

THE  
LEGISLATIVE ENACTMENTS  
OF  
CEYLON.

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VOLUME III.

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1880-1885.



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By Authority.

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COLOMBO:  
GEORGE J. A. SKEEN, GOVERNMENT PRINTER, CEYLON.

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1885.



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# LEGISLATIVE ENACTMENTS OF CEYLON.

## VOLUME III.

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**SESSION OF 1881.**

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and Notices having force  
of Law (taken from Blue  
Books), which if not  
issued along with  
this Part - will be  
published shortly afterwards  
as a Supplement to it.

Mr. J. H. de Saena, D. J.  
Kolkata, has often  
stated that this will be  
very useful: it will  
hereafter be issued  
annually

Yours truly  
W. P. M. S. S.

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CEYLON.



*David F. Thomas*  
*Advocate*

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

**No. 1.—1880.**

J. R. LONGDEN.

*An Ordinance to authorize the establishment of a  
Special Cemetery for the burial of the dead of the  
Mohammedan community.*

**W**HEREAS certain members of the Mohammedan community  
have obtained a grant of a parcel of land at Dematagoda for  
the purposes of a special Cemetery, and it is expedient that the same  
should be established for that purpose: **IT IS HEREBY**  
**ENACTED BY THE GOVERNOR OF CEYLON,** with the  
advice and consent of the Legislative Council thereof, as follows:—

Preamble. 0

**THE** Governor with the advice of the Executive Council may by  
Proclamation establish the said parcel of land as a Cemetery for the  
special use of the Mohan medan community, and thereupon the provi-  
sions of "The Cemeteries Ordinance, 1862," shall apply in all  
respects to the said special Cemetery as if the same were a General  
Cemetery established under the said Ordinance.

Power to establish  
special cemetery at  
Dematagoda for  
Mohammedan  
community.

Passed in Council the sixth day of October, One thousand Eight  
hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth  
day of October, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

**No. 2.—1880.**

J. R. LONGDEN.

*An Ordinance to amend the Postal Ordinance, 1878.*

**W**HEREAS by Article six, clause four, of "The Postal Union  
Convention," it is prescribed that in case of the loss of a  
registered article while in transit through the Post an indemnity of  
50 francs should be paid to the sender by the office of the country in  
which the loss may occur: And whereas by the 85th clause of the  
Postal Ordinance, 1878, it is enacted that the Government shall not be

Preamble. 0

*Postal.**Colonial Seamen.*

responsible for any loss or damage which may occur in respect of any Postal packet entrusted to the Postal Department for conveyance, whether such Postal packet is registered or not, unless such Postal packet should have been duly insured with the Postmaster-General: And whereas it is necessary to exempt the said article six, clause four, of "The Postal Union Convention," from the operation of the said clause of the said Post Office Ordinance: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:

Indemnity for loss of postal packet payable notwithstanding Ordinance 2 of 1878 clause 85.

1.—THE said 85th clause of the said Post Office Ordinance, 1878, shall not extend or apply to any indemnity which may be claimed from this Colony under the said recited article and clause of the said Postal Union Convention.

Treasurer to pay the above at such time as the Governor by warrant shall order.

2.—IT shall be lawful for the Governor by warrant in the usual manner to direct the payment out of the Public Treasury of the amount of any indemnity for which the Colony may be liable under the said recited article and clause of the said Postal Union Convention; and it shall be the duty of the Treasurer to pay the amount of such warrant to the person entitled to receive the same.

Passed in Council the Sixth day of October, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of October, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

**No. 3.—1880.**

J. R. LONGDEN.

*An Ordinance relating to Shipwrecked Colonial Seamen in distress in the United Kingdom.*

Preamble.

WHEREAS it is desirable to make provision for the relief of Colonial seamen in distress in the United Kingdom: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation clause.

THE term colonial seaman shall mean a seaman who last served in a ship registered in this Colony.

Treasurer to pay such reasonable sums expended by Shipwrecked Mariners Society on relief of Colonial

IF any colonial seaman becomes distressed in the United Kingdom by reason of shipwreck, and shall be relieved and sent home by the "Shipwrecked Mariners Society," the Governor is hereby authorized, on the requisition of the Secretary of State for the Colonies, to issue a warrant on the Treasurer in the usual manner for the



*Colonial Seamen.**Wine and Spirits.*

repayment of any fair and reasonable sum of money which may have been advanced for that purpose, and the Treasurer is hereby directed to pay such sum to the person or persons authorized to receive the same.

seamen in United Kingdom as the Governor by warrant shall order.

