it is made, and it shall authorize the attachment of any property belonging to such person without such jurisdiction when endorsed by a district judge or a police magistrate within whose jurisdiction such property is situate.

(3) If the property ordered to be attached be debts or other movable property, the attachment under this section shall be made—

- (a) By seizure ; or
- (b) By the appointment of a receiver ; or

Criminal Procedure Code.

(c) By an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf ; or

(d) By all or any two of such methods as the court thinks fit.

(4) If the property ordered to be attached be immovable, the attachment under this section shall be made through the government agent of the province in which such property is situate—

(a) By taking possession ; or

(b) By the appointment of a receiver ; or

(c) By an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf ; or

(d) By all or any two of such methods as the court thinks fit.

(5) The powers, duties, and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed in a civil proceeding.

(6) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of the Governor, but it shall not be sold until the expiration of six months from the date of the attachment unless it is subject to speedy and natural decay or the court considers that the sale would be for the benefit of the owner, in either of which cases the court may cause it to be sold whenever it thinks fit.

(7) Notice of every such order of attachment of immovable property shall be forthwith given by the court making the same to the registrar of lands for the district in which such property is situate, who shall forthwith register the same, and no such order shall take effect until the same is registered under the provisions of section 16 of "The Land Registration Ordinance, 1891."*

(8) In the case of the sale of immovable property the conveyance to the purchaser shall be executed by the government agent of the province in which such property is situate, and a conveyance so executed shall vest such property in the purchaser in like manner as if such conveyance had been executed by the proclaimed person.

61 If within one year from the date of the attachment any person whose property is or has been at the disposal of the Governor under the last preceding section appears voluntarily or is apprehended and brought before the court by whose order the property was attached and proves to the satisfaction of such court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or if the same has been sold the net proceeds of the sale or if part only thereof has been sold the net proceeds

Restoration of
attached
property.

* O. 14 of 1891.

Criminal Procedure Code.

of the sale and the residue of the property, shall after satisfying thereout all costs incurred in consequence of the attachment be delivered to him.

D.—*Other Rules regarding Processes.*

Issue of warrant in lieu of or in addition to summons.

62 A court may in any case in which it is empowered by this Code to issue a summons for the appearance of any person other than a juror or assessor issue, after recording its reasons in writing, a warrant for his arrest—

- (a) If either before the issue of summons or after the issue of the same but before the time fixed for his appearance the court sees reason to believe that he has absconded or will not obey the summons; or
- (b) If at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

Power to take bond for appearance.

63 When any person for whose appearance or arrest the officer presiding in any court is empowered to issue a summons or warrant is present in such court such officer may require such person to execute a bond with or without sureties for his appearance in such court.

Summons to run in any part of the island.

64 (1) All summonses to appear may be served in any part of the island, provided that no such summonses shall be served outside the local limits of the jurisdiction of the court issuing the same unless the same be endorsed by such court with the words "For service out of the jurisdiction."

(2) No such summons shall be endorsed with the words "For service out of the jurisdiction" unless the court is satisfied that there are grounds for allowing such service.

(3) The provisions of this chapter as to the direction and execution of warrants shall apply as near as may be to summonses.

Arrest on breach of bond for appearance.

65 When any person who is bound by any bond taken under this Code to appear before a court does not so appear the officer presiding in such court may issue a warrant directing that such person be arrested and produced before him.

CHAPTER VI.

*Of Process to compel the production of Documents and other Movable Property and for the discovery of Persons wrongfully confined.*A.—*Summons to Produce.*

Summons to produce document or other thing.

66 (1) Whenever any court considers that the production of any document or other thing is necessary or desirable for the purposes of any proceeding under this Code by or before such court it may issue a summons to the person in whose possession or power such document or thing is believed to

Criminal Procedure Code.

be, requiring him to attend and produce it or to produce it at the time and place stated in the summons.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he cause such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed to affect the provisions of sections 123 and 130 of "The Evidence Ordinance, 1895,"* or to apply to any book, letter, post-card, telegram, or other document in the custody of the postal or telegraph authorities.

67 (1) If any such book, letter, post-card, telegram, or other document as in sub-section (3) of the last preceding section is mentioned is in the opinion of the Supreme Court wanted for the purpose of any proceeding under this Code the Supreme Court may require the postal or telegraph authorities as the case may be to deliver such document to such person as such court directs.

Procedure as to letters and telegrams, &c.

(2) If any such document is in the opinion of the Attorney-General wanted for any such purpose he may require the postal or telegraph authorities as the case may be to cause search to be made for and to detain such document pending the orders of the Supreme Court.

B.—Search Warrants.

68 (1) Where any court has reason to believe that a person to whom a summons under section 66 or a requisition under section 67 has been or might be addressed will not or would not produce the document or other thing as required by such summons or requisition ; or

When search warrant may be issued.

Where such document or other thing is not known to the court to be in the possession of any person ; or

Where the court considers that the purposes of any proceeding under this Code will be served by a general search or inspection ;

It may issue a search warrant in the prescribed form and the person to whom such warrant is directed may search or inspect in accordance therewith and the provisions hereinafter contained.

(2) Every such warrant shall remain in force for a reasonable number of days to be specified in such warrant.

(3) Nothing herein contained shall authorize any court other than the Supreme Court to grant a warrant to search for a document in the custody of the postal or telegraph authorities.

69 The court may if it thinks fit specify in the warrant the particular place or part thereof to which only the search or inspection shall extend, and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

Power to restrict warrant.

* O. 14 of 1895.

Criminal Procedure Code.

Search of house suspected to contain stolen property, forged documents, &c.

70 If a police court upon information and after such inquiry as it thinks necessary has reason to believe—

- (a) That any place is used for the deposit or sale of stolen property or of property unlawfully obtained ; or
- (b) That any place is used for the deposit or sale or manufacture of forged documents, false seals, or counterfeit stamps or coin or instruments or materials for counterfeiting coin or stamps or for forging ; or
- (c) That any stolen property or property unlawfully obtained, forged documents, false seals, or counterfeit stamps or coin, or instruments or materials used for counterfeiting coin or stamps or for forging, are concealed, kept, or deposited in any place :

it may by warrant authorize the person to whom such warrant is directed—

- (a) To enter with such assistance as may be required such place ; and
- (b) To search the same in manner specified in the warrant ; and
- (c) To take possession of any property, documents, seals, stamps, or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false, or counterfeit and also of any such instruments and materials as aforesaid ; and
- (d) To convey such property, documents, seals, stamps, coins, instruments, or materials before a police court or to guard the same on the spot until the offender is taken before a police court or otherwise to dispose thereof in some place of safety ; and
- (e) To take into custody and carry before a police court every person found in such place who appears to have been privy to the deposit, sale, or manufacture or keeping of any such property, documents, seals, stamps, coins, instruments, or materials, knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained or the said documents, seals, stamps, coins, instruments, or materials to have been forged, falsified, or counterfeited or the said instruments or materials to have been or to be intended to be used for counterfeiting coin or stamps or for forging.

Disposal of things found in search beyond jurisdiction.

71 When in the execution of a search warrant at any place beyond the local limits of the jurisdiction of the court which issued the same any of the things for which search is made are found, such things together with a list of the same prepared under the provisions hereinafter contained shall be immediately taken before the court issuing the warrant unless such place is nearer to the police court having local jurisdiction therein ; in which case the list and things shall be immediately taken before such last-mentioned court, and unless there be good cause to the contrary such

Criminal Procedure Code.

last-mentioned court shall make an order authorizing them to be taken to the court issuing the warrant.

C.—Discovery of Persons wrongfully confined.

72 If any police court has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, it may issue a search warrant ; and the person to whom such warrant is directed may search for the person so confined and such search shall be made in accordance therewith ; and the person if found shall be immediately taken before such court, which shall make such order as in the circumstances of the case seems proper.

Search for persons wrongfully confined.

D.—General Provisions relating to Searches.

73 The provisions of sections 20, 50, 52, 56, and 57 shall so far as may be apply to all search warrants issued under this chapter.

Direction, &c., of search warrants.

74 (1) Whenever any place liable to search or inspection under this chapter is closed any person residing in or being in charge of such place shall on demand of the person executing the warrant and on production of the warrant allow him free ingress thereto and afford all reasonable facilities for a search therein.

Persons in charge of closed place to allow search.

(2) If ingress into such place cannot be so obtained the person executing the warrant may proceed in manner provided by section 25.

75 The person executing the search warrant shall make a list of all things seized in the course of the search and of the places in which they are respectively found and shall sign such list.

Officer to make list of things seized.

76 The occupant of the place searched or some person on his behalf shall in every instance be permitted to attend during the search and a copy of the list prepared under the last preceding section, signed by the person executing the warrant, shall be delivered to such occupant or person at his request.

Occupant of place searched may attend.

E.—Miscellaneous.

77 Any court may if it thinks fit impound any document or other thing produced before it under this Code.

Court may impound things produced.

78 (1) A search warrant directed or endorsed to a peace officer may, if he is not able to proceed in person, be executed by any other peace officer.

Search warrants may be endorsed by peace officer.

(2) In such case the name of such peace officer shall be endorsed upon the warrant by the officer to whom it is directed or endorsed.

79 (1) The police magistrate by whom a search warrant is issued may attend personally for the purpose of seeing that the warrant is duly executed.

Powers of magistrate when present at search.

(2) Any police magistrate may orally direct a search to be made in his presence of any place for the search of which he is competent to issue a search warrant.

*Criminal Procedure Code.***PART IV.****PREVENTION OF OFFENCES.****CHAPTER VII.***Of Security for keeping the Peace and for Good Behaviour.**A.—Security for keeping the Peace on Conviction.*

Security for
keeping the
peace on
conviction.

80 (1) Whenever any person is convicted of any offence which involves a breach of the peace or of committing criminal intimidation by threatening injury to person or property, or of being a member of an unlawful assembly, and the court before which such person is convicted is of opinion that it is proper to require such person to execute a bond for keeping the peace, such court may at the time of passing sentence on such person order him to execute a bond for a sum proportionate to his means with or without sureties for keeping the peace during such period in each instance as it thinks fit to fix, not exceeding six months if the sentence or order be by a police court or two years if the sentence or order be by a district court.

(2) If the conviction is set aside on appeal or otherwise the bond so executed shall become void.

B.—Security for keeping the Peace in other Cases and Security for Good Behaviour.

Security for
keeping the
peace in other
cases.

81 Whenever a police magistrate receives information that any person is likely to commit a breach of the peace or to do any wrongful act that may probably occasion a breach of the peace within the local limits of the jurisdiction of the police court of such magistrate, or that there is within such limits a person who is likely to commit a breach of the peace or do any wrongful act as aforesaid in any place beyond such limits, the police magistrate may in manner hereinafter provided require such person to show cause why he should not be ordered to execute a bond with or without sureties for keeping the peace for such period not exceeding six months as the magistrate thinks fit to fix.

Security for
good behaviour
from suspected
persons and
vagrants, &c.

82 Whenever a police magistrate receives information—

- (a) That any person is taking precautions to conceal his presence within the local limits of the jurisdiction of the police court of such magistrate and that there is reason to believe that such person is taking such precautions with a view to committing an offence; or
- (b) That there is within such limits a person who has no ostensible means of subsistence or who cannot give a satisfactory account of himself;

Criminal Procedure Code.

such magistrate may in manner hereinafter provided require such person to show cause why he should not be ordered to execute a bond with sureties for his good behaviour for such period not exceeding six months as the magistrate thinks fit to fix.

83 Whenever a police magistrate receives information that any person within the local limits of the jurisdiction of the police court of such magistrate is an habitual robber, house-breaker, or thief or an habitual receiver of stolen property knowing the same to have been stolen or that he habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury or that he is an habitual protector or harbourer of thieves or that he is an habitual aider in the concealment or disposal of stolen property or that he is a notorious bad liver or is a dangerous character, such magistrate may in manner hereinafter provided require such person to show cause why he should not be ordered to execute a bond with sureties for his good behaviour for such period not exceeding six months as the magistrate thinks fit to fix.

Security for good behaviour from habitual offenders.

84 When a police magistrate acting under any one of the last three preceding sections deems it necessary to require any person to show cause under such section he shall if such person is not present in court issue a summons requiring him to appear, or when such person is in custody but not present in court a warrant directing the officer in whose custody he is to bring him before the court :

Summons or warrant in case of person not so present.

Provided that whenever it appears to such magistrate upon the report of a peace officer or upon other information (the substance of which report or information shall be recorded by the magistrate) that there is reason to fear the commission of a breach of the peace and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the magistrate may at any time issue a warrant for his arrest.

85 Every summons or warrant issued under the last preceding section shall contain a brief statement of the substance of the information on which such summons or warrant is issued.

Form of summons or warrant.

86 The police magistrate may if he sees sufficient cause dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace and may permit him to appear by a pleader.

Power to dispense with personal attendance.

87 (1) When any person appears or is brought before a magistrate in compliance with or in execution of a summons or warrant issued under section 84 the magistrate shall proceed to inquire into the truth of the information upon which he has acted and to take such further evidence as may appear necessary.

Inquiry as to the truth of information.

Criminal Procedure Code.

(2) Such inquiry shall be made as nearly as may be practicable in the manner hereinafter prescribed for conducting trials in summary cases before police courts.

(3) For the purpose of this section the fact that a person is an habitual offender or is such a person as is mentioned in section 83 may be proved by evidence of general repute or otherwise.

Order to give security.

88 If upon such inquiry it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond with or without sureties, the magistrate shall make an order accordingly.

Provided—

First.—That the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive.

Secondly.—That when the person in respect of whom the inquiry is made is a minor the bond shall be executed only by his sureties.

Discharge of person informed against.

89 If upon such inquiry it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, the magistrate shall make an entry on the record to that effect, and if such person is in custody only for the purposes of the inquiry shall release him, or if such person is not in custody shall discharge him.

C.—Proceedings in all Cases subsequent to Order to furnish Security.

Commencement of period for which security is required.

90 (1) If any person, in respect of whom an order requiring security is made under this chapter is at the time of making such order sentenced to or undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases such period shall commence on the date of such order.

Contents of bond.

91 The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour as the case may be; and in the latter case the commission or attempt to commit or the abetment of any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

Power to reject sureties.

92 A court may refuse to accept any surety offered under this chapter on the ground that for reasons to be recorded by the court such surety is an unfit person.

Imprisonment in default of security.

93 If any person ordered to give security under this chapter does not give such security on or before the date on which the period for which such security is to be

Criminal Procedure Code.

given commences, he shall except in the case next herein-after mentioned be committed to prison, or if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the court which made the order requiring it or to the superintendent or jailer of the prison in which he is detained.

94 Imprisonment for failure to give security for keeping the peace shall be simple.

Simple imprisonment for failure to give security for the peace.

95 Imprisonment for failure to give security for good behaviour may be rigorous or simple as the court in each case directs.

Rigorous or simple imprisonment for failure to give security for good behaviour.

96 (1) Whenever a court is of opinion that any person imprisoned for failing to give security under this chapter may be released without hazard to the community or to any other person the court may order such person to be discharged.

Power to release person imprisoned for failing to give security.

(2) A court other than the Supreme Court shall not exercise this power except in cases where the imprisonment is under its own order.

97 Whenever a police magistrate is of opinion that any person imprisoned for failing to give security under this chapter as ordered by the Supreme Court or a district court may be released without the hazard mentioned in the last preceding section, such magistrate shall make an immediate report of the case for the orders of the Supreme Court or district court as the case may be, and such court may if it thinks fit order such person to be discharged.

Police magistrate to report to superior court, and such court may order release.

98 (1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a police magistrate to cancel any bond executed under this chapter within the local limits of his jurisdiction.

Discharge of sureties.

(2) On such application being made the magistrate shall issue his summons or warrant as he thinks fit requiring the person for whom such surety is bound to appear or to be brought before him.

(3) When such person appears or is brought before the police magistrate such magistrate shall cancel the bond and shall order such person to give for the unexpired portion of the term of such bond fresh security of the same description as the original security. Every such order shall have the same effect as the original order.

CHAPTER VIII.

Unlawful Assemblies.

99 Any police magistrate and any peace officer not below the rank of inspector, korala, muhandiram, or udaiyar may command any unlawful assembly or any assembly of five or more persons likely to cause a disturbance of the

Assembly to disperse on command of magistrate or police officer.

Criminal Procedure Code.

public peace to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

Use of civil
force to disperse
assembly.

100 If upon being so commanded any such assembly does not disperse or if without being so commanded it conducts itself in such a manner as to show a determination not to disperse, any police magistrate or any such peace officer as in the last preceding section mentioned may proceed to disperse such assembly by force and may require the assistance of any male person (not being an officer or soldier in Her Majesty's army or a volunteer duly enrolled under the provisions of any law and acting as such) for the purpose of dispersing such assembly and if necessary arresting and confining the persons who form part of it in order to disperse such assembly or that they may be punished according to law.

Use of military
force.

101 If any such assembly cannot be otherwise dispersed and if it is necessary for the public security that it should be dispersed, the government agent of the province or any police magistrate having jurisdiction who is present or the Inspector-General of Police may cause it to be dispersed by military force.

Duty of officer
commanding
troops required
by magistrate
to disperse
assembly.

102 (1) When the government agent, police magistrate, or the Inspector-General of Police determines to disperse any such assembly by military force he may require any commissioned or non-commissioned officer in command of any soldiers in Her Majesty's army or (if the Governor so direct in writing) of any volunteers duly enrolled under the provisions of any law to disperse such assembly by military force and to arrest and confine such persons forming part of it as the government agent, police magistrate, or Inspector-General of Police may direct or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force and do as little injury to person and property as may be consistent with dispersing the assembly and arresting and detaining such persons.

Power of
commissioned
military officers
to disperse
assembly.

103 When the public security is manifestly endangered by any such assembly and when the government agent, police magistrate, or the Inspector-General of Police cannot be communicated with, any commissioned officer of Her Majesty's army may disperse such assembly by military force and may arrest and confine any persons forming part of it in order to disperse such assembly or that they may be punished according to law; but if while he is acting under this section it becomes practicable for him to communicate with the government agent, police magistrate, or the Inspector-General of Police he shall do so and shall thenceforward obey the instructions of the government agent, police magistrate, or Inspector-General of Police as to whether he shall or shall not continue such action.

Criminal Procedure Code.

104 No prosecution against any government agent, police magistrate, or the Inspector-General of Police or any military officer, peace officer, soldier, or volunteer for any act purporting to be done under this chapter shall be instituted in any criminal court except with the sanction of the Governor in Executive Council; and

Protection
against
prosecution
for acts done
under this
chapter.

- (a) No government agent, police magistrate, or peace officer acting under this chapter in good faith;
- (b) No officer acting under section 103 in good faith;
- (c) No person doing any act in good faith in compliance with a requisition under section 100 or section 102; and
- (d) No inferior officer or soldier or volunteer doing any act in obedience to any order which under military law he was bound to obey,

shall be deemed to have thereby committed an offence.

CHAPTER IX.

Public Nuisances.

105 (1) Whenever a police magistrate considers on receiving a report or other information and on taking such evidence (if any) as he thinks fit—

Conditional
order for
removal of
nuisance.

That any unlawful obstruction or nuisance should be removed from any way, harbour, lake, river, or channel which is or may be lawfully used by the public or from any public place; or

That any trade or occupation or the keeping of any goods or merchandise should by reason of its being injurious to the health or physical comfort of the community be suppressed or removed or prohibited; or

That the construction of any building or the disposal of any substance should as being likely to occasion conflagration or explosion be prevented or stopped; or

That any building or tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by and that in consequence its removal, repair, or support is necessary; or

That any tank, well, or excavation adjacent to any such way or public place should be fenced in such a manner as to prevent danger arising to the public;

such police magistrate may make a conditional order requiring that the person causing such obstruction or nuisance or carrying on such trade or occupation or keeping any such goods or merchandise or owning, possessing, or controlling such building, substance, tree, tank, well, or excavation shall within a time to be fixed by such order—

Remove such obstruction or nuisance; or

Suppress or remove such trade or occupation; or

Criminal Procedure Code.

Remove such goods or merchandise ; or
 Prevent or stop the construction of such building ; or
 Remove, repair, or support it ; or
 Alter the disposal of such substance ; or
 Remove such tree ; or
 Fence such tank, well, or excavation as the case may be ; or
 Appear before himself or some other police magistrate
 of his court at a time and place to be fixed by the
 order and move to have the order set aside or
 modified in manner hereinafter provided.

(2) No order duly made under this section shall be called in question in any civil court.

(3) For the purpose of this section a "public place" includes also property belonging to the Crown or vested in any public officer or department of state for public purposes and ground left unoccupied for sanitary or recreative purposes.

Service or
 notification
 order.

106 (1) The order and any other order or notice made or given under this chapter shall if practicable be served on the person against whom it is made or to whom it is to be given in manner herein provided for service of a summons.

(2) If such order cannot be so served it shall be notified by Proclamation published in the *Government Gazette* and a copy thereof shall be posted up at such place or places as may be fittest for conveying the information to such person.

Person to whom
 order is
 addressed to
 obey or show
 cause.

107 The person against whom such order is made shall within the time specified therein—

(a) Perform the act directed thereby ; or

(b) Appear in accordance with such order and show cause against the same.

Consequence of
 failing to do so.

108 If such person does not perform such act or appear and show cause as required by the last preceding section he shall be liable to the penalty prescribed in that behalf in section 185 of the Penal Code and the order shall be made absolute : provided that if such person be a corporate body it shall be liable to a fine of such amount not exceeding Rs. 100 as the police court thinks fit.

Procedure in
 case of
 appearance.

109 (1) If such person appears and shows cause against the order the police court shall take evidence in the matter.

(2) If such court is satisfied that the order is not reasonable and proper it shall either rescind the same or modify it in accordance with the requirements of the case, and in the latter case the order as modified shall be made absolute.

(3) If such court is not so satisfied the order shall be made absolute.

Procedure on
 order being
 made absolute.

110 When an order has been made absolute under either of the last two preceding sections the police court shall give notice of the same to the person against whom the order was made and shall further require him to perform the act

Criminal Procedure Code.

directed by the order within a time specified in the notice and inform him that in case of disobedience he will be liable to the penalties provided by section 108.

111 (1) If such act is not performed within the time specified in the notice issued under the last preceding section the police court may cause it to be performed and may recover the costs of performing it either by the sale of any building, goods, or other property removed by its order or by the distress and sale of any other movable property of such person within or without the local limits of the jurisdiction of such court. If such other property is without such limits the order shall authorize its attachment and sale when endorsed by a police magistrate within the local limits of whose jurisdiction the property to be attached is found.

Consequence of disobedience to order.

(2) No suit shall lie in respect of anything done in good faith under this section.

112 (1) If the police court making an order under section 105 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public it may issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

Injunction pending inquiry.

(2) In default of such person forthwith obeying such injunction such court may use or cause to be used such means as it thinks fit to obviate such danger or to prevent such injury.

(3) No suit shall lie in respect of anything done in good faith by a police magistrate under this section.

113 A police magistrate may order any person not to repeat or continue a public nuisance as defined in the Penal Code or any special or local law.

Magistrate may prohibit continuance or repetition of public nuisances.

CHAPTER X.

Temporary Orders in Urgent Cases of Nuisance.

114 (1) In cases where in the opinion of a police magistrate immediate prevention or speedy remedy is desirable such magistrate may by a written order stating the material facts of the case and served in manner provided by section 106 direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if such magistrate considers that such direction is likely to prevent or tends to prevent obstruction, annoyance, or injury, or risk of obstruction, annoyance, or injury to any persons lawfully employed, or danger to human life, health, or safety, or a riot or an affray.

Power to issue absolute order at once in urgent cases of nuisance.

(2) An order under this section may in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed be made *ex parte*.

Criminal Procedure Code.

(3) An order under this section may be directed to a particular person or to the public generally when frequenting or visiting a particular place and in the latter case a copy of the order shall be published as provided by section 106 (2), except that it shall not be necessary to notify it by proclamation in the *Government Gazette*.

(4) Any police magistrate may rescind or alter any order made under this section by himself or by his predecessor in office.

(5) No order under this section shall remain in force for more than fourteen days from the making thereof unless in cases of danger to human life, health, or safety, or a likelihood of a riot or an affray, the Governor by notification in the *Government Gazette* otherwise directs.

CHAPTER XI.

Preventive Action of Peace Officers.

Peace officers to prevent cognizable offences.

115 Every peace officer may interpose for the purpose of preventing and shall to the best of his ability prevent the commission of any cognizable offence.

Information of design to commit such offences.

116 Every peace officer receiving information of a design to commit any cognizable offence shall communicate such information to the officer to whom he is immediately subordinate or to some other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Peace officers may arrest without orders or warrant to prevent such offences.

117 A peace officer knowing of a design to commit any cognizable offence may arrest without orders from a police magistrate and without a warrant the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

Prevention of injury to public property.

118 A peace officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property movable or immovable or the removal or injury of any public landmark or buoy or other mark used for navigation.

Inspection of weights and measures.

119 (1) Any peace officer not below the rank of sergeant, korala, muhandiram, or udaiyar may without a warrant enter any place for the purpose of inspecting or searching for any weights or measures or instruments for weighing used or kept therein whenever he has reason to believe that there are in such place any weights, measures, or instruments for weighing which are false.

(2) If he finds in such place any weights, measures, or instruments for weighing which are false he may seize the same and shall forthwith give information of such seizure to a police magistrate having jurisdiction.

*Criminal Procedure Code.***PART V.****INVESTIGATION OF OFFENCES.****CHAPTER XII.***Information to Inquirers and their Powers to investigate.*

120 The Governor may appoint any person by name or office to be an inquirer for any area the limits of which shall be specified in such appointment.

Governor may
appoint inquirer.

121 Every information given to an inquirer relating to the commission of a cognizable offence shall be given to him orally and shall be reduced to writing by him and be read over to the informant, and every such information shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such inquirer, who shall append to such entry the date and hour on which such information was given.

Information to
inquirer.

122 If from information received or otherwise any inquirer has reason to suspect the commission of a cognizable offence he shall forthwith send information in writing of the same to the police court having jurisdiction in respect of such offence and shall proceed in person to the spot to investigate the facts and circumstances of the case and to take such measures as may be necessary for the discovery and arrest of the offender.

Procedure where
cognizable
offence
suspected.

123 (1) An inquirer making an investigation under this chapter may by order in writing require the attendance before himself of any person being within the local limits of his jurisdiction who from the information given or otherwise appears to be acquainted with the circumstances of the case, and such person shall be legally bound to attend as so required.

Inquirer's power
to require
attendance of
persons able
to give
information.

(2) If any such person refuses to attend as so required such inquirer may thereupon in his discretion issue a warrant to secure the attendance of such person as required by such order as aforesaid.

124 (1) An inquirer making an investigation under this chapter may examine orally any person supposed to be acquainted with the facts and circumstances of the case and shall reduce into writing any statement made by the person so examined, but no oath or affirmation shall be administered to any such person.

Examination of
witnesses by
inquirer.

Criminal Procedure Code.

(2) Such person shall be bound to answer truly all questions relating to such case put to him by such inquirer other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

Statement to inquirer not to be signed or admitted in evidence.

125 No statement other than a dying declaration made by any person to an inquirer in the course of any investigation under this chapter shall if reduced to writing be signed by the person making it or shall be used otherwise than to prove that a witness made a different statement at a different time.

No inducement to be offered.

126 No inquirer shall offer or make or cause to be offered or made any inducement, threat, or promise to any person charged with an offence to induce such person to make any statement having reference to the charge against such person. But no inquirer shall prevent or discourage by any caution or otherwise any person from making in the course of any investigation under this chapter any statement which he may be disposed to make of his own free will.

Search by inquirer.

127 Whenever an inquirer making an investigation in a cognizable case considers that the production of any document or thing is necessary to the conduct of the investigation and there is reason to believe that a person to whom summons or order under section 66 has been or might be issued will not produce such document or other thing as directed in the summons or order, or when such document or other thing is not known to be in the possession of any person, such inquirer may search or cause search to be made for the same in any place.

(2) Such inquirer shall if practicable conduct the search in person.

(3) If he is unable to conduct the search in person and there is no other person competent to make the search present at the time, he may require any peace officer to make the search and he shall deliver to such peace officer an order in writing specifying the document or other thing for which search is to be made and the place to be searched, and such peace officer may thereupon search for such thing in such place.

(4) The provisions of this Code as to search warrants and searches thereunder shall so far as may be apply to a search made under this section.

Inquirer may require bond for appearance of complainant and witnesses.

128 If upon an investigation under this chapter it appears to the inquirer making such investigation that there is sufficient reason to justify the commencement or continuance of criminal proceedings for a cognizable offence against any person, such inquirer shall require the complainant if any and so many of the persons who appear to such inquirer to be acquainted with the circumstances of the case as he may think necessary to execute a bond to appear

Criminal Procedure Code.

before a police court therein named and give evidence in the matter of the charge against the accused.

(2) The inquirer in whose presence the bond is executed shall deliver a copy thereof to each one of the persons who executed it and shall then send to the police court the original.

(3) If any complainant or witness refuses to execute such bond such inquirer shall report the same to the police court, which may thereupon in its discretion issue a warrant or summons to secure the attendance of such complainant or witness before itself to give evidence in the matter of the charge against the accused.

129 In addition to the powers hereinbefore mentioned every inquirer shall within the local limits of his jurisdiction have the following powers :

Additional powers of inquirers.

- (a) Power to arrest or direct the arrest in his presence of any offender.
- (b) Power to issue a warrant or to order the removal of an accused person arrested under a warrant.
- (c) Power to authorize the detention of a person during an investigation.
- (d) Power upon receiving an order from a magistrate to investigate a non-cognizable offence and to exercise all the powers conferred on him by this chapter in respect of such investigation.

130 Any magistrate having jurisdiction to hold an inquiry into any offence which is being investigated by an inquirer may withdraw the case from such inquirer and himself inquire into and try such case or commit the same for trial.

Magistrate may withdraw case from inquirer.

131 (1) Every inquirer making an investigation under this chapter shall day by day enter his proceedings in the investigation in a diary setting forth the time at which he began and closed the investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

Diary of proceedings in investigation.

(2) Any criminal court may send for the diaries of a case under inquiry in such court and may use such diaries not as evidence in the case but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries nor shall he or they be entitled to see them merely because they are referred to by the court, but if they are used by the inquirer who made them to refresh his memory or if the court uses them for the purpose of contradicting such inquirer the provisions of "The Ceylon Evidence Ordinance,"* section 161 or section 145 as the case may be, shall apply.

* O. 11 of 1895.

Criminal Procedure Code.

Report of
inquirer.

132 Every investigation under this chapter shall be completed without unnecessary delay and as soon as it is completed the inquirer making the same shall forward to the police court within whose division such investigation was made a report in the prescribed form setting forth the names of the parties, the nature of the information, and the names of the persons who appear to be acquainted with the circumstances of the case.

CHAPTER XIII.

Statements to Magistrates or Peace Officers.

No inducement
to be offered.

133 Except as provided in chapter XXII. no peace officer or person in authority shall offer or make or cause to be offered or made any inducement, threat, or promise to any person charged with an offence to induce such person to make any statement having reference to the charge against such person. But no peace officer or other person shall prevent or discourage by any caution or otherwise any person from making any statement which he may be disposed to make of his own free will.

Power to record
statements and
confessions.

134 (1) Any police magistrate may record any statement made to him at any time before the commencement of an inquiry or trial.

(2) Such statement shall be recorded and signed in the manner provided in section 302 and dated, and shall then be forwarded to the police court by which the case is to be inquired into or tried.

(3) No magistrate shall record any such statement being a confession unless upon questioning the person making it he has reason to believe that it was made voluntarily; and when he records any such statement he shall make a memorandum at the foot of such record to the following effect:

I believe that this statement was voluntarily made. It was taken in my presence and hearing and was read over by me to the person making it and admitted by him to be correct, and it contains accurately the whole of the statement made by him.

(Signed) A. B.,

Magistrate of the Police Court of _____.

Criminal Procedure Code.

PART VI.

PROCEEDINGS IN PROSECUTIONS.

CHAPTER XIV.

*Of the Jurisdiction of the Criminal Courts in
Inquiries and Trials.**A.—Place of Inquiry or Trial.*

135 Every offence shall ordinarily be inquired into and tried by a court within the local limits of whose jurisdiction it was committed.

Ordinary place of inquiry and trial.

136 Any district court or police court within the local limits of the jurisdiction of which an accused may be or be found shall have jurisdiction respectively in all cases of offences otherwise within their respective jurisdictions which have been committed on the territorial waters of the colony.

Any district or police court to have jurisdiction over offences committed on territorial waters.

137 When a person is accused of the commission of any offence by reason of anything which has been done and of any consequence which has ensued, such offence may be inquired into or tried by any court within the local limits of the jurisdiction of which any such thing has been done or any such consequence has ensued.

Accused is triable in district where act is done or consequence ensues.

Illustrations.

- (a) A is wounded within the local limits of the jurisdiction of the police court of X and dies within those of the police court of Z; the offence of culpable homicide of A may be inquired into by the police court of either X or Z.
- (b) A is wounded within the local limits of the jurisdiction of the police court of X and is during ten days within the local limits of the jurisdiction of police court Y, and during ten days more within the local jurisdiction of police court Z, unable in the local limits of the jurisdiction of police court Y or Z to follow his ordinary pursuits; the offence of unlawfully causing grievous hurt to A may be inquired into by the police court or tried by the district court of either X, Y, or Z.
- (c) A is put in fear of injury within the local limits of the jurisdiction of the district court and police court of X and is thereby induced within the local limits of the jurisdiction of the district court and police court of Y to deliver property to the person who put him in fear; the offence of extortion committed on A may be inquired into by the police court and tried by the district court of either X or Y.

Criminal Procedure Code.

Place of trial where act is offence by reason of relation to other offence.

138 When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a court within the local limits of the jurisdiction of which either act was done.

Illustrations.

- (a) A charge of abetment may be inquired into or tried either by the court within the local limits of whose jurisdiction the abetment was committed or by the court within the local limits of whose jurisdiction the offence abetted was committed.
- (b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the court within the local limits of whose jurisdiction the goods were stolen or by the court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.
- (c) A charge of wrongfully concealing a person known to have been kidnapped may be inquired into by the police court within the local limits of whose jurisdiction the wrongful concealing or by the police court within the local limits of whose jurisdiction the kidnapping took place.

Escape from custody.

139 The offence of having escaped from custody may be inquired into or tried either by the court within the local limits of whose jurisdiction the person charged is or by the court within the local limits of whose jurisdiction the offence was committed.

Criminal misappropriation and criminal breach of trust.

140 The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried either by the court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received by the accused person or by the court within the local limits of whose jurisdiction the offence was committed.

Stealing.

141 The offence of stealing anything may be inquired into or tried by any court within the local limits of whose jurisdiction such thing was stolen or was possessed by the thief or by any person who receives or retains the same knowing or having reason to believe it to be stolen.

Place of inquiry or trial in various cases.

142 When it is uncertain in which of several local areas an offence was committed ; or

Where an offence is committed partly in one local area and partly in another ; or

Where an offence is a continuing one and continues to be committed in more local areas than one ; or

Where it consists of several acts done in different local areas ;

it may be inquired into or tried by a court having jurisdiction over any of such local areas.

Criminal Procedure Code.

143 An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a court through or into the local limits of whose jurisdiction the offender or the person against whom or the thing in respect of which the offence was committed passed in the course of that journey or voyage.

Offence committed on a journey.

144 All offences against the provisions of any law for the time being in force relating to railways, telegraphs, the post office, or arms and ammunition may be inquired into or tried by any court, whether the offence is stated to have been committed within the local limits of the jurisdiction of such court or not, provided that the offender is found within such local jurisdiction.

Offences against railways, post office, telegraphs, and Arms Acts.

145 Whenever any doubt is entertained by a police magistrate as to the police court by which any offence should be inquired into, such magistrate may embody the ascertained facts in the form of a case and transmit the same to the Attorney-General for his opinion, and the Attorney-General shall thereupon decide in which court the offence shall be inquired into and such court shall thereupon have jurisdiction to inquire into such offence.

Attorney-General to decide, in case of doubt, district where inquiry shall take place.

146 No sentence or order of any criminal court in the trial of an offence shall be liable to be set aside merely on the ground that the inquiry into the commission of the offence to which the sentence or order relates was made by a police court not empowered under this chapter so to do.

Sentence not to be set aside because inquiry held by wrong police court.

147 (1) No court shall take cognizance—

- (a) Of any offence punishable under sections 170 to 185 (both inclusive) of the Penal Code except with the previous sanction of the Attorney-General or on the complaint of the public servant concerned or of some public servant to whom he is subordinate.
- (b) Of any offence punishable under sections 190, 191, 192, 193, 196, 197, 202, 203, 204, 205, 206, 207, and 223 of the same Code when such offence is committed in or in relation to any proceeding in any court except with the previous sanction of the Attorney-General or on the complaint of such court.
- (c) Of any offence described in section 452 or punishable under sections 459, 463, 464 of the same Code when such offence has been committed by a party to any proceeding in any court in respect of a document given in evidence in such proceeding except with the previous sanction of the Attorney-General or on the complaint of such court.
- (d) Of any offence punishable under chapter VI. of the Penal Code or punishable under section 288 of the same Code unless upon complaint made by the Attorney-General or by some other person with the previous sanction of the Attorney-General.

The conditions necessary for the initiation of prosecutions for certain offences.

Criminal Procedure Code.

(e) Of any offence falling under chapter XIX. of the Penal Code unless upon complaint made by some person aggrieved by such offence or by some other person with the previous sanction of the Attorney-General.

(2) The complaint of a court shall be in writing under the hand in the case of the Supreme Court of the registrar and in the case of any other court of the district judge or a magistrate of such court.

(3) Where complaint is made by a court such court may cause the accused to be arrested and sent in custody before the police court having jurisdiction.

(4) When sanction is given in respect of any offence referred to in this section the court taking cognizance of the case may frame a charge of any other offence so referred to which is disclosed by the facts, but no such sanction shall remain in force for more than six months from the date on which it was given.

CHAPTER XV.

Of the Commencement of Proceedings before Police Courts.

Proceedings
in police court
how instituted.

148 (1) Proceedings in a police court shall be instituted in one of the following ways :

- (a) On a complaint being made to a magistrate of such court that an offence has been committed which such court has jurisdiction either to inquire into or try; provided that in the case of an indictable offence such complaint shall be made orally and provided also that in the case of a summary offence such complaint if in writing shall be drawn and countersigned by a pleader and signed by the complainant.
- (b) On a written report to the like effect being made to a magistrate of such court by an inquirer under chapter XII. or by a peace officer or a public servant or a municipal servant or a local board servant ; or
- (c) Upon the knowledge or suspicion of a magistrate of such court to the like effect : provided that when proceedings are instituted under this clause the accused, or when there are several persons accused any one of them, shall be entitled to require that the case shall not be tried by the magistrate upon whose knowledge or suspicion the proceedings were instituted, but shall either be tried by another police magistrate or committed for trial.
- (d) On any person being brought before a magistrate of such court in custody without process, accused of having committed an offence which such court has jurisdiction either to inquire into or try ; or

Criminal Procedure Code.

(e) Upon a warrant under the hand of the Attorney-General requiring a magistrate of such court to hold an inquiry in respect of an offence which such court has jurisdiction to inquire into; or

(f) On a written complaint made by a court under section 147.

(2) The written report under head (b), the warrant of the Attorney-General under head (e), and the written complaint under (f) of this section may be forwarded by post or by messenger to the police court or delivered by hand to a magistrate of such court and shall form part of the proceedings.

(3) Except as herein provided no written complaint shall be entertained by a police magistrate.

149 (1) In cases falling under head (a) of the last preceding section and when the report under (b) discloses an indictable offence the magistrate shall forthwith examine on oath the complainant or informant, and if he thinks it advisable may also examine any other person and may for that purpose summon before him the complainant or informant or any other person.

Procedure to be adopted by magistrate on receipt of complaint or information.

(2) In cases falling under head (b) of the last preceding section when the report discloses a summary offence only it shall not be necessary to examine the informant, but the magistrate may forthwith proceed to issue process in manner hereinafter provided.

(3) In cases falling under head (c) the magistrate shall before issuing process in manner hereinafter provided record a brief statement of the facts which constitute his means of knowledge or of the grounds of his suspicion as the case may be.

(4) In cases falling under head (d) the magistrate shall forthwith examine on oath the person who has brought the accused before the court and any other person who may be present in court able to speak to the facts of the case.

(5) In cases falling under heads (e) and (f) the magistrate shall forthwith on receipt of the warrant or complaint (if the accused be not already in custody before the court) issue process in manner hereinafter provided against the persons named in such warrant or complaint respectively.

(6) In cases where the offence complained of is one of rape, unnatural offence, or hurt of a serious nature or hurt whether serious or not alleged to have been caused by an instrument for stabbing or cutting, the magistrate shall cause the person who is alleged to have been the subject of such rape, unnatural offence, or hurt, and the person accused of such rape or unnatural offence to be forthwith examined by a competent medical practitioner if he has not already been so examined.

Criminal Procedure Code.

Examination to be reduced to writing.

150 (1) Where an examination is held by the magistrate under the last preceding section the examination shall be reduced into writing and after being read over and if need be interpreted to the person examined shall be signed by him and also by the magistrate and dated.