Passed in Council the Sixth day of October, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of October, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

**No. 4.—1880.** *repealed*

J. R. LONGDEN.

*An Ordinance to repeal the Ordinance No. 8 of 1869, intituled "An Ordinance to discourage the illicit sale of Wine, Arrack, Rum or Spirits," and to make other provision in lieu thereof.*

**W**HEREAS it is expedient to repeal the Ordinance No. 8 of 1869, intituled "An Ordinance to discourage the illicit sale of Wine, Arrack, Rum or Spirits," and to make provision for extending the punishments thereby imposed to offenders other than those referred to therein: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof as follows:—

1. THE said Ordinance No. 8 of 1869, and also such parts of the 14th, 26th and 29th sections of the Ordinance No. 10 of 1844, intituled "An Ordinance to amend the Law relative to the distillation and sale of Arrack, Rum, and Toddy within these settlements," as impose penalties, are hereby repealed. Provided that this repeal shall not affect any penalty of punishment incurred in respect of an offence committed against the said last mentioned Ordinance before the passing of this Act.

2. ANY person convicted of an offence under the 14th, 26th or 29th section of the said Ordinance No. 10 of 1844, shall be punishable by a fine not exceeding fifty rupees, and imprisonment with or without hard labour not exceeding three months, or either of such punishments at the discretion of the Court before which the offender is convicted.

3. THIS Ordinance shall be construed as one with the Ordinance No. 10 of 1844.

Passed in Council the Sixth day of October, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of October, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

*Supply, 1881.**Licensed Boatmen.***No. 5.—1880.**

J. R. LONGDEN.

*An Ordinance for making provision for the Contingent Services for the year 1881.—Rs. 8,936,319-20.*

10th November, 1880.

**No. 6.—1880.**

J. R. LONGDEN.

*An Ordinance for the regulation and government of Boatmen employed in Licensed Boats.***Preamble.**

**W**HEREAS it is necessary that provision should be made for regulating and governing boatmen to be employed in licensed boats under the provisions of the Masters Attendant's Ordinance, 1865: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

To be construed as one with the Masters Attendant's Ordinance, 1865.  
Short title.

Ordinance to apply to Colombo, with power to Governor and Executive Council to extend it to other ports.

**Interpretation.***amended in 1896*

Boatmen to be licensed.

Master Attendant to keep register of licensed boatmen; particulars to be entered therein; and shall issue licenses to boatmen.

May refuse to issue license.

Licensed boatmen to have badges and to wear them.

1. THIS Ordinance shall be construed as one with "The Masters Attendant's Ordinance, 1865," hereinafter referred to as the principal Ordinance, and may be cited as "The Boatmen's Ordinance, 1880."

2. THIS Ordinance shall extend to the port of Colombo only, but the Governor, with the advice of the Executive Council, may by Proclamation extend it to any other port or ports to which the provisions of the principal Ordinance extend.

3. THE term "licensed boat" shall mean any licensed boat when employed in carrying passengers for hire.

4. FROM and after the first day of January, 1881, every person to be employed as a boatman in, or to serve as one of the crew, or in any capacity on board of, any licensed boat, shall be duly licensed for that purpose as hereinafter provided.

5. IT shall be the duty of the Master Attendant to register in a book to be kept for that purpose, and to be called "The Register of Licensed Boatmen," in numerical order, the name, description, and such other particulars as may be necessary for identification, of every person applying to be licensed to be employed as a boatman, and he shall thereupon issue to such person a license to be employed as aforesaid, which license shall bear the registered number of the applicant, and shall be in the form in the schedule hereto, and shall be in force for such time as shall be mentioned therein, and the date of such license, together with the period for which it shall be granted, shall be registered in the "Register of Licensed Boatmen." Provided however that the Master Attendant may, for good cause, refuse to issue a license to any person applying therefor, and may from time to time renew any license which may have expired, and such refusal or renewal shall be duly registered in the register.

6. THE Master Attendant shall cause to be delivered to each licensed boatman a badge of uniform pattern, bearing thereon the number of his license, the cost of which shall be paid by the person to whom the same is delivered, and it shall be the duty of every

*Licensed Boatmen.*

licensed boatman, when acting as such, to wear such badge conspicuously exposed upon his person; and in case the owner of such badge shall at any time satisfy the Master Attendant that such badge has been lost or destroyed, it shall be lawful for the Master Attendant to cause another badge to be delivered to such boatman upon his paying the cost thereof. Provision for lost badges.