(2) Such examination may if the magistrate thinks fit be held in private.

(3) Where the offence alleged is an indictable one the examination may be held even although no person by name is accused of having committed the offence.

What to be done after examination.

151 (1) If in the opinion of the magistrate there is after the examination held under the provisions of section 149 no sufficient ground for proceeding against the person accused (if any) or against any other person, he shall not issue a summons or warrant and the accused if in custody shall forthwith be discharged, but in such case the magistrate shall briefly record the reasons for such discharge and shall in every case record whether in his opinion any offence was in fact committed.

(2) If in the opinion of the magistrate there is in any case mentioned in section 148, heads (a), (b), and (c), sufficient ground for proceeding against some person who is not in custody and the case appears to be one in which according to the fourth column of the second schedule a summons should issue in the first instance, he shall subject to the provisions of section 62 issue a summons for the attendance of such person ; or if the case appears to be one in which according to that column a warrant should issue in the first instance he shall issue a warrant for causing such person to be brought or to appear at a certain time before a police court having jurisdiction, provided always that he may if he thinks fit issue a summons in the first instance instead of a warrant.

(3) The summons or warrant issued under sub-section (2) of this section shall contain a statement of the particulars of the offence charged and in the case of a summons shall require the accused to appear with his witnesses (if any) at a time and place therein specified to answer the charge therein set forth.

Procedure to be adopted when case proceeds.

152 (1) Where the offence appears to be one not triable summarily by a police court the magistrate shall follow the procedure laid down in chapter XVI.

(2) Where the offence appears to be one triable summarily by a police court the magistrate shall follow the procedure laid down in chapter XVIII.

(3) Where the offence appears to be one triable by a district court and not summarily by a police court and the magistrate being also a district judge having jurisdiction to try the offence is of opinion that such offence may properly

Criminal Procedure Code.

be tried summarily, he may try the same summarily following the procedure laid down in chapter XVIII. and in that case he shall have jurisdiction to impose any sentence which a district court may lawfully impose.

153 If in a proceeding instituted under section 148 the case appear to be one of culpable homicide the magistrate shall, unless for reasons to be recorded by him he thinks it inexpedient, go to the spot where such offence appears to have been committed and if the accused be present before him shall proceed to hold such part of the inquiry directed by the next following chapter as may be necessary, and if the accused be not present shall hold the examination provided by section 149 (1) of such persons as may seem to him to be able to give material evidence.

In case of homicide magistrate to hold inquiry on spot.

154 Whenever a magistrate issues a summons he may in his discretion dispense with the personal attendance of the accused and permit him to appear by a pleader; provided always that the magistrate may in his discretion at any stage of the proceedings direct the personal attendance of the accused and enforce his attendance in manner hereinbefore provided.

In summons case personal attendance of accused may be dispensed with.

CHAPTER XVI.

Of the Inquiry into Cases which appear not to be triable summarily by Police Court, but triable by a Higher Court.

155 (1) When the accused appears or is brought before the police court the magistrate shall state to him the nature of the offence of which he is accused, giving such particulars as are necessary to explain the same, and shall address him as follows :

Magistrate to address accused and record his statement.

“I am prepared to hear any statement which you wish to make. Anything you say will be written down and will be read at your trial. You may give the names of any persons whom you wish to be summoned to give evidence and state what each can prove.”

(2) Any statement made by the accused shall be recorded in manner provided by section 302.

156 (1) The magistrate shall then read over to the accused the evidence (if any) recorded under section 150 and take in manner hereinafter provided all such further evidence as may be given in support of the prosecution, whether called by the prosecutor or the magistrate.

Evidence previously taken to be read to accused and evidence for prosecution taken.

(2) If such evidence does not establish a *prima facie* case of guilt the magistrate shall discharge the accused.

Criminal Procedure Code.

(3) If such evidence establishes a *prima facie* case of guilt the magistrate shall examine the accused as provided by section 295, recording such examination in manner provided by section 302, and shall then take all such evidence as may be produced on behalf of the accused.

(4) The magistrate may at any stage of the proceedings summon and examine any person whose evidence he considers essential to the inquiry and recall and re-examine any person already examined.

(5) The accused shall be permitted to cross-examine any person whose evidence has been recorded under section 150 and all witnesses called for the prosecution or called or recalled by the magistrate.

(6) If the magistrate calls for other evidence than that produced for the prosecution he shall briefly record what is the nature of the evidence called for.

Conclusion of inquiry.

157 (1) When the inquiry has been concluded the magistrate shall (a) if he finds that there are not sufficient grounds for committing the accused for trial discharge him, or (b) if he finds that there are sufficient grounds for committing the accused for trial forward the record to the Attorney-General, remanding the accused to custody or admitting him to bail as he thinks proper.

(2) A discharge under this section does not bar a further prosecution for the same offence.

(3) Nothing in this section shall be deemed to prevent the magistrate from discharging the accused at any previous stage of the case if for reasons (to be recorded by him) he considers the complaint to be groundless.

What to be done on receipt of record from Attorney-General.

158 (1) As soon as the record has been received back from the Attorney-General then (a) if the Attorney-General directs that the accused be discharged he shall be forthwith discharged; (b) if the Attorney-General directs that the accused be committed for trial the magistrate shall commit the accused for trial to the court specified in that behalf by the Attorney-General; but (c) if the Attorney-General directs that further evidence be taken the magistrate shall obey such directions and then return the record to the Attorney-General.

(2) Where a committal is directed by the Attorney-General the indictment as settled and approved by the Attorney-General shall be read and explained to the accused and a copy thereof served on him.

Defendant's witnesses.

159 (1) The magistrate shall also at the same time require the accused to state orally there and then the names of the persons (if any) whom he wishes to be summoned to give evidence at his trial, distinguishing between those whom he proposes to call to speak to facts and those who are merely to speak to character.

Criminal Procedure Code.

(2) The accused may at any time before his trial give to the magistrate a further list of persons whom he wishes to give evidence on his behalf at such trial, provided that such list be accompanied by a concise statement of the facts to be proved by such witnesses.

(3) The magistrate shall summon such of the witnesses named by the accused under sub-sections (1) and (2) as have not been already examined to appear before him and shall bind them over to give evidence at the trial : provided always that no such witness shall be summoned unless the magistrate has first satisfied himself that there are reasonable grounds for believing that the evidence of such witness is material and provided also that if he is not so satisfied he may refuse to summon the witness (recording his reasons for such refusal) or may before summoning him require such sum to be deposited as such magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

160 On committing the accused for trial before the Supreme Court the magistrate shall ask the accused to elect from which of the respective panels of jurors the jury shall be taken for the trial and shall record such election if made. The accused so electing shall be bound by and may be tried according to his election, subject however in all cases to the provisions of section 224.

Accused to elect panel.

161 (1) The magistrate may after commitment and before the commencement of the trial summon and examine supplementary witnesses including any witnesses named under section 159 who have not been already examined, and bind them over to appear and give evidence at the trial.

Examination of supplementary witnesses.

(2) It shall not be necessary for the accused to be present at such examination, but notice of such examination shall be given to the accused.

(3) A copy of all evidence taken in the absence of the accused shall be forthwith delivered to him.

162 (1) When the magistrate commits the accused for trial he shall require every material witness for the prosecution or defence who has appeared before him and given evidence and has not already been bound over under the next following sub-section to appear before a higher court to execute a bond with or without sureties for his appearance to give evidence at the trial ; and for the like purpose it shall be lawful for any magistrate who examines any witness on commission under the provisions hereinafter contained to require such witness so examined to execute a bond with or without sureties as such magistrate may determine.

Material witnesses to be bound to appear.

(2) The magistrate may at any stage of the inquiry require any witness to execute such bond as in the last sub-section mentioned for appearance at any future stage of the proceedings either in that court or in the higher court, in case the accused be committed for trial. It shall not be necessary

Criminal Procedure Code.

to specify such higher court in the bond, but the obligor shall be bound on receiving reasonable notice to attend at the trial in whatever court the accused may be tried.

(3) If a witness refuses or neglects to execute such bond the magistrate may commit him to prison until such bond is duly executed or until the trial, when he shall be sent in custody to the court of trial.

(4) The magistrate shall endorse on the warrant of committal the names of all persons who have been bound over to give evidence at the trial or who having refused to be bound over have been committed to prison.

(5) Every person who executes such bond shall give to the magistrate an address at which all notices respecting the further proceedings in the case may be left for him, and any notice left at such address for him shall (until the contrary be proved) be deemed to have been received by him.

Magistrate to certify record.

163 The magistrate shall if the accused is committed for trial record whether the accused is on bail or in custody and certify under his hand the record of the inquiry.

Accused may have copy of evidence.

164 When the accused has been committed for trial he shall, if he demands it at a reasonable time before the trial, be furnished by the officer in charge of the record with a copy of the record or of any part thereof on payment of six cents for a hundred words.

Record to be forwarded to court of trial and productions to fiscal.

165 (1) When the magistrate commits the accused for trial he shall, subject to the provisions of this Code regarding the taking of bail, commit the accused by warrant to the custody of the fiscal of the province until and during the trial and shall forthwith transmit the record of the inquiry together with all documents produced in evidence to the court of trial. All productions other than documentary evidence shall be forwarded to the fiscal to be produced by him at the trial.

(2) The magistrate shall forthwith after committing the accused for trial notify such committal in the case of committals to the Supreme Court to the registrar and in the case of committals to a district court to the judge of such court.

Offences triable by a district court may be tried summarily with consent of accused.

166 (1) If the offence being inquired into is within the jurisdiction of a district court and the magistrate thinks it expedient so to do having regard to the character and antecedents of the accused, the nature of the offence, and all the circumstances of the case, he may if the accused when informed of his right to be tried by a district court consents to be tried by the magistrate try the case accordingly, and the provisions of chapter XVIII. shall apply to such trial.

(2) A magistrate trying an accused under this section shall have power to award such accused, if found guilty of the offence charged, both or either of the punishments

Criminal Procedure Code.

following, (that is to say) imprisonment of either description for a term not exceeding twelve months and fine not exceeding two hundred rupees, or if the accused be under sixteen years of age may order him to be whipped either without or in addition to one of the said punishments.

(3) For the purpose of proceeding under this section the magistrate, when during the hearing of the case he becomes satisfied by the evidence that it is expedient to deal with the case under this section, shall frame a charge and read and explain the same to the accused and say to him, "Do you desire to be tried by a district court or do you consent to be tried by me?" with a statement for the information of the accused, where he is not represented by a pleader, of the difference between trial by a district court and trial by a police court.

CHAPTER XVII.

Of the Charge.

167 (1) Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

(2) If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

(3) If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as will give the accused notice of the matter with which he is charged.

(4) The law and section of the law under which the offence said to have been committed is punishable shall be mentioned in the charge.

(5) The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

(6) The charge shall when it is preferred, whether at the inquiry preliminary to committal for trial or at the trial, be read to the accused in a language which he understands.

(7) If the accused has been previously convicted of any offence and it is intended to prove such previous conviction for the purpose of increasing the punishment which the court is competent to award, the fact, date, and place of the previous conviction shall be stated in the indictment.

(8) If such statement is omitted the court may add it at any time before sentence is passed.

Illustrations.

(a) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 293 and 294 of the Penal Code; that it did

Criminal Procedure Code.

not fall within any of the general exceptions of the same Code; and that it did not fall within any of the four exceptions to section 294, or that if it did fall within exception 1 one or other of the three provisos to that exception applied to it.

- (b) A is charged under section 317 of the Penal Code with voluntarily causing grievous hurt to B by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 326 of the Penal Code and that the general exceptions did not apply to it
- (c) A is accused of murder, cheating, theft, extortion, criminal intimidation, or using a false property-mark. The charge may state that A committed murder or cheating or theft or extortion or criminal intimidation or that he used a false property-mark, without reference to the definitions of those crimes contained in the Penal Code.
- (d) A is charged under section 182 of the Penal Code with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

Particulars as to time, place, and person.

168 The charge shall contain such particulars as to the time and place of the alleged offence and as to the person (if any) against whom and as to the thing (if any) in respect of which it was committed as are reasonably sufficient to give the accused notice of the matter with which he is charged and to show that the offence is not prescribed.

When manner of committing offence must be stated.

169 When the nature of the case is such that the particulars mentioned in the last two preceding sections do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations.

- (a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.
- (b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.
- (c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.
- (d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.
- (e) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.
- (f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

Words taken in sense of law under which offence is punishable.

170 In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

Criminal Procedure Code.

171 No error in stating either the offence or the particulars required to be stated in the charge and no omission to state the offence or those particulars shall be regarded at any stage of the case as material, unless the accused was misled by such error or omission.

Effect of errors.

Illustrations.

- (a) A is charged under section 237 of the Penal Code with "having been in possession of counterfeit coin having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission the error shall not be regarded as material.
- (b) A is charged with cheating B and the manner in which he cheated B is not set out in the charge or is set out incorrectly. A defends himself, calls witnesses, and gives his own account of the transaction. The court may infer from this that the omission to set out the manner of the cheating is not material.
- (c) A is charged with cheating B and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B and A had no means of knowing to which of them the charge referred and offered no defence. The court may infer from such facts that the omission to set out the manner of the cheating was in this case material.

172 (1) Any court may alter any indictment or charge at any time before judgment is pronounced or, in the case of trials before the Supreme Court or a district court with assessors, before the verdict of the jury is returned or the opinions of the assessors are expressed.

Court may alter charge.

(2) Every such alteration shall be read and explained to the accused.

(3) The substitution of one charge for another in an indictment or the addition of a new charge to an indictment and in a police court the substitution of one charge for another shall be deemed to be an alteration of such indictment or charge within the meaning of this section.

173 If the alteration made under the last preceding section is such that proceeding immediately with the trial is not likely in the opinion of the court to prejudice the accused in his defence or the prosecutor in the conduct of the case, the court may in its discretion after such alteration has been made proceed with the trial as if the altered indictment or charge had been the original indictment or charge.

When trial may proceed on altered charge immediately.

174 If the alteration made under section 172 is such that proceeding immediately with the trial is likely in the opinion of the court to prejudice the accused or the prosecutor as aforesaid, the court may either direct a new trial or adjourn the trial for such period as may be necessary.

When new trial may be directed or trial adjourned.

Criminal Procedure Code.

Stay of proceedings if prosecution of offence in altered charge requires previous sanction.

175 If the indictment or charge as altered under section 172 alleges an offence for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained unless sanction has been already obtained for a prosecution on the same facts as those on which the altered indictment or charge is founded.

Recall of witnesses when charge altered.

176 Whenever an indictment or charge is altered by the court after the commencement of the trial the prosecutor and the accused shall be allowed to re-call or re-summon and examine with reference to such alteration any witness who may have been examined.

Effect of material error.

177 (1) If the Supreme Court in the exercise of its powers of appeal or revision is of opinion that any person convicted of an offence was misled in his defence by an error in the indictment or charge, it shall direct a new trial to be had upon a charge or indictment framed in whatever manner it thinks fit.

(2) If such court is of opinion that the facts of the case are such that no valid charge can be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration.

A is convicted of an offence under section 193 of the Penal Code upon a charge which omits to state that he knew the evidence which he corruptly used or attempted to use as true or genuine was false or fabricated. If the court thinks it probable that A had such knowledge and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but if it appears probable from the proceedings that A had no such knowledge it shall quash the conviction.

Joinder of Charges.

Separate charge for separate offences.

178 For every distinct offence of which any person is accused there shall be a separate charge and every such charge shall be tried separately except in the cases hereinafter in this chapter mentioned.

Illustration.

A is accused of a theft on one occasion and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and the causing grievous hurt.

Three offences of same kind within a year may be charged together.

179 (1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences he may be charged with and tried at one trial for any number of them not exceeding three and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Penal Code or of any special or local law.

Criminal Procedure Code.

180 (1) If in one series of acts so connected together as to form the same transaction more offences than one are committed by the same person he may be charged with and tried at one trial for every such offence and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

Trial for more than one offence.

(2) If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished the person accused of them may be charged with and tried at one trial for each of such offences, and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

Offence falling within two definitions.

(3) If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence the person accused of them may be charged with and tried at one trial for the offence constituted by such acts when combined and for any offence constituted by any one or more of such acts, and in trials before the Supreme Court or a district court such charges may be included in one and the same indictment.

Acts constituting one offence but constituting another offence when combined.

(4) Nothing contained in this section shall affect section 67 of the Penal Code.

Illustrations.

To sub-section (1).

- (a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with and tried for offences under sections 220 and 324 of the Penal Code.
- (b) A has in his possession several seals knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 455 of the Penal Code. A may be separately charged with and convicted of the possession of each seal under section 461 of the Penal Code.
- (c) A with intent to cause injury to B institutes a criminal proceeding against him knowing that there is no just or lawful ground for such proceeding, and also falsely accuses B of having committed an offence knowing that there is no just or lawful ground for such accusation. A may be separately charged with and convicted of two offences under section 208 of the Penal Code.
- (d) A with intent to cause injury to B falsely accuses him of having committed an offence knowing that there is no just or lawful ground for such accusation. On the trial A gives false evidence against B intending thereby to cause B to be convicted of a capital offence. A may be separately charged with and convicted of offences under sections 208 and 191 of the Penal Code.
- (e) A with six others commits the offences of rioting, grievous hurt, and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with and convicted of offences under sections 144, 316, and 149 of the Penal Code.

Criminal Procedure Code.

(f) A threatens B, C, and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with and convicted of each of the three offences under section 486 of the Penal Code.

The separate charges referred to in illustrations (a) to (f) respectively may be tried at one trial and included in one and the same indictment.

To sub-section (2).

(g) A wrongfully strikes B with a cane. A may be separately charged with and convicted of offences under sections 343 and 314 of the Penal Code.

(h) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain-pit. A and B may be separately charged with and convicted of offences under sections 394 and 396 of the Penal Code.

(i) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with and convicted of offences under sections 308 and 297 of the Penal Code.

(j) A dishonestly uses a forged document as genuine evidence in order to convict B, a public servant, of an offence under section 163 of the Penal Code. A may be separately charged with and convicted of offences under sections 459 (read with 455) and 193 of the same Code.

To sub-section (3).

(k) A commits robbery on B and in doing so voluntarily causes hurt to him. A may be separately charged with and convicted of offences under sections 314, 380, and 382 of the Penal Code.

Where it is doubtful what offence has been committed.

181 If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with all or any one or more of such offences and any number of such charges may be tried at one trial and in a trial before the Supreme Court or a district court may be included in one and the same indictment; or he may be charged with having committed one of the said offences without specifying which one.

Illustration.

A is accused of an act which may amount to theft or receiving stolen property or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust, and cheating, or he may be charged with "having committed one of the following offences, to wit, theft, receiving "stolen property, criminal breach of trust, and cheating."

When a person is charged with one offence he can be convicted of another.

182 If in the case mentioned in the last preceding section the accused is charged with one offence and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

*Criminal Procedure Code.**Illustration.*

A is charged with theft. It appears that he committed the offence of criminal breach of trust or that of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods (as the case may be) though he was not charged with such offence.

183 (1) When a person is charged with an offence consisting of several particulars a combination of some only of which constitutes a complete minor offence and such combination is proved but the remaining particulars are not proved, he may be convicted of the minor offence though he was not charged with it.

When offence proved included in offence charged.

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence he may be convicted of the minor offence although he was not charged with it.

(3) Nothing in this section shall be deemed to authorize a conviction for any offence referred to in section 147 when no complaint has been made as required by that section.

Illustrations.

(a) A is charged under section 390 of the Penal Code with criminal breach of trust in respect of property entrusted to him as a carrier. It appears that he did commit criminal breach of trust under section 389 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 389,

(b) A is charged under section 316 of the Penal Code with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 326 of that Code.

184 When more persons than one are accused of jointly committing the same offence or of different offences committed in the same transaction or when one person is accused of committing any offence and another of abetment of or attempt to commit such offence, they may be charged and tried together or separately as the court thinks fit; and the provisions contained in the former part of this chapter shall apply to all such charges.

All persons concerned in committing an offence may be charged together.

Illustrations.

(a) A and B are accused of the same murder. A and B may be indicted and tried together for the murder.

(b) A and B are accused of a robbery in the course of which A commits a murder with which B has nothing to do. A and B may be tried together on an indictment charging both of them with the robbery and A alone with the murder.

(c) A and B are both charged with a theft and B is charged with two other thefts committed by him in the course of the same transaction. A and B may be both tried together on a charge charging both with the one theft and B alone with the other two thefts.

(d) A and B are accused of being members of opposing factions in a riot. They should be indicted and tried separately.

(e) A and B are accused of giving false evidence in the same proceeding. They should be indicted and tried separately.

Criminal Procedure Code.

When conviction on one charge remaining charges may be withdrawn.

185 (1) When more charges than one are made against the same person and when a conviction has been had on one or more of them the officer conducting the prosecution may with the consent of the court withdraw the remaining charge or charges or the court of its own accord may stay the inquiry into or trial of such charge or charges.

(2) Such withdrawal shall have the effect of an acquittal on such charge or charges unless the conviction be set aside, in which case the said court (subject to the order of the court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

Charges to be brought in name of Attorney-General.

186 (1) All indictments upon which persons are tried before the Supreme Court or a district court shall be brought in the name of the Attorney-General and be in accordance with the prescribed form and shall be signed by the Attorney-General or the Solicitor-General or a Crown counsel or by some advocate generally or specially authorized by the Attorney-General in that behalf, and in the latter case the words "By authority of Her Majesty's Attorney-General" shall be prefixed to the signature.

(2) Every indictment shall contain a list of the witnesses which the prosecution intends to call at the trial and another list of all documents and things intended to be produced at the trial, which documents and things are herein called "productions."

(3) The proceedings shall not abate or determine by reason of the death or removal from office of the Attorney-General.

CHAPTER XVIII.

The Trial of Cases where a Police Court has power to try summarily.

Particulars of case to be stated to accused.

187 (1) Where the accused is brought before the court otherwise than on a summons or warrant the magistrate shall after the examination directed by section 149 (4), if he does not discharge the accused under section 150 (4), frame a charge against the accused.

(2) In cases where the accused appears on summons or warrant it shall not be necessary to frame a charge, but the statement of the particulars of the offence contained in the summons or warrant shall be deemed to be the charge and the provisions of this Code as to the amendment and alteration of charges shall apply to the same accordingly.

(3) The magistrate shall read such charge or statement, as the case may be, to the accused and ask him if he has any cause to show why he should not be convicted.

Criminal Procedure Code.

Provided that in all cases in which a prosecution commenced on a written report under section 148 (1) (b), and such report, amended if necessary by the magistrate, discloses an offence punishable with not more than three months' imprisonment or a fine of fifty rupees, it shall be lawful for the magistrate to read such report, amended if necessary, as a charge to the accused and ask him if he has any cause to show why he should not be convicted.

188 (1) If the accused upon being asked if he has any cause to show why he should not be convicted makes a statement which amounts to an unqualified admission that he is guilty of the offence of which he is accused, his statement shall be recorded as nearly as possible in the words used by him; and the magistrate shall record a verdict of guilty and pass sentence upon him according to law and shall record such sentence.

Admission of
offence by
accused.

(2) If the accused does not make such statement the magistrate shall ask him if he is ready for trial and (a) if the accused replies that he is ready for trial shall proceed to try the case in manner hereinafter provided, but (b) if the accused replies that he is not ready for trial by reason of the absence of witnesses or otherwise the magistrate shall, subject to the provisions of sub-section (5) of section 289, either postpone the trial to a day to be then fixed or proceed forthwith to try the case in manner hereinafter provided.

But nothing herein contained shall prevent the magistrate from taking in manner hereinafter provided the evidence for the prosecution and of such of the witnesses for the defence as may be present, and then, subject to the provisions of sub-section (5) of section 289, for reasons to be recorded by him in writing, adjourning the trial for a day to be fixed by him.

189 (1) When the magistrate proceeds to try the accused he shall read over to him the evidence (if any) recorded under section 150 and take in manner hereinafter provided all such further evidence as may be produced for the prosecution or defence respectively.

Procedure on
trial.

(2) The accused shall be permitted to cross-examine any person whose evidence has been recorded under section 150 and all witnesses called for the prosecution and called or re-called by the magistrate.

(3) The complainant and accused or their pleaders shall be entitled to open their respective cases, but the complainant or his pleader shall not be entitled to make any observations in reply upon the evidence given by or on behalf of the accused.

190 If the magistrate after taking the evidence for the prosecution and defence and such further evidence (if any) as he may of his own motion cause to be produced

Verdict.

Criminal Procedure Code.

finds the accused not guilty, he shall forthwith record a verdict of acquittal. If he finds the accused guilty he shall forthwith record a verdict of guilty and pass sentence upon him according to law and shall record such sentence.

Power to magistrate to discharge accused at any time.

191 Nothing hereinbefore contained shall be deemed to prevent a police magistrate from discharging the accused at any previous stage of the case, but he shall record his reasons for doing so.

Commitment for trial before higher court.

192 (1) If the magistrate after taking the evidence adduced for the prosecution and the defence is of opinion that the accused is guilty of an offence which cannot be adequately punished by a police court, he shall not convict the accused but shall forward the record to the Attorney-General, remanding the accused to custody or admitting him to bail, as he thinks proper.

(2) The Attorney-General may on receipt of the record exercise any of the powers vested in him by section 158 (1) or may send the record back to the police court with directions to the magistrate to proceed with the trial, and the case shall thereafter be dealt with accordingly.

What to be done when different offence disclosed in course of proceedings.

193 (1) If from the facts admitted or proved it appears that the accused has committed an offence within the jurisdiction of the magistrate to try other than that specified in the charge, summons, or warrant, the magistrate may convict the accused of such offence, but before he so convicts he shall frame a charge and shall read and explain it to the accused, and such of the provisions of chapter XVII. as relate to altered charges shall apply to the charge framed under this section.

(2) If from the facts admitted or proved it appears at any stage of the proceedings that the accused has committed an offence not within the jurisdiction of the magistrate to try, the magistrate shall not convict but shall stay further proceedings under this chapter and commence the proceedings afresh under chapter XVI.

Accused may be acquitted in the absence of complainant.

194 If the summons has been issued on complaint under section 148 (1) (a) and upon the day and hour appointed for the appearance of the accused or at any time to which the hearing may be adjourned the complainant does not appear, the magistrate shall notwithstanding anything hereinbefore contained acquit the accused unless for some reason he thinks proper to adjourn the hearing of the case to some other hour or day, and may in addition make an order for payment by the complainant of Crown costs as hereinafter provided. Provided that if the complainant appears in reasonable time and satisfies the magistrate that his absence was due to sickness, accident, or some other cause over which he had no control, then the magistrate shall cancel any order made under this section.

Criminal Procedure Code.

195 If a complainant at any time before judgment is given in any case under this chapter satisfies the magistrate that there are sufficient grounds for permitting him to withdraw the case, the magistrate may permit him to withdraw the same and shall thereupon acquit the accused, but he shall record his reasons for doing so.

Withdrawal of charge by complainant.

196 In any case instituted under this chapter otherwise than upon a complaint under section 148 (1), heads (a), (c), and (d), the magistrate may with the previous sanction of the Attorney-General, for reasons to be recorded by the magistrate, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction and may thereupon discharge the accused.

Accused may be discharged by magistrate with sanction of Attorney-General.

197 (1) If in any case instituted on complaint under section 148 (1) (a) which a police court has power to try a magistrate acquits or discharges the accused and declares that the complaint was frivolous or vexatious, it shall be lawful for such magistrate to order the complainant to pay by way of Crown costs a sum not exceeding five rupees, and he may in addition at the same time order the complainant to pay to the accused, or to each of the accused when there are more than one, such compensation not exceeding ten rupees to each person as the magistrate shall think fit, which sum if paid or recovered shall be taken into account in any subsequent civil suit relating to the same matter.

Frivolous or vexatious complaints.

(2) Any sum awarded under this section shall be recoverable as if it were a fine and if it cannot be recovered the imprisonment to be awarded shall be simple and for such term, not exceeding in the case of a sum awarded by way of compensation thirty days and in the case of a sum awarded by way of Crown costs fourteen days, as the magistrate directs at the time of awarding such sum.

(3) Before making any such order the magistrate shall record and consider any objection which the complainant may urge against the making of the order, and if he makes such order he shall record his reasons for making the same.

198 No appeal shall lie against any order for payment of Crown costs.

No appeal.

199 The Attorney-General, the Solicitor-General, a Crown counsel, or a pleader generally or specially authorized by the Attorney-General shall be entitled to appear and conduct the prosecution in any case tried under this chapter, but in the absence of the Attorney-General, the Solicitor-General, a Crown counsel, and any such pleader as aforesaid the complainant or any officer of any Government department or any officer of any municipality or local board may appear in person or by pleader to prosecute in any case in which such complainant or Government department or municipality or local board is interested.

By whom prosecutions under this chapter may be conducted.

Criminal Procedure Code.

CHAPTER XIX.

Trials by District Court.

Trials before district court to be by judge or with assessors.

200 Trials before a district court shall be before a district judge alone or aided by assessors.

By whom trials before district court to be conducted.

201 In every trial before a district court the prosecution shall be conducted by the Attorney-General or the Solicitor-General or a Crown counsel or by some pleader generally or specially authorized by the Attorney-General in that behalf.

Attorney-General may withdraw prosecution.

202 The Attorney-General may at any time before the verdict is recorded withdraw any indictment and the prosecuting counsel may also with the permission of the district judge at any time before the verdict is recorded withdraw any indictment, and thereupon all proceedings thereon shall be stayed and the accused shall be discharged.

Indictment.

203 (1) If the case comes before the court on the committal of a police court the accused shall be arraigned on the indictment served on him as provided by section 158.

In case of transfer indictment to be framed upon the evidence.

(2) If the case comes before the court from a police court by virtue of an order of transfer made by the Supreme Court the indictment shall be framed upon the facts disclosed in the examination of the complainant or informant, and the evidence taken in the case and a copy of such indictment shall be served on the accused.

Commencement of Trial.

Arraignment of accused.

204 When the court is ready to commence the trial the accused shall appear or be brought before it and the indictment shall be read and explained to him and he shall be asked whether he is guilty or not guilty of the offence charged.

Plea of guilty.

205 If the accused pleads guilty and it appears to the satisfaction of the judge that he rightly comprehends the effect of his plea, the plea shall be recorded on the indictment and he may be convicted thereon.

Refusal to plead or plea of not guilty.

206 If the accused does not plead or if he pleads not guilty, he shall be tried.

Choosing Assessors.

Assessors to be chosen and sworn.

207 When the trial is to be held with the aid of assessors two or more shall be chosen, as the district judge thinks fit, from the persons summoned to act as such and shall be duly sworn as jurors are sworn.

Counsel to open his case and call witnesses.

208 (1) The trial shall commence by the prosecuting counsel stating his case to the court.

(2) The witnesses for the prosecution shall then be examined.

Criminal Procedure Code.

209 All statements of the accused recorded in the course of the inquiry in the police court shall be put in and read in evidence before the close of the case for the prosecution.

Accused's statement to be put in.

210 When the case for the prosecution is closed, if the district judge wholly discredits the evidence on the part of the prosecution or is of opinion that such evidence fails to establish the commission of the offence charged against the accused in the indictment or of any other offence of which he might be convicted on such indictment, he shall record a verdict of acquittal; if however the district judge considers that there are grounds for proceeding with the trial he shall call upon the accused for his defence.

Court may acquit without calling for defence; or call for defence.

211 The accused or his pleader may then enter upon his defence and may examine his witnesses (if any) and the accused person or his pleader may then sum up his case.

Accused may make his defence.

212 If any evidence is adduced on behalf of the accused the prosecuting counsel shall, subject to the provisions of sub-section (2) of section 296, be entitled to reply and with the leave of the district judge to call witnesses in rebuttal.

When prosecuting counsel entitled to reply.

213 (1) When the cases for the prosecution and the defence are concluded the district judge may sum up the evidence for the prosecution and defence; and in a case tried with the aid of assessors he shall do so and shall require each of the assessors to state his opinion orally and shall record such opinion.

Judge to sum up evidence.

(2) The district judge shall not be bound to conform to the opinion of the assessors.

214 (1) When the cases for the prosecution and defence are concluded and the assessors' opinion, if the trial has been with the aid of assessors, has been recorded the district judge shall forthwith or within not more than twenty-four hours record a verdict of acquittal or conviction.

And to pass judgment.

(2) If the accused person is convicted the district judge shall pass sentence on him according to law.

215 (1) If in the course of a trial with the aid of assessors at any time before the finding any assessor is from any sufficient cause prevented from attending throughout the trial or absents himself and it is not practicable to enforce his attendance, the trial shall proceed with the aid of the other assessor or assessors.

In case of absence of an assessor.

(2) If all the assessors are prevented from attending or absent themselves the proceedings shall be stayed and a new trial shall be held with the aid of fresh assessors.

(3) The provisions of section 239 with regard to trial by jury in the Supreme Court shall apply to trials with the aid of assessors in the district courts.

Criminal Procedure Code.

CHAPTER XX.

*Trials before the Supreme Court.*A.—*Preliminary.*

**Trials before
Supreme Court.**

216 (1) All trials before the Supreme Court shall be by jury before a judge or a commissioner of assize, provided always that the Chief Justice may in his discretion order that any trial shall be a trial at bar and thereupon such trial shall be held at Colombo by jury before three judges.

(2) In every trial before the Supreme Court the prosecution shall be conducted by the Attorney-General or the Solicitor-General or a Crown counsel or by some advocate generally or specially authorized by the Attorney-General in that behalf.

**Discontinuance
of prosecution.**

217 (1) At any stage of a trial before the Supreme Court under this Code before the return of the verdict the Attorney-General may, if he thinks fit, inform the Court on behalf of Her Majesty that he will not further prosecute the accused upon the indictment or any charge therein, and thereupon all proceedings on such indictment or charge as the case may be against the accused shall be stayed and he shall be discharged of and from the same.

(2) The information under this section may either be oral or in writing under the hand of the Attorney-General.

(3) The prosecuting counsel may with the consent of the presiding judge at any stage of the trial before the return of the verdict withdraw the indictment or any charge therein and thereupon all proceedings on such indictment or charge as the case may be against the accused shall be stayed and he shall be discharged of and from the same.

Indictment.

218 (1) If the case comes before the court on the committal of a police court the accused shall be arraigned on the indictment served upon him as provided by section 158.

(2) If the case comes before the Court by virtue of an order of the Supreme Court of transfer from another court the indictment shall be framed upon the facts disclosed in the complaint or information and the evidence taken in the case and a copy of such indictment shall be served on the accused.

B.—*Commencement of Trial.*

**Arraignment of
accused.**

219 When the court is ready to commence the trial the accused shall appear or be brought before it and the indictment shall be read and explained to him and he shall be asked whether he is guilty or not guilty of the offence charged.

Criminal Procedure Code.

220 If the accused pleads guilty the plea shall be recorded on the indictment and he may be convicted thereon : provided that when the indictment so pleaded to is one of murder the judge may refuse to receive the plea and cause the trial to proceed in like manner as if the accused person had pleaded not guilty.

Plea of guilty may be recorded and accused convicted thereon.

221 (1) If the accused does not plead or if he pleads not guilty jurors shall be chosen to try the case as hereinafter provided.

Refusal to plead and plea of not guilty.

(2) If the accused pleads not guilty but states that he is willing to plead guilty to a lesser offence for which he might have been convicted on that indictment and the prosecuting counsel is willing to accept such plea, the judge may if he thinks that the interests of justice will be satisfied by so doing order such plea of guilty to be recorded and may pass judgment thereon accordingly, and thereupon the accused shall be discharged of the offence laid in the indictment and such discharge shall amount to an acquittal.

222 (1) The prosecuting counsel or the accused may apply to any judge of the Supreme Court for an order requiring a special jury to be summoned to try any case ; and the judge shall if he considers such application just and reasonable make an order accordingly.

Special jury may be summoned.

(2) Such application except when made by the Attorney-General, Solicitor-General, or Crown counsel, shall be supported by affidavit.

C.—Choosing a Jury.

223 (1) The jury shall consist of seven persons.

(2) The verdict returned shall be unanimous or by a majority of not less than five to two.

Number of jury and quorum for verdict.

224 (1) The jury shall be taken from the panel elected by the accused unless the court otherwise directs.

Empanelling of jury.

(2) The jury shall be chosen by lot from the panel.

(3) As each juror is chosen his name shall be called and upon his appearance the accused shall be asked by the registrar if he objects to be tried by such juror.

(4) Objections without grounds stated shall be allowed to the number of two on behalf of the person or all the persons charged.

(5) On the suggestion of the prosecuting counsel without grounds of objection stated any number of jurors called may be ordered by the judge to stand by until the names of all the jurors summoned and then available for service on the jury have been gone through.

(6) If such names have been gone through without a jury having been made up the names of each of those so ordered to stand by shall be called again and the prosecuting counsel shall be called upon to state the grounds of objection (if any) under the next following section.

Criminal Procedure Code.

(7) If there shall not be a sufficient number of jurors present unchallenged the jury may be made up from such of the bystanders as are not by law disqualified from serving as jurors. Any such bystander shall if called upon be legally bound to serve as a juror.

Grounds of objection.

225 Any objection taken to a juror on any of the following grounds if made out to the satisfaction of the court shall be allowed :

- (a) Some presumed or actual partiality in the juror ;
- (b) Some personal ground such as deficiency in the qualification required by any law or rule having the force of law for the time being in force ;
- (c) His executing any duties of police or being entrusted with police duties ;
- (d) His having been convicted of any offence which in the opinion of the judge renders him unfit to serve on the jury ;
- (e) His inability to understand the language of the panel from which the jury is drawn ;
- (f) Any other circumstance which in the opinion of the judge renders him improper as a juror.

Decision of objection.

226 (1) Every objection taken to a juror shall be decided by the judge and such decision shall be recorded and be final.

(2) If the objection is allowed the place of such juror shall be supplied by any other juror chosen in manner herein-after provided.

Foreman of jury.

227 (1) When the jurors have been chosen the registrar shall address them in the following words :—"Gentlemen of the Jury, choose your foreman," and they shall thereupon proceed to do so.

(2) If a majority of the jury do not within such time as the judge thinks reasonable agree in the appointment of a foreman he shall be appointed by the judge.

(3) When the foreman has been appointed the jurors shall be sworn.

Duties of foreman.

228 The foreman shall preside in the debates of the jury, ask any information from the judge that is required by the jury or any of the jurors, and deliver the verdict of the jury.

Procedure where juror ceases to attend, &c.

229 If in the course of a trial by jury at any time before the return of the verdict any juror from any sufficient cause is prevented from attending throughout the trial, or if any juror absents himself and it is not practicable to enforce his attendance or if it appears that any juror is unable to understand the language in which the evidence is given or when such evidence is interpreted the language in which it is interpreted, the judge may either order a new juror to be added or discharge the jury and order a new jury to be chosen.

Criminal Procedure Code.

230 The judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar and whenever in the opinion of the judge the interests of justice so require.

Discharge of jury in case of sickness of prisoner.

D.—Trial to close of Case for Prosecution and Defence.

231 As soon as the jury have been sworn the registrar shall in the hearing of the accused read the indictment to the jury and shall inform them that it is their duty to listen to the evidence and upon that evidence to find by their verdict whether or not the accused is guilty of the charge, or any of the charges if more than one, laid against him, in the indictment.

Registrar to read indictment to jury.

232 The prosecuting counsel shall then open his case by stating shortly the nature of the offence charged and the evidence by which he proposes to prove the guilt of the accused and shall then examine his witnesses.

Opening of case for prosecution.

233 All statements of the accused recorded in the course of the inquiry in the police court shall be put in and read in evidence before the close of the case for the prosecution.

Statements by prisoner to be put in.

234 (1) When the case for the prosecution is closed, if the judge considers that there is no evidence that the accused committed the offence he shall direct the jury to return a verdict of "not guilty."

Procedure after examination of witnesses for prosecution.

(2) If the judge considers that there is evidence that the accused committed the offence he shall ask him or his pleader if he means to adduce evidence.

(3) If the accused or his pleader announces his intention not to adduce evidence the prosecuting counsel may address the jury a second time in support of his case for the purpose of summing up the evidence against the accused.

235 The accused or his pleader may then open his case, stating the facts or law on which he intends to rely and making such comments as he thinks necessary on the evidence for the prosecution. He may then call his witnesses and after they have given evidence may sum up his case.

Defence.

236 The accused shall be allowed to examine any witness not previously named by him if such witness is in attendance.

Right of accused as to examination and summoning of witnesses.

237 (1) The prosecuting counsel may by leave of the judge call witnesses in rebuttal.

Witnesses in rebuttal and reply.

(2) The prosecuting counsel shall, subject to the provisions of sub-section (2) of section 296, be entitled to reply on any evidence given by or on behalf of the accused.

238 (1) Whenever the judge thinks that the jury should view the place in which the offence charged is alleged to have been committed or any other place in which any other transaction material to the trial is alleged to have occurred

View by jury of place where offence committed.

Criminal Procedure Code.

the judge shall make an order to that effect ; and the jury shall be conducted in a body under the care of an officer of the court to such place which shall be shown to them by a person appointed by the judge.

(2) Such officer shall not except with the permission of the judge suffer any other person to speak to or hold any communication with any of the jury ; and unless the court otherwise directs they shall when the view is finished be immediately conducted back into court.

When juror may be examined.

239 If a juror is personally acquainted with any relevant fact it is his duty to inform the court that such is the case, whereupon he may be sworn and examined in the same manner as any other witness.

Jury to attend an adjourned sitting.

240 If a trial is adjourned the jury shall attend at the adjourned sitting and at every subsequent sitting until the conclusion of the trial.

When jury may be kept together.

241 (1) It shall not be necessary in any case to keep the jury together during any adjournment previous to the close of the judge's summing up, but it shall be lawful for the judge if it should appear to him to be advisable in the interests of justice in any trial to require the jury to be kept together during any adjournment.

(2) Where the jury is allowed to separate during the course of any trial the jurors may be first sworn not to hold communication with any person other than a fellow juror upon the subject of the trial during such separation ; and

(3) If any such juror shall hold any such communication with any person other than a fellow juror or if any person other than a fellow juror shall hold any such communication with any such juror, such juror or person as the case may be shall be deemed to be guilty of a contempt of court and shall be punishable accordingly.

Judge may allow jurors refreshment.

242 The judge may if he thinks fit order reasonable refreshment to be procured for the jury by the fiscal at the public expense at any time during which they may be kept together either before or after the judge has summed up.

E.—Conclusion of Trial.

Charge to jury.

243 When the case for the defence and the prosecuting counsel's reply (if any) are concluded the judge shall charge the jury summing up the evidence and laying down the law by which the jury are to be guided.

Duty of judge.

244 (1) It is the duty of the judge—

(a) To decide all questions of law arising in the course of the trial and especially all questions as to the relevancy of facts which it is proposed to prove and the admissibility of evidence or the propriety

Criminal Procedure Code.

of questions asked by or on behalf of the parties, and in his discretion to prevent the production of inadmissible evidence whether it is or is not objected to by the parties ;

- (b) To decide upon the meaning and construction of all documents given in evidence at the trial ;
- (c) To decide upon all matters of fact which it may be necessary to prove in order to enable evidence of particular matters to be given ;
- (d) To decide whether any question which arises is for himself or for the jury.

(2) The judge may if he thinks proper in the course of his summing up express to the jury his opinion upon any question of fact or upon any question of mixed law and fact relevant to the proceeding.

Illustrations.

(a) It is proposed to prove a statement made by a person not being a witness in the case on the ground that circumstances are proved which render evidence of such statement admissible.

It is for the judge and not for the jury to decide whether the existence of those circumstances has been proved.

(b) It is proposed to give secondary evidence of a document the original of which is alleged to have been lost or destroyed.

It is the duty of the judge to decide whether the original has been lost or destroyed.

245 It is the duty of the jury—

Duty of jury.

- (a) To decide which view of the facts is true and then to return the verdict which under such view ought according to the direction of the judge to be returned ;
- (b) To determine the meaning of all technical terms (other than terms of law) and words used in an unusual sense which it may be necessary to determine whether such words occur in documents or not ;
- (c) To decide all questions which according to law are to be deemed questions of fact ;
- (d) To decide whether general indefinite expressions do or do not apply to particular cases, unless such expressions refer to legal procedure or unless their meaning is ascertained by law, in either of which cases it is the duty of the judge to decide their meaning.

Illustrations.

(a) A is tried for the murder of B.

It is the duty of the judge to explain to the jury the distinction between murder and culpable homicide not amounting to murder and to tell them under what views of the facts A ought to be convicted of murder or of culpable homicide not amounting to murder or to be acquitted.

Criminal Procedure Code.

It is the duty of the jury to decide which view of the facts is true and to return a verdict in accordance with the direction of the judge, whether that direction is right or wrong and whether they do or do not agree with it.

(b) The question is whether a person entertained a reasonable belief on a particular point—whether work was done with reasonable skill or due diligence.

Each of these is a question for the jury.

Jury may retire.

246 (1) After the summing up the jury may retire to consider their verdict.

(2) If the jury retire they shall be committed to the charge of an officer of the court who shall first take an oath in the prescribed form.

(3) Except with the leave of the judge no person other than a member of the jury shall speak to or hold any communication with any member of such jury.

When jury ready to give verdict.

247 (1) When the jury are ready to give their verdict and are all present the registrar shall ask the foreman if they are unanimous.

(2) If the jury are not unanimous the judge may require them to retire for further consideration.

(3) After such further consideration for such time as the judge considers reasonable or if either in the first instance the foreman says that they are unanimous or the judge has not required them to retire, the registrar shall say (the jurors being all present): "Do you find the accused person (naming him) guilty or not guilty of the offence (naming it) with which he is charged?"

(4) On this the foreman shall state what is the verdict of the jury.

Verdict to be given on each charge.

248 (1) Unless otherwise ordered by the judge the jury shall return a verdict on all the charges on which the accused is tried and the judge may ask them such questions as are necessary to ascertain what their verdict is.

(2) If the judge does not approve of the verdict returned by the jury he may direct them to reconsider their verdict, and the verdict given after such reconsideration shall be deemed to be the true verdict.

Entry and signing of verdict.

249 (1) The registrar shall make an entry of the verdict on the indictment and shall then say to the jury the words following or words to the like effect:

"Gentlemen of the jury: attend whilst your foreman signs your verdict. The finding of you (or of so many of you as the case may be) is that the prisoner A B is guilty" (or "not guilty").

(2) The foreman shall sign the verdict so entered and the verdict when so entered and signed, but not before, shall be final.

Criminal Procedure Code.

(3) When by accident or mistake a wrong verdict is delivered the jury may before it is signed or immediately thereafter amend the verdict.

250 If the jury or the required majority of them cannot agree the judge shall after the lapse of such time as he thinks reasonable discharge them.

Discharge of jury when they cannot agree.

251 If the accused is convicted the judge shall either forthwith or before the close of the sessions pass judgment on him according to law. Provided always that if it appears to the judge expedient the judge instead of pronouncing judgment may direct that the accused be released on his entering into a bond, with or without sureties and during such period as the judge may direct, to appear and receive judgment if and when called upon and in the meantime to keep the peace and be of good behaviour.

Judgment in case of conviction.

F.—Re-trial of Accused after discharge of Jury.

252 Whenever the jury is discharged the accused shall be detained in custody or released on bail, as the judge may think fit, and tried by another jury.

Re-trial of accused.

G.—Procedure in case of Previous Conviction.

253 (1) In the case of a trial by jury or with the aid of assessors, where the accused is charged with an offence committed after a previous conviction for any offence the procedure hereinbefore laid down shall be modified as follows:—

Procedure in case of previous conviction.

- (a) The part of the indictment stating the previous conviction shall not be read out in Court nor shall the accused be asked whether he has been previously convicted as alleged in the charge unless and until he has either pleaded guilty to or been convicted of the subsequent offence.
- (b) If he pleads guilty to or is convicted of the subsequent offence he shall then be asked whether he has been previously convicted as alleged in the charge.
- (c) If he answers that he has been so previously convicted the judge may proceed to pass judgment on him accordingly; but if he denies that he has been so previously convicted or refuses to or does not answer such question the jury or the district judge and the assessors (as the case may be) shall then inquire concerning such previous conviction and in such case it shall not be necessary to swear the jurors or assessors again.

(2) Notwithstanding anything in this section contained evidence of the previous conviction may be given at the trial for the subsequent offence, if the fact of the previous conviction is relevant under any law for the time being in force in this island.

Criminal Procedure Code.

CHAPTER XXI.

Of Jurors and Assessors.

Liability to
serve as a juror
or assessor.

254 Subject to the provisions contained in the two sections next following every male person residing within this island who has attained the age of twenty-one years and who is able to speak, read, and write any of the languages following (that is to say) English, Sinhalese, or Tamil, and who possesses such income or property as is in section 257 in that behalf mentioned shall, whether or not his name is entered in any list of jurors by the same section directed to be made, be qualified and liable to serve as a juror in the Supreme Court at any sessions thereof held for the circuit and as an assessor in the district court of the district within which circuit and district respectively he is a resident; provided that the place where he resides is within the district of the district court having jurisdiction over the place where such sessions or court is holden, or is not distant more than thirty miles in a straight line from such place, or if distant more than thirty miles is within eight miles by road of a railway station.

Disqualifica-
tions.

255 The following persons shall not serve as jurors in the Supreme Court or as assessors in a district court; that is to say:

- (a) The Governor or person discharging the office of Governor and members of his personal staff.
- (b) The Judges of the Supreme Court and their private secretaries.
- (c) Members of the Executive and Legislative Councils.
- (d) Salaried functionaries of Foreign Governments who do not carry on any business within the colony.
- (e) The clerks of the Executive and Legislative Councils respectively.
- (f) Persons performing the duties of district judge or police magistrate or commissioner of a court of requests.
- (g) Fiscals and their officers.
- (h) Persons appointed by the Governor to be inquirers under this Code.
- (i) Presidents of village tribunals.
- (j) Advocates and proctors in actual practice.
- (k) Officers of customs and pilots and police and all persons who receive any pay or emolument for executing any duties of customs or police.
- (l) Habitual petition-drawers.
- (m) Persons actually officiating as priests or ministers of their respective religions.
- (n) Persons employed in any court of justice.

Criminal Procedure Code.

- (o) Persons employed in the departments of the Attorney-General, the Solicitor-General, or the Inspector-General of Prisons.
- (p) Persons who have suffered imprisonment with hard labour for a term of one month or upwards in any part of Her Majesty's dominions and who have not received a free pardon.
- (q) Persons who labour under such bodily or mental incapacity or profess such religious tenets as render them unfit to discharge the duty of a juror or assessor.

256 The following persons shall not serve as jurors in the Supreme Court or assessors in a district court except with their own consent ; that is to say :

Exemptions.

- (a) Persons serving in Her Majesty's Army or Navy on full pay or active employment.
- (b) Persons duly admitted to practise as physicians, surgeons, or apothecaries and in actual practice.
- (c) Persons employed in the post and telegraph department or in the railway department or in the survey department.
- (d) Persons over the age of sixty years.
- (e) Persons duly qualified as dispensers of drugs and actually employed as such.
- (f) Municipal councillors and members of local boards of health and improvement.

257 (1) The fiscals of the several provinces shall in the month of January following the coming into operation of this Code prepare each for his own province three several lists of the persons resident therein who shall be both qualified and liable as before mentioned to serve as jurors and assessors, setting forth their names in full, occupations, and places of residence, that is to say :

Fiscals to prepare lists of persons liable to serve as jurors.

- (1) A list of persons who can speak, read, and write the English language and each of whom possesses in his own or his wife's right an income of not less than Rs. 1,000 a year or is in the enjoyment of a monthly salary of not less than Rs. 100.
- (2) A list of persons who can speak, read, and write the Sinhalese language and each of whom possesses in his own or his wife's right property immovable or movable not less than Rs. 1,000 in value or an income of Rs. 500 a year ;
- (3) A list of persons who can speak, read, and write the Tamil language and each of whom possesses in his own or his wife's right property immovable or movable not less than Rs. 1,000 in value or an income of Rs. 500 a year ;

English.

Sinhalese.

Tamil.

and also :

- (4) A list of persons selected from list No. (1) each of whom possesses an income of not less than Rs. 3,000 a year or either in his own or in his wife's right

Special jury.

Criminal Procedure Code.

property movable or immovable not less than Rs. 20,000 in value or is in the enjoyment of a monthly salary of not less than Rs. 500, who shall be denoted in list No. (1) by an asterisk or other mark and shall be liable to serve as special jurors as hereinafter prescribed :

Provided always that if any person who shall be able to speak, read, and write more than one of the above-mentioned languages and shall be in other respects duly qualified shall at any time declare to the fiscal his desire to be placed on any one of the lists numbered (1), (2), and (3) respectively, in preference to another of the same lists, the fiscal shall if such person be duly qualified place him accordingly, and no person whose name shall be placed on any one of the same three lists shall be liable to serve on any other of the same lists unless such person with the leave of the presiding judge shall consent thereunto. Provided further that it shall be competent for the Governor with the advice of the Executive Council by proclamation to be by him for that purpose issued to dispense with the qualification as to income, salary, or property or to reduce the amount thereof in respect of any one or more of the above specified four lists in any province in which sufficient panels cannot be secured of jurors having the qualifications herein prescribed.

(2) Until the lists by this section directed to be prepared have been so prepared the lists in force at the coming into operation of this Code shall continue to be used.

Revision of lists.

258 (1) In the month of January in every year the fiscal shall revise the said lists by adding thereto the names of all persons who at the date of such revision ought to be included in such lists and by striking out the names of all persons who at the same date ought not to be included therein.

(2) Any judge may from time to time order the name of any person who in his opinion ought to be included in any such list to be added thereto and it shall thereupon be added.

(3) All names added to a list shall be denoted by some distinguishing mark.

Fiscal may call for information for purpose of making up jury list.

259 The fiscal may for the purpose of preparing or revising such lists require any person found in his province to give his full name, occupation, and place of abode and to state whether he has or has not the property, income, or salary qualifying him to be a juror or special juror as the case may be, and also to give the full name, occupation, and place of abode of every person in his employment or residing with him who is so qualified as aforesaid, and any person refusing or neglecting to give such information when required, or wilfully giving false information, shall be liable on conviction by a police magistrate to a penalty not exceeding one hundred rupees.

Lists to be published in *Gazette*.

260 The fiscal shall as soon as such lists have been prepared or revised as the case may be cause the same to be published in the *Government Gazette* and send a copy thereof to the registrar and to each district judge in his province.

Criminal Procedure Code.

261 On some day not less than one month before the commencement of each criminal sessions of the Supreme Court three panels of jurors to be summoned for attendance and service as jurors at such criminal sessions shall be prepared and taken before a judge of the Supreme Court at Colombo in the following manner :

One panel of jurors to be prepared from each list.

From each of the three lists of jurors which are distinguished by the numbers (1), (2), and (3) one panel shall be prepared and taken and shall be designated by the language which distinguishes the list together with the name of the particular sessions for which it is formed.

262 (1) Each such panel shall contain fifteen names and shall be prepared by first entering therein the names of the persons (if any) who shall have been ordered under section 265, 273, 278, or 279 to be so entered and by then drawing by lot and entering therein so many more names from the corresponding list of jurors as with those already entered in the panel as hereinbefore provided will make up the number of fifteen.

How panel to be prepared.

(2) If at any sessions to be holden at Colombo the Chief Justice shall be of opinion that it is desirable that two courts should sit simultaneously for the trial of prisoners he may order that the panel of jurors taken from the list No. 1 shall consist of thirty names.

263 The mode in which the names of the jurors shall be drawn by lot from the list shall be as follows :

Mode of drawing jury.

Boxes having locks for securely fastening them shall be provided, which boxes shall be divided into two compartments of equal size.

As soon as the list prepared under section 257 is received from the fiscal the registrar shall cause the name of each person on such list to be distinctly written or printed on a separate slip of paper, the slips to be of the same shape and appearance and to be folded alike as nearly as may be ; and he shall do the same in respect of any additional names which may from time to time be added to such list under the provisions of section 258.

The slips containing the names of each separate list shall be placed in one compartment of a separate box, which box shall be marked and designated outside with and by the name of the province and the number and language which distinguishes the list to which the names in such box shall belong and it shall be securely locked and be kept in the possession of the registrar of the Supreme Court and it shall not be opened or any panel drawn therefrom except in manner herein provided.

264 On the day fixed for the preparation of the panel the registrar shall in the presence of a judge open such box and proceed to draw from the one compartment without selection a sufficient number of the said slips one by one

Further provisions.

Criminal Procedure Code.

until the number of names requisite to complete the panel shall have been obtained. As each slip is drawn the name of the juror thereon shall subject to the provisions of the next section be entered in the panel of the list to which he belongs.

Further provisions.

265 As each name is so drawn, if it is the name of a person who is known or believed to be dead or of a person absent from the colony or of a person likely to be unable from sickness or other good cause to attend or of a person known or believed not to be qualified or liable to serve as a juror, then the judge may order the name to be set aside; and in every such case an additional name shall be drawn in lieu of that so set aside and the judge if he think fit may order the name of any person so set aside unless it be on account of death or disqualification to be entered in the panel of any subsequent sessions to be then named by him.

Not more than one juror from same employment.

266 Unless it be unavoidable not more than one person belonging to or employed in any mercantile or business establishment or on any plantation or estate shall be included in the same panel.

Name, addition, and address of juror to be written on panel.

267 The names in full, additions, and places of abode of the several persons so drawn shall be written in the respective panels and numbered in the order in which the said names shall have been drawn and such panels shall be signed by the judge.

Slips to be replaced in box after jury is drawn.

268 (1) After the panel shall have been completed the slips containing the names so drawn and entered in the panel as well as the names of any of the persons which have been ordered to be entered in a subsequent panel shall be again folded and placed in the compartment of the box from which they had not been drawn and the box shall again be locked, and this shall be repeated as often as any jurors are drawn until the whole of the names in the one compartment shall have been drawn, when in like manner they shall be drawn out of the second and returned to the first and so on alternately from time to time in order that every man qualified and liable to serve on juries may take his turn to serve thereon.

(2) If any names have been drawn which the judge shall have ordered to be set aside but which he shall not have ordered to be inserted in a subsequent panel, the slips containing such names except of persons dead or disqualified shall be again folded and returned to the compartment from which they were drawn unless the judge order otherwise.

Copy of panels to be annexed to fiscal's precept.

269 A copy of the panels shall be annexed to a precept to the fiscal commanding him to summon the persons named in the panels to attend and serve as jurors at the said sessions.

Criminal Procedure Code.

270 Every person named in the panels shall forthwith or as soon as possible after the receipt of the precept by the fiscal be summoned by him and such summons in the case of panels prepared under section 261 shall be served at least ten days before the first day of the sessions.

Persons named in panel to be summoned by fiscal.

271 (1) Every summons to a juror shall be in writing and shall require his attendance as a juror at a time and place to be therein specified and shall be served personally.

Jury summons to be in writing.

(2) In the case of a juror taken from either of the lists of jurors which are distinguished by the numbers (2) and (3) the summons to him shall state that he need not at the first day of the sessions but that he must hold himself in readiness to attend on any day of such sessions of which he may receive special notice.

272 The fiscal shall as soon as possible after service of summons and not later than seven days before the commencement of the sessions in case of panels prepared under section 261 return the precept to the registrar with the panels annexed thereto and a memorandum showing where and when each person named in the panel was served; and if any person or persons named in the panel shall not have been served the memorandum shall state the fact and the reason why such service has not been effected and shall be supported by the affidavit of the officer whose duty it was to effect such service.

Precept to be returned to registrar with fiscal's memorandum.

273 On the receipt of such return the registrar shall without delay bring the same before one of the judges of the Supreme Court who may direct service to be made upon the person or persons not already served in such manner as may to him seem fit. And the judge may if he think fit make an order directing the name of any person returned by the fiscal as not summoned to be entered on the panel for any subsequent sessions to be fixed by the judge.

Registrar to bring return before judge of Supreme Court.

274 (1) If the judge shall be of opinion that the number of jurors returned by the fiscal as served is not likely to be sufficient he may cause to be drawn in the manner hereinbefore provided such further number of names as may be required to make up the full number of jurors; and the supplemental panel so formed shall be prepared and signed in the manner hereinbefore provided for the original panel and a copy thereof shall be sent with an additional precept to the fiscal, who shall as soon as possible after the receipt of such additional precept cause the persons named therein to be summoned to attend and serve at the sessions, and shall return the precept to the registrar not less than one clear day before the first day of the sessions with a memorandum similar to that provided by section 272 in respect to the original panel and precept.

Judge may order further list of jurors to be summoned.

(2) The judge before whom the sessions are being held, if and as often as he is of opinion that the number of jurors summoned and attending the sessions is insufficient, may

Criminal Procedure Code.

cause a still further number of names to be drawn and the supplemental panel so formed and signed by him to be sent with a precept to the fiscal, who shall summon the additional jurors and return the precept to the registrar forthwith, and in a similar manner he may direct a panel of jurors to be drawn at other periods whenever such direction is found to be necessary.

Juror not bound to serve more than a fortnight.

275 No juror shall be compellable to serve more than a fortnight in any one sessions unless at the expiration of the fortnight a trial in which he is engaged as a juror is pending and then only until the end of such trial.

Special jury panel.

276 Whenever an order shall be made requiring a special jury to be summoned a panel shall be prepared of such number as the order shall specify from the list of special jurors, and thereupon the fiscal shall summon the persons on such panel and the provisions of this chapter shall *mutatis mutandis* so far as the same may be applicable apply to the preparation of such panel and to the summoning and service of the special jury.

Allowances to jurors.

277 Every person taken to serve as juror or assessor at any court-house more than five miles from his residence shall be entitled to an allowance for his travelling expenses and if he is obliged to sleep from home for his board and lodging, such allowances to be computed at such rates as the Governor with the advice of the Executive Council shall from time to time determine.

Person may apply to registrar to be excused from attendance as juror.

278 Any person whose name is included in any panel may apply in writing to the registrar asking to be excused from attendance as a juror at the particular sessions for which the panel is prepared and stating the grounds on which the application is made. The registrar shall as soon as possible bring such application before the judge of the sessions or some other judge and such judge may make such order thereon as he may think fit.

Judge may excuse juror from attendance.

279 The judge may for reasonable cause excuse any juror from attendance at any particular sessions or on any particular day or days or time of the day and either unconditionally or on condition of his serving at the next or some subsequent sessions or some other day or time to be fixed by the judge.

Juror absenting himself without leave liable to fine.

280 (1) Any person summoned to attend as a juror or as an assessor, who without lawful excuse fails to attend as required by the summons or who having attended departs without having obtained the permission of the court or fails to attend after an adjournment of the court after being ordered to attend, shall be liable by order of the judge to such fine as he thinks fit and in default of payment of such fine to imprisonment until the fine is paid.

Criminal Procedure Code.

(2) Such punishment may be inflicted summarily on an order to that effect by the judge and any fine imposed shall be recoverable by distress and sale of the movable property of the person fined by warrant of distress to be signed by the registrar, which warrant shall be issued by the registrar without further order if the amount of fine is not paid within seven days of being imposed if imposed in the presence of the person fined, or within seven days of its having come to his knowledge by notice or otherwise that the fine has been imposed if imposed in his absence. Provided that it shall be lawful for the judge if he thinks fit to remit any fine so imposed.

(3) When any person is so fined in his absence the registrar shall forthwith send him a written notice requiring him to pay the fine or to show cause before the court within seven days for not paying the same.

281 No judgment, sentence, order, verdict, or other proceeding by, of, at, or before the Supreme Court at any criminal sessions thereof or by, at, or before any district court exercising criminal jurisdiction and nothing done in pursuance of the same shall be held invalid or illegal or be in any way called in question by reason of any informality in or about the preparation or publication or revision of any list or lists of jurors or of any panel or by reason of any defect or error in or about the qualification or liability of any juror or assessor.

No proceeding to be invalid by reason of informality of jury list or panel.

CHAPTER XXII.

General Provisions as to Inquiries and Trials.

282 (1) If for the purpose of any inquiry or trial in a police court the prosecutor or the accused applies to the magistrate to issue process to compel the attendance of any witness or the production of any document or other thing, the magistrate shall issue such process unless for reasons to be recorded by him he deems it unnecessary so to do.

Power to compel attendance of witnesses.

(2) If the magistrate suspects that process to compel the attendance of any witness is applied for for the purpose of vexation or delay or of defeating the ends of justice he may require the applicant to satisfy him that there are reasonable grounds for believing that the evidence of such witness is material, and if he is not so satisfied may refuse to summon the witness (recording his reasons for such refusal) or may before summoning him require such sum to be deposited as he thinks necessary to defray the expense of obtaining the attendance of the witness.

Criminal Procedure Code.

Tender of pardon to accomplice.

283 (1) In the case of any offence triable exclusively by the Supreme Court or a district court the magistrate inquiring into the offence may, after having obtained the Attorney-General's authority so to do, with the view of obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence under inquiry tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to such offence and to every other person concerned whether as principal or abettor in the commission thereof.

(2) Every person accepting a tender under this section shall be examined as a witness in the case.

(3) Such person if not on bail shall be detained in custody until the termination of the trial.

Power of Attorney-General to direct tender of pardon by magistrate.

284 The Attorney-General at any time after commitment but before judgment is pronounced may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in or privy to any such offence, tender or authorize the magistrate to tender a pardon on the same condition to such person.

Not complying with condition on which pardon has been tendered.

285 Where a pardon has been tendered under either of the last two preceding sections and any person who has accepted such tender has either by wilfully concealing anything essential or by giving false evidence not complied with the condition on which the tender was made, he may be tried for the offence in respect of which the pardon was so tendered or for any other offence of which he appears to have been guilty in connection with the same matter.

If pardon is withdrawn statement of person may be given in evidence against him.

286 (1) The statement made by a person who has accepted a tender of pardon may be given in evidence against him when the pardon has been withdrawn under the last preceding section.

(2) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the Attorney-General.

Right of accused to be defended.

287 Every person accused before any criminal court may of right be defended by a pleader.

Procedure where accused who is not insane does not understand proceedings.

288 If the accused though not insane cannot be made to understand the proceedings the court may proceed with the inquiry or trial, and in the case of a court other than the Supreme Court if such inquiry results in a commitment or if such trial results in a conviction the proceedings shall be forwarded to the Supreme Court with a report of the circumstances of the case and the Supreme Court shall pass thereon such order as it thinks fit.

Criminal Procedure Code.

289 (1) If from the absence of a witness or any other reasonable cause it becomes necessary or advisable to postpone the commencement of or adjourn any inquiry or trial, the court may from time to time order a postponement or adjournment on such terms as it thinks fit for such time as it considers reasonable and may remand the accused if in custody or may commit him to custody or take bail in his own recognizance or with sureties for his appearance.

Power to
postpone or
adjourn
proceedings.

(2) No magistrate shall remand an accused person to custody under this section for a term exceeding seven days at a time save and except at such police courts as the Governor with the advice of the Executive Council shall from time to time proclaim to be police courts at which longer remands may be made, when it shall be lawful to remand accused persons at any such police courts for a term not exceeding fourteen days.

(3) Every order made under this section by a court other than the Supreme Court shall be in writing signed by the presiding judge or magistrate and shall state the reasons therefor, such reasons being in writing under the hand of such judge or magistrate.

(4) Where the accused has attended the court on summons he shall be enlarged on his own recognizance or on his simple undertaking to appear, unless for reasons to be recorded the court orders otherwise.

Explanation.—If sufficient evidence has been obtained to raise a reasonable suspicion that the accused may have committed an offence and it appears likely that further evidence will be obtained by a remand, this is a reasonable cause for a remand.

(5) No inquiry or trial in a police court shall be postponed or adjourned on the ground of the absence of a witness unless the magistrate has first satisfied himself that the evidence of such witness is material to the inquiry or trial and that reasonable efforts have been made to secure his attendance, and has recorded the name of such witness and the nature of the evidence which he is expected to give.

290 (1) The offences described in the first two columns of Part A of the table next following may when no prosecution for such offence is actually pending be compounded by the person mentioned in the third column of that table, or when a prosecution for such offence is actually pending be compounded by such person with the consent of the police magistrate, but the police magistrate shall record his reasons for giving such consent.

Compounding
offences.

(2) The offences described in Part B of this table may with the consent of the Attorney-General be compounded by the person to whom the hurt was caused.

Criminal Procedure Code.

PART A.

Offence.	Sections of Penal Code applicable.	Persons by whom Offence may be compounded.
Causing hurt ...	314, 325	The person to whom the hurt is caused.
Wrongfully restraining or confining any person	332, 333	The person restrained or confined.
Assault or use of criminal force	343, 346, 349	The person assaulted or to whom the criminal force is used.
Mischief when the only loss or damage caused is to a private person	409, 410	The person to whom the loss or damage is caused.
Criminal trespass ...	433	The person in possession of the property trespassed upon.
House trespass...	434	
Defamation ...	480	The person defamed.
Printing or engraving matter knowing it to be defamatory	481	
Sale of printed or engraved substance containing defamatory matter knowing it to contain such matter	482	
Insult intended to provoke breach of the peace	484	The person insulted.
Criminal intimidation except when the offence is punishable with imprisonment for seven years	486	The person intimidated.

PART B.

Offence.	Section of Penal Code applicable.
Voluntarily causing hurt ...	315
Voluntarily causing grievous hurt on provocation ...	326
Causing hurt by an act which endangers life ...	328
Causing grievous hurt by an act which endangers life ...	329

(3) When any offence is compoundable under this section the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

(4) When the person who would otherwise be competent to compound an offence under this section is a minor, an idiot, or a lunatic, any person competent to contract on his behalf may compound such offence.

(5) The compounding of an offence under this section shall have the effect of an acquittal of the accused.

(6) No offence under the Penal Code not described in this section shall be compounded.

Criminal Procedure Code.

291 Where any person having been convicted of an offence punishable under chapter XII. or chapter XVII. of the Penal Code with imprisonment for a term of three years or upwards is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, the case shall, if the magistrate before whom such person is accused considers him an habitual offender, ordinarily be committed for trial to a district court or if the case be an exceptional one to the Supreme Court.

Trial of persons previously convicted of certain offences.

292 Whenever any magistrate after having heard and recorded the whole or any part of the evidence in an inquiry or a trial ceases to exercise jurisdiction therein and is succeeded by another magistrate who has and who exercises such jurisdiction, the magistrate so succeeding may act on the evidence so recorded by his predecessor and partly recorded by his predecessor and partly recorded by himself or he may re-summon the witnesses and re-commence the inquiry or trial :

Change of magistrate during hearing or inquiry.

Provided as follows :

- (a) In any trial the accused may when the second magistrate commences his proceedings demand that the witnesses or any of them be re-summoned and re-heard.
- (b) The Supreme Court may, whether there be an appeal or not, set aside any conviction had on evidence not wholly recorded by the magistrate before whom the conviction was had, if such court is of opinion that the accused has been materially prejudiced thereby, and may order a new trial.

293 (1) Any person attending a criminal court although not under arrest or upon a summons may be detained by such court for the purpose of inquiry into or trial for any offence of which such court can take cognizance and which from the evidence he may appear to have committed and may be proceeded against as though he had been arrested or summoned.

Detention of offenders attending court.

(2) When the detention takes place in the course of an inquiry under chapter XVI. or after a trial has been begun the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard.

294 No proceeding of any criminal court and no inquiry shall be invalid by reason of its being held on a Sunday or public holiday.

Proceedings may be had on Sundays and holidays.

295 (1) For the purpose of enabling an accused person to explain any circumstances appearing in the evidence against him the police magistrate holding an inquiry may question the accused generally on the case after the witnesses for the prosecution have been examined and may at any stage of the inquiry for the purpose aforesaid put to him such questions as he may think necessary.

The accused to be examined at close of case for prosecution.

Criminal Procedure Code.

(2) For the purposes of this section the accused shall not render himself liable to punishment by refusing to answer such questions or by giving false answers to them, but the magistrate may draw such inference from such refusal or answer as he thinks just.

(3) The questions put to and answers given by the accused may be put in evidence for or against him in any inquiry into or trial for any other offence which such answers may tend to show he has committed.

(4) All questions put to and answers given by the accused shall be recorded in manner provided by the next following chapter.

Case for prosecution to be explained by court to undefended accused.

296 (1) At every trial if and when the court calls upon the accused for his defence it shall, if he is not represented by a pleader, inform him of his right to give evidence on his own behalf and if he elects to give evidence on his own behalf shall call his attention to the principal points in the evidence for the prosecution which tell against him in order that he may have an opportunity of explaining them.

(2) When at any trial the evidence for the defence consists only of the evidence of the person or persons charged, as the case may be, the prosecution shall not have the right of reply.

(3) The failure at any trial of any accused, or the husband or wife as the case may be of any accused, to give evidence shall not be made the subject of adverse criticism by the prosecution.

CHAPTER XXIII.

Of the Mode of taking and recording Evidence in Inquiries and Trials.

Evidence to be taken in presence of accused.

297 Except as otherwise expressly provided all evidence taken at inquiries or trials under this Ordinance shall be taken in the presence of the accused or when his personal attendance is dispensed with in the presence of his pleader.

Provided that if the evidence of any witness shall have been taken in the absence of the accused whose attendance has not been dispensed with, such evidence shall be read over to the accused in the presence of such witness and the accused shall have a full opportunity allowed him of cross-examining such witness thereon.

How evidence to be taken down.

298 (1) In district courts and police courts the evidence of each witness shall be taken down in writing in English by the district judge or magistrate or in his presence and hearing and under his personal direction and superintendence and shall be signed and dated by the district judge or magistrate, and where the evidence is taken at an inquiry shall also be signed by the interpreter if any shall have been employed.

Criminal Procedure Code.

(2) The evidence shall not ordinarily be taken down in the form of question and answer but in the form of a narrative; but the district judge or magistrate may in his discretion take down any particular question and answer.

(3) For the identification of witnesses the following particulars shall be recorded as to each, viz., the race, occupation, age, place of residence, and full name, and if a Tamil the name of his or her father, and if a married woman the name of her husband and where material the caste.

(4) Every district judge or magistrate recording the evidence of a witness may record such remarks as he thinks material respecting the demeanour of such witness whilst under examination.

299 (1) As the evidence of each witness taken at an inquiry is completed or at some time before commitment it shall be read over to the witness by the magistrate in the presence of the accused person if in attendance or of his pleader if he appears by pleader, and shall if necessary be corrected.

Procedure in regard to such evidence when completed.

(2) If the witness deny the correctness of any part of the evidence when read over to him the magistrate may instead of correcting the evidence make a memorandum thereon of the objection made to it by the witness and shall add such remarks as he thinks necessary.

(3) If the witness does not understand English the evidence shall be interpreted to him in the language in which it was given.

(4) When the evidence has been read over to the witness and every correction, if any asked for by him, has been made or noted the witness shall subscribe the deposition with his signature, and in the event of his refusing to do so the magistrate shall record such refusal.

300 (1) Whenever any evidence is given in a language not understood by the accused and he is present in person it shall be interpreted to him in open court in a language understood by him.

Interpretation of evidence to accused.

(2) When documents are put in for the purpose of formal proof it shall be in the discretion of the court to cause only so much thereof as appears necessary to be interpreted.

301 (1) On every inquiry and trial in police court all documentary evidence shall be filed in the record and initialled by the magistrate and dated with the date of its receipt by him.

Documentary evidence.

(2) Where any document is in a foreign language there shall be filed with it an English translation thereof or of so much thereof as is material.

(3) When any documentary evidence is of such a nature that it is impracticable or inconvenient to file the same in the record the magistrate may after initialling it for the purpose of identification return the same to the person

Criminal Procedure Code.

producing it, who shall be legally bound to produce it again before the court of trial, but the magistrate shall in that case cause a copy of such evidence to be made and filed with the record.

How such
examination
to be recorded.

302 (1) Whenever in the course of an inquiry under chapter XVI. an accused makes a statement to or is examined by a magistrate the whole of such statement or examination, including every question put to him and every answer given by him, shall be recorded in full in the language in which he is examined or if that is not practicable in English, and such record shall be shown or read to him or if he does not understand the language in which it is written shall be interpreted to him in a language he understands and he shall be at liberty to explain or add to his answers.

(2) When the whole is made conformable to what he declares is the truth the record shall be signed by the magistrate, who shall certify under his own hand that it was taken in his presence and in his hearing and contains accurately the whole of the statement or examination of the accused.

(3) The accused shall sign or attest by his mark such statement or examination ; and in the event of his refusing to do so the magistrate shall record such refusal.

Judges to take
notes of
evidence.

303 In cases tried before the Supreme Court the presiding judge shall take or cause to be taken in writing notes of the evidence.

CHAPTER XXIV.

Of the Judgment.

Manner of
delivering
judgment.

304 The judgment in every trial under this Code shall be pronounced in open court either immediately after the verdict is recorded or at some subsequent time of which due notice shall be given to the parties or their pleaders, and the accused shall if in custody be brought up or if not in custody shall be required to attend to hear judgment delivered except when his personal attendance during the trial has been dispensed with and the sentence is one of fine only.

Allocutus.

305 In the Supreme Court before judgment of death is pronounced the accused shall be asked whether he has anything to say why judgment of death should not be pronounced against him.

Judgment.

306 The following provisions shall apply to the judgments of courts other than the Supreme Court :

(1) The judgment shall be written by the district judge or magistrate who heard the case and shall be dated and signed by him in open court at the time of pronouncing it,

Criminal Procedure Code.

and in cases where appeal lies shall contain the point or points for determination, the decision thereon, and the reasons for the decision.

(2) It shall specify the offence if any of which and the section of the law under which the accused is convicted and the punishment to which he is sentenced.

(3) If it be a judgment of acquittal it shall state the offence of which the accused is acquitted.

(4) When a judgment has been so signed it cannot be altered or reviewed by the court which gives such judgment, provided that a clerical error may be rectified at any time and that any other error may be rectified at any time before the court rises for the day.

(5) The judgment shall be explained to the accused affected thereby and a copy thereof shall be given to him without delay if he applies for it.

(6) The original shall be filed with the record of proceedings.

307 When the conviction is under the Penal Code and it is doubtful under which of two sections or under which of two parts of the same section of that Code the offence falls the court shall distinctly express the same and pass judgment in the alternative.

Judgment in alternative.

308 (1) When a person is sentenced to death the sentence shall direct that he be hanged by the neck till he is dead on a day and at a place therein specified, such day being not less than three weeks or more than six weeks from the date of the sentence.

Sentences of death and whipping.

(2) When a person is sentenced to whipping the judgment shall state whether he is above or under sixteen years of age and shall specify the number of lashes or strokes to be inflicted, such number in no case to exceed twenty-five.

CHAPTER XXV.

Of Sentences and the Carrying out thereof.

309 With regard to sentences of death the following provisions shall take effect :

Provisions as to execution of sentences of death.

(a) After sentence has been pronounced a warrant shall be made out and signed by the judge for the commitment of the person sentenced to the custody of the fiscal of the province in which the place where the sentence is to be carried out is situate, and such warrant shall be full authority to the said fiscal or any officer appointed by him for that purpose for receiving into his custody and detaining the person so sentenced and carrying such sentence into execution.

Criminal Procedure Code.

- (b) So soon as conveniently may be after sentence of death has been pronounced the judge who presided at the trial or in case of his absence or inability a judge shall forward to the Governor a copy of the notes of evidence taken on the trial with a report in writing signed by him setting out his opinion whether there are any and what reasons why the sentence of death should or should not be carried out.
- (c) The Governor after considering the said report in Executive Council shall inform the Supreme Court of any order he may have made thereon.
- (d) The Governor may order a respite of the execution of the warrant and afterwards appoint some other time or other place for its execution.
- (e) If a woman sentenced to death be alleged to be quick with child the court shall direct one or more medical practitioners to be sworn to examine the woman in some private place either together or successively and to inquire whether she is with child of a quick child or not. If upon the report of any of them it appears to the court that she is so with child execution shall be arrested until she is delivered of a child or until it is no longer possible in the course of nature that she should be so delivered.
- (f) (1) There shall be present at the execution of the sentence the fiscal or his deputy, the superintendent of the prison, the medical officer of the prison, and such other officers of the prison as the fiscal requires and if the execution takes place within the walls of the prison there may also be present any minister of religion in attendance at the prison and such relations of the prisoner or other persons as the fiscal thinks proper to admit.
- (2) As soon as may be after judgment of death has been executed the medical officer of the prison shall examine the body of the person executed and shall ascertain the fact of death and shall sign a certificate thereof and deliver the same to the fiscal.
- (3) A police magistrate of the division in which the place of execution was situate shall within twenty-four hours after the execution inquire into and satisfy himself of the identity of the body and whether judgment of death was duly executed thereon and he shall make a report in duplicate. One of the originals shall be forwarded to and filed in the Supreme Court and the other shall be forwarded to and filed in the office of the Colonial Secretary.
- (g) When a sentence of death is avoided by the escape of the person sentenced to death execution of such sentence shall be carried into effect at such other time after his re-capture as the Supreme Court shall order.

Criminal Procedure Code.

- (h) No omission or error as to time and place and no defect in form in any order or warrant given under this section and no omission to comply with the provisions of sub-section (f) shall be held to render illegal any execution carried into effect under such order or warrant or intended so to have been carried into effect, or shall render any execution illegal which would otherwise have been legal.

310 With regard to sentences passed by the Supreme Court other than sentence of death the following provisions shall take effect :

Execution of sentences of Supreme Court other than sentences of death.

- (a) As soon as conveniently may be after the sentence has been pronounced the registrar shall make out a warrant of commitment which shall be signed by the judge who passed sentence and dated of the day when the sentence was passed and shall deliver the same to the fiscal or his deputy.
- (b) Such warrant shall be full authority to the fiscal or his deputy for receiving into his custody the prisoner named therein and for carrying out the sentence named therein.

311 With regard to sentences passed by courts other than the Supreme Court the following provisions shall take effect :

Execution of sentences of courts other than Supreme Court.

- (a) Where the accused is sentenced to imprisonment the court passing the sentence shall forthwith make out a warrant signed by the district judge or magistrate who passed sentence and dated of the day when the sentence was passed and shall cause the accused to be forwarded to the prison provided for the reception of prisoners sentenced by that court together with the warrant.
- (b) Every such warrant shall be directed to the fiscal of the province in which the court is situated and shall be in the prescribed form.