7. ALL boatmen licensed under this Ordinance shall be subject and liable to the orders, directions, and control of the Master Attendant, who is hereby invested with full power and authority to carry into execution the provisions of this Ordinance. Boatmen to be under control of Master Attendant.

8. RULES for the government of licensed boatmen under this Ordinance shall from time to time be prepared by the Master Attendant, which rules, when approved by the Governor with the advice of the Executive Council, and published in the *Government Gazette*, shall have the effect of law;—and the Master Attendant shall cause every licensed boatman, and the tindal of every licensed boat, to be furnished with a copy of such rules in the English, Sinhalese and Tamil languages. Master Attendant with approval of the Governor and Executive Council may make rules for the Government of licensed boatmen. Every boatman and tindal to be furnished with a copy of such rules.

9. THE following shall be offences under this Ordinance: Offences.

- (1.) Any person who shall employ, or permit to be employed, or to act, or to serve as a boatman, or as one of the crew, or in any capacity on board, of a licensed boat, any unlicensed person;
- (2.) Any unlicensed person who shall be employed, or who shall act, or serve as a boatman, or as one of the crew, or in any capacity on board, of a licensed boat;
- (3.) Any licensed boatman who shall violate any rule to be made under the authority of this or the principal Ordinance;
- (4.) Any licensed boatman who shall act as such, without wearing his proper badge exposed in a conspicuous manner;
- (5.) Any licensed boatman who shall disobey any lawful order given by the Master Attendant;
- (6.) Any licensed boatman who, while employed as such, shall use violent or abusive language to any passenger, or who shall threaten or molest any passenger, or who shall by any means extort any money from any passenger;
- (7.) Any unlicensed person who shall use or exhibit with intent to deceive, a boatman's badge, or any false badge, intended to represent, or representing a licensed boatman's badge;
- (8.) Any licensed boatman who shall use or exhibit any badge other than his own;

and the offender shall be liable to a penalty not exceeding twenty rupees, or to imprisonment with or without hard labour for any period not exceeding one month. Penalties.

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*Licensed Boatmen.*

---

**Master Attendant may suspend or cancel boatman's license.** 10. IF any licensed boatman shall be convicted of any offence against this Ordinance, the Master Attendant may, in addition to any penalty which may have been imposed upon the offender, suspend or cancel the license of such boatman, and any boatman whose license shall have been suspended as aforesaid, shall for the purpose of this Ordinance during the period of such suspension, be deemed an unlicensed person.

**When boatman's license has been cancelled or suspended, entry thereof to be made in register, and license and badge to be delivered up. Cost of badge to be returned when license expires. Penalty on neglecting to deliver up license and badge.** 11. WHEN the license of any boatman shall have expired and shall not have been renewed, or when it has been cancelled or suspended, under the provisions of the previous section, the Master Attendant shall cause an entry thereof to be made in the Register, and the boatman whose license shall have expired and shall not have been renewed, or whose license shall have been cancelled, or suspended, shall forthwith deliver up to the Master Attendant his license and badge, and it shall be the duty of the Master Attendant to return to the person whose license shall have expired and shall not have been renewed, or whose license shall have been cancelled, the original cost of such badge, and to return to the person whose license has been suspended his license and badge, when his period of suspension has expired; and any licensed person who shall neglect, or refuse to deliver up his license and badge as required by this section shall be liable to a penalty not exceeding twenty rupees, or to imprisonment with or without hard labour for any period not exceeding one month.

**Any police court to have jurisdiction over offences.** 12. ANY police court shall have jurisdiction over any offence against this Ordinance.

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SCHEDULE.

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*License No.*

By the Master Attendant of the port of \_\_\_\_\_.

This is to license \_\_\_\_\_ as a boatman, under the "Boatmen's Ordinance 1880," for the port of \_\_\_\_\_, for the period of \_\_\_\_\_ from the date hereof.

Dated

A. B.  
Master Attendant.

Passed in Council this third day of November, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Tenth day of November, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

*Police.**Stamps.***No. 7.—1880.**

J. R. LONGDEN.

*An Ordinance to amend the Police Ordinance, 1865.*

**W**HEREAS it is expedient to amend the Police Ordinance, 1865, Preamble. O  
 in manner hereinafter appearing: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

1. THE 27th section of the said Ordinance shall extend and apply to any Police Force which may hereafter be quartered, increased or employed under the authority of the 10th, 11th and 26th sections, and shall hereafter be read and construed as if the word "additional" were not inserted therein. Recovery of expense under 10th, 11th, and 26th sections of Ordinance No. 16 of 1865. ✓ O

2. THE cost of the Police payable under the 10th, 11th, 17th, and 26th sections of the Police Ordinance, 1865, and recoverable under the 27th section of the said Ordinance, shall be at the rates hereinafter mentioned, that is to say:— Fixed rates at which such recovery shall be made.