312 (1) Where any fine is imposed under the authority of any law for the time being in force, then in the absence of any express provision relating to such fine in such law contained the provisions following shall apply (that is to say) :

Provisions as to sentences of fines.

- (a) Where no sum is expressed to which the fine may extend the amount to which the offender is liable is unlimited but shall not be excessive.
- (b) In every case of an offence punishable with imprisonment as well as fine in which the offender is sentenced to a fine, whether with or without imprisonment, and in every case of an offence punishable with fine only in which the offender is sentenced to a fine, the court passing the sentence may in its discretion direct by the sentence that in default of payment of the fine the offender shall

Criminal Procedure Code.

suffer imprisonment for a certain term, which imprisonment shall be in excess of any other imprisonment to which he may have been sentenced or to which he may be liable under a commutation of a sentence ;

- (c) The term for which the court directs the offender to be imprisoned in default of payment of a fine shall not exceed one-fourth of the term of imprisonment which is the maximum fixed for the offence if the offence be punishable with imprisonment as well as fine.
- (d) The imprisonment which the court imposes in default of payment of a fine may be of either description except where the offence is not punishable with imprisonment, in which case it shall be simple.
- (e) If the offence is not punishable with imprisonment the term for which the court directs the offender to be imprisoned in default of payment of fine shall not exceed the following scale, that is to say : for any term not exceeding two months when the amount of the fine does not exceed fifty rupees and for any term not exceeding four months when the amount does not exceed one hundred rupees and for any term not exceeding six months in any other case.
- (f) The imprisonment which is imposed in default of payment of a fine shall terminate whenever that fine is either paid or levied by process of law.
- (g) If before the expiration of the term of imprisonment fixed in default of payment such a proportion of the fine be paid or levied that the term of imprisonment suffered in default of payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.
- (h) The fine or any part thereof which remains unpaid may be levied at any time within six years after the passing of the sentence, and if under the sentence the offender be liable to imprisonment for a longer period than six years then at any time previous to the expiration of that period, and the death of the offender does not discharge from the liability any property which would after his death be legally liable for his debts.

(2) Whenever an offender is sentenced to pay a fine under the authority of any law for the time being in force the court passing the sentence may in its discretion issue a warrant for the levy of the amount by distress and sale of any movable property belonging to the offender although the sentence directs that in default of payment of the fine the offender shall be imprisoned. Such warrant shall be addressed to the fiscal and may be executed at any place in the colony, but if it is required to be executed outside the

Criminal Procedure Code.

jurisdiction of the court by which it was issued it shall be indorsed by a police magistrate having jurisdiction where it is to be so executed.

(3) In exercising the discretion given in the last preceding sub-section the court shall have regard to the welfare of the offender and of his family and shall not issue such warrant if in its opinion the levy of the distress would be more injurious to the offender or his family than imprisonment.

(4) The wearing apparel of an offender and his family and to the value of twenty-five rupees the tools and implements of his trade, including therein seed corn, shall not be taken under a warrant of distress.

(5) Where an offender has been sentenced to fine only and to imprisonment in default of the fine the court may give the offender such time not exceeding fifteen days for payment of the fine as it thinks fit and may postpone the issue of the warrant of commitment accordingly on such conditions as to the court may seem just.

313 When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine and the court issues a warrant under the last preceding section, it may suspend the execution of the sentence of imprisonment and may release the offender on his executing a bond with or without sureties as the court thinks fit conditioned for his appearance before such court on the day appointed for the return to such warrant, such day not being more than fifteen days from the time of executing the bond; and on that day in the event of the fine not having been paid or realized the court may direct the sentence of imprisonment to be forthwith carried into execution.

Execution of sentence may be suspended on execution of bond by offender.

Provided that where the fine is imposed by the Supreme Court the bond may be conditioned for the appearance of the offender before a police court therein named and such police court shall on the day of appearance, if the fine shall not have been paid or realized, direct the sentence of imprisonment to be forthwith carried into execution.

314 Every warrant for the execution of any sentence may be issued either by the judge, district judge, or magistrate who passed the sentence or by his colleague or successor in office.

Who may issue warrant.

315 (1) When the accused is sentenced to whipping the sentence shall, subject to the provisions of section 319, be executed at such time and place as the court may direct.

When and where sentence of whipping to be executed.

(2) Such whipping shall in the case of persons above sixteen years of age be inflicted in the presence of a medical officer with a cat or other implement of such description and in such manner as the Governor shall at any time or from time to time direct, and in the case of persons under sixteen years of age shall be inflicted with a light cane or rattan on the bare buttocks.

Criminal Procedure Code.

In appeal cases whipping not to be inflicted until after ten days.

316 When the accused is sentenced to whipping in a case which is subject to appeal the whipping shall not be inflicted until the time for appealing has expired, or if an appeal be preferred within that time until the sentence is confirmed by the Supreme Court; but the whipping shall be inflicted as soon as practicable after the expiry of the said time or in case of an appeal as soon as practicable after the receipt of the order of the Supreme Court confirming the sentence.

Nor unless medical officer certifies that offender is in a fit state of health.

317 (1) The punishment of whipping shall not be inflicted unless the medical officer certifies that the offender is in a fit state of health to undergo the punishment.

(2) If during the execution of a sentence of whipping the medical officer certifies that the offender is not in a fit state of health to undergo the remainder of the punishment the whipping shall be finally stopped.

When sentence of whipping cannot be carried out offender may be discharged.

318 (1) In any case in which under the last preceding section a sentence of whipping is wholly or partially prevented from being carried into execution the offender shall be kept in custody till the court which passed the sentence can revise it; and the said court may at its discretion either order the discharge of such offender or sentence him in lieu of whipping or in lieu of so much of the sentence of whipping as was not carried out to imprisonment for any term not exceeding that which the court is competent to inflict, which may be in addition to any other punishment to which he may have been sentenced for the same offence.

(2) Nothing in this section shall be deemed to authorize any court to inflict imprisonment for a term exceeding that to which the accused is liable by law or that which the said court is competent to inflict.

Whipping of juvenile offenders under sixteen years of age.

319 Whenever a male offender under sixteen years of age is sentenced by any court to whipping without any other punishment in addition thereto such whipping shall, notwithstanding the provisions of "The Youthful Offenders' Ordinance, 1886,"* not exceed ten strokes and shall be inflicted forthwith within the court premises and in the presence, if he desires to be present, of the parent or guardian of such offender. A medical officer need not be present, but such whipping shall not be inflicted unless it appears to the court that the offender is in a fit state of health to undergo the same.

Sentences on escaped convict.

320 (1) No convict shall by reason of his escape from prison avoid any unexpired term of imprisonment simple or rigorous or any other punishment to which he was liable under any sentence or sentences passed on him prior to his escape.

* O. 1 of 1886.

Criminal Procedure Code.

(2) When sentence is passed on an escaped convict of death or of fine or whipping with or without imprisonment, such sentence, if of death, fine, or whipping, shall subject to the provisions hereinbefore contained take effect immediately; and if the imprisonment under the new sentence is rigorous and such convict was undergoing only simple imprisonment when he escaped, the rigorous imprisonment shall take effect immediately and shall be enforced concurrently with the former sentence; but if such convict was undergoing rigorous imprisonment when he escaped, the rigorous imprisonment under the new sentence shall take effect after such convict has suffered rigorous imprisonment for a further period commencing from the date of his recapture equal to that which at the time of his escape remained unexpired of his former sentence.

321 When a person actually undergoing imprisonment is sentenced to imprisonment such imprisonment shall commence at the expiration of the imprisonment to which he has been previously sentenced.

Sentence on offender already sentenced for another offence.

322 "The Youthful Offenders' Ordinance, 1886,"* shall be in operation throughout this island.

Ordinance No. 1 of 1886 to apply to whole island.

323 The provisions of sections 53 and 67 of the Penal Code shall apply to all offences whatever.

Certain sections of Penal Code to apply to all offences.

324 When a sentence has been fully executed the officer executing it shall return the warrant to the court from which it issued with an endorsement under his hand certifying the manner in which the sentence has been executed.

Return of warrant on execution of sentence.

CHAPTER XXVI.

Conditional Release of First Offenders.

325 (1) In any case in which a person is convicted of any offence punishable with not more than four years' imprisonment before any court and no previous conviction is proved against him, if it appears to the court before whom he is so convicted that, regard being had to the youth or to the character and antecedents of the offender or to the trivial nature of the offence or to any extenuating circumstances under which the offence was committed, it is expedient that the offender be released on probation of good conduct, the court may instead of sentencing him at once to any punishment direct that he be released on his entering into a recognizance with or without sureties and during such

Power to court to release upon probation of good conduct instead of sentencing to imprisonment.

* O. 1 of 1886.

Criminal Procedure Code.

period as the court may direct to appear and receive judgment when called upon and in the meantime to keep the peace and be of good behaviour.

(2) The court may if it thinks fit direct that the offender shall pay to the complainant such compensation or to the Crown by way of Crown costs such a sum of money as the court shall think fit and the compensation or sum of money so awarded or some portion of the same shall be payable within such period and by such instalments as may be directed by the court.

Provision in case of offender failing to observe conditions of his recognizances.

326 (1) If a court having power to deal with the offender in respect of his original offence or any police court is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance it may issue a warrant for his apprehension.

(2) An offender when apprehended on any such warrant shall if not brought forthwith before the court having power to sentence him be brought before a police court and that court may either remand him by warrant until the time at which he was required by his recognizance to appear for judgment or until the sitting of a court having power to deal with his original offence or may admit him to bail with a sufficient surety conditional on his appearing for judgment.

(3) Where the offender is remanded the court shall forthwith cause a warrant of commitment to be made out and signed addressed to the fiscal for the province in which the court is situated and the offender together with the warrant shall forthwith be forwarded to the prison for the reception of prisoners sentenced by such court, and the warrant of remand shall order that he be brought before the court before which he was bound to appear for judgment or to answer as to his conduct since his release.

Conditions as to the abode of the offender.

327 The court before directing the release of an offender under this Code shall be satisfied that the offender or his surety has a fixed place of abode or regular occupation in the division or district over which the court has jurisdiction or in which the offender is likely to live during the period named for the observance of the condition.

CHAPTER XXVII.

Of Suspensions, Remissions, and Commutations of Sentences.

Governor may suspend or remit sentences on conditions.

328 (1) When any person has been sentenced to punishment for an offence the Governor may at any time without conditions or upon any conditions which the person sentenced accepts suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced.

Criminal Procedure Code.

(2) Whenever an application is made to the Governor for the suspension or remission of a sentence the Governor may require the presiding judge or magistrate of the court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused together with his reasons for such opinion.

(3) If the person in whose favour a sentence has been suspended or remitted fails to fulfil the conditions prescribed by the Governor the Governor may cancel such suspension or remission; whereupon such person may if at large be arrested by any police officer without warrant and remanded by a police court to undergo the unexpired portion of the sentence.

(4) Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment.

329 The Governor may without the consent of the person sentenced commute any one of the following sentences for any other mentioned after it :

Governor may commute sentence.

Death ;

Rigorous imprisonment not exceeding twenty years ;

Simple imprisonment for any term not exceeding that to which such person might have been sentenced ;

Fine.

CHAPTER XXVIII.

Of previous Acquittals or Convictions.

330 (1) A person who has once been tried by a court of competent jurisdiction for an offence and convicted or acquitted of such offence shall while such conviction or acquittal remains in force not be liable to be tried again for the same offence nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 181 or for which he might have been convicted under section 182.

No person to be tried twice for same offence.

(2) A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under sub-section 1 of section 180.

(3) A person convicted of any offence constituted by any act causing consequences which together with such act constituted a different offence from that of which he was convicted may be afterwards tried for such last-mentioned offence, if the consequences had not happened or were not known to the court to have happened at the time when he was convicted.

Criminal Procedure Code.

(4) A person acquitted or convicted of any offence constituted by any acts may notwithstanding such acquittal or conviction be subsequently charged with and tried for any other offence constituted by the same acts which he may have committed, if the court by which he was first tried was not competent to try the offence with which he is subsequently charged.

Illustrations.

- (a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards while the acquittal remains in force be charged with theft as a servant or upon the same facts with theft simply or with criminal breach of trust.
- (b) A is tried upon a charge of murder and acquitted. There is no charge of robbery, but it appears from the facts that A committed robbery at the time when the murder was committed. He may afterwards be charged with and tried for robbery.
- (c) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.
- (d) A is charged and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.
- (e) A is charged with and convicted of voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts unless the case comes within paragraph 3 of this section.

Plea of previous acquittal or conviction.

331 (1) The plea of a previous acquittal or conviction may be pleaded either orally or in writing and may be in the following form or to the following effect :

The defendant says that by virtue of section 330 of "The Criminal Procedure Code, 1898," he is not liable to be tried.

(2) Such plea may be pleaded together with any other plea, but the issue raised by such plea shall be tried and disposed of before the issues raised by the other pleas are tried.

(3) On the trial of an issue on a plea of a previous acquittal or conviction the depositions transmitted to the court on the former trial, together with the judge's notes if available and the depositions transmitted to the court on the subsequent charge, shall be admissible in evidence to prove or disprove the identity of the charges.

*Criminal Procedure Code.***PART VII.****OF APPEAL, REFERENCE, AND REVISION.****CHAPTER XXIX.***Of Appeals.*

332 No appeal shall lie from any judgment or order of a criminal court except as provided for by this Code or by any other law for the time being in force.

No appeal to lie except as provided for.

Of Appeals to the Queen in Council.

333 Nothing herein contained may or can take away or abridge the undoubted right and authority of Her Majesty to admit or receive any appeal from any judgment, decree, sentence, or order of the Supreme Court or any criminal court on behalf of Her Majesty or of any person aggrieved thereby in any case in which and subject to any conditions or restrictions upon or under which Her Majesty may be graciously pleased to admit or receive any such appeal.

Appeals to the Queen.

334 The Supreme Court and all courts from which an appeal shall be taken in any criminal matter shall in all cases of appeal to Her Majesty conform to, execute, and carry into immediate effect such judgments and orders as Her Majesty in Council shall make thereupon in such manner and by such procedure as any original judgment, decree, or order of such court can or may be executed.

Duty of all courts in such cases.

CHAPTER XXX.*Appeals from District or Police Courts to the Supreme Court.*

335 (1) Except as hereinafter in this section provided, there shall be no appeal from a conviction :

No appeal in certain cases.

- (a) Where in the case of a male offender under sixteen years of age the sentence is one of whipping only.
- (b) Where an accused has pleaded guilty and been convicted by a district court on such plea.
- (c) Where an accused has under section 188 made an unqualified admission of his guilt and been convicted by a police court.

Nor without the leave of the court in which the conviction was had in the following cases (that is to say) :

- (d) Where an accused has been sentenced by a district court to a term of imprisonment not exceeding three months without any other punishment.

Criminal Procedure Code.

- (e) Where an accused has been sentenced by a district court to a fine not exceeding one hundred rupees without any other punishment.
- (f) Where an accused has been sentenced by a police court to a term of imprisonment not exceeding one month without any other punishment.
- (g) Where an accused has been sentenced by a police court to a fine not exceeding twenty-five rupees without any other punishment.

(2) An appeal upon a matter of law shall lie in all the foregoing cases except (a).

Explanation.—There is no appeal from a sentence of imprisonment passed by either of such courts in default of payment of fines to the above amounts when no substantive sentence of imprisonment has been passed.

No appeal against acquittal except at the instance of Attorney-General.

336 There shall be no appeal from an acquittal by a district court or a police court except at the instance or with the written sanction of the Attorney-General.

Appeal against refusal to issue process.

337 Where a police court has refused to issue process a *mandamus* shall lie to compel such court to issue such process, but there shall be no appeal against such refusal except at the instance or with the written sanction of the Attorney-General.

Right of appeal.

338 (1) Subject to the provisions of the last three preceding sections any person who shall be dissatisfied with any judgment or final order pronounced by any police court or district court in a criminal case or matter to which he is a party may prefer an appeal to the Supreme Court against such judgment for any error in law or in fact, (a) by lodging within ten days from the time of such judgment or order being passed or made with such police court or district court a petition of appeal addressed to the Supreme Court, or (b) by stating within the time aforesaid to the chief clerk or secretary of such court as the case may be or to the jailer of the prison in which he is for the time being confined his desire to appeal and the grounds therefor, providing at the same time a stamp of the value of five rupees, and it shall thereupon be the duty of such chief clerk, secretary, or jailer as the case may be to prepare a petition of appeal and lodge it with the court by which such judgment or order was pronounced.

(2) Where the Attorney-General is the appellant or sanctions the appeal the time within which the petition of appeal must be preferred shall be twenty-eight days.

Explanation.—An order committing or discharging a prisoner made under section 157 is not a judgment or final order.

Criminal Procedure Code.

339 (1) In computing the time within which an appeal must be preferred the day on which the judgment or order complained of was pronounced and all Sundays and public holidays shall be included.

Computation of time.

(2) If the time for preferring a petition of appeal expires on a day on which the office of the court is closed the appeal shall be deemed in time if such petition be preferred on the first day next thereafter on which such office is open.

340 (1) Every petition of appeal shall state shortly the grounds of appeal and shall be signed by the appellant or his proctor.

What appeal shall state.

(2) Where the appeal is on a matter of law the petition shall contain a statement of the matter of law to be argued and shall bear a certificate by an advocate or proctor that such matter of law is a fit question for adjudication by the Supreme Court.

Provided that in courts where there is not more than one advocate or proctor practising such certificate shall not be required.

(3) Every such petition shall bear a stamp of five rupees, but the court from which an appeal is preferred may if it see fit allow the payment of the stamp fee to stand over until judgment on the appeal shall have been given.

(4) If the appeal be given in whole or in part in favour of the appellant the amount of stamp fee when such has been paid shall be returned to him.

(5) If the appeal be given against the appellant such stamp fee when such has not been paid shall be paid by him or recovered from him in the way of fine unless the Supreme Court shall deem fit to remit all or any part of such stamp fee, in which case only such part as shall not be so remitted shall be recovered.

341 (1) When an appeal has been preferred the court from which the appeal is preferred shall order the appellant if in custody to be released on his entering into a recognizance in such sum and with or without a surety or sureties as such court may direct conditioned to abide the judgment of the Supreme Court and to pay such costs as may be awarded, provided always that the appellant may if the court from which the appeal is preferred thinks fit instead of entering into a recognizance give such other security by deposit of money with such court or otherwise as that court may deem sufficient.

Appellant to be released on giving security.

(2) Upon the appellant's entering into such recognizance or giving such other security as aforesaid he shall be released from custody.

Criminal Procedure Code.

(3) Such recognizance may if the appellant is in prison be entered into before the superintendent or jailer of the prison and if so entered into shall be as valid in all respects as if it had been entered into before the court from which the appeal is preferred ; and for this purpose the court shall endorse on the warrant of committal the amount and nature of the security which is to be given in case an appeal be preferred.

(4) When a person sentenced to a term of rigorous imprisonment has preferred an appeal, but is unable to give the required recognizance or other security he shall be detained in custody without hard labour until the judgment of the Supreme Court is made known to the superintendent of the prison.

(5) The Supreme Court may order that the time so spent by such appellant in custody or any part thereof shall be reckoned as part of the term of his sentence.

Proceedings to be forwarded to Supreme Court and notice to be given to other side.

342 (1) On a petition of appeal being lodged the district judge or police magistrate as the case may be shall transmit the record of the case to the Supreme Court together with the petition of appeal and shall forthwith issue notice thereof to the party, whether complainant or accused, in whose favour the judgment or order appealed against was pronounced or made or adversely to whom the appeal is preferred.

(2) In the case of an appeal from a district court the Attorney-General shall be deemed to be the party complainant.

Procedure in Supreme Court on appeal.

343 (1) When the record and petition of appeal have been transmitted to the Supreme Court the registrar shall number the appeal and enter it on the list of appeals and such list shall be kept suspended in the Registry of the Supreme Court.

(2) The appeal shall come on for hearing in its order without further notice to the parties concerned, provided that the court may of its own motion or on the application of a party concerned accelerate or postpone the hearing of an appeal upon any such terms as to the prosecution or the costs of the appeal or otherwise as it may think fit ; provided also that a judge on circuit may direct that any appeal pending from any police court or district court of such circuit be heard before him on such circuit and the same shall be heard accordingly.

Appellant to be heard first.

344 (1) When the appeal comes on for hearing the appellant if present shall be first heard in support of the appeal and then the respondent if present shall be heard against it.

(2) If the appellant does not appear to support his appeal the court shall consider the appeal and may make such order thereon as it may deem fit.

Criminal Procedure Code.

345 If at the hearing of an appeal the respondent is not present and the court is not satisfied that the notice of appeal was duly served upon him the court may adjourn the hearing of the appeal to a future day for his appearance and in that case shall issue the requisite notice to him for service through the fiscal, but unless the court is so satisfied as aforesaid it shall not, in the absence of the respondent, make any order to his prejudice.

Procedure if respondent not present.

346 When an appeal is presented against an acquittal the Supreme Court may issue a warrant directing that the accused be arrested and brought before it and may commit him to prison pending the disposal of the appeal or admit him to bail.

Arrest of accused in appeal from acquittal.

347 At the hearing of the appeal the court may if it considers that there is no sufficient ground for interfering dismiss the appeal or may—

Power of Supreme Court on appeals.

- (a) In an appeal from an order of acquittal, reverse such order and direct that further inquiry be made or that the accused be re-tried or committed for trial as the case may be or find him guilty and pass sentence on him according to law ;
- (b) In an appeal from a conviction, (1) reverse the verdict and sentence and acquit or discharge the accused or order him to be re-tried by a court of competent jurisdiction or committed for trial ; or (2) alter the verdict maintaining the sentence, or with or without altering the verdict increase or reduce the amount of the sentence or the nature thereof ;
- (c) In an appeal from any other order, alter or reverse such order ;

provided always that the sentence awarded on an appeal shall not exceed the sentence which might have been awarded by the court of first instance.

348 (1) In dealing with an appeal under this chapter the Supreme Court, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by any judge of a district court or by a police magistrate.

Appellate court may take further evidence or direct it to be taken.

(2) When the additional evidence is taken the officer taking the same shall transmit the evidence so taken duly certified to the Supreme Court together with his opinion on such evidence.

(3) Unless the Supreme Court otherwise direct the accused or his pleader shall be present when any additional evidence is taken under this and the last preceding section.

(4) The taking of such evidence shall be deemed an inquiry under chapter XVI.

Criminal Procedure Code.

Judgment in appeal to be given in open court.

349 (1) On the termination of the hearing of the appeal the Supreme Court shall either at once or on some future day, which shall either then be appointed for the purpose or of which notice shall subsequently be given to the parties or their advocates, deliver judgment in open court.

(2) If the court consists of two judges and they differ the appeal shall be heard again by three judges.

(3) If the court consists of three judges the decision shall be that of the majority.

Order of Supreme Court to be certified to lower court.

350 (1) Whenever a case is decided on appeal by the Supreme Court under this chapter such court shall certify its order under its seal to the court of first instance and shall return to such court the record and petition of appeal accompanied by a copy of the reasons (if any) given by the Supreme Court for its order.

(2) The court to which such order is certified shall thereupon make such orders as are conformable to the order so certified and if necessary the record shall be amended in accordance therewith.

Illustrations.

(a) A sentenced to six months' rigorous imprisonment after undergoing rigorous imprisonment for three days prefers an appeal and giving the required security is released. The Supreme Court affirms the sentence. The court from which the appeal is preferred will issue a fresh warrant of committal directing the appellant to undergo rigorous imprisonment for the term of six months less three days.

(b) A sentenced to six months' rigorous imprisonment after undergoing imprisonment for four days prefers an appeal but is unable to give the required security and is accordingly detained in custody without hard labour for one month when the judgment of the Supreme Court affirming the sentence is made known. The Supreme Court orders that fourteen days of the time spent by A in custody without hard labour shall be reckoned as part of his sentence. The court from which the appeal is preferred will issue a fresh warrant of committal directing the appellant to undergo rigorous imprisonment for the term of six months less eighteen days.

Abatement of appeals.

351 Every appeal against an acquittal shall finally abate on the death of the accused and every other appeal under this chapter shall finally abate on the death of the appellant.

Costs.

352 The Supreme Court shall have power in all proceedings under this chapter to award such costs to be paid by or to the parties thereto as the said court shall think fit.

CHAPTER XXXI.

Of Reference and Revision.

Reservation of points of law.

353 (1) Any district court and any police court acting in summary jurisdiction may if it thinks fit reserve for the consideration of the Supreme Court any question of law arising in the proceedings whenever any person shall have been convicted and sentenced to any penalty or punishment.

Criminal Procedure Code.

(2) Every question of law so reserved shall be submitted to the said court in the shape of a special case in the prescribed form.

(3) Every such special case shall be drawn up by the district judge or magistrate of the court before which the proceedings are held and shall set out shortly the facts which are considered by the district judge or magistrate to be proved and shall state the question of law which shall have been reserved for the opinion of the court.

(4) Every such special case shall be sent by the district judge or magistrate to the registrar and shall be set down for argument in such manner as the Supreme Court may direct.

(5) The person convicted shall pending the decision on the special case be remanded to prison or if the court thinks fit admitted to bail.

354 The Supreme Court shall hear and determine the question of law arising on such special case and shall thereupon affirm, amend, or reverse the determination in respect of which the special case has been stated or may make such order in relation to the matter as to the Supreme Court may seem fit. Provided always that no district judge or magistrate who shall state and deliver a special case in pursuance of this Code shall be liable to any costs in respect thereto.

Determination
and orders
thereon.

355 (1) When any person has in a trial before a judge of the Supreme Court acting in the exercise of its original criminal jurisdiction been convicted of an offence and sentenced, the judge if he thinks fit may reserve and refer for the decision of a court consisting of two or more judges any question of law which has arisen on the trial, stating in a case signed by him such question with the special circumstances upon which the same shall have arisen.

Power to reserve
questions arising
in original
jurisdiction of
Supreme Court.

(2) If the judge reserve any such question the person convicted shall pending the decision thereon be remanded to prison or if the judge thinks fit be admitted to bail, and the Supreme Court shall have power to hear and finally determine such question and thereupon to reverse, affirm, or amend the judgment or to make such other order as justice may require.

(3) When any person has in a trial before a judge of the Supreme Court acting in the exercise of its original criminal jurisdiction been convicted of an offence and the Attorney-General is of opinion that any question of law arising on such trial which has not been reserved under this section ought to be further considered, he may certify accordingly under his hand and thereupon the Supreme Court shall have full power and authority to review the case or such part of it as may be necessary and finally determine such question and thereupon to reverse, affirm, or amend the judgment or to make such other order as justice may require in like manner as though such question had been reserved under sub-section (1).

Criminal Procedure Code.

Supreme Court may call for record of any court.

356 The Supreme Court may call for and examine the record of any case, whether already tried or pending trial in any court, for the purpose of satisfying itself as to the legality or propriety of any sentence or order passed therein or as to the regularity of the proceedings of such court.

Powers of court on revision.

357 (1) The Supreme Court may in any case the record of the proceedings of which has been called for by itself or which otherwise comes to its knowledge in its discretion exercise any of the powers conferred by sections 346, 347, and 348.

(2) No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by advocate in his own defence.

(3) Nothing in this section shall be deemed to authorize the Supreme Court to convert a finding of acquittal into one of conviction.

Optional with court to hear parties on review.

358 No party has any right to be heard either personally or by pleader before the Supreme Court when exercising its powers of revision. Provided that the court may if it thinks fit when exercising such powers hear any party either personally or by pleader.

When record called for judge or magistrate may forward statement of grounds of decision.

359 When the record of any case is called for by the Supreme Court under section 356 the district judge or magistrate may submit with the record a statement setting forth the grounds of his decision or order and any facts which he thinks material, and the court shall consider such statement before overruling or setting aside the said decision or order.

Judge or magistrate to carry into effect orders of Supreme Court.

360 (1) When a case is revised under this chapter by the Supreme Court such court shall certify its order under its seal to the court by which the verdict, sentence, or order revised was recorded or passed, and shall return to such court the record accompanied by a copy of the reasons given by the Supreme Court for its order.

(2) The court to which the order is so certified shall thereupon make such orders as are conformable to the order so certified and if necessary the record shall be amended in accordance therewith.

*Criminal Procedure Code.***PART VIII.****SPECIAL PROCEEDINGS.****CHAPTER XXXII.***Inquests of Deaths.*

361 No inquest of death shall be held except under the provisions of this Code. Inquest of death.

362 (1) Every inquirer on receiving information that a person— Duty of inquirers.

(a) Has committed suicide, or

(b) Has been killed by an animal or by machinery or by an accident, or

(c) Has died suddenly or from a cause which is not known, shall immediately proceed to the place where the body of such deceased person is and there shall make an inquiry and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body and such marks, objects, and circumstances as in his opinion may relate to the cause of death and stating in what manner such marks appear to have been inflicted.

(2) The report shall be signed by such inquirer and shall be forthwith forwarded to the nearest police magistrate.

(3) If the report discloses a reasonable suspicion that a crime has been committed the police magistrate shall take proceedings under chapters XV. and XVI.

363 (1) When any person dies while in the custody of the police or in an asylum or prison the officer who had the custody of such person or was in charge of such asylum or prison as the case may be shall forthwith give information of such death to a police magistrate of the police court within the local limits of whose jurisdiction the body is found, and such police magistrate or an inquirer authorized by him shall hold an inquiry into the cause of death. Death of a person in custody of police or in an asylum.

(2) For the purposes of inquiry under this section a police magistrate or inquirer shall have all the powers which he would have in holding an inquiry into an offence.

(3) In the case of inquiries under this section the police magistrate or inquirer holding the inquiry shall view the body and summon to sit with him as assessors two indifferent persons, but it shall not be necessary for such assessors to view the body.

Criminal Procedure Code.

Evidence and finding to be recorded.

364 (1) The police magistrate or inquirer holding an inquiry prescribed under this chapter shall record the evidence and his finding thereon.

(2) Where there are assessors the finding shall be signed by the assessors or by such of them as concur therein, but an assessor who dissents from the finding shall be at liberty to record on the proceedings his dissent and the reasons therefor. In every case where an assessor records his dissent the police magistrate or inquirer shall forthwith forward the proceedings to the Attorney-General.

(3) The place in which any inquiry of death under this chapter is held shall be a place open to the public. But a police magistrate or inquirer conducting an inquiry of death may on special grounds of public policy or expediency in his discretion exclude the public at any stage of the inquiry from the place in which the inquiry is being held.

Disinterment of bodies.

365 When a police magistrate or inquirer inquiring into the cause of death considers it expedient to make an examination of the dead body of any person who has been already buried in order to discover the cause of death he may cause the body to be disinterred and examined.

Assessors duly summoned to attend.

366 When any person has been duly summoned to attend as an assessor by any police magistrate or inquirer on an inquiry under this chapter and shall fail or neglect to attend at the time and place specified in such summons it shall be lawful for such police magistrate or inquirer to cause such person to be openly called three times to appear and serve as an assessor, and upon the non-appearance of such person and proof that such summons has been served upon him or left at his usual place of abode to impose such fine upon the person so making default not exceeding twenty-five rupees as to such police magistrate or inquirer shall seem fit, and such police magistrate or inquirer shall make out and sign a certificate containing the name, surname, and residence of every person so making default together with the amount of the fine which shall have been imposed and the cause of such fine, and the police magistrate or inquirer shall cause a copy of such certificate to be served upon the person so fined by having it left at his usual place of residence or by sending the same through the post office addressed as aforesaid, and within seven days thereafter such police magistrate or the police magistrate who has authorized the inquirer to hold the inquiry shall cause such fine to be levied.

CHAPTER XXXIII.

Lunatics.

Procedure in case of accused being a lunatic.

367 (1) When a police court holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence it shall inquire into the fact of such unsoundness and

Criminal Procedure Code.

shall cause such person to be examined by the government medical officer of the district or some other medical officer, and thereupon shall examine such officer as a witness and shall reduce the examination to writing.

(2) If the police court is of opinion that the accused is of unsound mind and consequently incapable of making his defence it shall postpone further proceedings in the case.

368 (1) If any person committed for trial before the Supreme Court or a district court appears to the court at his trial to be of unsound mind and consequently incapable of making his defence, the jury or the district court with or without the aid of assessors shall in the first instance try the fact of such unsoundness and incapacity, and if satisfied of the fact shall find accordingly and thereupon the trial shall be postponed.

Procedure in case of person committed before superior court being a lunatic.

(2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the court.

369 (1) Whenever an accused is found to be of unsound mind and incapable of making his defence the court, if the case is one in which bail may be taken, may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person and for his appearance when required before the court or such officer as the court appoints in this behalf.

Release of lunatic pending investigation or trial.

(2) If the case is one in which bail may not be taken or if sufficient security is not given, the court shall report the case to the Governor and the Governor may by writing under the hand of the Colonial Secretary order the accused to be confined in a lunatic asylum or other suitable place of safe custody and the court shall give effect to such order.

370 (1) Whenever an inquiry or a trial is postponed under the preceding sections of this chapter the court may at any time resume the inquiry or commence the trial *de novo* and require the accused to appear or be brought before such court.

Resumption of inquiry or trial.

(2) When the accused has been released under section 369 and the sureties for his appearance produce him to the officer whom the court appoints in this behalf the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

371 (1) If when the accused appears or is again brought before the court the court considers him capable of making his defence, the inquiry or trial shall proceed.

Procedure on accused appearing before court.

(2) If the court considers the accused person to be still incapable of making his defence the court shall again act

Criminal Procedure Code.

according to the provisions of section 367 or section 369, as the case may be.

When accused appears to have been insane.

372 When the accused appears to be of sound mind at the time of the inquiry and the police court is satisfied from the evidence given before the court that there is reason to believe that the accused committed an act which if he had been of sound mind would have been an offence and that he was at the time when the act was committed by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court shall proceed with the case as directed by chapter XVI.

Judgment of acquittal on ground of lunacy.

373 Whenever any person is acquitted upon the ground that at the time at which he is alleged to have committed an offence he was by reason of unsoundness of mind incapable of knowing the nature of the act alleged as constituting the offence or that it was wrong or contrary to law, the verdict shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

374 (1) Whenever the verdict states that the accused committed the act alleged the court before which the trial has been held shall, if such act would but for the incapacity found have constituted an offence, order such person to be kept in safe custody in such place and manner as the court thinks fit, and shall report the case for the orders of the Governor.

(2) The Governor may by writing under the hand of the Colonial Secretary order such person to be confined in a lunatic asylum, prison, or other suitable place of safe custody until further orders.

Lunatic prisoners to be visited by Inspector-General.

375 When any person is confined under the provisions of this chapter the Inspector-General of Prisons if such person is confined in a prison, or the visitors of the lunatic asylum or any two of them if he is confined in a lunatic asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every six months by such Inspector-General or by two of such visitors as aforesaid, and such Inspector-General or visitors shall make a special report to the Governor as to the state of mind of such person.

Procedure where lunatic prisoner is reported capable of making his defence.

376 If such person is confined under the provisions of section 369 and such Inspector-General or visitors shall certify that in his or their opinion such person is capable of making his defence he shall be taken before the court at the instance of which he was confined at such time as such court appoints, and the court shall deal with such person under the provisions of section 371 and the certificate of such Inspector-General or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic

377 If such person is confined under the provisions of section 369 or section 374 and such Inspector-General or

Criminal Procedure Code.

visitors shall certify that in his or their judgment he may be discharged without danger of his doing injury to himself or to any other person, the Governor may thereupon order him to be discharged or to be detained in custody or to be transferred to a lunatic asylum, if he has not been already sent to an asylum; and in case the Governor orders him to be transferred to an asylum he may appoint a commission consisting of a police magistrate and two medical officers to make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and to report to the Governor who may order his discharge or detention as he thinks fit.

confined under sections 369 or 374 is declared fit to be discharged.

378 (1) Whenever any relative or friend of any person confined under the provisions of section 369 or section 374 desires that the person shall be delivered over to his care and custody the Governor, upon the application of such relative or friend and on his giving security to the satisfaction of the Governor that the person delivered shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, may order such person to be delivered to such relative or friend.

Delivery of lunatic to care of relative.

(2) Whenever such person is so delivered it shall be upon condition that he shall be produced for the inspection of such officer and at such times as the Governor directs.

(3) The provisions of sections 375 and 377 shall *mutatis mutandis* apply to persons delivered under the provisions of this section and the certificate of the inspecting officer appointed under this section shall be receivable as evidence.

379 A magistrate proceeding under section 367 may subject any accused person who is suspected to be of unsound mind to medical observation and remand such person once or oftener for such reasonable time as shall be specified in the order of remand either to the custody of the fiscal to be by him detained in prison or of the officer in charge of such house or place of observation as may be appointed by the Governor under the provisions of section 6 of "The Lunacy Ordinance, 1873,"* to be by such officer detained in such house or place of observation. And every person so remanded shall be subject to the inspection of the medical officer of the prison or of the house or place of observation in which he may be detained.

Persons suspected to be lunatics where and how to be remanded.

CHAPTER XXXIV.

Proceedings in case of certain Offences affecting the Administration of Justice.

380 (1) When any civil or criminal court other than a police court is of opinion that there is ground for inquiring

Procedure in cases

* O. 1 of 1873.

Criminal Procedure Code.

mentioned in
section 147.

into any offence referred to in section 147, clauses (b) and (c), committed before it or brought under its notice in the course of a judicial proceeding, such court may send the case for inquiry or trial to the nearest police court and may send the accused in custody or take sufficient security for his appearance before such police court and may bind over any person to appear and give evidence on such inquiry or trial, and such police court shall thereupon proceed according to law.

(2) Where the officer presiding in such court at the time the offence was committed before it or brought under its notice is also a magistrate of the nearest police court he shall not try the accused, but shall either himself hold an inquiry under chapter XVI. with a view to a committal for trial by a higher court or remand the accused to be tried by another magistrate of such police court.

(3) In the case of a police court the magistrate presiding in such court at the time the offence was committed before it or brought under its notice may either himself hold an inquiry under chapter XVI. with a view to committal for trial by a higher court or may remand the accused to be tried by another magistrate of his court.

Procedure in
certain cases
of contempt.

381 (1) Whenever any such offence as is described in sections 173, 176, 177, 178, or 223 of the Penal Code is committed in view or presence of any court, criminal or civil, other than the Supreme Court, such court may cause the offender to be detained in custody and at any time before the rising of the court on the same day may if it thinks fit take cognizance of the offence and sentence the offender : if a district court, to a fine not exceeding one hundred rupees and in default of payment to simple imprisonment which may extend to two months unless such fine be sooner paid ; if a court of requests or a police court, to a fine not exceeding twenty-five rupees and in default of payment to simple imprisonment for one month unless such fine be sooner paid.

(2) In every such case the court shall record on the proceedings the facts constituting the offence with the statement (if any) made by the offender as well as the finding and sentence and shall forthwith transmit a copy of such record to the Supreme Court so that the Supreme Court may if it thinks fit exercise its power of revision.

(3) If the offence is under section 223 of the Penal Code the record must show the nature and stage of the judicial proceeding in which the court interrupted or insulted was sitting and the nature of the interruption or insult.

(4) The court may in its discretion discharge the offender or remit the punishment on his submission to the order or requisition of such court or on apology being made to its

Criminal Procedure Code.

satisfaction, and in such case it shall be unnecessary to forward the record to the Supreme Court as hereinbefore is required.

382 (1) If the court in any case considers that a person accused of any of the offences referred to in the last preceding section and committed in its view or presence should be punished otherwise than there provided or such court is for any other reason of opinion that the case should not be disposed of under that section, such court after recording the facts constituting the offence and the statement of the accused as hereinbefore provided may proceed in manner following (that is to say): (a) if such court be a district court it may forward the case to the nearest police court and may require security to be given for the appearance of such accused person before such police court or if sufficient security is not given forward such person under custody to such police court and such police court shall thereupon proceed according to law; or (b) if such court be a police court it may hold an inquiry under chapter XVI. with a view to a committal for trial by a higher court; provided always that if such court as aforesaid be a district court and the officer presiding therein at the time the offence is committed is also a magistrate of the nearest police court he may hold such inquiry as such magistrate.

Procedure where court considers case should not be dealt with under section last preceding.

383 (1) If any person before a criminal court other than the Supreme Court refuses to answer such questions as are put to him or to produce any document in his possession or power which the court requires him to produce and does not offer any reasonable excuse for such refusal, such court may for reasons to be recorded in writing order him to be detained as a civil prisoner for any term not exceeding seven days unless in the meantime such person consents to be examined and to answer or to produce the document. In the event of his persisting in his refusal after the expiration of the said term he may be dealt with according to the provisions of sections 381 or 382.

Imprisonment or committal of person refusing to answer or produce document.

(2) In every case in which an order is made under this section the court shall record the facts of the refusal with the statement if any made by the person so refusing and shall send a copy of such record together with a copy of the order made by him to the Supreme Court so that the Supreme Court may if it thinks fit exercise its power of revision.

384 Except as provided in this chapter no district judge or police magistrate shall try any person for any offence referred to in section 147, clauses (b) and (c), when such offence is committed before himself or in contempt of his authority or is brought under his notice as such district judge or magistrate in the course of a judicial proceeding.