	Per Annum.	
Inspector ...	...	Rs. 1,230
European sergeant ...	...	918
European constable ...	...	518
First class Native sergeant	...	576
Second class Native sergeant	...	384
Native constable ...	...	252

And the certificate of the Inspector-General of Police shall be conclusive evidence of the correctness of all charges made under this Ordinance. Proof of charges.

Passed in Council the Tenth day of November, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Seventeenth day of November, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

**No. 8.—1880.**

J. R. LONGDEN.

*An Ordinance to amend "The Stamp Ordinance, 1871."*

**W**HEREAS "The Stamp Ordinance, 1871," requires amendment: Preamble. Signed  
**IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Ordinance may be cited as "The Stamp Ordinance 1871 Amendment Ordinance 1880," and shall be construed as one with "The Stamp Ordinance, 1871." Short title.

*Stamps.**Census.*

The word "money" to include every currency.

How value of "money" stated in other than Ceylon currency, is to be ascertained.

Instruments stamped in accordance with statement of current rate of exchange to be regarded as duly stamped.

If more than one instrument is written on the same piece of material each to be separately stamped.

An instrument relating to distinct matters such matters to be separately stamped.

2. THE word "money" as used in the said ordinance and in this ordinance shall be construed to include all sums whether expressed in Ceylon, British, Foreign or Colonial currency.

3. WHEN in any instrument any money is stated or expressed in pounds sterling, francs, or dollars, the value of such pounds sterling, francs, or dollars in Ceylon currency for the purposes of the said Ordinance shall be calculated according to the following scale:—

One pound sterling is equivalent to ten rupees.

One franc is equivalent to forty cents.

One Mexican, American or China dollar is equivalent to two rupees twenty-five cents.

One Mauritius dollar is equivalent to two rupees.

And when in any instrument any money is stated or expressed in other than Ceylon currency, pounds sterling, francs, or dollars, the value of such money in Ceylon currency for the purposes of the said ordinance shall be calculated according to the current rate of exchange on the day of the date of the instrument.

4. WHEN an instrument contains a statement of current rate of exchange and is stamped in accordance with such statement, it is, so far as regards the subject matter of such statement, to be deemed duly stamped, unless or until it is shewn that such statement is untrue, and that the instrument is in fact insufficiently stamped.

5. IF more than one instrument be written upon the same piece of material, every one of such instruments is to be separately and distinctly stamped with the duty with which it is chargeable.

6. EXCEPT where express provision to the contrary is made, an instrument containing or relating to several distinct matters is to be separately and distinctly charged with duty, as if it were a separate instrument in respect of each of such matters.

Passed in Council the Tenth day of November, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Seventeenth day of November, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

No. 9.—1880. *repealed*

J. R. LONGDEN.

*An Ordinance to provide for taking a Census from time to time.*

WHEREAS it is expedient to provide for the taking of a Census from time to time, and at convenient times: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