District judges and magistrates not to try offences referred to in section 147 when committed before themselves.

Criminal Procedure Code.

PART IX.

SUPPLEMENTARY PROVISIONS.

CHAPTER XXXV.

Of Proceedings by the Attorney-General.

Attorney-General's powers to file informations.

385 The Attorney-General may exhibit to the Supreme Court informations for all purposes for which Her Majesty's Attorney-General for England may exhibit informations on behalf of the Crown in the High Court of Judicature, but no such information shall be exhibited for any offence punishable by death or by rigorous imprisonment for three years or upwards. Such proceedings may be taken upon every such information as may lawfully be taken in cases of similar informations filed by Her Majesty's Attorney-General in England so far as the circumstances of the case and the course and practice of proceeding in the said Supreme Court respectively will admit.

What persons are deemed to have been brought before the court.

386 All persons appearing before the Supreme Court under a commitment for trial or in pursuance of bail so to appear against whom an indictment is preferred shall unless the contrary is shown be deemed to have been brought before the court in due course of law and (subject to the provisions herein contained) shall be tried upon the indictment so preferred.

Attorney-General may appoint court to which commitment shall be made.

387 When a police magistrate has forwarded the proceedings in any case to the Attorney-General as required by section 157 the Attorney-General may, if he consider commitment desirable, name the court to which such commitment shall be made and in such event shall return such proceedings to the police court with the indictment drawn and signed by the Attorney-General.

Attorney-General may order person to be discharged.

388 The Attorney-General may at any stage of an inquiry by a police court, if he is of opinion that no further proceedings should be taken in the case against any accused, make an order in writing directing such accused to be discharged from the matter of the complaint, information, or charge and if such accused is in custody from further detention; and he shall transmit such order to the police court before which such case is pending or by which the accused was committed or held to bail as the case may be, and thereupon such police court shall cause the accused to be brought before it and discharged and shall record such order and the discharge made thereon upon the proceedings.

Criminal Procedure Code.

389 (1) If the Attorney-General is of opinion that a criminal offence is disclosed by the proceedings against the accused but that the evidence already taken by reason of being in any particular or respect defective is not sufficient to afford a foundation for a full and proper trial, then he may make in writing an order requiring the police court to take such further evidence as may be specified or indicated in the order either in the way of examining anew witnesses who have already given their testimony or otherwise to continue the inquiry. And upon making such order the Attorney-General shall return to the police court the proceedings together with his order for the purpose of the latter being carried into effect.

Attorney-General may order further evidence to be taken.

(2) The supplemental inquiry may be conducted in the police court by a magistrate thereof other than the magistrate who conducted the original inquiry.

390 (1) A police magistrate shall whenever required in writing by the Attorney-General forthwith transmit to the Attorney-General the proceedings in any case in which an inquiry or trial has been or is being held before him, and thereupon such inquiry or trial shall be suspended in the same and the like manner as upon an adjournment thereof.

Police magistrate to transmit proceedings to Attorney-General when required.

(2) It shall be competent for the Attorney-General upon the proceedings in any case being transmitted to him under the provisions of this section to give such instructions with regard to the inquiry to which such proceedings relate as he may consider requisite; and thereupon it shall be the duty of the police magistrate to carry into effect subject to the provisions of this Code the instructions of the Attorney-General and to conduct and conclude such inquiry in accordance with the terms of such instructions.

391 Whenever a police court shall have discharged an accused under the provisions of section 157 and the Attorney-General shall be of opinion that such accused should not have been discharged the Attorney-General may forward to it an indictment and direct it to commit such accused to the court nominated by the Attorney-General or order a police magistrate of such court to re-open the inquiry and may give such instructions with regard thereto as to him shall appear requisite; and thereupon it shall be the duty of such police magistrate to carry into effect such instructions.

Attorney-General may file an information when of opinion that an accused should not have been discharged.

392 (1) No person other than the Attorney-General, the Solicitor-General, Crown counsel, or a pleader generally or specially authorized by the Attorney-General shall conduct the prosecution in any case into which the magistrate of a police court may be inquiring.

Attorney-General entitled to appear in all cases before magistrate.

(2) In the absence of the Attorney-General, the Solicitor-General, Crown counsel, and a pleader generally or specially appointed by the Attorney-General the magistrate shall conduct the prosecution, but nothing in this section shall

Criminal Procedure Code.

preclude the magistrate from availing himself, if he considers it so desirable, of the assistance of any pleader or public officer in the conduct of any inquiry.

Solicitor-General
and Crown
counsel.

393 The Solicitor-General and Crown counsel may by the direction either general or special of the Attorney-General exercise all or any of the powers, except the powers of entering a *nolle prosequi* and of pardoning an accomplice, conferred and perform all or any of the duties imposed upon the Attorney-General by this Code.

CHAPTER XXXVI.

Of Bail.

Bail to be taken
in case of
bailable offence.

394 When any person other than a person accused of a non-bailable offence appears or is brought before a court and is prepared at any time at any stage of the proceedings before such court to give bail such person shall be released on bail. Provided that the court if it thinks fit may instead of taking bail from such person discharge him on his executing a bond without sureties for his appearance as hereinafter provided.

When bail may
be taken in case
of non-bailable
offence.

395 (1) When any person accused of any non-bailable offence appears or is brought before a court he may be released on bail at the discretion of the court, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of the offence of which he is accused.

(2) If it appears to the court at any stage of the inquiry or trial as the case may be that there are not reasonable grounds for believing that the accused has committed such offence, but that there are sufficient grounds for further inquiry, the accused shall pending such inquiry be released on his executing a recognizance in such sum and with or without a surety or sureties as such court may direct conditioned for his appearance as hereinafter provided.

(3) When any person has been committed for trial by a police magistrate for any non-bailable offence other than an offence under sections 114, 191, 295, 296, or 297 of the Penal Code the police magistrate may in his discretion release the accused on bail. Any person charged under sections 114, 191, 295, 296, or 297 of the Penal Code may be admitted to bail by the authority of the Attorney-General.

(4) Any court may, at any subsequent stage of any proceeding under this Code cause any person who has been released under this section to be arrested and may commit him to custody.

Criminal Procedure Code.

396 The amount of every bond executed under this chapter shall be fixed with due regard to the circumstances of the case and shall not be excessive; and the Supreme Court may in any case direct that any person be admitted to bail or that the bail required by a police magistrate be reduced or increased.

Bail not to be excessive and Supreme Court may admit to bail in any case.

397 (1) Before any person is released on bail or released on his own bond a bond for such sum of money as the officer or court as the case may be thinks sufficient shall be executed by such person, and when he is released on bail by one or more sufficient sureties, conditioned that such person shall attend at the time and place mentioned in the bond and shall continue so to attend until otherwise directed.

Bond of accused and sureties.

(2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the Supreme or other court to answer the charge.

398 (1) As soon as the bond has been executed the person for whose appearance it has been executed shall be released; and when he is in prison the court admitting him to bail shall issue an order of release to the officer in charge of the prison and such officer on receipt of the order shall release him.

Discharge from custody.

(2) Nothing in this section, section 394, or section 395 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

399 If through mistake, fraud, or otherwise insufficient sureties have been accepted or if they afterwards become insufficient, the court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and on his failing so to do may commit him to prison.

Power to order sufficient bail when that first taken is insufficient.

400 (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to the court to discharge the bond either wholly or so far as relates to the applicants.

Discharge of sureties.

(2) On such application being made the court shall issue a warrant of arrest directing that the person so released be brought before it.

(3) On the appearance of such person pursuant to the warrant or on his voluntary surrender the court shall direct the bond to be discharged either wholly or so far as relates to the applicants and shall call upon such person to find other sufficient sureties, and if he fails to do so may commit him to custody.

(4) A surety may at any time arrest the person for whose attendance and appearance he is a surety and forthwith bring him before a police court, which shall thereupon discharge such surety's bond and shall call upon such person to find another sufficient surety, and if he fails to do so shall commit him to custody.

Criminal Procedure Code.

CHAPTER XXXVII.

Of Commissions for the Examination of Witnesses.

Court may issue commission for taking evidence of absent witness.

401 Whenever in the course of an inquiry, trial, or other proceeding under this Code it appears to the court that the examination of a witness is necessary for the ends of justice and that the attendance of such witness cannot be procured without an amount of delay, expense, or inconvenience which under the circumstances of the case would be unreasonable, such court may dispense with such attendance and may after notice to the parties issue a commission to any police court within the local limits of whose jurisdiction such witness resides to take the evidence of such witness.

Procedure on commission.

402 (1) The police court to which the commission is issued shall on receiving the commission summon before it the witness named in the commission; or if from ill-health or other cause his attendance cannot reasonably be procured the magistrate shall proceed to the place where the witness is.

(2) The evidence of the witness shall be taken down by the magistrate in the same manner and such magistrate may for the purpose exercise the same powers as in holding inquiries under this Code.

Parties may examine witness.

403 (1) The parties to any proceeding under this Code in which a commission is issued may respectively forward any interrogatories in writing which the court in which the proceeding has taken place may think relevant to the issue; and the magistrate taking the examination shall examine the witness upon such interrogatories.

(2) The accused may appear before such magistrate by pleader or if he is not in custody in person and may examine, cross-examine, and re-examine as the case may be the said witness.

Return of commission.

404 After any commission has been duly executed it shall be returned together with the deposition of the witness examined thereunder to the court out of which it issued and the commission, the return thereto, and the deposition shall be open at all reasonable times to inspection of the parties and may subject to all just exceptions be read in evidence in the case by either party and shall form part of the record.

Adjournment of inquiry or trial.

405 In every case in which a commission is issued under section 401 the inquiry, trial, or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

Criminal Procedure Code.

CHAPTER XXXVIII.

Special Provisions relating to Evidence.

406 (1) The deposition of a government medical officer or other medical witness taken and attested by a police magistrate in the presence of the accused may be given in evidence in any inquiry, trial, or other proceeding under this Code although the deponent is not called as a witness.

Deposition of medical and other special witnesses and reports of government analyst receivable in evidence in certain cases.

(2) Where the deposition of any witness is tendered in evidence for the purpose of proving the custody or disposal of any matter or thing forwarded in the course of any inquiry to any public officer for examination or analysis and report or of proving the custody or disposal of any instrument, weapon, matter, or thing used in or about the commission of an offence, or for the purpose of proving the accuracy of a plan or survey made by such witness for the purpose of the case, such deposition if it purports to have been taken and attested by a police magistrate in the presence of the accused may be given in evidence in any inquiry, trial, or proceeding under this Code although the deponent is not called as a witness.

(3) Any document purporting to be a report under the hand of the government analyst upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code may be used as evidence in any inquiry, trial, or other proceeding under this Code. Provided that nothing in this section shall affect the necessity of proving the identity of the subject placed in the analyst's hands to be analyzed with the subject of which his analysis is needed for the trial of the case.

(4) The court may presume that the signature of any such document is genuine and that the person signing it held the office he professed to hold at the time he signed it. Provided that in any case in which the police magistrate or any advocate of the Supreme Court engaged in such case shall certify that in his opinion it would be necessary or expedient that the government medical officer or other medical witness referred to in sub-section (1) or the witness referred to in sub-section (2) or the government analyst referred to in sub-section (3) should be present to give evidence at any particular inquiry, trial, or other proceeding to which the deposition or report may refer, such government medical officer or other medical witness or witness or government analyst as the case may be shall be summoned as a witness for the purpose of giving evidence in the same manner as the other witnesses for the prosecution.

(5) The court may if it thinks fit summon and examine such deponent or government analyst as to the subject-matter of his deposition.

Criminal Procedure Code.

Record of evidence in absence of accused.

407 If it be proved that an accused has absconded and that there is no immediate prospect of arresting him the court competent to try or commit for trial such accused for the offence complained of may in his absence examine the witnesses (if any) produced on behalf of the prosecution and record their depositions. Any such deposition may on the arrest of such accused be given in evidence against him on the inquiry into or trial for the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense, or inconvenience which under the circumstances of the case would be unreasonable.

When receivers, &c., charged evidence of other cases allowed.

408 Where proceedings are taken against any person for having received goods knowing them to be stolen or for having in his possession stolen property evidence may be given at any stage of the proceedings that there was found in the possession of such person other property stolen within the preceding period of twelve months, and such evidence may be taken into consideration for the purpose of proving that such person knew the property to be stolen which forms the subject of the proceeding taken against him.

When evidence of previous conviction may be given.

409 Where proceedings are taken against any person for having received goods knowing them to be stolen or for having in his possession stolen property and evidence has been given that the stolen property has been found in his possession, then if such person has within five years immediately preceding been convicted of any offence involving fraud or dishonesty evidence of such previous conviction may be given at any stage of the proceedings and may be taken into consideration for the purpose of proving that the person accused knew the property which was proved to be in his possession to have been stolen. Provided that not less than seven days' notice in writing shall have been given to the accused that proof is intended to be given of such previous conviction and it shall not be necessary for the purposes of this section to enter in the indictment the previous conviction of the person so accused.

CHAPTER XXXIX.

Provisions as to Bonds.

Deposit instead of recognizance.

410 When any person is required by any court to execute a bond without sureties such court may, except in the case of a bond for good behaviour, permit him to deposit a sum of money either in current coin or notes to such amount as the court may fix in lieu of executing such bond.

Procedure on forfeiture of bond.

411 (1) Whenever it is proved to the satisfaction of the court by which a bond under this Code has been taken, or when the bond is for appearance before a court to the satisfaction of such court that such bond has been forfeited, the

Criminal Procedure Code.

court shall record the grounds of such proof and may call upon any person bound by such bond to pay the penalty thereof or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid the court may proceed to recover the same by issuing a warrant for the attachment and sale of the movable or immovable property belonging to such person.

(3) Such warrant may be executed within the local limits of the jurisdiction of the court which issued it and it shall authorize the distress and sale of any movable or immovable property belonging to such person without such limits when endorsed by the district judge or police magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty be not paid and cannot be recovered by such attachment and sale the person so bound shall be liable by order of the court which issued the warrant to simple imprisonment for a term which may extend to six months.

(5) The court may at its discretion remit any portion of the penalty mentioned and enforce payment in part only.

412 The Supreme Court or a district court may direct any police magistrate to levy the amount due on a bond to appear and attend at such Supreme Court or district court.

Power to direct levy of amount due on recognizances.

CHAPTER XL.

Of the Disposal of Property the subject of Offences.

413 (1) When an inquiry or trial in any criminal court is concluded the court may make such order as it thinks fit for the disposal of any document or other property produced before it regarding which any offence appears to have been committed or which has been used for the commission of any offence.

Order for disposal of property regarding which offence committed.

(2) When the Supreme Court or a district court makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto under such order, such court may direct that the order be carried into effect by a police magistrate.

(3) When an order is made under this section in a case in which an appeal lies such order shall not (except when the property is live stock or is subject to speedy and natural decay) be carried out until the period allowed for presenting such appeal has passed, or when such appeal is presented within such period until such appeal has been disposed of.

(4) In this section the term "property" includes, in the case of property regarding which an offence appears to have been committed not only such property as has been originally in the possession or under the control of any party but also any property into or for which the same may have been converted or exchanged and anything acquired by such conversion or exchange whether immediately or otherwise.

Criminal Procedure Code.

Order may take form of reference to police court.

414 In lieu of making an order under the last preceding section the Supreme Court or a district court may direct the property to be delivered to a police magistrate, who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

Payment to innocent purchaser of money found on accused.

415 When any person is convicted of any offence which includes or amounts to theft or receiving stolen property and it is proved that any other person has bought the stolen property from him without knowing or having reason to believe that the same was stolen and that any money has on his arrest been taken out of the possession of the convicted person, the court may on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

Stay of order under this chapter.

416 The Supreme Court may direct any order under the foregoing sections of this chapter made by a district or police court to be stayed pending consideration by the Supreme Court and may modify, alter, or annul such order.

Destruction of libellous and other matters.

417 (1) On a conviction under sections 285, 286, 481, or 482 of the Penal Code the court may order the destruction of all the copies of the thing in respect of which the conviction was had and which are in the custody of the court or remain in the possession or power of the person convicted.

(2) The court may in like manner on a conviction under sections 265, 266, 267, or 268 of the Penal Code order the food, drink, drug, or medical preparation in respect of which the conviction was had to be destroyed.

Power to restore possession of immovable property.

418 (1) Whenever a person is convicted of an offence attended by criminal force and it appears to the court that by such force any person has been dispossessed of any immovable property, the court may if it thinks fit order such person to be restored to the possession of the same.

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

Procedure by notice upon seizure of property taken under section 29, or stolen.

419 (1) The seizure by any police officer of property taken under section 29 or alleged or suspected to have been stolen or found under circumstances which create suspicion of the commission of any offence shall be forthwith reported to a police magistrate, who shall make such order as he thinks fit respecting the delivery of such property to the person entitled to the possession thereof, or if such person cannot be ascertained respecting the custody and production of such property.

Criminal Procedure Code.

(2) If the person so entitled is known the police magistrate may order the property to be delivered to him on such conditions (if any) as the magistrate thinks fit. If such person is unknown the magistrate may detain it and shall in such case issue a public notification specifying the articles of which such property consists and requiring any person who may have a claim thereto to come before him and establish his claim within six months from the date of such public notification.

(3) Such notification shall be published in the *Government Gazette* if the value of the property amounts to one hundred rupees.

420 (1) If no person within such period establishes his claim to such property and if the person in whose possession such property was found is unable to show that it was legally acquired by him, such property shall be at the disposal of the Government and may be sold under the orders of the police magistrate.

Procedure where
no claimant
appears within
six months

(2) In the case of every order made under this section an appeal shall lie to the Supreme Court.

421 If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay or the police magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, the magistrate may at any time direct it to be sold and the provisions of the last two preceding sections shall as nearly as may be practicable apply to the net proceeds of such sale.

Power to sell.

CHAPTER XLI.

Transfer of Criminal Cases.

422 (1) Whenever it is made to appear to the Supreme Court—

Transfers.

- (a) That a fair and impartial inquiry or trial cannot be had in any criminal court subordinate thereto; or
- (b) That some question of law of unusual difficulty is likely to arise; or
- (c) That a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same; or
- (d) That an order under this section will tend to the general convenience of the parties or witnesses;

Criminal Procedure Code.

It may order—

That any offence be inquired into or tried by any court not empowered by this Code, but in other respects competent to inquire into or try such offence ; or

That any particular criminal case be transferred to and tried before itself ; or

That a person committed for trial in one circuit be tried in another circuit.

(2) Every application for the exercise of the power conferred by this section shall be made by motion which shall, except when the applicant is the Attorney-General or Solicitor-General or Crown counsel, be supported by affidavit.

(3) When an accused person makes an application under this section the Supreme Court may if it thinks fit direct him to execute a bond with or without sureties conditioned that he will if convicted pay the costs of the prosecution.

(4) Every accused person making any such application shall give to the Attorney-General notice in writing of the application together with a copy of the grounds on which it is made and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

CHAPTER XLII.

Of Irregularities in Proceedings.

Proceedings in wrong place.

423 No judgment of any criminal court shall be set aside merely on the ground that the inquiry, trial, or other proceedings in the course of which it was passed took place in a wrong local area unless it appears that such error occasioned a failure of justice.

Non-compliance with provisions of Code.

424 If any court before which a deposition of a witness or a statement of an accused recorded under the provisions of this Code is tendered in evidence finds that the provisions of this Code have not been fully complied with by the police magistrate recording the evidence or statement, it may take evidence that such accused duly gave the evidence or made the statement recorded ; and notwithstanding section 91 of "The Ceylon Evidence Ordinance"* such evidence or statement shall be admitted if the error has not injured the accused as to his defence on the merits.

Finding or sentence when reversible by reason of error or omission in charge or other proceedings.

425 Subject to the provisions hereinbefore contained no judgment passed by a court of competent jurisdiction shall be reversed or altered on appeal or revision on account—

* O. 14 of 1895.

Criminal Procedure Code.

Of any error, omission, or irregularity in the complaint, summons, warrant, charge, judgment, or other proceedings before or during trial or in any inquiry or other proceedings under this Code ; or

Of the want of any sanction required by section 147 ; or

Of the omission to revise any list of assessors ;

unless such error, omission, irregularity, or want has occasioned a failure of justice.

426 No distress made under this Code shall be deemed unlawful nor shall any person making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, writ of distress, or other proceedings relating thereto.

Distress not
illegal for
defect in
proceedings.

Criminal Procedure Code.

GENERAL PROVISIONS.

CHAPTER XLIII.

Official police
magistrate is a
magistrate
under Part I.
of said Act.

427 Every official magistrate of a police court is a magistrate by this Code provided to exercise jurisdiction to hear a case and commit a fugitive to prison to await his return under Part I. of the Imperial Fugitive Offenders' Act, 1881, as is required by section 30 of the said Act.

Affidavits before
whom sworn.

428 Subject to general rules any affidavit may be used in a Criminal Court if it is sworn—

- (a) In this island before any person generally or specially authorized by the Supreme Court to administer oaths in the Supreme Court or any district judge or police magistrate ;
- (b) In England before any person authorized to administer oaths in Her Majesty's High Court of Justice or in the Court of Chancery of the County Palatine of Lancaster or before any Registrar of a Bankruptcy Court or before any officer of a Bankruptcy Court authorized in writing in that behalf by the Judge of the Court ;
- (c) In Scotland or in Ireland before a Judge Ordinary, magistrate, or justice of the peace ;
- (d) In any other place before a magistrate or justice of the peace or other person qualified to administer oaths in that place (he being certified to be a magistrate or justice of the peace or qualified as aforesaid by a British Minister or British Consul or by a notary public) or in any other way deemed sufficient by the court ;
- (e) Before any person authorized by the Supreme Court to receive oaths out of the colony.

Power to
summon material
witness or
examine person
present.

429 Any court may at any stage of an inquiry, trial, or other proceeding under this Code summon any person as a witness or examine any person in attendance though not summoned as a witness or recall and re-examine any person already examined ; and the court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

Power of court
to order prisoner
in jail to be
brought up for
examination.

430 (1) Any criminal court desirous of examining as a witness in any case pending before the court any person confined in any prison within the local limits of the jurisdiction of such court may issue an order to the officer in

Criminal Procedure Code.

charge of the said prison requiring him to bring such prisoner in proper custody at a time to be therein named to the court for examination.

(2) The officer so in charge on receipt of such order shall act in accordance therewith and shall provide for the safe custody of the prisoner during his absence from the prison for the purpose aforesaid.

431 Subject to any rules made by the Governor in Executive Council the Supreme Court may at the conclusion of any trial held before it order payment on the part of the Government of the reasonable expenses incurred by any complainant or witness in attending such trial or the inquiry preliminary thereto.

Expenses of complainant or witnesses.

432 (1) Whenever a criminal court imposes a fine or the Supreme Court confirms in appeal, revision, or otherwise a sentence of fine or a sentence of which fine forms a part such court may order the whole or any part of the fine recovered to be applied—

Power of court to pay expenses or compensation out of fine

(a) In defraying expenses properly incurred in the prosecution; or

(b) In compensation for the injury caused by the offence committed where substantial compensation is in the opinion of the court recoverable by civil suit.

(2) If the fine is imposed in a case which is subject to appeal no such payment shall be made before the period allowed for presenting the appeal has elapsed or if an appeal be presented before the decision of the appeal.

(3) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum paid or recovered as compensation under this section.

433 Any money (other than a fine) payable by virtue of any order made under this Code shall be recoverable as if it were a fine.

Money ordered to be paid recoverable as fines.

434 If any person affected by a judgment or final order of a criminal court desires to have a copy of any deposition or other part of the record he shall on applying for such copy be furnished therewith by the court upon payment therefor of such reasonable sum not exceeding six cents for a folio of 100 words as the court may direct, unless the court for some special reason thinks fit to furnish it free of cost.

Copies of proceedings.

435 (1) The Governor in Executive Council may make rules consistent with this Code and "The Army Act, 1881," or any similar law for the time being in force as to the cases in which persons subject to military law shall be tried by a court to which this Code applies; and when any person is brought before a police magistrate and charged

Delivery to military authorities of persons capable of being tried by court-martial.

Criminal Procedure Code

with an offence for which he is liable under "The Army Act, 1881," section 41, to be tried by a court-martial, such magistrate shall have regard to such rules and shall in proper cases deliver him together with a statement of the offence of which he is accused to the commanding officer of the regiment, corps, or detachment to which he belongs or to the commanding officer of the nearest military station for the purpose of being tried by court-martial.

(2) Every police magistrate shall on receiving a written application for that purpose by the commanding officer of any body of troops stationed or employed at any such place use his utmost endeavours to apprehend and secure any person accused of such offence.

Person released on bail to give address for service.

436 When any person is released on bail or on his own bond he shall give to the Court or officer taking such bail or bond an address at which service upon him of all notices and process may be made, and in any case where such person cannot be found or for other reasons such service on him cannot be effected any notice or process left for such person at such address shall be deemed to have been duly served upon him.

Compensation for groundlessly giving in charge.

437 (1) Whenever any person causes a peace officer to arrest another person, if it appears to the magistrate who takes cognizance of the case that there was no sufficient ground for causing such arrest he may award such compensation not exceeding twenty-five rupees to be paid by the person so causing the arrest, to the person so arrested for his loss of time and expenses in the matter as the magistrate thinks fit.

(2) In such cases if more persons than one are arrested the magistrate may in like manner award to each of them such compensation not exceeding twenty-five rupees as such magistrate thinks fit.

(3) All compensation awarded under this section may be recovered as if it were a fine and if it cannot be so recovered the person by whom it is payable shall be sentenced to simple imprisonment for such term not exceeding thirty days as the magistrate directs, unless such sum be sooner paid.

(4) Such compensation shall be no bar to an action for false imprisonment.

Power to compel restoration of abducted females.

438 Upon complaint made to a police magistrate or district judge on oath of the abduction or unlawful detention of a woman or of a female child under the age of fourteen years for any unlawful purpose he may after such inquiry as he may deem fit, if such woman or child is within his division or district as the case may be, make an order for the immediate restoration of such woman to her liberty or of such female child to her husband, parent, guardian, or other person having the lawful charge of such child and may compel compliance with such order using such force as may be necessary.

Criminal Procedure Code.

439 (1) If in the course of a trial by jury before the Supreme Court any witness shall on any material point contradict either expressly or by necessary implication the evidence previously given by him at the inquiry before the police magistrate, it shall be lawful for the presiding judge upon the conclusion of such trial to have such witness arraigned and tried by the same jury on an indictment for intentionally giving false evidence in a stage of a judicial proceeding, which indictment shall be prepared and signed by the registrar.

Summary trial of witness on alternative charges for giving false evidence.

(2) At such trial it shall be sufficient to prove that the accused made the contradictory statements alleged in the indictment and it shall not be necessary to prove which of such statements is false.

(3) The presiding judge may if he considers expedient adjourn the trial of such witness for such period as he may think fit and may commit such witness to custody or take bail in his own recognizance or with sureties for his appearance; and such adjourned trial shall be before the same or any other jury as the judge may direct.

440 (1) If any person giving evidence on any subject in open court in any judicial proceeding under this Code gives, in the opinion of the court before which the judicial proceeding is held, false evidence within the meaning of section 188 of "The Penal Code" it shall be lawful for the court, if such court be the Supreme Court, summarily to sentence such witness as for a contempt of the court to imprisonment either simple or rigorous for any period not exceeding three months or to fine such witness in any sum not exceeding two hundred rupees; or if such court be an inferior court, to order such witness to pay a fine not exceeding fifty rupees and in default of payment of such fine to undergo rigorous imprisonment for any period not exceeding two months. Whenever the power given by this section is exercised by a court other than the Supreme Court the judge or magistrate of such court shall record the reasons for imposing such fine.

Summary punishment for perjury in open court.

(2) Any person who has undergone any sentence of imprisonment or paid any fine imposed under this section shall not be liable to be punished again for the same offence.

(3) Any person against whom any order is made by any court other than the Supreme Court under sub-section (1) of this section may appeal to the Supreme Court and every such appeal shall be subject to the provisions of this Code.

(4) In lieu of exercising the power given by this section the court may if it thinks fit transmit the record of the judicial proceeding to the Attorney-General to enable him to exercise the powers conferred on him by this Code or proceed in manner provided by section 380.

(5) Nothing in this section contained shall be construed as derogating from or limiting the powers and jurisdiction of the Supreme Court or the judges thereof.

Criminal Procedure Code.

Supreme Court
power to make
rules.

441 The Judges of the Supreme Court or any two of them, of whom the Chief Justice shall be one, may from time to time make rules, and may repeal and amend the same when made, prescribing forms for every proceeding in the said courts or in the Supreme Court for which it considers that a form should be provided.

Provided that the rules and forms made and prescribed under this section shall not be inconsistent with this Code or any other law in force for the time being.

Forms.

442 Subject to the power conferred by the last preceding section and by "The Courts Ordinance, 1889,"* the forms set forth in the third schedule with such variation as the circumstances of each case require shall be used for the respective purposes therein mentioned.

Public servants
not to bid at
sales under this
Code.

443 A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

Prescription of
crimes and
offences.

444 The right of prosecution for murder or treason shall not be barred by any length of time, but the right of prosecution for any other crime or offence (save and except those as to which special provision is or shall be made by law) shall be barred by the lapse of twenty years from the time when the crime or offence shall have been committed.

Temporary Provision.

Pending suits.

445 The provisions of this Code shall apply so far as may be to all cases pending when this Code comes into force.

* O. 1 of 1889.

*Criminal Procedure Code.**SCHEDULE I.*

ORDINANCES REPEALED.

1 Number and Year.	2 Title.	3 Extent of Repeal.
2 of 1883...	An Ordinance to provide a General Penal Code for this Colony	Sections 55 and 56
3 of 1883 ...	An Ordinance for regulating the Procedure of the Courts of Criminal Judicature	The whole Ordinance
36 of 1884 ...	An Ordinance to further provide for the trial of certain Offences subsequent to the time at which "The Criminal Procedure Code, 1883," shall come into operation	The whole Ordinance
1 of 1888...	An Ordinance to amend "The Criminal Procedure Code, 1883"	The whole Ordinance
1 of 1889...	An Ordinance to consolidate and amend the Laws relating to Courts and their Powers and Jurisdictions	Section 38
22 of 1890...	An Ordinance to amend "The Criminal Procedure Code, 1883"	The whole Ordinance
6 of 1891...	An Ordinance to permit the conditional release of First Offenders in certain cases	The whole Ordinance
27 of 1892...	An Ordinance to empower Police Magistrates to try certain offences in a more expeditious manner than is provided in "The Criminal Procedure Code, 1883"	The whole Ordinance
8 of 1896...	An Ordinance to dispense with Commitments for Trial to District Courts in Cases where the Police Court and District Court are presided over by the same Officer	The whole Ordinance
15 of 1896...	An Ordinance for the Repression of Crime in this Colony	Chapter 1 and section 17

SCHEDULE II.

TABULAR STATEMENT OF OFFENCES.

Explanatory Notes.

(1) The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Penal Code, or even as abstracts of those sections, but merely as references to the subject of the sections, the number of which is given in the first column.

(2) The entries in the third column of this schedule are not intended in any way to restrict the powers of arrest without warrant which may be lawfully exercised by Peace Officers.

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter V.—Abetment.			
102	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise	According as a warrant or summons may issue for the offence abetted
103	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor	Same	Same
104	Abetment of any offence, when one act is abetted and a different act is done, subject to the proviso	Same	Same
106	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor	Same	Same
107	Abetment of any offence, if abettor is present when offence is committed	Same	Same
108	Abetment of an offence punishable with death, if the offence be not committed in consequence of the abetment	Same	Same
	If an act which causes harm be done in consequence of the abetment	Same	Same
109	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment	Same	Same
	If the abettor, or the person abetted, be a public servant whose duty it is to prevent the offence	Same	Same
110	Abetting the commission of an offence by the public or by more than ten persons	Same	Same
111	Concealing a design to commit an offence punishable with death or imprisonment for twenty years, if the offence be committed	Same	Same
	If the offence be not committed	Same	Same

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
According as the offence abetted is bailable or not	According as the offence abetted is compoundable or not	The same punishment as for the offence abetted	The court by which the offence abetted is triable
Same ...	Same ...	Same ...	The court by which the offence abetted is triable
Same ...	Same ...	The same punishment as for the offence intended to be abetted	The court by which the offence abetted is triable
Same ...	Same ...	The same punishment as for the offence committed	The court by which the offence abetted is triable
Same ...	Same ...	Same ...	The court by which the offence abetted is triable
Not bailable ...	Not compound- able	Imprisonment of either de- scription for seven years, and fine	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment of either de- scription for fourteen years, and fine	The court by which the offence abetted is triable
According as the offence abetted is bailable or not	According as the offence abetted is compoundable or not	Imprisonment extending to a quarter part of the longest term, and of any description provided for the offence, or fine, or both	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment extending to half of the longest term, and of any description provided for the offence, or fine, or both	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment of either de- scription for three years, or fine, or both	The court by which the offence abetted is triable
Not bailable ...	Not compound- able	Imprisonment of either de- scription for seven years, and fine	The court by which the offence abetted is triable
Same ...	Same ...	Imprisonment of either de- scription for three years, and fine	The court by which the offence abetted is triable

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
112	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise	According as a warrant or summons may issue for the offence abetted
	If the offence be punishable with death	Same	Same
	If the offence be not committed	Same	Same
113	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed	Same	Same
	If the offence be not committed	Same	Same
Chapter VI.—Offences against the State.			
114	Waging, or attempting to wage, war, or abetting the waging of war against the Queen	Shall not arrest without warrant	Warrant
115	Conspiring to commit certain offences against the State	Same	Same
116	Collecting arms, &c., with the intention of waging war against the Queen	Same	Same
117	Concealing with intent to facilitate a design to wage war	Same	Same
118	Attempt to bring the Queen into contempt	Same	Same
119	Assaulting Governor, &c., with intent to compel or restrain the exercise of any lawful power	Same	Same
120	Exciting, or attempting to excite, disaffection	Same	Same
121	Waging war against any Power in alliance or at peace with the Queen, or abetting the waging of such war	Same	Same

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
According as the offence abetted is bailable or not	Not compoundable	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both	The court by which the offence abetted is triable
Not bailable ...	Same	Imprisonment of either description for ten years	The court by which the offence abetted is triable
According as the offence abetted is bailable or not	Same	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both	The court by which the offence abetted is triable
Same	Same	Same	The court by which the offence abetted is triable
Same	Same	Imprisonment extending to one-eighth part of the longest term, and of the description provided for the offence, or fine, or both	The court by which the offence abetted is triable
Not bailable ...	Same	Death, or imprisonment for twenty years and forfeiture of property	
Same	Same	Imprisonment of either description for twenty years, and fine	
Same	Same	Imprisonment of either description for twenty years, and forfeiture of property	
Same	Same	Imprisonment of either description for ten years, and fine	
Same	Same	Simple imprisonment for two years, and fine	
Same	Same	Imprisonment of either description for seven years, and fine	
Same	Same	Simple imprisonment for two years and fine, or fine	
Same	Same	Imprisonment of either description for ten years and fine, or fine	

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
122	Committing depredation on the territories of any Power in alliance or at peace with the Queen	Shall not arrest without warrant	Warrant ...
123	Receiving property taken by war or depredation, mentioned in sections 121 and 122	Same	... Same ...
124	Public servant voluntarily allowing prisoner of State or war, in his custody, to escape	Same	... Same ...
125	Public servant negligently suffering prisoner of State or war, in his custody, to escape	Same	... Same ...
126	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner	Same	... Same ...
Chapter VII.—Offences relating to the Army and Navy.			
128	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty	May arrest without warrant	Same ...
129	Abetment of mutiny, if mutiny is committed in consequence thereof	Same	... Same ...
130	Abetment of an assault by an officer, soldier, or sailor, on his superior officer, when in the execution of his office	Same	... Same ...
131	Abetment of such assault, if the assault is committed	Same	... Same ...
132	Abetment of the desertion of an officer, soldier, or sailor	Same	... Same ...
133	Habouring such an officer, soldier, or sailor, who has deserted	Same	... Same ...
134	Deserter concealed on board merchant vessel through negligence of master or person in charge thereof	Shall not arrest without warrant	Summons ...
135	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence	May arrest without warrant	Warrant ...
137	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier	Same	... Summons ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for seven years and fine, and forfeiture of certain property	
Same ...	Same ...	Same	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Bailable ...	Same ...	Simple imprisonment for three years, and fine	
Not bailable ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Same	
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Fine of five hundred rupees	District court Police court
Same ...	Same ...	Imprisonment of either description for six months, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three months, or fine of one hundred rupees, or both	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter VIII.—Offences against the Public Tranquillity.			
140	Being member of an unlawful assembly	May arrest without warrant	Summons ...
141	Joining an unlawful assembly, armed with any deadly weapon	Same	... Warrant ...
142	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse	Same	... Same ...
144	Rioting ...	Same	... Same ...
145	Rioting, armed with a deadly weapon ...	Same	... Same ...
146	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence	According as arrest may be made, without warrant, for the offence or not	According as a warrant or summons may issue for the offence
147	Hiring, engaging, or employing persons to take part in an unlawful assembly	May arrest without warrant	According as to the offence committed by the person hired, engaged, or employed
148	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse	Same	... Summons ...
149	Assaulting or obstructing public servant when suppressing riot, &c.	Same	... Warrant ...
150	Wantonly giving provocation with intent to cause riot, if rioting be committed	Same	... Same ...
	If not committed ...	Same	... Summons ...
151	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant	Same ...
152	Person for whose benefit or on whose behalf a riot takes place, not using all lawful means to prevent it	Same	... Warrant ...
153	Agent of owner or occupier for whose benefit a riot is committed, not using all lawful means to prevent it	Same	... Same ...
154	Harbouring persons hired for an unlawful assembly	May arrest without warrant	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for six months, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	
According as the offence is bailable or not	According as the offence is compoundable or not	The same as for the offence	The court by which the offence is triable
Same ...	Not compoundable	The same as for a member of such assembly, and for any offence committed by any member of such assembly	District court
Bailable ...	Same ...	Imprisonment of either description for six months, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for six months, or fine, or both	District court Police court
Same ...	Same ...	Fine of one thousand rupees	District court Police court
Same ...	Same ...	Fine ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ..	Imprisonment of either description for six months, or fine, or both	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
155	Being hired to take part in an unlawful assembly or riot	May arrest without warrant	Warrant ...
	Or to go armed	Same ...	Same ...
157	Committing affray	Same ...	Summons ...
Chapter IX.—Offences by or relating to Public servants.			
158	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act	Shall not arrest without warrant	Same ...
159	Taking a gratification in order, by corrupt or illegal means, to influence a public servant	Same ...	Same ...
160	Taking a gratification for the exercise of personal influence with a public servant	Same ...	Same ...
161	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself	Same ...	Same ...
162	Public servants disobeying a direction of the law with intent to cause injury to any person	Same ...	Same ...
163	Public servant framing an incorrect document with intent to cause injury	Same ...	Same ...
164	Fraudulent or malicious infraction of duty by public servant in telegraph department	Same ...	Same ...
165	Misconduct by public servant in telegraph or postal department	Same ...	Same ...
166	Fraud by public servant in telegraph department	May arrest without warrant	Warrant ...
167	Injury to messages, &c., committed by public servants in postal or telegraph department	Same ...	Same ...
168	Personating a public servant ...	Same ...	Same ...
169	Wearing garb or carrying token used by public servant with fraudulent intent	Same ...	Summons ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Imprisonment of either description for six months, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Imprisonment of either description for one month, or fine of one hundred rupees, or both	District court Police court
Same	Same	Imprisonment of either description for three years, or fine, or both	District court Police court
Same	Same	Same	
Same	Same	Simple imprisonment for one year, or fine, or both	District court
Same	Same	Imprisonment of either description for three years, or fine, or both	
Same	Same	Simple imprisonment for one year, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for three years, or fine, or both	District court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for three months, or fine, which may extend to fifty rupees, or both	District court Police court
Same	Same	Imprisonment of either description, which may extend to two years, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for seven years, or fine, or both	District court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Imprisonment of either description for three months, or fine of one hundred rupees, or both	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter X.—Contempts of the lawful authority of Public Servants.			
170	Absconding to avoid service of summons or order proceeding from a public servant	Shall not arrest without warrant	Summons ...
	If summons or notice require attendance in person, &c., in a court of justice	Same ...	Same ...
171	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation	Same ...	Same ...
	If summons, &c., require attendance in person, &c., in a court of justice	Same ...	Same ...
172	Not obeying a legal order to attend at a certain place, in person or by agent, or departing therefrom without authority	Same ...	Same ...
	If the order require personal attendance, &c., in a court of justice	Same ...	Same ...
173	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document	Same ...	Same ...
	If the document is required to be produced in or delivered to a court of justice	Same ...	Same ...
174	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information	Same ...	Same ...
	If the notice or information required respects the commission of an offence, &c.	Same ...	Same ...
175	Knowingly furnishing false information to a public servant	Same ...	Same ...
	If the information required respects the commission of an offence, &c.	Same ...	Same ...
176	Refusing oath when duly required to take oath by a public servant	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court
Same	Same	Simple imprisonment for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court
Same	Same	Simple imprisonment for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court
Same	Same	Simple imprisonment for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Simple imprisonment for one month, or fine of fifty rupees, or both	The court in which the offence is committed, subject to the provisions of chapter XXXIV. ; or, if not committed in a court, a police court
Same	Same	Simple imprisonment for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court
Same	Same	Simple imprisonment for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Same	District court Police court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Simple imprisonment for six months, or fine of one hundred rupees, or both	The court in which the offence is committed, subject to the provisions of chapter XXXIV. ; or if not committed in a court, a police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
177	Being legally bound to state truth, and refusing to answer questions	Shall not arrest without warrant	Summons ...
178	Refusing to sign a statement made to a public servant when legally required to do so	Same	... Same ...
179	Knowingly stating to a public servant on oath as true, that which is false	Same	... Warrant ...
180	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person	Same	... Summons ...
181	Resistance to the taking of property by the lawful authority of a public servant	Same	... Same ...
182	Obstructing sale of property offered for sale by authority of a public servant	Same	... Same ...
183	Obstructing public servant in discharge of his public function	Same	... Same ...
184	Omission to assist public servant when bound by law to give such assistance	Same	... Same ...
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Same	... Same ...
185	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance, or injury to persons lawfully employed	Same	... Same ...
	If such disobedience causes danger to human life, health, or safety, &c.	Same	... Same ...
186	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act	Same	... Same ...
187	Threatening any person to induce him to refrain from making a legal application for protection from injury	Same	... Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Same ...	The court in which the offence is committed, subject to the provisions of chapter XXXIV.; or if not committed in a court, a police court
Same ...	Same ...	Simple imprisonment for three months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Imprisonment of either description for one month, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court
Same ...	Same ...	Simple imprisonment for six months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter XI.—False Evidence, and Offences Against Public Justice.			
190	Giving or fabricating false evidence, in a judicial proceeding	Shall not arrest without warrant	Warrant ...
	Giving or fabricating false evidence, in any other case	Same ...	Same ...
191	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence	Same ...	Same ...
	If innocent person be thereby convicted and executed	Same ...	Same ...
192	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for seven years or upwards	Same ...	Same ...
193	Using, in a judicial proceeding, evidence known to be false or fabricated	Same ...	Same ...
194	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence	Same ...	Same ...
195	Using, as a true certificate, one known to be false in a material point	Same ...	Same ...
196	False statement made in any declaration which is by law receivable as evidence	Same ...	Same ...
197	Using, as true, any such declaration known to be false	Same ...	Same ...
198	Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender : if a capital offence	Same ...	Same ...
	If punishable with imprisonment for ten years	Same ...	Same ...
	If punishable with less than ten years imprisonment	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Not bailable ...	Same ...	Rigorous imprisonment for ten years, and fine	
Same ...	Same ...	Death	
Same ...	Same ...	The same as for the offence	
According as the offence of giving such evidence is bailable or not	Same ...	The same as for giving or fabricating false evidence	District court
Bailable ...	Same ...	The same as for giving false evidence	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ..	Same ...	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	Court by which the offence is triable

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
199	Intentional omission to give information of an offence by a person legally bound to inform	Shall not arrest without warrant	Summons ...
200	Giving false information respecting an offence committed	Same	Warrant ...
201	Secreting or destroying any document to prevent its production as evidence	Same	Same ...
202	False personation for the purpose *of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security	Same	Same ...
203	Fraudulent removal or concealment, &c., of property, to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	Same	Same ...
204	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree	Same	Same ...
205	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied	Same	Same ...
206	False claim in a court of justice ...	Same	Same ...
207	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied	Same	Same ...
208	False charge of offence made with intent to injure	Same	Same ...
	If offence charged be capital, or punishable with imprisonment for a term exceeding seven years	Same	Same ...
209	Harbouring an offender, if the offence be capital	May arrest without warrant	Same ...
	If punishable with imprisonment for ten years	Same	Same ...

Criminal Procedure Code

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for six months, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for two years, and fine	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
209	If punishable with imprisonment for one year, and not for ten years	May arrest without warrant	Warrant ...
210	Taking gift, &c., to screen an offender from punishment, if the offence be capital	Shall not arrest without warrant	Same ...
	If punishable with imprisonment for ten years	Same	... Warrant ...
	If with imprisonment for less than ten years	Same	... Same ...
211	Offering gift or restoration of property in consideration of screening offender: if the offence be capital	Same	... Same ...
	If punishable with imprisonment for ten years	Same	... Same ...
	If with imprisonment for less than ten years	Same	... Same ...
212	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender	Same	... Same ...
213	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital	May arrest without warrant	Same ...
	If punishable with imprisonment for ten years	Same	... Same ...
	If with imprisonment for one year, and not for ten years	Same	... Same ...
214	Public servant disobeying a direction of law with intent to save person from punishment or property from forfeiture	Shall not arrest without warrant	Summons ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, where offence committed by person harboured is triable by a police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, if the offender is triable by a police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, if the offender is triable by a police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Imprisonment of either description for three years, with or without fine	District court
Same ...	Same ...	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both	District court Police court, if the offender is triable by a police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
215	Public servant framing an incorrect record or writing, with intent to save person from punishment or property from forfeiture	Shall not arrest without warrant	Warrant ...
216	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender : if the offence be capital	Same	... Same ...
	If punishable with imprisonment for ten years	Same	... Same ...
	If with imprisonment for less than ten years	Same	... Same ...
217	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a court of justice : if under sentence of death	Same	... Same ...
	If under sentence of imprisonment for ten years or upwards	Same	... Same ...
	If under sentence of imprisonment for less than ten years ; or lawfully committed to custody	Same	... Same ...
218	Escape from confinement negligently suffered by a public servant	Same	... Summons ...
219	Resistance or obstruction by a person to his lawful apprehension	May arrest without warrant	Warrant ...
220	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody	Same	... Same ...
	If charged with an offence punishable with imprisonment for ten years	Same	... Same ...
	If charged with a capital offence ...	Same	... Same ...
	If the person is sentenced to imprisonment for ten years or upwards	Same	... Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for seven years, with or without fine	
Same ...	Same ...	Imprisonment of either description for three years, with or without fine	District court
Same ...	Same ...	Imprisonment of either description for two years, with or without fine	District court
Not bailable ...	Same ...	Imprisonment of either description for fourteen years, with or without fine	
Same ...	Same ...	Imprisonment of either description for seven years, with or without fine	District court
Bailable ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Simple imprisonment for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court, if person resisting or escaping, &c., charged with or convicted of offence cognizable by a police court
Same ...	Same ...	Same ...	District court Police court
Not bailable ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Same ...	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
	If under sentence of death ...	May arrest without warrant	Warrant ...
221	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour	Same ...	Same ...
222	Violation of condition of remission of punishment	Shall not arrest without warrant	Summons ...
223	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding	Same ...	Same ...
224	Personation of a juror or assessor ...	Same ...	Same ...
Chapter XII.—Offences relating to Coin and Government Stamps.			
226	Counterfeiting, or performing any part of the process of counterfeiting coin	May arrest without warrant	Warrant ...
227	Counterfeiting, or performing any part of the process of counterfeiting the Queen's coin	Same ...	Same ...
228	Making, buying, or selling instrument for the purpose of counterfeiting coin	Same ...	Same ...
229	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's coin	Same ...	Same ...
230	Possession of instrument or material for the purpose of using the same for counterfeiting coin	Same ...	Same ...
	If Queen's coin ...	Same ...	Same ...
231	Abetting in Ceylon the counterfeiting out of Ceylon of coin	Same ...	Same ...
232	Import or export of counterfeit coin, knowing the same to be counterfeit	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine	
Bailable ...	Same	Imprisonment of either description for one year, or fine, or both	District court Police court
Not bailable ...	Same	Punishment of original sentence, or, if part of the punishment has been undergone, the residue	The court by which the original offence was triable
Bailable ...	Same	Simple imprisonment for six months, or fine of one thousand rupees, or both	The court in which the offence is committed, subject to provisions of chapter XXXIV.
Same ...	Same	Imprisonment of either description for two years, or fine, or both	District court
Not bailable ...	Same	Imprisonment of either description for seven years, and fine	District court
Same ...	Same	Imprisonment of either description for ten years, and fine	District court
Same ...	Same	Imprisonment of either description for three years, and fine	District court
Same ...	Same	Imprisonment of either description for seven years, and fine	District court
Same ...	Same	Imprisonment of either description for three years, and fine	District court
Same ...	Same	Imprisonment of either description for ten years, and fine	District court
Same ...	Same	The punishment provided for abetting the counterfeiting of such coin within Ceylon	District court
Same ...	Same	Imprisonment of either description for three years, and fine	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
233	Import or export of counterfeits of the Queen's coin, knowing the same to be counterfeit	May arrest without warrant	Warrant ...
234	Having any counterfeit coin, known to be such when it came into possession, and delivering, &c., the same to any person	Same	... Same ...
235	The same with respect to the Queen's coin	Same	... Same ...
236	Knowingly delivering to another any counterfeit coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit	Same	... Same ...
237	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof	Same	... Same ...
238	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof	Same	... Same ...
239	Fraudulently diminishing the weight or altering the composition of any coin	Same	... Same ...
240	Fraudulently diminishing the weight or altering the composition of the Queen's coin	Same	... Same ...
241	Altering appearance of any coin with intent that it shall pass as a coin of a different description	Same	... Same ...
242	Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description	Same	... Same ...
243	Delivery to another of coin possessed with the knowledge that it is altered	Same	... Same ...
244	Delivery of Queen's coin possessed with the knowledge that it is altered	Same	... Same ...
245	Possession of altered coin by a person who knew it to be altered when he became possessed thereof	Same	... Same ...
246	Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof	Same	... Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine of ten times the value of the coin counterfeited, or both	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court.
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
247	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered	May arrest without warrant	Warrant ...
248	Counterfeiting a Government stamp ...	Same	... Same ...
249	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp	Same	... Same ...
250	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp	Same	... Same ...
251	Sale of counterfeit Government stamp	Same	... Same ...
252	Having possession of a counterfeit Government stamp	Same	... Same ...
253	Using as genuine a Government stamp known to be counterfeit	Same	... Same ...
254	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it, with intent to cause loss to Government	Same	... Same ...
255	Using a Government stamp known to have been before used	Same	... Same ...
256	Erasure of mark denoting that stamp has been used	Same	... Same ...
Chapter XIII.—Offences relating to Weights and Measures.			
257	Use of instrument for weighing, knowing the same to be false	Shall not arrest without warrant	Summons ...
258	Using false weight or measure ...	Same	... Same ...
259	Being in possession of false weights or measures for use	Same	... Same ...
260	Making or selling false weights or measures for fraudulent use	Same	... Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for two years, or fine of ten times the value of the coin	District court Police court
Bailable ...	Same ...	Imprisonment of either description for fifteen years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for seven years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Bailable ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter XIV.—Offences affecting the Public Health, Safety, Convenience, Decency, and Morals.			
262	Negligently doing any act known to be likely to spread infection of any diseases dangerous to life	May arrest without warrant	Summons ...
263	Maliciously doing any act known to be likely to spread infection of any disease dangerous to life	Same ...	Same ...
264	Knowingly disobeying any quarantine rule	Same ..	Same ...
265	Adulterating food or drink intended for sale so as to make the same noxious	Shall not arrest without warrant	Same ...
266	Selling any food or drink as food and drink, knowing the same to be noxious	Same ...	Same ...
267	Adulterating any drug or medical preparation, intended for sale, so as to lessen its efficacy or to change its operation, or to make it noxious	Same ...	Same ...
268	Offering for sale, or issuing from a dispensary, any drug or medical preparation known to have been adulterated	Same ...	Same ...
269	Knowingly selling, or issuing from a dispensary, any drug or medical preparation as a different drug or medical preparation	Same ...	Same ...
270	Defiling the water of a public spring or reservoir	May arrest without warrant	Same ...
271	Making atmosphere noxious to health ...	Shall not arrest without warrant	Same ...
272	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant	Same ...
273	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Same ...	Same ...
274	Exhibition of a false light, mark, or buoy	Same ...	Warrant ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	Not compoundable	Imprisonment of either description for six months, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for two years, or fine, or both	District court
Same	Same	Imprisonment of either description for six months, or fine, or both	District court Police court
Same	Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Same	District court Police court
Same	Same	Same	District court Police court
Same	Same	Same	District court Police court
Same	Same	Same	District court Police court
Same	Same	Imprisonment of either description for three months, or fine of fifty rupees, or both	District court Police court
Same	Same	Fine of one hundred rupees	District court Police court
Same	Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same	Same	Imprisonment of either description for seven years, or fine, or both	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
275	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life	May arrest without warrant	Summons ...
276	Causing danger, obstruction, or injury in any public way, or line of navigation	Same ...	Same ...
277	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant	Same ...
278	Dealing with fire, or any combustible matter, so as to endanger human life, &c.	May arrest without warrant	Same ...
279	So dealing with any explosive substance	Same ...	Same ...
280	So dealing with any machinery ...	Shall not arrest without warrant	Same ...
281	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it	Same ...	Same ...
282	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal	May arrest without warrant	Same ...
283	Committing a public nuisance ...	Shall not arrest without warrant	Same ...
284	Continuance of nuisance after injunction to discontinue	May arrest without warrant	Same ...
285	Sale, &c., of obscene books, &c. ...	Same ...	Warrant ...
286	Having in possession obscene books, &c., for sale or exhibition	Same ...	Same ...
287	Obscene songs ...	Same ...	Same ...
288	Keeping a lottery-office ...	Shall not arrest without warrant	Summons ...
	Publishing proposals relating to lotteries	Same ...	Same ...
289	Wilful omission of statutory authority...	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Fine of one hundred rupees	District court Police court
Same ...	Same ...	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ..	Same ...	Fine of fifty rupees, or imprisonment of either description for three months, or both	District court Police court
Same ...	Same ...	Simple imprisonment for six months, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three months, or fine, or both	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Imprisonment of either description for six months, or fine, or both	District court Police court
Same ...	Same ...	Fine of one hundred rupees	District court Police court
Same ...	Same ...	Fine ...	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
Chapter XV.—Offences relating to Religion.			
290	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons	May arrest without warrant	Summons ...
291	Causing a disturbance to an assembly engaged in religious worship	Same	Same ...
292	Trespassing in place of worship or sepulchre, disturbing funeral, with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse	Same	Same ...
Chapter XVI.—Offences affecting the Human Body.			
<i>Of Offences affecting Life.</i>			
296	Murder ...	Same	Warrant ...
297	Culpable homicide, not amounting to murder, if act by which the death is caused is done with intention of causing death, &c.	Same	Same ...
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Same	Same ...
298	Causing death by rash or negligent act	Same	Same ...
299	Abetment of suicide ...	Same	Same ...
300	Attempt to murder ...	Same	Same ...
	If such act cause hurt to any person ...	Same	Same ...
301	Attempt to commit culpable homicide	Same	Same ...
	If such act cause hurt to any person ...	Same	Same ...
302	Attempt to commit suicide ...	Same	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Not compoundable	Imprisonment of either description for two years, or fine, or both	District court Police court
Same	... Same	... Same	District court Police court
Same	... Same	... Same	District court Police court
Not bailable	... Same	... Death	
Same	... Same	... Imprisonment of either description for twenty years, and fine	
Same	... Same	... Imprisonment of either description for ten years, or fine, or both	
Bailable	... Same	... Imprisonment of either description for five years, or fine, or both	
Not bailable	... Same	... Death	
Same	... Same	... Imprisonment of either description for ten years, and fine	
Same	... Same	... Imprisonment of either description for twenty years, and fine	
Bailable	... Same	... Imprisonment of either description for three years, or fine, or both	District court
Same	... Same	... Imprisonment of either description for seven years, or fine, or both	District court
Same	... Same	... Simple imprisonment for one year, or fine, or both	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
	<i>Of the causing of Miscarriage ; of Injuries to Unborn Children ; of the Exposure of Infants ; and of the Concealment of Births.</i>		
303	Causing miscarriage ...	Shall not arrest without warrant	Warrant ...
	If the woman be quick with child ...	Same ...	Same ...
304	Causing miscarriage without woman's consent	Same ...	Same ...
305	Death caused by an act done with intent to cause miscarriage	Same ...	Same ...
306	Act done with intent to prevent a child being born alive, or to cause it to die after its birth	Same ...	Same ...
307	Causing death of a quick unborn child by an act amounting to culpable homicide	Same ...	Same ...
308	Exposure of a child under twelve years of age by parent or person having care of it, with intention of wholly abandoning it	May arrest without warrant	Same ...
309	Concealment of birth by secret disposal of dead body	Same ...	Same ...
	<i>Of Hurt.</i>		
314	Voluntarily causing hurt ...	Same ...	Summons ...
315	Voluntarily causing hurt by dangerous weapons or means	Same ...	Warrant ...
316	Voluntarily causing grievous hurt ...	Same ...	Same ...
317	Voluntarily causing grievous hurt by dangerous weapons or means	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for ten years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for seven years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Compoundable	Imprisonment of either description for one year, or fine of one thousand rupees, or both	District court Police court
Same ...	Compoundable with consent of Attorney-General	Imprisonment of either description for three years, or fine, or both, whipping in addition	District court Police court
Same ...	Same	Imprisonment of either description for seven years, and fine. If person hurt is a woman or child, whipping in addition	District court
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine, whipping in addition	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
318	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence	May arrest without warrant	Warrant ...
319	Administering stupefying drug with intent to cause hurt, &c.	Same	Same ...
320	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence	Same	Same ...
321	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Same	Same ...
322	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Same	Same ...
323	Voluntarily causing hurt to deter public servant from his duty	Same	Same ...
324	Voluntarily causing grievous hurt to deter public servant from his duty	Same	Same ...
325	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	Shall not arrest without warrant	Summons ...
326	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation	May arrest without warrant	Same ...
327	Doing any act which endangers human life or the personal safety of others	Same	Same ...
328	Causing hurt by an act which endangers human life, &c.	Same	Same ...
329	Causing grievous hurt by an act which endangers human life, &c.	Same	Same ...
<i>Of Wrongful Restraint and Wrongful Confinement.</i>			
332	Wrongfully restraining any person ...	Same	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable...	Not compoundable	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for twenty years, and fine or whipping	
Bailable ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either description for ten years, and fine	
Bailable ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Not bailable ...	Same ...	Imprisonment of either description for ten years, and fine	
Bailable ...	Compoundable	Imprisonment of either description for one month, or fine of fifty rupees, or both	District court Police court
Same ...	Compoundable with consent of Attorney-General	Imprisonment of either description for four years, or fine of two thousand rupees, or both	District court
Same ...	Not compoundable	Imprisonment of either description for three months, or fine of one hundred rupees, or both	District court Police court
Same ...	Compoundable with consent of Attorney-General	Imprisonment of either description for six months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, or fine of one thousand rupees, or both	District court
Same ...	Compoundable	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
333	Wrongfully confining any person ...	May arrest without warrant	Summons ...
334	Wrongfully confining for three or more days	Same ...	Same ...
335	Wrongfully confining for ten or more days	Same ...	Same ...
336	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation	Shall not arrest without warrant	Same ...
337	Wrongful confinement in secret ...	May arrest without warrant	Same ...
338	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Same ...	Same ...
339	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Same ...	Same ...
<i>Of Criminal Force and Assault.</i>			
343	Assault or use of criminal force, otherwise than on grave provocation	Shall not arrest without warrant	Same ...
344	Assault or use of criminal force to deter a public servant from discharge of his duty	May arrest without warrant	Warrant ...
345	Assault or use of criminal force to a woman with intent to outrage her modesty	Same ...	Same ...
346	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation	Shall not arrest without warrant	Summons ...
347	Assault or criminal force in attempt to commit theft of property worn or carried by a person	May arrest without warrant	Warrant ...
348	Assault or use of criminal force in attempt wrongfully to confine a person	Same ...	Same ...
349	Assault or use of criminal force on grave and sudden provocation	Shall not arrest without warrant	Summons ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Compoundable	Imprisonment of either description for one year, or fine of one thousand rupees, or both	District court Police court
Same ...	Not compoundable	Imprisonment of either description for two years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same	Imprisonment of either description for two years, in addition to imprisonment under any other section	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Compoundable	Imprisonment of either description for three months, or fine of fifty rupees, or both	District court Police court
Same ...	Not compoundable	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Same, and whipping ...	District court
Same ...	Compoundable	Imprisonment of either description for two years, or fine, or both	District court Police court
Not bailable ...	Not compoundable	Same ...	District court Police court
Bailable ...	Same ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both	District court Police court
Same ...	Compoundable	Simple imprisonment for one month, or fine of fifty rupees, or both	District court Police court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
	<i>Of Kidnapping, Abduction, Slavery, and Forced Labour.</i>		
354	Kidnapping	May arrest without warrant	Warrant ...
355	Kidnapping or abducting in order to murder	Same ...	Same ...
356	Kidnapping or abducting with intent secretly and wrongfully to confine a person	Same ...	Same ...
357	Kidnapping or abducting a woman to compel a marriage, or to cause her defilement, &c.	Same ...	Same ...
358	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Same ...	Same ...
359	Concealing or keeping in confinement a kidnapped person	Same ...	Same ...
360	Kidnapping or abducting a child with intent to take property from the person of such child	Same ...	Same ...
361	Buying or disposing of any person as a slave	Shall not arrest without warrant	Same ...
362	Habitual dealing in slaves	May arrest without warrant	Same ...
	<i>Of Rape.</i>		
364	Rape	Same ...	Same ...
	<i>Of Unnatural Offences.</i>		
365	Unnatural offences	Same ...	Same ...
	Chapter XVII.—Offences against Property.		
	<i>Of Theft.</i>		
367	Theft	Same ...	Same ...
368	Theft of cattle or prædial produce ...	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Rigorous imprisonment for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Same	
Same ...	Same ...	Punishment for kidnapping or abduction	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Bailable ...	Same ...	Same ...	District court
Not bailable ...	Same ...	Imprisonment of either description for fifteen years, and fine	
Same ...	Same ...	Imprisonment of either description for twenty years, and fine, whipping in addition	
Same ...	Same ...	Imprisonment of either description for ten years, and fine, whipping in addition	
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court, when value of property stolen does not exceed one hundred rupees
Same ...	Same ...	Whipping in addition to punishment for theft	District court Police court, if value of property does not exceed fifty rupees

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
369	Theft in a dwelling house, &c. ...	May arrest without warrant	Warrant ...
370	Theft by clerk or servant of property in possession of master or employer	Same ...	Same ...
371	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it	Same ...	Same ...
<i>Of Extortion.</i>			
373	Extortion ...	Shall not arrest without warrant	Same ...
374	Putting or attempting to put in fear of injury, in order to commit extortion	Same ...	Same ...
375	Extortion by putting a person in fear of death or grievous hurt	Same ...	Same ...
376	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion	Same ...	Same ...
377	Extortion by threat of accusation of an offence punishable with death or imprisonment for ten years	Same ...	Same ...
	If the offence threatened be an unnatural offence	Same ...	Same ...
378	Putting a person in fear of accusation of offence punishable with death, or with imprisonment for ten years, in order to commit extortion	Same ...	Same ...
	If the offence be an unnatural offence	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for seven years, and fine	District court Police court, if value of property stolen does not exceed one hundred rupees
Same ...	Same ...	Same ...	District court Police court, if value of property stolen does not exceed one hundred rupees
Same ...	Same ...	Rigorous imprisonment for ten years, and fine, whipping in addition	
Bailable ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Not bailable ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine, whipping in addition	
Same ...	Same ...	Rigorous imprisonment for twenty years, and fine, whipping in addition	
Same ...	Same ...	Imprisonment of either description for ten years, and fine, whipping in addition	
Same ...	Same ...	Rigorous imprisonment for twenty years, and fine, whipping in addition	

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
<i>Of Robbery.</i>			
380	Robbery	May arrest without warrant	Warrant ...
	If committed on the highway between sunset and sunrise	Same ...	Same ...
381	Attempt to commit robbery ...	Same ...	Same ...
382	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery	Same ...	Same ...
383	Robbery, with attempt to cause death or grievous hurt	Same ...	Same ...
384	Attempt to commit robbery when armed with deadly weapon	Same ...	Same ...
385	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts	Same ...	Same ...
<i>Of Criminal Misappropriation of Property.</i>			
386	Dishonest misappropriation of movable property, or converting it to one's own use	Shall not arrest without warrant	Same ...
387	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it	Same ...	Same ...
	If by clerk or person employed by deceased	Same ...	Same ...
<i>Of Criminal Breach of Trust.</i>			
389	Criminal breach of trust ...	May arrest without warrant	Same ...
390	Criminal breach of trust by a carrier, wharfinger, &c.	Same ...	Same ...
391	Criminal breach of trust by a clerk or servant	Same ...	Same ...
392	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Rigorous imprisonment for ten years, and fine, whipping in addition	District court
Same ...	Same ...	Rigorous imprisonment for fourteen years, and fine, whipping in addition	District court
Same ...	Same ...	Rigorous imprisonment for seven years, and fine, whipping in addition	District court Police court
Same ...	Same ...	Rigorous imprisonment for twenty years, and fine	
Same ...	Same ...	Rigorous imprisonment for twenty years, whipping also	
Same ...	Same ...	Same	
Same ...	Same ...	Rigorous imprisonment for seven years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court Police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
394	<i>Of the Receiving of Stolen Property.</i> Dishonestly receiving stolen property, knowing it to be stolen	May arrest without warrant	Warrant ...
395	Habitually dealing in stolen property...	Same	Same ...
396	Assisting in concealment or disposal of stolen property, knowing it to be stolen	Same	Same ...
397	Receiving stolen cattle or prædial products	Same	Same ...
400	<i>Of Cheating.</i> Cheating ...	Shall not arrest without warrant	Same ...
401	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect	Same	Same ...
402	Cheating by personation	Same	Same ...
403	Cheating, and thereby dishonestly inducing delivery of property, or the making, alteration, or destruction of a valuable security	Same	Same ...
404	<i>Of fraudulent Deeds and Disposition of Property.</i> Fraudulent removal or concealment of property, &c., to prevent distribution among creditors	Same	Same ...
405	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender	Same	Same ...
406	Fraudulent execution of deed of transfer, containing a false statement of consideration	Same	Same ...
407	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled	Same	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for three years, or fine, or both	District court Police court, when the value of the stolen property does not exceed one hundred rupees
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court, if value of stolen property does not exceed one hundred rupees
Same ...	Same ...	Whipping, in addition to other punishment	District court Police court, if value of stolen property does not exceed fifty rupees
Bailable ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Same ...	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
<i>Of Mischief.</i>			
409	Mischief	Shall not arrest without warrant	Summons ...
410	Mischief, and thereby causing damage to the amount of fifty rupees or upwards	Same ...	Warrant ...
411	Mischief by killing, poisoning, maiming, or rendering useless any animal of the value of ten rupees or upwards	May arrest without warrant	Same ...
412	Mischief by killing, poisoning, maiming, or rendering useless any elephant, camel, horse, &c., whatever may be its value, or any other animal of the value of fifty rupees or upwards	Same ...	Same ...
413	Mischief by causing a diminution of supply of water for agricultural purposes, &c.	Same ...	Same ...
414	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property	Same ...	Same ...
415	Mischief by causing inundation or obstruction to public drainage, attended with damage	Same ...	Same ...
416	Mischief by destroying or moving, or rendering less useful, a lighthouse or seamark, or by exhibiting false lights	Same ...	Same ...
417	Mischief by destroying or moving, &c., a landmark fixed by public authority	Shall not arrest without warrant	Same ...
418	Mischief by fire or explosive substance, with intent to cause damage to the amount of one hundred rupees or upwards	May arrest without warrant	Same ...
419	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Same ...	Same ...
420	Mischief with intent to destroy or make unsafe a decked vessel, or a vessel of twenty tons burthen	Same ...	Same ...
421	The mischief described in the last section, when committed by fire or any explosive substance	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable	... Compoundable	Imprisonment of either description for three months, or fine, or both	District court Police court
Same	... Same	... Imprisonment of either description for two years, or fine, or both	District court Police court
Same	... Not compoundable	Same	... District court Police court
Same	... Same	... Imprisonment of either description for five years, or fine, or both	District court
Same	... Same	... Same	... District court Police court, where damage done does not exceed fifty rupees
Same	... Same	... Same	... District court
Same	... Same	... Same	... District court
Same	... Same	... Imprisonment of either description for seven years, or fine, or both	District court
Same	... Same	... Imprisonment of either description for one year, or fine, or both	District court Police court
Same	... Same	... Imprisonment of either description for seven years, and fine	District court
Not bailable	... Same	... Imprisonment of either description for fifteen years, and fine	District court
Same	... Same	... Imprisonment of either description for ten years, and fine	District court
Same	... Same	... Imprisonment of either description for twenty years, and fine	

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
422	Running vessel ashore, with intent to commit theft, &c.	May arrest without warrant	Warrant ...
423	Impeding the saving of a vessel ...	Same ...	Same ...
424	Removing or secreting wreck ...	Same ...	Same ...
425	Taking wreck into foreign port ...	Same ...	Same ...
426	Mischief committed after preparation made for causing death or hurt, &c. <i>Of Criminal Trespass.</i>	Same ...	Same ...
433	Criminal trespass ...	Same ...	Summons ...
434	House-trespass ...	Same ...	Warrant ...
435	House-trespass in order to the commission of an offence punishable with death	Same ...	Same ...
436	House-trespass in order to the commission of an offence punishable with imprisonment for ten years	Same ...	Same ...
437	House-trespass, in order to the commission of an offence punishable with imprisonment for less than ten years	Same ...	Same ...
	If the offence is theft ...	Same ...	Same ...
438	House-trespass, having made preparation for causing hurt, assault, &c.	Same ...	Same ...
439	Lurking house-trespass or house-breaking	Same ...	Same ...
440	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment	Same ...	Same ...
	If the offence is theft ...	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for five years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Bailable ...	Compoundable	Imprisonment of either description for three months, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for one year, or fine of one thousand rupees, or both	District court Police court
Not bailable ...	Not compoundable	Rigorous imprisonment for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for two years, and fine	District court
Not bailable ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for two years, and fine	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.	
441	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.	May arrest without warrant	Warrant	...
442	Lurking house-trespass or house-breaking by night	Same	Same	...
443	Lurking house-trespass or house-breaking by night in order to the commission of offence punishable with imprisonment	Same	Same	...
	If the offence is theft	Same	Same	...
444	Lurking house-trespass or house-breaking by night, after preparation made for causing hurt, &c.	Same	Same	...
445	Grievous hurt caused whilst committing lurking house-trespass or house-breaking	Same	Same	...
446	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Same	Same	...
447	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property	Same	Same	...
448	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same	Same	Same	...
449	Possession of house-breaking implements or offensive weapons	Same	Same	...
450	Being found in building for unlawful purpose	Same	Same	...
451	Loitering about by reputed thief	Same	Same	...
	Chapter XVIII.—Offences relating to Documents and to Property-marks.			
454	Forgery	Shall not arrest without warrant	Same	...
455	Forgery of a record of a court of justice or of a register of births, &c., kept by a public servant	Same	Same	...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable ...	Not compoundable	Imprisonment of either description for ten years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for five years, and fine	District court
Same ...	Same ...	Imprisonment of either description for fourteen years, and fine	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Same ...	
Bailable ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, and fine	District court Police court
Same ...	Same ...	Imprisonment of either description for three months, or fine of fifty rupees, or both	District court Police court
Same ...	Same ...	Same ...	District court Police court
Same ...	Same ...	Imprisonment of either description for five years, or fine, or both	District court
Not bailable ...	Same ...	Imprisonment of either description for seven years, and fine	

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
456	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	Shall not arrest without warrant	Warrant ...
457	Forgery, for the purpose of cheating ...	Same	Same ...
458	Forgery, for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose	Same	Same ...
459	Using as genuine a forged document which is known to be forged	Same	Same ...
460	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable under section 456 of the Ceylon Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit	Same	Same ...
461	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery, punishable otherwise than under section 456 of the Ceylon Penal Code, or possessing with like intent any seal, plate, &c., knowing the same to be counterfeit	Same	Same ...
462	Having possession of a document, knowing it to be forged, with intent to use it as genuine, if the document is one of the description mentioned in section 455 of the Ceylon Penal Code	Same	Same ...
	If the document is one of the description mentioned in section 456 of the Ceylon Penal Code	Same	Same ...
463	Counterfeiting a device or mark used for authenticating documents described in section 456 of the Ceylon Penal Code, or possessing counterfeit marked material	Same	Same ...
464	Counterfeiting a device or mark used for authenticating documents other than those described in section 456 of the Ceylon Penal Code, or possessing counterfeit marked material	Same	Same ...
465	Sending false message by telegraph ...	Same	Same ...
466	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Same	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Not bailable...	Not compoundable	Imprisonment of either description for twenty years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	District court
Bailable ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Punishment for forgery ...	District court
Same ...	Same ...	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Same	
Same ...	Same ...	Imprisonment of either description for ten years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Imprisonment of either description for seven years, and fine	
Same ...	Same ...	Imprisonment for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for seven years, and fine	

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
471	Using a false property-mark, with intent to deceive or injure any person	Shall not arrest without warrant	Warrant ...
472	Counterfeiting a property-mark used by another, with intent to cause damage or injury	Same	... Same ...
473	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property	Same	... Same ...
474	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property-mark	Same	... Same ...
475	Knowingly selling goods marked with a counterfeit property-mark	Same	... Same ...
476	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Same	... Same ...
477	Making use of any such false mark ...	Same	... Same ...
478	Removing, destroying, or defacing any property-mark, with intent to cause injury	Same	... Same ...
Chapter XIX.—Defamation.			
480	Defamation ...	Same	... Same ...
481	Printing or engraving matter, knowing it to be defamatory	Same	... Same ...
482	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter	Same	... Same ...
Chapter XX.—Criminal Intimidation, Insult, and Annoyance.			
484	Insult intended to provoke a breach of the peace	Same	... Same ...
485	False statement, rumour, &c., circulated with intent to cause mutiny or offence against the public peace	Same	... Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Not compoundable	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, and fine	District court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for three years, or fine, or both	District court
Same ...	Same ...	Same ...	District court
Same ...	Same ...	Imprisonment of either description for one year, or fine, or both	District court Police court
Same ...	Compoundable	Simple imprisonment for two years, or fine, or both	
Same ...	Same ...	Same	
Same ...	Same ...	Same	
Same ...	Same ...	Imprisonment of either description for two years, or fine, or both	District court Police court
Not bailable ...	Not compoundable	Same ...	District court

Criminal Procedure Code.

Section.	Offence.	Whether Peace Officer may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in first instance.
486	Criminal intimidation ...	Shall not arrest without warrant	Warrant ...
	If threat be to cause death or grievous hurt, &c.	Same ...	Same ...
487	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes	Same ...	Same ...
488	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person	May arrest without warrant	Same ...
Chapter XXI.— Of Unlawful Oaths.			
489	Administering or taking, or abetting the taking, of an oath to commit an offence punishable with imprisonment for twenty years	Shall not arrest without warrant	Same ...
	If offence is punishable with imprisonment for less than twenty years	Same ...	Same ...
Chapter XXII.—Attempts to commit Offences.			
490	Attempting to commit offence punishable with imprisonment, and in such attempt doing any act towards the commission of the offence	According as the offence is one in respect of which the police may arrest without warrant or not	According as the offence is one in respect of which a summons or warrant shall ordinarily issue
Offences against other Laws.			
	If punishable with death or imprisonment for seven years or upwards	May arrest without warrant	Warrant ...
	If punishable with imprisonment for three years and upwards, but less than seven	Same ...	Same ...
	If punishable with imprisonment for less than three years	Shall not arrest without warrant	Summons ...
	If punishable with fine only ...	Same ...	Same ...

Criminal Procedure Code.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court other than Supreme Court triable.
Bailable ...	Compoundable	Imprisonment of either description for two years, or fine, or both	District court Police court
Same ...	Not compoundable	Imprisonment of either description for seven years, or fine, or both	District court
Same ...	Same ...	Imprisonment of either description for two years, in addition to the punishment under above section	District court
Same ...	Same ...	Simple imprisonment for one month, or fine of one hundred rupees, or both	District court Police court
Same ...	Same ...	Imprisonment of either description for twenty years, or fine, or both	
Same ...	Same ...	Same punishment as for offence to which oath relates	District court Police court
According as the offence contemplated by the offender is bailable or not	According as offences compoundable or not	Imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both	The court by which the offence attempted is triable
Not bailable ...	Not compoundable	—	} According to the provisions of section 12 of this Code
Same ...	Same ...	—	
Bailable ...	Same ...	—	
Same ...	Same ...	—	

Criminal Procedure Code.

SCHEDULE III.

FORMS.

1.—Summons to an Accused Person.

In the Police Court of Colombo. } To *Charles Fernando*, of No. 157, *Maradana road*, Colombo, *Boutique-keeper*.

Whereas complaint hath this day been made before the undersigned, a Police Magistrate in and for the said division of *Colombo*, for that you did on the ——— day of ———, 18—, on the highway at *Dodampe*, within the division aforesaid, voluntarily cause hurt to one *Juanis Appu*, of *Dodampe* aforesaid, by striking him with a club, and that you thereby committed an offence punishable under section 314 of the Penal Code :

These are therefore to command you in Her Majesty's name to be and appear in person WITH YOUR WITNESSES (if any) on *Friday* next, the *11th instant*, at *ten o'clock* in the forenoon, at the Police Court at *Hulftsdorp*, *Colombo*, to answer to the said complaint, and to be further dealt with according to law.

Given under my hand this ——— day of ———, 18—, at *Colombo*, in the division aforesaid.

(Signed) *X. Y.*

N.B.—If you wish to call any witness who is unwilling to attend, you should apply at once to a Police Magistrate of this division for a summons to compel him to do so.

2.—Affidavit of Service of Summons.

(To be endorsed on Summons.)

I, *C. D.*, of ———, Fiscal's Officer, ———, make oath and say (or do solemnly, sincerely, and truly declare and affirm) that I did on the ——— day of ———, 18—, at ———, serve the within summons on the within named *Charles Fernando*, by delivering to him a duplicate thereof.

Signature of Deponent ———.

Sworn (or affirmed) at ——— this ——— day of ———, 18—, before me (name and designation of officer administering the oath). If the deponent is a marksman, add these words: "I having first truly, distinctly, and audibly read over the contents of the above affidavit to the said deponent, who seemed perfectly to understand the same, and who made his mark thereto in my presence.

3.—Warrant of Arrest in default of Appearance to Summons.

In the Police Court of Colombo. } To (name and designation of the person or persons who is or are to execute the warrant).

Whereas on the ——— day of ——— last complaint was made before the undersigned, a Police Magistrate in and for the said division of *Colombo*, for that *Charles Fernando*, of No. 157, *Maradana*

Criminal Procedure Code.

road, Colombo, Boutique-keeper, did on the ——— day of ———, 18—, on the highway at *Dodampe*, within the division aforesaid, voluntarily cause hurt to one *Juanis Appu*, of *Dodampe* aforesaid, by striking him with a club, and that he thereby committed an offence punishable under section 314 of the Penal Code :

And whereas I then issued my summons unto the said *Charles Fernando*, commanding him in Her Majesty's name to be and appear in person on *Friday*, the *11th instant*, at *ten o'clock* in the forenoon, at the Police Court of *Colombo* at *Hulftsdorp*, to answer to the said complaint, and to be further dealt with according to law :

And whereas the said *Charles Fernando* hath neglected to be and appear at the time and place so appointed in and by the said summons, although it hath now been proved to me upon oath (or affirmation) that the said summons hath been duly served upon him :

These are therefore to command you in Her Majesty's name forthwith to apprehend the said *Charles Fernando* and to bring him before the Police Court of *Colombo* at *Hulftsdorp* aforesaid to answer to the said complaint, and to be further dealt with according to law.

Given under my hand this ——— day of ———, 18—, at *Hulftsdorp*, in the division aforesaid.

(Signed) X. Y.

4.—Warrant of Arrest in the First Instance.

In the Police Court of Colombo. } To (name and designation of the person or persons who is or are to execute the warrant).

Whereas complaint hath this day been made before the undersigned, a Police Magistrate in and for the said division of *Colombo*, for that *Kankunige Carolis Appu*, of *Wellawatta*, in the said division of *Colombo*, a *Cooly employed on the Railway*, did, on the night of *Friday* last, the *12th instant*, after sunset and before sunrise, break into the dwelling-house of one *Abraham Fernando*, at *Galkissa*, in the said division, in order to commit theft, and thereby committed an offence punishable under section 443 of the Penal Code ; and oath being now made before me substantiating the matter of such complaint :

These are therefore to command you in Her Majesty's name forthwith to apprehend the said *Kankunige Carolis Appu* and bring him before the Police Court of *Colombo* at *Hulftsdorp* to answer to the said complaint, and to be further dealt with according to law.

Given under my hand this ——— day of ———, 18—, at *Hulftsdorp*, in the division aforesaid.

(Signed) ———.

5.—Proclamation requiring the Appearance of a Person accused.

In the Police Court of ———.