*Census.*

- |  |   |
|--|---|
| <p>1. THIS Ordinance may be cited as "The Census Ordinance, 1880."</p>   | <p><b>Short title.</b></p>  |
| <p>2. THE Ordinance No. 5 of 1868 is hereby repealed.</p>  | <p><b>Repealing clause.</b></p>   |
| <p>3. THE Governor, with the advice of the Executive Council, may from time to time by Proclamation appoint that a Census be taken at such time as shall be notified in such Proclamation.</p>   | <p><b>Governor in Council may appoint times for taking Census.</b></p>  |
| <p>4. THE Governor may appoint an officer to superintend the taking of any Census.</p>   | <p><b>Governor may appoint superintendent.</b></p>  |
| <p>5. THE Governor, with the advice of the Executive Council, may make such rules as he may deem necessary for carrying into effect the provisions of this Ordinance, and may attach penalties for the breach of any rule so made, to be recovered and enforced in the same and the like manner as penalties imposed by this Ordinance. Provided that no greater or higher penalty shall be imposed by such rules than is imposed by this Ordinance, and such rules shall come into operation upon being published in the <i>Gazette</i>.</p>  | <p><b>The Governor with the advice of the Executive Council may make rules. Penalties may be imposed. Rules to be published in Gazette.</b></p>   |
| <p>6. UNLESS it shall be otherwise directed by the Governor with the advice of the Executive Council, the Government Agent of a Province shall be Commissioner of his province, and the Chairman of every Municipality and Local Board shall be Commissioner within the limits of such Municipality and Local Board. Every such Commissioner shall appoint enumerators, and shall assign a division to each enumerator, and shall distribute to every enumerator in his district the schedules which shall have been issued for that purpose.</p>  | <p><b>Government Agent to be Commissioner of province. Chairman of Municipality and Local Boards to be Commissioner within his limits. Appointment of enumerators.</b></p>  |
| <p>7. SCHEDULES shall be prepared for the purpose of being filled up by or on behalf of the several occupiers of dwelling houses as hereinafter provided, with particulars of the name, sex, age, profession or occupation, relation to head of family, nationality and religion of every person who abode in every house at the time appointed for the taking of the Census, and also whether any were able to read or write or both, and whether any were blind, deaf, dumb, or insane. Every enumerator shall, previous to the time appointed for the taking of the Census, leave or cause to be left at every dwelling-house within his division one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and upon every schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling-house (or where such dwelling house is let or sublet in different apartments, and occupied distinctly by different persons or families, by the occupier of each such apartment), and that the enumerator will collect all such schedules within his division within twenty-four hours next following the time appointed for the taking of the Census; and every occupier of any dwelling-house or of any apartment in any dwelling-house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house or apartment occupied by him or her, and shall sign his or her name thereto, and shall deliver the schedule so filled up or cause the same to be delivered to</p> | <p><b>Schedules to be prepared.</b></p> <p><b>Particulars to be inserted in schedules.</b></p> <p><b>Schedules to be left at dwelling-houses by enumerators.</b></p> <p><b>What shall be expressed in schedules.</b></p> <p><b>Occupiers of dwelling-houses &amp;c, shall fill up schedules and deliver them to enumerator.</b></p> |

. *Census.*

**Penalty for neglect or refusal to fill up schedule, or for making false return.**

the enumerator when required to do so: and every such occupier who shall refuse or neglect without lawful excuse, the proof of which shall lie upon such occupier, to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who shall make, sign, or deliver, or cause to be made, signed, or delivered any false or incorrect statement or return, or who shall refuse or neglect to obey any rule made under the authority of this Ordinance, shall be guilty of an offence, and shall be liable to a penalty not exceeding fifty rupees. Provided however that if any such occupier shall be unable to write it shall be his duty to furnish the enumerator with the information necessary to enable him to fill up the said schedule as required by this section, and thereupon it shall be the duty of the enumerator to fill up the schedule accordingly, and any such last mentioned occupier who shall neglect or refuse to furnish such information to the enumerator shall be guilty of an offence and liable to a penalty not exceeding fifty rupees.

**Enumerator's duties.**

8. THE enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their divisions from house to house, within twenty-four hours next following the time appointed for the taking of the Census, and shall complete such of the schedules as upon delivery thereof to them shall appear defective, and correct such as they shall find to be erroneous, and shall enter such particulars as may be required by the instructions issued to them into books to be provided for that purpose, and shall deliver such books with the householders' schedules collected by them to the officer appointed by the Governor to receive such schedules.

**Who shall be deemed occupier of particular houses.**

9. THE principal officer in charge of every prison and police station, and the superintendent of every hospital and asylum, and the manager or keeper of every college or school, the superintendent or person in chief authority in any convent or monastery, and the incumbent or priest or other person in charge of every vihara or pansala or dēwāla, and the secretary of every club, and the manager of every hotel or boarding house or factory, and the keeper of every rest-house, and the master or keeper or trustee or person in charge of every public or charitable or religious institution, shall be deemed to be the occupier thereof, and shall fill up the schedules to be delivered to them, with all particulars required in such schedules as to all persons being in such prisons, police stations, hospitals, asylums, colleges, schools, convents or monasteries, vihāras, pansalas, dēwālas, clubs, hotels, boarding houses, factories, rest-houses, public charitable or religious institutions, at the time appointed for the taking of the Census, and as to all other particulars whatsoever required in such schedules, and shall sign and deliver the schedules so filled up to the enumerator when required so to do; and every such occupier who shall refuse or neglect without lawful excuse, the proof of which shall lie upon such occupier, to fill up the said schedules to the best of his or her knowledge and belief, and to sign and deliver the same as herein required, or who shall make, sign or deliver any false, incorrect or inaccurate schedule or shall make any false, incorrect or inaccurate statement or return as to any of the matters required in the said schedules or who shall refuse or neglect without lawful excuse, the proof of which shall lie upon such occupier, to obey any rule made under the authority of

**They shall fill up schedules.**

**Penalties for neglect or refusal to fill up schedules, or for making false returns.**



*Census.*

this Ordinance, shall be guilty of an offence, and shall be liable to a penalty not exceeding fifty rupees.