Whereas a warrant was on the ——— day of ———, 18—, issued by the undersigned, a Police Magistrate in and for the said division of ———, for the apprehension of *A. B.*, of [here insert name, caste, place of residence, and occupation], to answer a complaint that he the said *A. B.* did on the ——— day of ———, 18—, at ———, within the jurisdiction of this court [as in warrant] :

And whereas a return has been made to the said warrant that the said *A. B.* cannot be found :

Criminal Procedure Code.

And whereas it has been shown to my satisfaction that the said *A. B.* has absconded (or is concealing himself) and that it is therefore impossible to execute the said warrant :

Proclamation is hereby made that the said *A. B.* is required to appear at the court-house at _____ on the _____ day of _____, 18—, at _____ o'clock in the forenoon, to answer the said complaint.

Given under my hand this _____ day of _____, 18—, at _____, in the division aforesaid.

(Signed) *X. Y.*

6.—Warrant of Commitment on a Sentence of Imprisonment.

In the District Court of *Colombo.*

To the Fiscal of the *Western Province*, and to the Superintendent of the Prison at *Welikada.*

Whereas *Kankanige Carolis Appu*, late of *Wellawatta*, *Cooly employed on the Railway*, was this day duly convicted before the undersigned, a Judge of the said Court, for that he did on the *11th day of February, 1896*, at *Galkissa*, in the said District of *Colombo*, after sunset and before sunrise, break into the dwelling-house of *Abraham Fernando* in order to commit theft, and thereby committed an offence punishable under section 443 of the Penal Code, and was thereby sentenced to rigorous imprisonment for the term of two years :

These are therefore to command you, the said Fiscal of the *Western Province*, to take the said *Kankanige Carolis Appu* and him safely convey to the prison at *Welikada* aforesaid, and there to deliver him to the Superintendent thereof together with this precept.

And I do hereby command you, the said Superintendent of the said prison, to receive the said *Kankanige Carolis Appu* into your custody in the said prison and there carry the aforesaid sentence into execution, and for your so doing this shall be your sufficient warrant.

Given under my hand this _____ day of _____, 18—, at *Colombo*, in the District aforesaid.

District Judge.

7.—Summons to a Witness.

In the Police Court of *Colombo.* } To *Don Charles Appuhani*, of *No. 179, Maradana road, Colombo, Boutique-keeper.*

Whereas complaint has been made before the Police Court of the division of *Colombo* for that [*here state as in the summons or warrant issued against the accused*], and it has been made to appear to me, a Police Magistrate for the said division, upon oath, that you are likely to give material evidence for the prosecution (or defence) :

These are therefore to require you to be and appear at the court-house at *Hulftsdorp, Colombo*, on the _____ day of _____, 18—, at *ten o'clock* in the forenoon, before such Magistrate as may then be there, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court ; and you are hereby warned that if you shall, without just excuse, neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand this _____ day of _____, 18—, at *Hulftsdorp*, in the division aforesaid.

Criminal Procedure Code.

8.—Warrant remanding a Prisoner.

In the Police Court of Colombo. } To the Fiscal of the Western Province and to the Superintendent of the Prison at Welikada.

Whereas on the ——— day of ———, 18—, complaint was made to the Police Court of Colombo for that *Kankanige Carolis Appu, of Wellawatta, a Cooly employed on the Railway*, did on the ——— day of ——— [us in the summons or warrant against the accused] :

And whereas owing to the absence of a material witness for the prosecution it has become necessary to adjourn the inquiry into the matter of the said complaint to the ——— day of ———, 18—, at 10 o'clock in the forenoon, and it is necessary that the said *Kankanige Carolis Appu* should in the meantime be kept in safe custody [if offence bailable add : "he having failed to give security in the sum of Rs. ——— demanded"] :

These are therefore to command you, the said Fiscal, in Her Majesty's name, forthwith to convey the said *Kankanige Carolis Appu* to the prison at *Welikada* and there deliver him into the custody of the Superintendent thereof.

And I hereby command you, the said Superintendent, to receive the said *Kankanige Carolis Appu* into your custody in the said prison and there safely keep him until the ——— day of ———, 18—, where you are hereby required to convey and have him at the time and place to which the said inquiry is so adjourned as aforesaid, before the undersigned, a Police Magistrate in and for this division of *Colombo*, or before such other Police Magistrate for the said division as may then be there, to answer further to the said complaint and to be further dealt with according to law.

Given under my hand this ——— day of ———, 18—, at *Hulftsdorp*, in the division of *Colombo* aforesaid.

(Signed) X. Y.

9.—Warrant of Commitment on a Sentence of Imprisonment passed by a Magistrate.

In the Police Court of Colombo. } To the Fiscal of the Western Province and the Superintendent of the Prison at Welikada.

Whereas *Charles Fernando* was this day duly convicted before the undersigned, an Official Police Magistrate in and for the said division of *Colombo*, for that he on the *11th of February, 1897*, at *Dodampe*, within the said division, voluntarily caused hurt to one *Juanis Appu*, and thereby committed an offence punishable under section 314 of the Penal Code, and was thereby sentenced to one month's rigorous imprisonment :

These are therefore to command you, the said Fiscal, to take the said *Charles Fernando* and him safely convey to the prison at *Welikada* aforesaid, and there to deliver him to the Superintendent thereof, together with this precept.

And I do hereby command you, the said Superintendent of the said prison, to receive the said *Charles Fernando* into your custody in the said prison and there carry the aforesaid sentence into execution, and for your so doing this shall be your sufficient warrant.

Given under my hand this ——— day of ———, 18—, at *Colombo*, in the division aforesaid.

(Signed) X. Y.

N.B.—In case of an appeal the prisoner may be released on giving a recognizance in Rs. 100 with two sureties.

Criminal Procedure Code.

10.—Recognizance on Appeal against a Conviction.

In the Police Court of *Colombo*.

Be it remembered that on the _____ day of _____, 18—, *Ferdinando de Silvea*, of No. 159, *Kollupitiya*, *Colombo*, *Boutique-keeper*, and *Don Charles Appuhami*, of No. 239, the *Pettah*, *Colombo aforesaid*, *Plumbago Merchant*, and *Charles Fernando*, of No. 157, *Maradana road*, *Colombo aforesaid*, *Boutique-keeper*, personally came before me, a Police Magistrate in and for the said division, and acknowledged themselves to owe our Lady the Queen the sum of Rs. 100 each, to be levied of their property movable and immovable to the use of our said Lady the Queen, her heirs and successors, if default shall be made in the condition following :

Whereas by a certain conviction under the hand of *William Henry Moor, Esq.*, an Official Police Magistrate for the division aforesaid, the said *Charles Fernando* is convicted for that he on [*state offence as stated in conviction*]:

And whereas the said *Charles Fernando* has preferred an appeal against the said conviction :

Now the condition of this recognizance is such that if the said *Charles Fernando* shall abide the judgment of the Supreme Court and pay such costs (if any) as shall by the said Court be awarded, then this recognizance to be void.

(Signed) X. Y.

Taken and acknowledged before me _____.

11.—Form of Indictment.

Kankanige Carolis Appu, of *Wellawatta* :

You are indicted at the instance of the Honourable *Charles Peter Layard*, Her Majesty's Attorney-General, and the charge against you is that on the night of *Friday*, the 22nd of *April*, 1896, after sunset and before sunrise, you did break into the dwelling-house of one *Abraham Fernando* at *Galkissa*, in the District of *Colombo*, in order to commit theft, and thereby committed an offence punishable under section 443 of the Penal Code.

(Signed) C. P. L.

List of Productions.

1. Statement of accused made before the Police Court of *Colombo* on the 15th of *April*, 1896.
2. A crowbar.
3. A mamoty.
4. Extract from the Information Book kept at the Police Station at *Galkissa*.

List of Witnesses.

1. The said *Abraham Fernando*.
2. *Maria Fernando*, wife of the said *Abraham Fernando*.
3. *Don Charles Appuhami*, Police Vidane of *Galkissa*.
4. *William Thomas*, Police Sergeant at *Galkissa*.

Criminal Procedure Code.

12.—Form of Petition of Appeal.

In the Supreme Court of the Island of Ceylon.

To the Honourable the Chief Justice and the other Justices of the said Court.

The petition of *A. B.*

Showeth as follows :—

1. Your petitioner,^o the above-named *A. B.*, was charged with [*here describe the charge shortly*] and convicted [*or acquitted*] in the Police Court of _____ held at _____ on the _____ day of _____, 18 —, and the following judgment was passed thereon :—

[*Here state shortly the substance of the judgment.*]

2. Your petitioner is dissatisfied with the said judgment on the grounds following :—

[*Here state the grounds of appeal on which the petitioner relies, numbering them consecutively.*]

3. Your petitioner prays that such judgment may be reversed, or that such order may be made as justice may require.

(Signed) _____.

[*If the appeal raises a point of law, the following certificate should be added: "I certify that the matter of law stated in the _____ ground of appeal is a fit question for adjudication by the Supreme Court."*

(Signed) *C. D.*
Advocate.]

* If the Attorney-General is the appellant, omit the words "Your petitioner" in paragraph 1.

13.—Form of Special Case.

In the Supreme Court of the Island of Ceylon.

In the matter of a complaint in which *A. B.* was complainant and *G. H.* defendant.

Case stated by the undersigned under the provisions of section 353 of "The Criminal Procedure Code, 1897."

At the Police Court of _____ held at _____, before the undersigned, on the _____ day of _____, 18 —, *G. H.*, the above-named defendant, was charged as follows :—

[*Here state the charge as in warrant or summons.*]

At the hearing of the said charge it was proved [*here set out so much of the facts proved as is necessary to raise the question or questions of law intended to be admitted*].

It was thereupon contended on the part of the defendant [*here state the legal objection taken*].

But I being of opinion that [*here state the ground on which the Court decided the case*] held that [*here state the decision and judgment of the Court*].

The question for the opinion of this Court is whether the said determination was correct in point of law, and what should be done in the premises.

Dated the _____ day of _____, 18 —.

(Signed) *X. Y.*

*The Ceylon Penal Code.***14.—Form of Oath to be taken by Officer to whose charge a Jury is committed.**

You shall suffer none to speak to them, nor shall you speak to them yourself without the leave of the Judge, except only to ask them whether they are agreed.

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

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

No. 16 of 1898.

**An Ordinance to amend Ordinance No. 2 of 1883, intituled
"The Ceylon Penal Code."**

WEST RIDGEWAY.**Preamble.**

WHEREAS it is expedient to amend "The Ceylon Penal Code," hereinafter referred to as "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, which may be cited as "The Ceylon Penal Code Amendment Ordinance, 1898," and the principal Ordinance shall be read together as one Ordinance.

**Amendment of
section 38 of
Ordinance No. 2 of
1883.**

2 In sub-section (*b*) of section 38 of the principal Ordinance, after the number "62" and before the number "67" shall be inserted the number "63."

**Insertion of
section 67 (*a*).**

3 After section 67 of the principal Ordinance there shall be inserted the following section, which shall be numbered 67 (*a*) :

67 (*a*) In all cases in which judgment is given that a person is guilty of one of several offences specified in the judgment, but that it is doubtful of which of these offences he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided, if the same punishment is not provided for all.

The Ceylon Penal Code.

4 For section 393 of the principal Ordinance the following section shall be substituted :

Section 393
amended.

Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, or by forgery, or by cheating, and property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed, is designated as "stolen property," whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without this Colony. But if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

Stolen property.

5 For section 427 of the principal Ordinance the following section shall be substituted :

Section 427
amended.

Whoever enters into or upon property in the occupation of another with intent to commit an offence, or to intimidate, insult, or annoy any person in occupation of such property, or having lawfully entered into or upon such property unlawfully remains there with intent thereby to intimidate, insult, or annoy any such person, or with intent to commit an offence, is said to commit "criminal trespass."

Criminal
trespass.

6 For section 450 of the principal Ordinance the following section shall be substituted :

Section 450
amended.

Whoever is found in or upon any building or enclosure for any unlawful purpose, and whoever is found in or upon any building or enclosure and fails to give a satisfactory account of himself, shall be punished with imprisonment of either description for a term which may extend to three months, or with a fine not exceeding fifty rupees, or with both.

Being found in a
building, &c., for
unlawful
purpose.

7 This Ordinance shall come into operation on such date as the Governor shall by Proclamation to be published in the *Government Gazette* appoint.

Date of
operation.

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

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

*The Courts Ordinance.***No. 17 of 1898.****An Ordinance to amend "The Courts Ordinance, 1889."**

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to amend "The Courts Ordinance, 1889," hereinafter referred to as "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:

Amendment of Ordinance No. 1 of 1889.

1 After section 84 of the principal Ordinance, the following section shall be inserted and numbered 84 a, namely:

Unofficial police magistrates.

It shall be lawful for the Governor from time to time, by notice in the *Government Gazette*, to appoint any justice of the peace to be an unofficial police magistrate for any district or districts, and any justice of the peace so appointed shall thereupon have all the powers and authority by "The Criminal Procedure Code, 1898," vested in police courts, save and except the power and authority to take proceedings with regard to, or hear, try, or determine, any offence which by that Code or by any law of this Colony is summarily triable before a police court.

Date of operation.

2 This Ordinance shall come into operation on such date as the Governor shall by Proclamation to be published in the *Government Gazette* appoint.

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

H. WHITE,
Clerk to the Council.

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

E. NOEL WALKER,
Colonial Secretary.

END OF VOLUME IV.

**SCHEDULE OF PROCLAMATIONS, ORDERS IN
COUNCIL, &c., WHICH HAVE BEEN PROMULGATED IN
THE COLONY DURING THE YEAR 1894.**

PROCLAMATIONS.

1894.

- Jan. 12 Bringing "The Prevention of Crime Ordinance, 1893," into operation in the District of Mátara as from and after February 15, 1894.
- 12 Exempting from the operation of "The Prevention of Crime Ordinance, 1893," that portion of the District of Mátara lying within the Morawak kóralé.
- 14 Bringing the town of Balangoda under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 14, 1894, and defining the limits of that town.
- 22 Declaring that from and after February 1, 1894, a portion of the reserved forest at Bendaluwa shall cease to be reserved.
- 30 Directing that a criminal sessions of the Supreme Court be held at Trincomalee on February 26, 1894.
- Feb. 7 Bringing the town of Mádampé under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after February 7, 1894, and defining the limits of that town.
- 18 Bringing "The Carriage Ordinance, 1873," into operation in the town of Kurunégala as from and after April 2, 1894.
- 26 Promulgating and publishing port rule framed under "The Masters Attendant's Ordinance, 1865," for keeping free passages within the Port of Colombo and along the moorings therein.

- March 2 Bringing "The Pawnbrokers' Ordinance, 1893," into effect within the limits of the District of Colombo as from and after April 2, 1894.
- 4 Subdividing the southern division of Manmunai East and appointing that the said southern division of Manmunai East shall, as from and after February 26, 1894, consist of certain villages named.
- 4 Bringing within the operation of "The Village Communities' Ordinance, 1889," the southern division of Manmunai East of the Batticaloa District as from and after February 26, 1894.
- 7 Proclaiming that the North road, Mátalé, be no longer vested in the Local Board of Health and Improvement of the town of Mátalé, and exempting it from the operation of "The Local Board of Health and Improvement Ordinance, 1876."
- 9 Directing that the second criminal sessions of the Supreme Court at Colombo commence on April 2, 1894, instead of on March 20, as fixed by "The Courts Ordinance, 1889."
- 11 Proclaiming approval by the Governor of certain additional rules relating to tanks and cultivation of paddy lands in the Madapaláta of Pitigal kóralé central division, and Ótarapaláta and Kammal pattu of Pitigal kóralé southern division of the District of Chilaw.
- 11 Proclaiming approval by the Governor of certain additional rules relating to tanks and cultivation of paddy lands in the Yágam and Yařakalan pattus of Pitigal kóralé central division of the District of Chilaw.
- 18 Confirming by-laws relating to removal of night soil made by the Municipal Council, Colombo, under "The Municipal Councils' Ordinance, 1887."
- April 11 Bringing "The Pawnbrokers' Ordinance, 1893," into effect within the Municipal limits of Kandy as from and after May 1, 1894.
- 18 Directing that a criminal sessions of the Supreme Court be held at Mátara on May 14, 1894.
- May 10 Declaring that Pupureřsa bazaar shall be a "town" for the purposes of "The Small Tenements Ordinance, 1882," and defining the limits thereof.
- 15 Conferring the privileges of naturalization on Francis Auguste Raden, of Colombo.
- 29 Declaring certain Crown lands in the villages Bada-gomuwa, Atamuna, Denagamuwa, Mahakowana, Torayáya, and Ranawana, in Mahagalbođa Megodá kóralé of Hiriyała hatpattu, in the District of Kurunégala, to be reserved forests as from and after June 1, 1894.

- May 31 Directing that the third criminal sessions of the Supreme Court at Colombo commence on June 25 instead of on July 10, as fixed by "The Courts Ordinance, 1889."
- June 2 Bringing "The Municipal Cemeteries Ordinance, 1894," into operation as from and after July 1, 1894.
- 2 Bringing "The Municipal Burial and Cremation Grounds Ordinance, 1894," into operation as from and after July 1, 1894.
- 9 Revoking the division of the District of Batticaloa into the divisions of Batticaloa and Kalmunai, and declaring that the two divisions shall, as from and after July 1, 1894, form one division called the division of Batticaloa.
- 9 Establishing a Court of Requests and Police Court within the division of Batticaloa and appointing Batticaloa and Kalmunai as places at which the said courts shall be held.
- 14 Declaring that the buildings erected by the Local Board of Kurunégala at Wilgoda shall be a public slaughter-house under "The Butchers' Ordinance, 1893."
- 20 Bringing "The Youthful Offenders' Ordinance" into operation within the Judicial District of Kalutara as from and after July 1, 1894.
- 28 Directing that the second criminal sessions of the Supreme Court at Kandy commence on July 30 instead of on August 1, as fixed by "The Courts Ordinance, 1889."
- July 7 Directing that criminal sessions of the Supreme Court be held at Batticaloa and at Trincomalee on or about July 21 and July 25, respectively.
- 7 Declaring the prison at Vavuniya closed as from and after July 25, 1894.
- Aug. 15 Directing that from and after August 1, 1894, a portion of the reserved forest at Léwala, in Lower Bulatgama of the Kégalla District, shall cease to be reserved.
- 21 Exempting from the operation of "The Village Communities' Ordinance, 1889," the towns of Rakwána and Balangoda as from and after January 1, 1894.
- 23 Exempting from the operation of "The Village Communities' Ordinance, 1889," such part of the divisions of Tirigandahe koralé and of Mahagalboda Megoda koralé as falls within the limits assigned to the Local Board of Health and Improvement, Kurunégala.
- 27 Repealing all the regulations proclaimed from time to time under "The Colombo Waterworks Ordinances, 1886 and 1891," and making further regulations for the purposes of the said Ordinance.

- Sept. 7 Proclaiming certain forest in the village Yatapana in Kandupita pattuwa of Beligal koralé to be a reserved forest as from and after October 1, 1894.
- 8 Establishing a police force in the rural district of Balangoda as from and after January 1, 1895, defining the limits of the district, and bringing certain sections of "The Police Ordinance, 1865," into operation within the district.
- 11 Directing that the second criminal sessions of the Supreme Court at Galle commence on November 5 instead of on September 15, as fixed by "The Courts Ordinance, 1889."
- 11 Exempting certain articles used in the making of tea boxes from Customs duty.
- 20 Bringing section 95 of the Police Ordinance, No. 16 of 1865, into operation in the town of Chilaw as from and after October 1, 1894.
- 22 Directing that a portion of the reserved forest at Bambarabotuwa, in the Uda pattu of Nawadun koralé of the Ratnapura District, shall cease to be reserved.
- Oct. 3 Directing that the fourth criminal sessions of the Supreme Court at Colombo commence on November 19 instead of on October 10, as fixed by "The Courts Ordinance, 1889."
- 3 Directing that a criminal sessions of the Supreme Court be held at Mátara on November 12, 1894.
- 3 Altering and re-defining the limits of the town of Mátalé for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," as from and after January 1, 1895.
- 10 Proclaiming approval by the Governor of certain additional rules relating to tanks and cultivation of paddy lands in Anaivilundan and Munnessaram pattus, south of the Dēduru-oya, of Pitigal koralé northern division of the District of Chilaw.
- 10 Prohibiting the use of the net called "karavalai" on the sea-coast at the spot where the Batticaloa lake flows into the sea.
- 10 Prohibiting absolutely the use of the net called "karavalai" in the Batticaloa lake and of any other kinds of nets in a certain portion of the same lake.
- 10 Revoking so much of Proclamation of October 10, 1893, as brings the town of Yatiyantota under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after October 1, 1894.

- Oct. 11 Authorizing Edward Davis Mathews, of Dashwood House, Old Broad street, London, to construct and work tramways in Colombo, and declaring him to be "promoters" within the meaning and for the purposes of the Ordinance No. 5 of 1873.
- 15 Directing that a portion of the reserved forest at Timbiripola, in Atulugam kóralé of the Kégalla District, shall cease to be reserved.
- 19 Appointing that Ordinance No. 15 of 1892, "An Ordinance to levy an Export Duty on Tea," shall cease to be in force in the Colony as from and after October 31, 1894.
- 20 Bringing the town of Chilaw under the operation of "The Opium and Bhang Ordinance, 1893," as from and after January 1, 1895.
- 23 Prohibiting the exportation of the hides of spotted deer and sambur during a period of five years as from and after January 1, 1895.
- 25 Declaring the building erected by the Local Board of Mátara to be a public slaughter-house.
- 30 Directing that a criminal sessions of the Supreme Court be held at Tangalla on November 19, 1894.
- Nov. 5 Bringing "The Opium and Bhang Ordinance, 1878," into operation in certain places and districts (enumerated) in the Central Province as from and after January 1, 1894.
- 6 Ordering discontinuance after June 1, 1895, of burials in the Dutch burial ground situated in the Pettah of the town of Jaffna.
- 12 Directing that a criminal sessions of the Supreme Court be held at Negombo on December 10, 1894.
- 12 Abolishing the toll at Katukélé at the 109th milepost on the Haputalé-Koslanda road in the Badulla District as from and after January 1, 1895.
- 12 Appointing rates at which the toll established at Tanamalwila in respect of the Wellawáya road shall be levied.
- 26 Bringing "The Pawnbrokers' Ordinance, 1893," into effect within the Municipal limits of Galle and within the Police limits of Mátara as from and after February 1, 1895.

- Nov. 28 Proclaiming a certain forest in the village Nariyagama in Munnesseram pattu of Pitigal kóralé North, in the District of Chilaw, to be a reserved forest as from and after January 1, 1895.
- 30 Altering the limits of the town of Trincomalee for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," as from and after January 1, 1894.
- Dec. 7 Bringing the town of Taláwakelé under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of that town.
- 8 Establishing a police force in the town of Trincomalee and defining the limits of the town.
- 9 Bringing the town of Kégalla under the operation of "The Small Towns Sanitary Ordinance, 1892," as from and after January 1, 1894, and defining the limits of that town.
- 11 Altering and varying the District of Badulla, and declaring that the said district or Province of Uva shall from and after January 1, 1895, be, for the purposes of "The Road Ordinance, 1861," as hereto set forth and defined.
- 16 Levying an assessment rate of $2\frac{1}{2}$ per cent. on all property within the town of Trincomalee as from and after January 1, 1895.
- 19 Constituting a village forest for the benefit of the village community of Kitulgala in Lower Bulatgama of the District of Kégalla.
- 20 Promulgating amended port rules for the Port of Colombo.
- 21 Proclaiming that Sir E. Noel Walker, K.C.M.G., has assumed the administration of the Government of this Island.
- 28 Re-defining the limits of the town of Batticaloa, as from and after January 1, 1895, for the purposes of "The Local Board of Health and Improvement Ordinance, 1876."
- 28 Appointing rates at which the toll established in respect of the ferry on the Valaichenai river at Valaichenai in the Koralai pattu, in the District of Batticaloa, shall be levied.
- 28 Revoking and cancelling the division of the town of Colombo into nine localities, and dividing the town into four localities from January 1, 1895, for the purposes of Ordinance No. 20 of 1891 (Registration of Deaths).
- 31 Appointing rates at which the toll established in respect of the Talawatugoda-Hókandara minor road shall be levied.

NOTIFICATIONS.

1894.

- Jan. 3 ... Notifying that the Chartered Mercantile Bank of India, Australia, and China has been allowed to compound for the payment of duty on unstamped cheques.
- 5 ... Assessment for 1894 of 4 per cent. for the towns of Náwalapitiya, Kadugannáwa, Katugastota, and Nānu-oya.
- 5 ... Rules for the grant of pensions to officers of the Kandy Municipality.
- 13 ... Rules for regulating the insurance of valuable postal packets from February 1, 1894.
- 22 ... Additional instructions respecting the appointment of Official Members of the Legislative Council.
- 24 ... Assessment for 1894 of $2\frac{1}{2}$ per cent. for the town of Chilaw.
- 25 ... Assessment for 1894 of $2\frac{1}{2}$ per cent. for the town of Mátalé.
- 31 ... Rules for regulating fisheries according to local customs made by the inhabitants of the subdivision of Weligama in the Mátara District.
- Feb. 4 ... Assessment for 1894 of $2\frac{1}{2}$ per cent. for the town of Gampola.
- 16 ... Regulations under section 10 of Ordinance No. 8 of 1866, for the removal to some public hospital or other place provided by the Government of persons infected with cholera in the revenue districts of Kalpitiya and Puttalam.
- 16 ... Rules relating to quarantine for the Port of Kalpitiya.
- 21 ... Notifying that the Mercantile Bank of India, Limited, has been allowed to compound for the payment of duty on unstamped cheques.
- 23 ... Regulations under section 10 of Ordinance No. 8 of 1866, for the removal to some public hospital or other place provided by the Government of persons infected with cholera, smallpox, or other infectious or contagious diseases in the District of Jaffna.
- March 1 ... Rule framed by the subdivisions of the Four Gravets in the Mátara District for the prevention of cattle disease.
- 2 ... Cancelling notice published in the *Gazette* of September 1, 1893, declaring that it is proposed to constitute certain lands in the Kelani Valley a reserved forest.

- March 9 ... Regulations dated October 2, 1891, regarding official correspondence.
- 30 ... Assessment for 1894 of $2\frac{1}{2}$ per cent. for the town of Puttalam.
- April 3 ... Assessment for 1894 of 5 per cent. for the town of Kandy.
- 3 ... Taxes leviable during 1894 within the Municipality of Kandy.
- 4 ... Assessment for 1894 of 4 per cent. for the towns of Rakwana and Balangoda.
- 4 ... Repealing by-law made by the Board of Health of the Northern Province regarding sale of beef at any other place than the public market.
- 18 ... Minute with regard to the absence on leave of officers who receive salaries personal to themselves irrespective of their station and their work.
- May 7 ... Abolishing the toll at Labukelé on the Ramboda-Nuwara Eliya road as from and after January 1, 1895.
- 10 ... Abolishing the toll on Woodlands estate at the 17th mile on the Návalapitiya-Dikoya road as from and after January 1, 1895.
- 11 ... Exempting Portugal bay, Kalpitiya bay, and Puttalam lake from the operation of "The Chanks Ordinance, 1890," from May 1 to October 1, 1894.
- 11 ... Abolishing tolls at Kaymel ferry and its branches as from and after January 1, 1895.
- 27 ... Abolishing toll established on the road from Colombo to Kesbýwa and from Moratuwa to Mampé and collected at the junction of the two roads at Mampé from and after January 1, 1895.
- June 14 ... Rules for the management of the public slaughter-house at Wilgoda, Kurunégala.
- 21 ... Abolishing toll established in respect of the Yatawatta road at Golahenwatta as from and after January 1, 1895.
- 21 ... Quarantine regulations published in the *Gazette* of February 6, 1891.
- 23 ... Abolishing tolls levied at the Badulla bridge and at Passara as from and after January 1, 1895, and altering the place for levying toll from the 103rd milepost on the Ratnapura-Haputalé road to the 100th mile of the said road from the same date.
- 27 ... Notifying that it is proposed to constitute certain land situated in the gabadagama of Eratne in the Udapattuwa of the Kuruwiti kóralé a reserved forest.

- June 27** ... By-laws made by the Board of Health for the Province of Sabaragamuwa under "The Nuisances Ordinance, 1862."
- July 18** ... Notifying that it is proposed to constitute certain land in the village Godagampola in Panawa kóralé of Three Kóralés a reserved forest.
- Aug. 13** ... By-laws of the Local Board of Health and Improvement of Mátara.
- 14** ... Notifying that it is proposed to constitute certain land in the villages Endiriyawala, Batatota, Mahawattékanda, Nikahetikanda, Dehipahala, and Badahelgoda in the Uda-pattuwa of the Kuruwiti kóralé a reserved forest.
- 15** ... Regulations as to the leave and leave-pay of temporary employés of the Government of Ceylon serving under contracts for definite terms of years.
- Sept. 21** ... Rules and regulations made under Ordinance No. 23 of 1891, intituled "An Ordinance to amend the Ordinance No. 16 of 1865" (Police).
- Oct. 10** ... Rules adopted by the inhabitants of Bintenna of the Batticaloa District of the Eastern Province under "The Village Communities' Ordinance, 1889."
- 11** ... Assessment for 1895 of 2½ per cent. for the town of Mátara.
- Nov. 1** ... Approving notice of Collector of Customs, Galle, notifying that store No. 20, situated in Magalle, Galle, has been approved and appointed as a bonded warehouse in which petroleum may be warehoused, &c., without payment of duty on the first entry thereof.
- 2** ... Rules under "The Butchers' Ordinance, 1893," for the management of the public slaughter-house at Nuwara Eliya
- 6** ... Assessment for 1895 of 2½ per cent. for the town of Kalutara.
- 12** ... Resolutions establishing a toll opposite the resthouse at Tanamalwila and between the 28th and 29th mileposts from January 1, 1895, and appointing place at which the toll shall be collected.
- 24** ... Abolishing toll on the Badulla-Batticaloa road between the 21st and 22nd mileposts at Wewakanda from January 1, 1895.
- 24** ... Establishing a toll on the Badulla-Batticaloa road between the 26th and 27th mileposts from January 1, 1895.

- Nov. 24 ... Appointing Lunugala as the place at which the toll established on the Badulla-Batticaloa road between the 26th and 27th mileposts be collected from January 1, 1895.
- Dec. 1 ... By-laws made by the Mayor and Chairman of the Colombo Municipality under "The Municipal Burial and Cremation Grounds Ordinance, 1894."
- 1 ... Assessment for 1895 of 5 per cent. for the town of Kandy.
- 7 ... Terms on which compensation for the fall in exchange may be paid.
- 8 ... Assessment for 1895 of $2\frac{1}{2}$ per cent. for the town of Batticaloa.
- 21 ... Assessment for 1894 of $2\frac{1}{2}$ per cent. by the Local Board of Health of Badulla.
- 28 ... Establishing a toll in respect of the ferry on the Valaichenai river at Valaichenai in the Koralai pattu, in the District of Batticaloa.
- 28 ... Appointing place at which above toll shall be collected.
- 31 ... Establishing a toll in respect of the Talawatu-goda-Hokandara minor road.
- 31 ... Appointing Hokandara (a point about ten miles from Colombo), at the junction of the road from Arangala to Moraketiya and Talawatu-goda to Hokandara, as the place at which the above toll shall be collected from January 1, 1895.
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APPENDIX.

SCHEDULE OF PROCLAMATIONS

PROMULGATED DURING

THE YEARS 1895, 1896, AND 1897.

1895.

- Jan. 17 ... Closing the prison at the town of Balapitiya from December 31, 1894.
- 17 ... Declaring the building erected within the limits of the Local Board of Kalutara for the purpose, to be a public slaughter-house under "The Butchers' Ordinance, 1893."
- 23 ... Bringing Ordinance No. 12 of 1894, "An Ordinance to authorize the destruction of valueless Documents preserved in Courts of Justice," into operation from January 1, 1895.
- 23 ... Bringing certain District Courts, Courts of Requests, and Police Courts under the operation of Ordinance No. 12 of 1894 from January 1, 1895.
- 27 ... Directing that criminal sessions of the Supreme Court be held at Batticaloa and at Trincomalee on February 28 and March 1, 1895, respectively.
- 27 ... Revoking Proclamation bringing the town of Kegalla under the operation of "The Small Towns Sanitary Ordinance, 1892."
- 27 ... Bringing the town of Kegalla under the operation of "The Local Board of Health and Improvement Ordinance, 1876," from April 1, 1895, and defining the limits of the town for the purposes of the Ordinance.

- Jan. 28** ... Abolishing certain districts formed for the purposes of "The Medical Wants Ordinance, 1880," and forming others, with effect from January 28, 1895.
- 29 ... Withdrawing the Police Force at Kobonella, in the District of Kandy.
- Mar. 1** ... Directing that criminal sessions of the Supreme Court be held at Kurunegala and Badulla on March 21 and 28, respectively.
- 1 ... Directing that the second criminal session of the Supreme Court at Colombo be held on April 1, 1895.
- 22 ... Declaring that the provisions of the 94th section of the Ordinance No. 10 of 1861 shall extend and be applicable to the roads in the Dikoya, Bogawantalawa, and Maskeliya districts, with the exception of the road from Hatton to the 25th milepost, Dimbulla road.
- 24 ... Declaring the building erected in the second block, Grand street, Negombo, for the purpose, to be a public slaughter-house under "The Butchers' Ordinance, 1893."
- April 3** ... Proclaiming certain Crown land to be a reserved forest from May 1, 1895.
- 23 ... Constituting a village forest for the benefit of the village communities consisting of the villages Panagoda, Godagama, Habarakada, Homagama, Aturugiriya, and Pore, in the Hewagam korale of the Western Province.
- 26 ... Directing that a criminal session of the Supreme Court be held at Matara on May 6, 1895.
- May 18** ... Proclaiming certain land and forest in the village Mitirigala, in the Gangaboda pattuwa of Siyane korale east, to be a reserved forest from June 1, 1895.
- 18 ... Altering the limits of the town of Kegalla, and re-defining them for the purposes of Ordinance No. 9 of 1887, from June 1, 1895.
- 30 ... Establishing a Police Force in the town of Puttalam from January 1, 1896, and defining the limits of the town.
- June 22** ... Limiting the number of artiled clerks to be licensed for and in each of certain districts under Ordinance No. 2 of 1877.
- 22 ... Altering the limits of the town of Puttalam, and re-defining them for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," from July 22, 1895.

- June 26 ... Directing that criminal sessions of the Supreme Court be held at Batticaloa, at Trincomalee, and at Jaffna on or about July 29, August 2, and August 5, 1895, respectively.
- July 18 ... Declaring that certain roads in the Province of Uva shall be deemed principal thoroughfares for the purposes of "The Road Ordinance, 1861," from October 1, 1895.
- 22 ... Establishing a Police Force in the town of Chilaw from January 1, 1896, and defining the limits of the town.
- 31 ... Re-distributing the revenue divisions of the Revenue District of Kalutara from August 16, 1895.
- 31 ... Proclaiming and appointing that from August 16, 1895, the subdivisions comprising the Rayigam korale, Pasdun korale, and Panadure and Kalutara totamunes, that come within the operation of "The Village Communities' Ordinance, 1889," shall be those set out.
- Aug. 7 ... Proclaiming confirmation of by-law made by the Municipal Council of Galle regarding rates and fares for jinrickshas licensed to ply within the Municipality of Galle, which shall have effect from October 1, 1895.
- 15 ... Proclaiming certain forests in Meda pattuwa of the Hewagam korale to be a reserved forest from September 1, 1895.
- 23 ... Abolishing certain districts formed for the purposes of "The Medical Wants Ordinance, 1880," and forming others, with effect from August 23, 1895.
- 29 ... Directing that a criminal session of the Supreme Court be held at Tangalla in September next.
- Sept. 2 ... Proclaiming approval of rules relating to the extension of paddy cultivation, the irrigation and cultivation of paddy lands, and maintenance of water-rights in the district of Yatikinda, in the Province of Uva.
- 2 ... Proclaiming approval of rules relating to the extension of paddy cultivation, the irrigation and cultivation of lands, and maintenance of water-rights in the district of Wellawaya, in the Province of Uva.
- 2 .. Proclaiming approval of rules relating to the extension of paddy cultivation, the irrigation and cultivation of paddy lands, and maintenance of water-rights in the district of Bintenna, in the Province of Uva.

- Sept. 2 ... Proclaiming approval of rules relating to the extension of paddy cultivation, the irrigation and cultivation of paddy lands, and maintenance of water-rights in the district of Buttala, in the Province of Uva.
- 2 ... Proclaiming approval of rules relating to the extension of paddy cultivation, the irrigation and cultivation of paddy lands, and maintenance of water-rights in the district of Wellassa, in the Province of Uva.
- 2 .. Proclaiming approval of rules relating to the extension of paddy cultivation, the irrigation and cultivation of paddy lands, and maintenance of water-rights in the district of Udukinda, in the Province of Uva.
- 2 ... Proclaiming approval of rules relating to the extension of paddy cultivation, the irrigation and cultivation of paddy lands, and maintenance of water-rights in the district of Wiyaluwa, in the Province of Uva.
- 10 .. Altering and varying from January 1, 1896, the divisions of the District of Kalutara for the purposes of "The Road Ordinance, 1861."
- 15 ... Bringing the District Court, Court of Requests, and Police Court of Tangalla under the operation of Ordinance No. 12 of 1894, from January 1, 1896.
- 17 ... Altering and re-defining for revenue and administration purposes the Districts of Galle and Matara as from October 1, 1895.
- 17 ... Altering the limits of the districts and divisions of Galle and Matara as defined in "The Courts Ordinance, 1889."
- 26 ... Directing that criminal sessions of the Supreme Court be held at Kalutara and Negombo, as well as at Colombo, commencing at Colombo on October 10, 1895.
- Oct. 4 ... Altering the limits of the town of Panadure for the purposes of "The Police Ordinance, 1865," from January 1, 1896.
- 13 ... Bringing "The Carriage Ordinance, 1873," into operation along the line of road from Bandarawela to Passara and within the police limits of the town of Badulla from January 1, 1896.
- 24 ... Proclaiming that Sir E. Noel Walker, K.C.M.G., has assumed the Administration of the Government of this Island.

- Nov. 4 ... Bringing the town of Puttalam under the operation of "The Opium and Bhang Ordinance, 1893," from January 1, 1896.
- 8 ... Directing that criminal sessions of the Supreme Court be held at Kurunegala on December 2, 1895, and that the sessions at Kandy commence on December 9 instead of on December 1 as fixed by the Ordinance.
- 10 ... Bringing so much of the Four Gravets subdivisions of the chief headman's division as lies within the Four Gravets of Galle, but outside the Municipal limits, and the Akmimana subdivision of Galle, within the operation of "The Village Communities' Ordinance, 1889," from December 1, 1895.
- 10 ... Subdividing so much of the Four Gravets subdivision of the chief headmen's division as lies within the Four Gravets of Galle, and appointing villages or groups of villages the subdivisions shall consist of.
- 11 ... Proclaiming the land known as Moragollamukalana, in the District of Kurunegala, to be a reserved forest from November 1, 1895.
- 16 ... Proclaiming certain forest at Sellankada, in the Puttalam pattu of the District of Puttalam, to be a reserved forest from January 1, 1896.
- 22 ... Directing that certain tolls (specified) shall be levied in respect of the bridge over the Deduru-oya.
- Dec. 6 ... Bringing Ordinance No. 18 of 1894 (Gunpowder) into operation from July 1, 1896.
- 8 ... Directing that a criminal session of the Supreme Court be held at Badulla on January 6, 1896.
- 7 ... Proclaiming certain forest at Godagampola in Panawal korale of the Kegalla District to be a reserved forest from January 1, 1896.
- 20 ... Revoking Proclamation bringing the town of Nawalapitiya under the operation of "The Small Towns Sanitary Ordinance, 1892."
- 20 ... Bringing the town of Nawalapitiya under the operation of "The Local Board of Health and Improvement Ordinance, 1876," from December 31, 1895, and defining limits of the town for the purposes of the Ordinance.
- 20 ... Bringing "The Youthful Offenders' Ordinance, 1886," into operation within the Judicial District of Negombo from January 1, 1896.

1896.

- Jan. 9 ... Bringing the town of Kegalla under the operation of "The Opium and Bhang Ordinance, 1893," from January 1, 1896.
- 10 ... Declaring a building erected within the limits of the Local Board of Trincomalee for the purpose, to be a public slaughter-house under "The Butchers' Ordinance, 1893."
- 10 ... Promulgating amended rules and regulations regarding boat hire for landing or shipping cargo and passengers from and to vessels within the ports of Jaffna, Point Pedro, Valluvettiturai, Kankesanturai, Mannar, Pesalai, and Mullaattivu.
- 21 ... Bringing "The Uniform Ordinance, 1895," into operation from October 1, 1896.
- 24 ... Bringing "The Explosives Ordinance, 1894," into operation from July 1, 1896.
- 31 ... Directing that a criminal session of the Supreme Court be held at Ratnapura on February 12, 1896.
- 31 ... Directing that a criminal session of the Supreme Court be held at Trincomalee on February 27, 1896.
- 31 ... Abolishing certain districts formed for the purposes of "The Medical Wants Ordinance, 1880," and forming others with effect from January 31, 1896.
- Feb. 1 ... Bringing "The Ceylon Savings Bank Amendment Ordinance" into operation from February 1, 1896.
- 4 ... Bringing the village of Minuwangoda under the operation of "The Small Towns Sanitary Ordinance" from April 1, 1896, and defining the limits of the village for the purpose of the Ordinance.
- 8 ... Proclaiming certain land known as Pallekele, in the District of Kurunegala, to be a reserved forest from March 1, 1896.
- 8 ... Proclaiming certain forest to be a reserved forest from July 1, 1896.
- 10 ... Proclaiming that Sir Joseph West Ridgeway, K.C.B., K.C.S.I., has assumed the office of Governor and Commander-in-Chief.
- 18 ... Bringing Ordinance No. 5 of 1895, intituled "An Ordinance to provide for the protection of Person and Property from the risks incidental to the supply and use of Electricity for lighting and other purposes," into operation from March 1, 1896.