Commissioner to make list of estates of 20 acres or more.

10. IT shall be the duty of every Commissioner to make or cause to be made a list of all the estates in extent of twenty acres or more in his district, upon which there are ten or more resident coolies or labourers, and to cause to be delivered to the superintendent, or person in charge being resident on such estate the schedules prepared as aforesaid to be filled up by such superintendent or person in charge, with the particulars required in such schedules.

Schedules to be delivered to superintendent.

11. EVERY such superintendent or person in charge shall sign and deliver to the person from whom he shall receive such schedules a receipt to be provided for that purpose; and shall fill up the said schedules to the best of his knowledge and belief as to all persons being on the estate under his superintendence or charge at the time appointed for the taking of the Census: and shall within forty-eight hours from the time appointed for the taking of the Census transmit such schedules to the Kacheheri of the district or to the nearest Post Office addressed to the Commissioner, together with a certificate signed by him that the said schedules have been truly and faithfully filled up by him, and that to the best of his knowledge and belief the same are correct.

Superintendents &c., to give receipts for schedules.

Superintendents shall fill up schedules.

And shall transmit same to Kacheheri or Post Office, with certificate.

12. EVERY superintendent or person in charge of any estate refusing or neglecting to sign and deliver the receipt referred to in the last preceding clause; or refusing or neglecting to fill up the schedules, or to transmit the same within forty-eight hours from the time appointed for the taking of the Census to the Kacheheri of the district or to the nearest Post Office addressed as aforesaid; or refusing or neglecting to sign or transmit the certificate required by the last preceding clause; or making any false, inaccurate or incorrect statement in any schedule; or making a false statement in the certificate, shall be guilty of an offence, and shall be liable to a penalty not exceeding one hundred rupees.

Penalties on Superintendents for neglecting or refusing to sign or fill up or transmit schedules or certificates or making false statements, &c.

13. THE officer appointed to superintend the taking of any Census shall obtain, by such ways and means as shall appear to him best adapted for the purpose, the returns required by this Ordinance with respect to all persons who during the time appointed for taking any Census were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators and other persons as aforesaid, and shall include such returns in the abstract to be made by him as hereinafter provided.

Persons on board ship to be enumerated.

14. THE officers appointed by the Governor to receive schedules and the Commissioners to whose address returns are to be forwarded under the provisions of this Ordinance shall, upon the receipt of such schedules or returns respectively, forthwith forward the same to the officer appointed to superintend the taking of the Census.

Returns to be forwarded to officer superintending Census;

15. THE officer appointed to superintend the taking of any Census shall cause an abstract to be made of the said returns and shall certify and forward the same to His Excellency the Governor within such time as may be appointed by His Excellency the Governor in Council for the purpose, and the same shall be printed and published for general information.

who shall forward abstract thereof to Governor for publication.

*Census.*

Offences may be prosecuted in the Police Court.

16. ALL offences under this Ordinance may be prosecuted, tried and determined in the Police Court of the district within which the offence was committed, and such Police Court shall have power to inflict the punishments prescribed by this Ordinance, anything in any other Ordinance to the contrary notwithstanding.

No prosecution to be instituted without the leave in writing of the Queen's Advocate.

17. NO prosecution shall be instituted under this Ordinance except under the authority in writing of the Queen's Advocate.

Passed in Council the Seventeenth day of November, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Twenty-fourth day of November, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

**No. 10.—1880.**

J. R. LONGDEN.

*An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1879.—Rs. 96,479-81.*

24th November, 1880.

**No. 11.—1880.**

J. R. LONGDEN.

*An Ordinance to amend and continue 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."*

Preamble.

**W**HEREAS by the 3rd section of 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," it is enacted that the said Ordinance should continue in force until the 30th day of June, 1880: And whereas by the Ordinance No. 15 of 1879, intituled "An Ordinance for continuing 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,'" the said Ordinance No. 10 of 1876 was continued in force until the end of the Sessions of the Legislative Council of the year 1880: And whereas it is necessary to amend and continue the said Ordinance No. 10 of 1876 in the manner hereinafter appearing, **BE IT KNOWN THAT IT IS HEREBY ENACTED BY THE GOVERNOR OF CAYLON,** with the advice and consent of the Legislative Council thereof, as follows:—

Schedule A. to contain

1. THE schedule A. to the said Ordinance No. 10 of 1876 shall be and the same is hereby repealed, and in lieu and instead thereof

*Wharf and Warehouse Company.*

the schedule A. hereto shall be the schedule of the maximum rates, rents, and charges to be enforced under the said Ordinance.

maximum rates  
leviable under  
Ordinance No.  
10 of 1876.

2. THE said 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," shall remain and continue in force for a period of five years from the passing of this Ordinance, and from thence to the end of the then next Session of the Legislative Council.

1uration of said  
Ordinance  
prolonged.

SCHEDULE.

A.  
IMPORTS.

			Rs.	cts.
Asphalt	...	—	ton	1 75
Cement	...	—	barrel	0 45
Cotton goods	...	In bales or cases of ordinary size	each	0 45
Earthenware	...	{ Crates or casks of ordinary size	do.	1 10
		{ Of large size	do.	1 25
Fish (dried)	...	{ In packages not exceeding 1 cwt.	each pkge.	0 8
		{ Exceeding 1 cwt.	ton	0 8
Flour	...	{ In barrels	each	0 45
		{ In bags of 200 lbs.	do.	0 20
Glassware	...	In crates or casks	do.	1 25
Gunny Bags	...	Manufactured jute and such like goods in bales	each	0 45
			do.	0 75
Hardware	...	{ In casks or cases of ordinary size	each	0 75
		{ Of large size	each	1 25
Iron	...	In bars, bundles, hoops, plates, pig, or packages not exceeding one ton in weight	ton	1 50
Manure	...	—	do.	1 50
Nails, &c.	...	In kegs or drums of 1 cwt.	each	0 20
Oil, turpentine, &c.	...	In drums of 5 gallons	do.	0 30
		According to size :		
Oilmanstores	...	{ Packages of 1 dozen size	do.	0 20
		{ do. 2 do.	do.	0 40
		{ do. 3 do.	do.	0 60
Parcels	...	And small packages, not over 25 lbs. in weight (not containing valuables)	do.	0 20
Rice and Grain	...	Per bag of 164 lbs.	do.	0 9
Sugar	...	Per bag of 164 lbs.	each	0 10
Staves	...	{ Hogsheads, per 100 bundles	100 bills.	9 50
		{ Puncheons, per 100 bundles	do.	11 0
Tar	...	In barrels	each	0 45
Vegetables and miscellaneous articles	...	{ Such as potatoes, onions, ginger, pepper, s. fron, arrowroot and such like. If in baskets or tubbins not exceeding 1 cwt.	do.	0 8
		{ Or if in larger packages at	ton	0 8
		{ In butts and pipes	—	1 80
		{ Puncheons	—	1 25
		{ Hogsheads	—	0 65
Wines, Spirits, and Malt Liquor	...	{ Barrels of bottled Beer or Porter	—	0 65
		{ Quarter casks	—	0 40
		{ Cases of 3 dozens	—	0 60
		{ Do of 2 dozens	—	0 40
	...	{ Do of 1 dozen	—	0 20

*Wharf and Warehouse Company.*

## EXPORTS.

Rates for receiving and shipping Goods.

Rs. 6.75 per	{	18 Casks	not exceeding 10 cwts. each	} Coffee.
		30 Tierces or hogsheads	do. 6 do.	
		46 Barrels	do. 4 do.	
		120 Bags	do. 1½ do.	
Rs. 6.75 per boat-load of	{	12 Pipes	do. 18 do.	} Cocoannt oil.
		20 Puncheons	do. 10 do.	
		30 Hogsheads	do. 5 do.	
		60 Bales cinnamon of 100 lbs. each; larger or smaller bales in proportion.		
Rs. 8 per boat-load of	{	160 Bags cinnamon chips.		
		30 Bales cinchona of 336 lbs. each; larger or smaller bales in proportion.		
		30 Cases cinchona of 336 lbs. each; larger or smaller cases in proportion.		
		160 Bags cinchona (not pressed.)		
		50 Bales cotton wool of 300 lbs. each; larger or smaller bales in proportion.		
		120 Bags cacao not exceeding 1½ cwt. each.		
		40 Barrels plumbago not exceeding 5 cwts. each.		
		100 Cases or chests of tea of 100 lbs. each; larger or smaller cases or chests in proportion.		
		50 Bales jute of 300 lbs. each; larger or smaller bales in proportion.		
		40 Bales gunnies of 300 lbs. each; larger or smaller bales in proportion.		
Rs. 8 per boat-load of		2,000 Shells, or 800 ballots or 40 bales, Coir Yarn, fibres, &c.		
" 8	"	120 cwts. Deer horns in bundles		
" 8	"	100 " Deer horns, loose		
" 8	"	160 " Ebony		
" 9	"	5,000 (in number) Cocoanuts		
" 8	"	1.0 cwts. Sapanwood		

N.B.—No quantity, however small, can be charged less than half a boat-load.