- Feb. 21** ... Proclaiming confirmation of certain by-laws relating to the removal of night soil made by the Municipal Council, Galle, and bringing them into effect from March 1, 1896.
- 26** ... Declaring that the road from Hikkaduwa to Gonapinuwala, in the District of Galle, shall, for the purposes of "The Road Ordinance, 1861," be a principal thoroughfare from March 15, 1896.
- 27** ... Establishing certain port rules for Colombo for keeping free passages within its port.
- Mar. 20** ... Establishing a general cemetery for the residents at Hatton from July 1, 1896.
- April 5** ... Bringing the Court of Requests and Police Court, Hatton, under the operation of the Ordinance No. 12 of 1894 from May 1, 1896.
- 13** ... Directing that the first criminal sessions of the Supreme Court for the Southern Circuit shall commence at Galle on April 20, and that a criminal session of the Supreme Court be held at Matara in May, 1896.
- 13** ... Proclaiming certain Crown land situated in the village Kiwuldeniya, in the Kiraweli pattu of the Beligal korale, Kegalla District.
- 13** ... Proclaiming certain Crown land situated in the village Welhella, in the Kiraweli pattu of the Beligal korale, Kegalla District, to be a reserved forest.
- 15** ... Proclaiming that certain forest shall cease to be a reserved forest from June 1, 1896.
- 15** ... Proclaiming confirmation of certain by-laws relating to dogs made by the Municipal Council, Galle, and bringing them into effect from May 1, 1896.
- May 1** ... Bringing Ordinance No. 12 of 1895, intituled "An Ordinance to extend the jurisdiction of Courts of Requests and to amend the procedure therein," into operation from May 15, 1896.
- 1** ... Bringing "The Oaths Ordinance, 1895," into operation from May 15, 1896.
- 2** ... Re-defining the limits of the town of Nawalapitiya for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," from June 1, 1896.
- 13** ... Proclaiming certain Crown lands situated in the villages in the District of Chilaw to be a reserved forest from June 1, 1896.
- 15** ... Altering and re-defining for revenue and administrative purposes the districts of Buttala and Wellawaya, in the Province of Uva, from June 1, 1896.

- May 22** .. Bringing the District Court, Court of Requests, and Police Court of Kegalla under the operation of Ordinance No. 12 of 1894 from June 15, 1896.
- June 10** ... Bringing "The Mohammedan Marriage Registration Ordinance, 1886," into operation in the District of Anuradhapura, that is to say, the whole of the North-Central Province, from July 1, 1896.
- 15 ... Declaring that the road from Gonawatta ferry to Rajawela, in the Central Province, shall, for the purposes of "The Road Ordinance, 1861," be a principal thoroughfare from January 1, 1897.
- 15 ... Bringing "The Mines and Machinery Protection Ordinance, 1896," into operation from July 1, 1896.
- 19 ... Directing that the third criminal sessions of the Supreme Court for the Western Circuit shall commence at Colombo on June 29, and that a criminal session of the Supreme Court be held at Chilaw in July, 1896.
- 24 ... Abolishing the Haputale district as proclaimed on January 31, 1896, from the date of the removal of the Haputale hospital from Gollconda to Roehampton, and grouping together, for the purposes of "The Medical Wants Ordinance, 1880," the estates specified into the Haputale district.
- 28 ... Proclaiming that certain forest shall cease to be a reserved forest from July 15, 1896.
- July 1** ... Constituting a village forest for the benefit of the villages of Millate, Mahaloluwa, Ratambale, and Pingomuwa, in the District of Colombo.
- 15 ... Directing that the second criminal session of the Supreme Court for the Midland Circuit shall commence at Kandy on August 17.
- 30 ... Proclaiming that certain forest shall cease to be a reserved forest from August 1, 1896.
- Aug. 10** ... Revoking the limits of the divisions of Badulla and Haldummulla and substituting therefor the division of Badulla-Haldummulla for the purposes of "The Courts Ordinance, 1889."
- 12 ... Proclaiming certain Crown lands situated in the village Ingiriya to be a reserved forest from September 1, 1896.
- 27 ... Proclaiming certain Crown land called Kananpella forest to be a reserved forest from September 1, 1896.
- Sept. 2** ... Directing that a criminal session of the Supreme Court for the Northern Circuit shall commence at Batticaloa on September 12, and thereafter at Trincomalee and Jaffna.

- Sept. 28 ... Establishing a general cemetery at a distance of $1\frac{3}{4}$ mile from the Fort of Batticaloa from January 1, 1897.
- Oct. 9 ... Naturalizing Panayattis Theocharides Cosmos, known as Peter Cosmos, of Colombo.
- 24 ... Bringing the town of Nawalapitiya under the operation of "The Opium and Bhang Ordinance, 1893," from January 1, 1897.
- 28 ... Abolishing certain districts as proclaimed on January 31, 1896, and grouping together, for the purposes of "The Medical Wants Ordinance, 1880," certain estates specified into the districts also specified.
- Nov. 3 ... Promulgating an amended port rule and additional port rules for the port of Colombo.
- 4 ... Bringing "The Buddhist Temporalities Amendment Ordinance, 1895," into operation from January 1, 1897.
- 10 ... Proclaiming certain Crown land in Kegalla District to be a reserved forest from November 10, 1896.
- 11 ... Bringing the chief headman's division of Wellawaya, in the District of Badulla, within the operation of "The Village Communities' Ordinance, 1889," from January 1, 1897.
- 12 ... Directing that the third criminal session of the Supreme Court for the Midland Circuit shall commence at Kandy on December 14, and that a criminal session of the Supreme Court shall thereafter be held at Badulla in January, 1897.
- 13 ... Bringing the road from Kurunegala to Puttalam under the operation of sub-section 4 of section 94 of "The Road Ordinance, 1861."
- 14 ... Proclaiming confirmation of certain by-laws referring to bakeries made by the Municipal Council, Colombo, and bringing them into effect from January 1, 1897.
- 18 ... Naturalizing William Adolph de Lemos, of Ramboda.
- 19 ... Proclaiming confirmation of certain by-laws made by the Municipal Council, Colombo, relating to mortgages, made under clause 20, sub-section 5, of Ordinance No. 1 of 1896, and bringing them into effect from January 1, 1897.
- 25 ... Proclaiming that certain forest shall cease to be a reserved forest from November 25, 1896.
- 26 ... Proclaiming that certain forest shall cease to be a reserved forest from December 1, 1896.

- Dec. 3 ... Declaring that each of the roads and paths crossing the line of railway between the stations of Talawakele and Bandarawela, Polgahawela and Kurunegala, and Kalutara South and Matara, shall from December 15, 1896, be an "occupation crossing" for the purposes of Ordinance No. 26 of 1885.
- 4 ... Authorizing John Melvill Boustead and Edgar George Money to construct and work tramways in the town of Colombo, and declaring them to be "promoters" for the purposes of Ordinance No. 5 of 1873.
- 16 ... Re-defining for the purposes of "The Local Board of Health and Improvement Ordinance, 1876," the limits of the town of Matale from January 1, 1897.
- 17 ... Bringing 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," into operation from January 1, 1897.
- 22 ... Revoking order of withdrawal of the Police Force from Nuwara Eliya, and declaring that the liability of the inhabitants of Nuwara Eliya to pay the police tax shall be revived from January 1, 1897.
- 22 ... Annulling the limits of the port of Dodanduwa, and declaring the same from January 1, 1897, to be no longer a port for the purposes of Ordinance No. 17 of 1869.
- 29 ... Bringing Ordinance No. 28 of 1871, intituled "An Ordinance to provide for the Registration of Domestic Servants," into operation within the limits of the jurisdiction of the Hatton and Nuwara Eliya Police Courts from January 1, 1897.
- 29 ... Bringing Ordinance No. 14 of 1896, "The Branch Roads Ordinance, 1896," into operation from January 1, 1897.
- 29 ... Bringing Ordinance No. 21 of 1896, "The Widows' and Orphans' Pension Fund Ordinance, 1896," into operation from January 1, 1897.
- 29 ... Appointing rates at which the toll established in respect of the Dodangaslanda road between Talgodapitiya and Dodangaslanda, in the North-Western Province, shall be levied.
- 29 ... Appointing rates at which the toll established in respect of the ferry at Kospalankissa, in the Colombo District, shall be levied.

- Dec. 29 ... Appointing $2\frac{1}{2}$ per centum as the assessment rate for the maintenance of the Police Force at Nuwara Eliya.
- 29 ... Proclaiming approval of additional rules relating to the cultivation of paddy lands in the district of Magam pattu of the Hambantota District, Southern Province.
- 30 ... Bringing Ordinance No. 22 of 1896, referring to exemption of Customs duty on certain articles for Her Majesty's Naval and Military Forces, into operation from January 1, 1897.
- 30 ... Re-defining limits of the town of Hatton for the purposes of "The Police Ordinance, 1865," from January 1, 1897.
- 30 ... Re-defining the limits of the towns of Hatton and Dikoya under the provisions of "The Small Towns Sanitary Ordinance, 1892," from January 1, 1897.

1897.

- Jan. 1 ... Defining limits of the town of Nuwara Eliya for the purposes of "The Nuwara Eliya Board of Improvement Ordinance, 1896."
- 9 ... Appointing that a period of forty days, under section 6 of "The Carriers' Ordinance, 1865," shall commence in the Western, Northern, Eastern, North-Western, North-Central, Uva, and Sabaragamuwa Provinces on July 1 in each year.
- 13 ... Directing that a criminal sessions of the Supreme Court be held at Batticaloa and Trincomalee in February, 1897.
- 13 ... Revoking limits of the divisions of Hatton and Gampola and substituting therefor the division of Hatton-Gampola and appointing places at which court shall be held.
- 22 ... Bringing certain sections of Ordinance No. 16 of 1865 into operation in Anuradhapura from February 1, 1897.
- 22 ... Bringing the town of Jaffna within the operation of "The Small Tenements Ordinance, 1882," from March 1, 1897.
- 27 ... Declaring Giruwa Pattu East, in the District of Hambantota, Southern Province, to be an irrigation district from January 31, 1897.
- Feb. 1 ... Establishing additional port rules for the port of Galle.
- 4 ... Re-defining limits of the town of Batticaloa from February 15, 1897, for purposes of "The Local Board of Health and Improvement Ordinance, 1876."

- Feb. 9 ... Declaring that a certain building shall be a public slaughter-house for the towns of Hatton and Dikoya.
- 18 ... Bringing the villages of Kattankudiyiruppu, Eravur, Chayntamaruttu, Kalmunai, and Chammanurai under the operation of "The Small Towns Sanitary Ordinance, 1892," from March 1, 1897, and defining limits of those villages for the purposes of that Ordinance.
- 20 ... Exempting the inhabitants of Chilaw from payment of police tax, and ordering withdrawal of police force from July 1, 1897.
- 26 ... Declaring the Revenue District of Nuwara Eliya to be an irrigation district from March 1, 1897.
- Mar. 9 ... Bringing the Police Court and Court of Requests, Gampola, under the operation of Ordinance No. 12 of 1894 (Destruction of Valueless Documents) from March 15, 1897.
- 10 ... Altering the limits of the cemetery at Batticaloa and re-defining them from April 1, 1897.
- 15 ... Subdividing the chief headman's division of Wellawaya, of the Province of Uva, into groups of villages from April 1, 1897.
- 19 ... Bringing "The Marriage Registration Ordinances, 1895 and 1896," into operation from July 1, 1897.
- 19 ... Bringing "The Births and Deaths Registration Ordinance, 1895," into operation from July 1, 1897.
- 31 ... Establishing a general cemetery in the town of Trincomalee.
- April 1 ... Proclaiming certain forest in the Kegalla District to be a reserved forest from April 7, 1897.
- 1 ... Proclaiming certain forest in the Kegalla District to be a reserved forest from April 7, 1897.
- 2 ... Proclaiming certain forest in the Kegalla District to be a reserved forest from April 7, 1897.
- 3 ... Establishing a police force at Minuwangoda, in the Western Province, from May 1, 1897.
- 3 ... Establishing a police force at Ja-ela, in the Western Province, from May 1, 1897.
- 3 ... Establishing a police force at Welikada, in the Western Province, from May 1, 1897.
- 15 ... Directing that a criminal sessions of the Supreme Court be held at Marara and Tangalla in May and June respectively.

- April 29 ... Bringing "The Marriages, Births, and Deaths Registration Amendment Ordinance, 1892," into operation from July 1, 1897.
- May 14 ... Proclaiming certain forest in the Kegalla District to be a reserved forest from June 1, 1897.
- 17 ... Proclaiming certain forest in the District of Trincomalee to be a reserved forest from June 1, 1897.
- 19 ... Constituting a village forest for the benefit of the village Kehelpannala, in Tumpalata pattuwa of Paranakuru korale, in the District of Kegalla.
- 21 ... Bringing "The Youthful Offenders' Ordinance, 1886," into operation within the judicial division of Balapitiya from June 1, 1897.
- 25 ... Proclaiming certain forest in the Kegalla District to be a reserved forest from June 1, 1897.
- 26 ... Quarters a police force in Madurupitiya, in Hapitigam korale, from July 1, 1897, for a period of six months.
- June 4 ... Declaring that certain roads in the District of Anuradhapura shall, for the purposes of "The Road Ordinance, 1861," be deemed to be public thoroughfares from June 8, 1897.
- 10 ... Altering and re-defining the divisions of the District of Nuwara Eliya for the purposes of "The Road Ordinance, 1861," from January 1, 1898.
- 10 ... Bringing the town of Anuradhapura under the operation of "The Small Towns Sanitary Ordinance, 1892," from July 1, 1897.
- 30 ... Declaring that a certain building at Wilgoda, within the limits of the Local Board of Kurunegala, be a public slaughter-house.
- July 1 ... Bringing certain sections of "The Births and Deaths Registration Ordinance, 1895," into operation in certain towns and places from July 1, 1897.
- 8 ... Directing that a criminal sessions of the Supreme Court be held at Trincomalee and Butticaloa in July, 1897.
- 9 ... Quarters a police force in Nittambuwa and Hambadaluwa from August 1, 1897, for a period of six months.
- 9 ... Bringing "The Prevention of Crime Ordinance, 1893," into operation in the village Nittambuwa from September 1, 1897.

- July 16 ... Exempting under Ordinance No. 15 of 1889 persons duly qualified to practise as licensed surveyors, viz., holders of a diploma of the Ceylon Technical College bearing the signature of the officer appointed to represent the Surveyor-General at the final examination in surveying and levelling.
- 20 ... Directing that the second criminal session of the Supreme Court for the Midland Circuit shall commence at Kandy on August 16, 1897.
- 26 ... Promulgating an amended port rule for the port of Colombo prohibiting the approach of any person within fifty fathoms of any vessel before she is moored.
- 27 ... Establishing a police force in Anuradhapura from August 1, 1897.
- Aug. 5 ... Bringing the Police Court and Court of Requests, Avisawella, under the operation of the Ordinance No. 12 of 1894 (Destruction of Valueless Documents) from September 1, 1897.
- 10 ... Cancelling a Proclamation constituting a village forest for the benefit of a group of villages in the neighbourhood of Puttalam, and proclaiming that the forest shall cease to be a village forest from August 16, 1897.
- 11 ... Promulgating an amended port rule for the port of Galle regarding the mooring of vessels.
- 17 ... Notifying that the toll at Pussellawa shall from September 1, 1897, be collected at Ibbanwewawatta.
- 22 ... Appointing that the tax payable under section 34 of "The Police Ordinance, 1865," in respect of the town of Puttalam, be $2\frac{1}{2}$ per cent. from January 1, 1898.
- 30 ... Confirming by-laws relating to bakeries made by the Municipal Council of Galle, which shall have effect from September 10, 1897.
- 31 ... Repealing Proclamation declaring road leading to Attanakitta crossing the railway to be an "occupation crossing" for the purposes of "The Railways Ordinance, 1885."
- Sept. 1 ... Declaring that the road from Duckwari to Cotta-ganga factory shall from September 15, 1897, be treated as a road made under "The Branch Roads Ordinance, 1896."
- 7 ... Proclaiming certain forests in the Kegalla District to be reserved forests from October 1, 1897.
- 8 ... Promulgating an amended port rule for the port of Colombo relating to the boarding of vessels by hawkers, &c.

- Sept. 22 ... Proclaiming approval of a rule relating to the extension of paddy cultivation, &c., in the District of Hiriyala hatpattu, in the North-Western Province.
- 22 ... Proclaiming approval of a rule relating to the extension of paddy cultivation, &c., in the District of Katugampola hatpattu, in the North-Western Province.
- 22 ... Proclaiming approval of a rule relating to the extension of paddy cultivation, &c., in the District of Dambadeni hatpattu, in the North-Western Province.
- 22 ... Proclaiming approval of a rule relating to the extension of paddy cultivation, &c., in the District of Weudawili hatpattu, in the North-Western Province.
- 22 ... Proclaiming approval of a rule relating to the extension of paddy cultivation, &c., in the District of Wannu hatpattu, in the North-Western Province.
- 22 ... Proclaiming approval of a rule relating to the extension of paddy cultivation, &c., in the District of Dewamedu hatpattu, in the North-Western Province.
- 28 Proclaiming certain forests in the Kegalla District to be reserved forests from October 1, 1897.
- Oct. 5 ... Proclaiming a forest in the Kegalla District to be a reserved forest from October 11, 1897.
- 5 ... Proclaiming a forest in the Kegalla District to be a reserved forest from October 11, 1897.
- 5 ... Proclaiming a forest in the Kegalla District to be a reserved forest from October 11, 1897.
- 12 ... Quartering a police force in the district comprising the villages Mudukatuwa, Marawila, and Horagalla, in the North-Western Province, from October 15, 1897, for a period of six months.
- 13 ... Proclaiming certain forest in the District of Kandy to be a reserved forest from January 1, 1898, allowing certain rights nevertheless.
- 15 ... Bringing "The Pawnbrokers' Ordinance, 1893," into effect within the limits of the Revenue District of Jaffna from January 1, 1898.
- Nov. 1 ... Altering and re-defining the limits of the town of Kalutara from January 1, 1898, for the purposes of "The Police Ordinance, 1865."
- 5 ... Extending the provisions of Ordinance No. 10 of 1854 to the division of Moratuwa, and bringing it under the operation of that Ordinance from November 15, 1897.

- Nov. 6 ... Proclaiming a forest in the Kegalla District to be a reserved forest from December 1, 1897.
- 6 ... Proclaiming a forest in the Kegalla District to be a reserved forest from December 1, 1897.
- 6 ... Proclaiming a forest in the Kegalla District to be a reserved forest from December 1, 1897.
- 10 ... Quartering a police force in the district comprising the villages Kalmunaikkudiyiruppu and Chanchamarutukkudiyiruppu, in the Eastern Province, from November 15, 1897, for a period of six months.
- 12 ... Naming certain diseases as diseases to which section 3 of the Ordinance No. 8 of 1866 shall apply from November 15, 1897.
- 16 ... Proclaiming a forest in the Kegalla District to be a reserved forest from December 1, 1897.
- 24 ... Directing that a criminal session of the Supreme Court be held at Kurunegala on January 10, 1898.
- 26 ... Establishing a general cemetery in Nuwara Eliya from January 1, 1898.
- Dec. 15 ... Proclaiming a forest in the Kegalla District to be a reserved forest from December 15, 1897.
- 15 ... Proclaiming a forest in the Kegalla District to be a reserved forest from December 15, 1897.
- 15 ... Proclaiming a forest in the Kegalla District to be a reserved forest from December 15, 1897.
- 17 ... Appointing rates at which the toll on the road from Rambukkana to Kurandupone, in the District of Kegalla, shall be collected.
- 17 ... Appointing rates at which the toll in respect of the Morapitiya bridge on the road from Badureliya towards Kukulegama, in the District of Kalutara, shall be collected.
- 17 ... Appointing rates at which the toll in respect of the Badureliya bridge, on the road from Badureliya to Kukulegama, in the District of Kalutara, shall be collected.
- 29 ... Proclaiming certain forests in the Kegalla District to be reserved forests from December 15, 1897.
- 30 ... Appointing rates at which the toll in respect of the Watagoda road shall be collected.
- 31 ... Confirming by-laws framed by the Municipal Council of Colombo relating to the removal and disposal of night soil, which shall have effect from January 1, 1898.

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**SCHEDULE OF PROCLAMATIONS, ORDERS IN
COUNCIL, &c., WHICH HAVE BEEN PROMULGATED IN
THE COLONY DURING THE YEAR 1898.**

PROCLAMATIONS.

1898.

- Jan. 8 Quartering police in the district comprising the village Ratmalagahawewa for six months from February 1, 1898.
- 14 Appointing rates at which the toll in respect of the principal road from Dehiowita to Karawanella, in the District of Kegalla, shall be collected.
- 14 Declaring that a payment of toll in respect of Karawanella bridge shall clear the toll on the principal road from Dehiowita to Karawanella and *vice versa*.
- 15 Quartering police in the District of Chilaw for six months from January 15, 1898.
- 26 Bringing “The Mohammedan Marriage Registration Ordinance, 1886,” into operation in the District of Trincomalee from February 1, 1898.
- Feb. 4 Declaring that certain provisions of section 94 of “The Roads Ordinance, 1861,” shall from March 1, 1898, extend and be applicable to certain roads in the Province of Uva.
- 11 Directing that a Criminal Sessions of the Supreme Court be held at Trincomalee and Batticaloa in February, 1898.
- 24 Prohibiting the gunny bag mode of catching fish, or the use of ran-dela or kulu-dela or ara-dela, in the Angulu-eliya, a portion of the Panadure river.
- Mar. 10 Appointing 4 per centum as the percentage payable on account of the police force at Hatton.
- 16 Appointing 4 per centum as the percentage payable on account of the police force at Anuradhapura.
- 21 Establishing a general cemetery at Desestara Kalutara from April 1, 1898.
- 31 Bringing section 85 of “The Police Ordinance, 1865,” into operation from May 1, 1898, in all such parts of the Island where it is not already in force.
- April 14 Excluding a portion of the village Meddewatta in the Village Tribunal of Wellaboda pattu, Matara, from the operation of “The Village Communities’ Ordinance, 1889,” from June 1, 1898.

- April 14 Increasing the police force at Rakwana from January 1, 1899.
- 14 Increasing the police force at Balangoda from January 1, 1899.
- 20 Proclaiming approval of certain rules relating to extension of paddy cultivation in the East Giruwa pattu of the District of Hambantota, Southern Province.
- 23 Abolishing certain districts formed for the purposes of "The Medical Wants Ordinance, 1880," and forming others, with effect from March 31, 1898.
- 27 Directing that the first criminal session of the Supreme Court for the Southern Circuit shall commence at Galle on May 16, 1898, and that a session be held at Tangalla in June, 1898.
- May 17 Confirming by-laws made by the Municipal Council of Kandy relative to the removal of night soil.
- 20 Bringing the Police Court of Matara under the operation of Ordinance No. 12 of 1894, relative to the destruction of valueless documents preserved in Courts of Justice.
- 31 Bringing "The Widows' and Orphans' Pension Fund Ordinance, 1898," into operation from June 1, 1898.
- June 1 Quartering police in the district comprising the villages of Talalla and Gandara for six months from June 1, 1898.
- 6 Declaring that certain provisions of "The Road Ordinance, 1861," shall extend and be applicable to the Padeniya-Kala-oya road, in the District of Kurunegala.
- 9 Bringing the town of Mannar under the operation of "The Small Towns Sanitary Ordinance, 1892," from July 1, 1898.
- 11 Promulgating amended port rule relative to scale of steam launch, boat, and canoe hire for passengers within the harbour of Colombo.
- 24 Directing that the third criminal session of the Supreme Court for the Western Circuit shall commence at Colombo on July 6, 1898.
- July 1 Altering for the purposes of "The Buddhist Temporalities Ordinance, 1889," the limits of the Province of Kandy and of the Province of Ratnapura, and establishing the Province of Kegalla.
- 1 Bringing "The Buddhist Temporalities Ordinance, 1889," into operation in the province, districts, and sub-districts of Kegalla.
- 20 Bringing the Minor Courts of Panadure under the operation of Ordinance No. 12 1894, relative to the destruction of valueless documents preserved in Courts of Justice.

- Aug. 9 Directing that criminal sessions of the Supreme Court shall be held at Trincomalee on September 2 and at Batticaloa on September 5, 1898.
- 10 Confirming by-law made by the Municipal Council, Colombo, relative to the removal of night soil.
- 12 Appointing rates at which the toll in respect of the road from Galagedara to Katugastota shall be collected.
- 12 Declaring that a certain building shall be a public slaughter-house for the town of Hatton.
- 14 Bringing "The Mohammedan Marriage Registration Ordinance, 1886," into operation in the Revenue District of Badulla from September 1, 1898.
- 14 Declaring that a certain building shall be a public slaughter-house for the town of Nawalapitiya.
- 15 Declaring that a certain building shall be a public slaughter-house for the town of Bogawantalawa.
- 26 Altering and varying the divisions of the District of Matara for the purposes of "The Road Ordinance, 1861," from January 1, 1899.
- Sept. 1 Promulgating an additional port rule for the port of Colombo.
- 20 Directing that the second criminal sessions of the Supreme Court for the Southern Circuit shall commence on October 10, 1898.
- 28 Limiting the number of articulated clerks to be licensed under Ordinance No. 2 of 1877 for each district.
- 30 Approving additional irrigation rules framed under clause 26 of "The Irrigation and Paddy Cultivation Ordinance, 1889," for the District of Matale.
- 30 Dividing the Kandyan Province of Yakawala, in the Southern Province, into districts for the purposes of the registration of marriages under Ordinance No. 3 of 1870.
- Oct. 15 Establishing a general cemetery at Galle, comprising the lands called Mudiyansegewatta *alias* Gorakagahawatta, Piyadigamawatta, and Nullegawatta, situated at the village of Dadalla in Ward No. 5 within the Municipality of Galle.
- 18 Altering and re-defining the limits of the town of Nuwara Eliya for the purposes of "The Nuwara Eliya Board of Improvement Ordinance, 1896."
- Nov. 1 Proclaiming that from November 15 next the two pattus of Tunukkai and Karunawal south shall be annexed to and form part of the District of Jaffna for revenue purposes.
- 1 Proclaiming that from November 15 next the two pattus of Panankamam and Metkumulai shall be annexed to and form part of the District of Mannar for revenue purposes.

- Nov. 1 Proclaiming that from November 15 next the pattus of Chinnacheddikkulam east, Chinnacheddikkulam west, Naducheddikulam, Kilakkumulai north, Kilakkumulai south, Udayaur, Melpattu south, and Melpattu east shall be annexed to and form part of the District of Mullaittivu for revenue purposes.
- 1 Amending and re-defining the division of the Northern Circuit as regards the districts and divisions of Mannar, Mullaittivu, and Vavuniya-Vilankulam for the purposes of "The Courts Ordinance, 1889," from November 15, 1898.
 - 14 Bringing "The Criminal Procedure Code, 1898," into operation from March 1, 1899.
 - 15 Varying the limits of the Province of Kandy and re-dividing the province into districts and sub-districts for the purposes of "The Buddhist Temporalities Ordinance, 1889."
 - 25 Altering and re-defining and specifying the limits of the town of Nuwara Eliya for the purposes of "The Police Ordinance, 1865."
 - 25 Bringing Ordinance No. 17 of 1898, amending "The Courts Ordinance, 1889," into operation from March 1, 1899.
 - 25 Bringing Ordinance No. 16 of 1898, amending "The Ceylon Penal Code" into operation from March, 1899.
 - 28 Revoking regulations made on June 10, 1898, under Ordinance No. 16 of 1897.
 - 29 Bringing certain sections of "The Police Ordinance, 1865," into operation throughout the Island from January 1, 1899.
- Dec. 3 Bringing the town of Minuwangoda, in the District of Negombo, under the operation of "The Local Boards' Ordinance, 1898," from January 1, 1899.
- 5 Altering the limits of the town of Nawalapitiya for the purposes of the Ordinance No. 16 of 1865.
 - 8 Altering and re-defining the number of the districts of the Province of Badulla for the purposes of "The Buddhist Temporalities Ordinance, 1889."
 - 12 Altering and re-defining the limits of the divisions of Nuwara Eliya and Hatton-Gampola.
 - 15 Altering to six cents per half ounce, &c., the rates of postage on letters transmitted to the United Kingdom and certain British Possessions.
 - 15 Promulgating certain additional port rules for the port of Galle.
 - 19 Appointing that the tax payable under section 34 of "The Police Ordinance, 1865," in respect of the town of Nuwara Eliya be two per cent. from January 1, 1899.

- Dec. 21 Revoking certain Proclamations defining the limits of the town of Matale, and re-defining those limits for the purposes of "The Local Boards' Ordinance, 1898," with effect from January 1, 1899.
- 22 Bringing "The Customs Duties Amendment Ordinance, 1898," into operation from January 1, 1899.
- 22 Establishing a general cemetery at Galle comprising the land called Bandugodawatta in the village Etiligoda.
- 30 Defining for the purposes of "The Municipal Councils' Ordinance, 1887," the limits and divisions of the town of Kandy.
- 30 Amending certain Proclamations relating to the limits of the town of Gampola by extending those limits and defining them for the purposes of "The Local Boards' Ordinance, 1898."
- 31 Appointing rates at which the canal tolls at Tarakuliya and Gorakagahatutupola on the Hendala canal shall be levied.

NOTIFICATIONS.

1898.

- Jan. 5 Rules regarding free passes and free conveyance of packages, &c., on the Ceylon Government Railways.
- 6 Assessment for 1898 of 5 per cent. by Municipal Council, Kandy.
- 6 Tax leviable on carriages, carts, hackeries, horses, ponies, mules, bullocks, asses, and dogs within the Municipality of Kandy.
- 14 Notifying resolution of Legislative Council establishing a toll on the road from Dehiowita to Karawanella, in the District of Kegalla, at or near the 37½ milestone.
- 14 Appointing that the above toll shall be collected at or near the 37½ milestone on the principal road from Dehiowita to Karawanella.
- 14 Assessment for 1898 of 4 per cent. by Board of Health of the Western Province in respect of the town of Minuwangoda.
- 14 Assessment for 1898 of 2½ per cent. by Local Board of Health and Improvement, Matara.
- 19 Assessment for 1898 of 2 per cent. by Local Board of Health of Nawalapitiya.
- 20 Assessment for 1898 of 4 per cent. by Board of Health of the Central Province in respect of the town of Hatton.

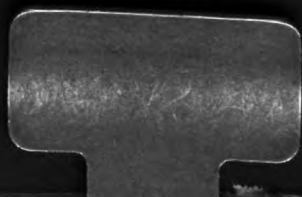
- Jan. 20 Assessment for 1898 of $2\frac{1}{2}$ per cent. by Local Board of Health of Gampola.
- 21 Altering place at which toll on the road from Kadugannawa to Gampola shall be collected.
- 21 Regulations in regard to the fees payable on account of the general cemetery at Anuradhapura.
- 26 Assessment for 1898 of $2\frac{1}{2}$ per cent. by Local Board of Health of Batticaloa.
- 26 Assessment for 1898 of 4 per cent. by Board of Health of the Eastern Province in respect of the villages of Kattankudiyiruppu, Eravur, Chayutumarutu, Kalmunai, and Chammanthurai, in the District of Batticaloa, Eastern Province.
- 28 Amended rules under "The Cemeteries Ordinance, 1862," in respect of the general cemetery known as "Liveramentu" cemetery in the village Narahenpita, in Palle pattu of Salpiti korale, in the District of Colombo.
- 28 Discontinuing burials in the burial ground known as the Roman Catholic burial ground in Anuradhapura.
- Feb. 3 Rules for the appointment of Inspectors under section 4, sub-section (e), of Ordinance No. 2 of 1896.
- 8 Assessment for 1898 of $2\frac{1}{2}$ per cent. by Local Board of Health of Badulla.
- 10 Assessment for 1898 of 4 per cent. by Board of Health, Central Province, in respect of Talawakele and Nanu-oya.
- 15 Regulations for the general cemetery at Nuwara Eliya.
- 22 Assessment for 1898 of $2\frac{1}{2}$ per cent. by Board of Health, Trincomalee.
- Mar. 6 Rules under section 16 of Ordinance No. 24 of 1889 by the Committee of the subdivisions 1, 2, 3, and 4 of the Koddigar pattu division of the Trincomalee District.
- 10 Notifying that the Governor has delegated to the Assistant Government Agent, Mannar, the enforcement and execution within a part of the Mannar-Madawachchi road of the regulations 25 to 34 under the "Quarantine and Prevention of Diseases Ordinance, 1897."
- 10 By-laws of the Local Board of Badulla under the Butchers' Ordinance, No. 9 of 1893.
- 11 Assessment for 1898 of 4 per cent. by Board of Health for the North-Central Province in respect of Anuradhapura.
- 16 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 25 Amending certain rules and regulations relative to the Post Office Savings Bank.
- 25 Assessment for 1898 of per cent. by Board of Health of Uva in respect of Haputale.

- Mar. 25 Notifying that the Provincial Road Committee of the Central Province shall have power to act as provided by "The Branch Roads Ordinance, 1896," in the matter of the road from St. Margaret's to Kirklees.
- April 4 Revoking regulations dated September 20, 1897, made under the provisions of "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 4 Notifying that Chairmen of the Municipal Councils of Colombo, Galle, and Kandy are the Local Authorities for the enforcement and execution of the regulations dated March 16, 1898, under Ordinance No. 3 of 1897.
- 13 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 14 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 18 Additional instructions to the Governor providing that the duration of the appointment of Unofficial Members of the Legislative Council shall be for five years.
- 27 By-laws relating to burial and cremation grounds made by the Municipal Council, Galle.
- May 2 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 6 Assessment for 1898 of 4 per cent. by Board of Health, Uva, in respect of Bandarawela.
- 16 Rules and regulations of the Maggona Certified Industrial School.
- 16 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 20 Rules for the observance of neutrality during the existing state of war between Spain and the United States of America.
- June 1 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 4 Declaring Bombay, Calcutta, Karachi, Hongkong, and the ports of the Hedjaz, infected ports under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 6 Rules and orders for the conduct of the Kataragama pilgrimage and festival.
- 10 Regulations for the exemption from Customs duty of kerosine oil used as the source of motive power in oil engines.
- 13 By-laws regulating the hiring of carriages, hackeries, and jinrickshaws in the town of Kurunegala.
- 14 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 18 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."

- June 26 Regulations and by-laws made by Local Board of Kalutara in respect of the general cemeteries known as Hamidiriya cemetery at Palatota in Kalutara South and Ahupiyannawa cemetery at Dediwela in Kalutara North.
- July 13 By-law framed by Local Board, Puttalam, relative to bathing-places and places for washing of clothes or other articles and cattle.
- 15 Rules for the appointment of inspectors under section 4, sub-section (e), of Ordinance No. 2 of 1896.
- 18 Regulations under the provisions of the second sub-section of the 8th section of the Ordinance No. 1 of 1871.
- 30 Discontinuing burials in the burial ground known as the Kadewidiya burial ground in the town of Matara.
- Aug. 4 Regulations and by-laws made by the Local Board of Kurunegala in respect of the general cemeteries situated within the Local Board limits of Kurunegala.
- 11 Rules under "The Petroleum Ordinance, 1887."
- 12 Notifying resolution of Legislative Council establishing a toll on the road from Galagedara to Katugastota, in the District of Kandy, Central Province.
- 12 Appointing that the above toll shall be collected at Katugastota at the same place as the Katugastota bridge toll.
- 20 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 30 Rules made by the Local Board, Nawalapitiya, in respect of the public slaughter-house, Nawalapitiya.
- Sept. 2 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897," relating to villages and places outside Municipalities and Local Boards.
- 3 Alteration in registration divisions (Jaffna and Galle) under Ordinance No. 1 of 1895.
- 14 Revoking notice appointing the warehouse known as the Gamma Warehouse, Leyden Bastion, as a warehouse in which goods may be warehoused, kept, and secured without payment of duty upon the first entry thereof.
- 20 Notifying that the certified School of Industry and Orphanage, Haputale, ceases to be a certified Industrial School under Ordinance No. 1 of 1886 after November 18, 1898.
- 20 Regulations and by-laws made by the Local Board, Kegalla, relative to burials in the general cemetery.

- Sept. 21 Regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 29 Appointing that the toll on the Mawanella bridge shall be collected at or near the 54½ milepost on the Colombo-Kandy road.
- Oct. 14 Amended rules under the Village Communities' Ordinances for the several divisions of Galboda and Kinigoda korales, Paranakuru korale, Beligal korale, and Three Korales and Pata Bulatgama of the District of Kegalla.
- 18 Assessment by the Nuwara Eliya Board of Improvement of 6 per cent.; an imposition of an annual tax of Rs. 2 upon all persons living in Nuwara Eliya; and an annual tax on carriages, horses, &c., in Nuwara Eliya.
- 18 Ordering discontinuance of all burials in the burial grounds situated in the town of Galle, which are specified and defined.
- 20 Assessment for 1899 of 4 per cent. by Board of Health of the Province of Sabaragamuwa in respect of Rakwana and Balangoda.
- 24 Assessment for 1899 of 4 per cent. by Board of Health, Uva, in respect of Bandarawela.
- 24 Assessment for 1899 of 3 per cent. by Board of Health, Uva, in respect of Haputale.
- 25 Rules under "The Explosives Ordinance, 1894," and under "The Explosives Amendment Ordinance, 1895," for observance in small firework factories.
- Nov. 2 By-laws made by the Local Board, Ratnapura, under section 12 of Ordinance No. 5 of 1898, relating to general cemeteries and burial and cremation grounds.
- 8 Assessment for 1899 of 2½ per cent. by Local Board of Matale.
- 11 Altering place of collection of the toll in respect of the road from Nuwara Eliya to Badulla.
- 12 Assessment for 1899 of 2½ per cent. by Local Board of Health of Trincomalee.
- 14 By-laws made by Local Board of Trincomalee under Ordinance No. 5 of 1898, relating to general cemeteries and burial and cremation grounds.
- 16 Assessment for 1899 of 2½ per cent. by Local Board of Kalutara.
- 18 Regulations and by-laws for the Tangalla cemetery.
- 18 Rules made by the inhabitants of the Matale District under the provisions of "The Village Communities' Ordinance, 1889."
- 19 Assessment for 1899 of 2½ per cent. by Local Board of Matara.
- 19 Assessment for 1899 of 2½ per cent. by Local Board of Gampola.

- Nov. 19 Amended regulations under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 21 Rule under "The Village Communities' Ordinance, 1889," relative to the oath of office to be taken by a councillor to be associated with the President of any Village Tribunal.
- 29 Assessment for 1899 of 2 per cent. by Local Board of Health of Kurunegala in respect of Kurunegala.
- 30 Assessment for 1899 of 2½ per cent. by Local Board of Badulla for maintenance of police.
- 30 Assessment for 1899 of 2½ per cent. by Local Board of Badulla for cost and maintenance of the water-works.
- Dec. 1 Regulations made under section 5 of Ordinance No. 16 of 1897 relative to rebate of duty paid on kerosine oil used as the source of motive power in any oil engine.
- 3 Rules for the disinfection of clothing, &c., in cases of plague.
- 5 Regulation under "The Quarantine and Prevention of Diseases Ordinance, 1897."
- 8 Assessment for 1899 of 2 per cent. by Local Board of Nawalapitiya.
- 8 Water-rate for 1899 of 2½ per cent. for the cost and maintenance of the waterworks, Nawalapitiya.
- 9 Regulations made by the Local Board of Ratnapura under Ordinance No. 5 of 1898 relative to cemeteries and burial and cremation grounds.
- 9 Assessment for 1899 of 2½ per cent. by Local Board of Health of Batticaloa.
- 10 Assessment for 1899 of 2½ per cent. by Local Board of Chilaw.
- 13 By-laws made by the Local Board of Batticaloa under Ordinance No. 5 of 1898, relative to cemeteries and burial and cremation grounds.
- 31 Abolishing ferry tolls at Tarakuliya and Gorakagahatotupola on the Hendala canal.
- 31 Establishing canal tolls at Tarakuliya and Gorakagahatotupola on the Hendala canal.
- 31 Determining places at which above tolls shall be collected.
- 31 Notifying that payment of toll at Tarakuliya shall clear the tolls at Hendala, Pamunugama, and Gorakagahatotupola, and payment at Gorakagahatotupola shall clear the toll at Hendala, Pamunugama, and Tarakuliya.



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