## RATES FOR WAREHOUSE RENT.

## I.—IMPORTS.

Transit Warehouse, single rates, as provided for under the terms of the Lease.

	For each Butt, pipe, or puncheon	For a week	cts.
"	Half pipe or Hogshead	"	25
"	Barrel or quarter-cask	"	15
"	Cask or keg of smaller size	"	10
"	Crate, case or case of hardware, earthenware or ironmongery	"	25
"	Bale, case, or box measuring 60 cubic feet or upwards	"	25
"	" " " 40 cubic feet and under 60 cubic feet	"	20
"	" " " 25 " " 40 " "	"	15
"	" " " 15 " " 25 " "	"	12
"	" " " 10 " " 15 " "	"	8
"	" " " 5 " " 10 " "	"	6
"	small box or package	"	4
"	Bag of rice or sugar	"	4
For Beer, wine, or spirits, in bottle, per dozen quarts		"	4
" Coir yarn or rope, in ballots or bundles, per cwt.		"	5
Heavy goods, such as metal or timber, per ton		"	25

1. Other goods of like size or weight to be charged in proportion to these rates.  
 2. Goods left on the Quay, half the above rates; but Manure will be charged full rates.

3. 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.

*Wharf and Warehouse Company.*

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 week	—	cts.
For each Butt, pipe or puncheon	—		—	40
"    Half pipe or hoghead	—	"	—	20
"    Barrel or quarter cask	—	"	—	12
"    Octave or cask of like size	—	"	—	8
"    Crate, cask, or case of hardware, earthenware, or ironmongery	—	"	—	20
"    Bale, case, or package measuring 60 cubic feet or upwards	—	"	—	20
"    "    "    "    40 cubic feet and under 60 cub. ft.	—	"	—	16
"    "    "    "    25 "    "    "    40 "    "    "	—	"	—	12
"    "    "    "    15 "    "    "    25 "    "    "	—	"	—	8
"    "    "    "    10 "    "    "    15 "    "    "	—	"	—	6
"    "    "    "    5 "    "    "    10 "    "    "	—	"	—	4
"    smaller box or package	—	"	—	2
"    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 ...	cts.
For each Leagner, pipe, or cask of like size		...	25
"    Hogshead, or cask of like size		"	12
"    Cask or barrel of coffee, not weighing more than 3 cwt. gross		"	6
"    "    "    weighing more than 3 and not exceeding 7 cwt.		"	8
"    "    "    weighing more than 7 cwt.		"	12
For each barrel of plumbago	...	"	7
"    Bale, case, or package measuring 60 cubic feet and upwards	...	"	25
"    "    "    "    40 cubic feet and under 60 cub. ft.	...	"	20
"    "    "    "    25 "    "    "    40 "    "    "	...	"	15
"    "    "    "    15 "    "    "    25 "    "    "	...	"	12
"    "    "    "    10 "    "    "    15 "    "    "	...	"	8
"    "    "    "    5 "    "    "    10 "    "    "	...	"	6
"    smaller box or package	...	"	2
"    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.

Passed in Council the Twenty fourth day of November, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this First day of December, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

*Village Communities.*

No. 12. — 1880. *repealed*

J. R. LONGDEN.

*An Ordinance to amend The Laws relating to Village Communities.*

Title.

Preamble.

**W**HEREAS "The laws relating to Village Communities" require amendment, BE IT ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Short title. Ordinance to be construed as one with Ordinance No. 26 of 1871.

1. THIS Ordinance may be cited as "The Village Communities Ordinance, 1871, Amendment Ordinance, 1880," and shall be construed as one with "The Village Communities Ordinance, 1871," in this Ordinance referred to as the principal Ordinance.

Power to Governor and Executive Council to establish or abolish tribunal in village or group of villages at discretion.

2. THE authority vested by the 20th clause of the principal Ordinance in the Governor, with the advice of the Executive Council, to establish village tribunals in each village or group of villages, shall be in the discretion of the Governor, and shall be exercised only if the Governor, with the advice aforesaid, shall deem it necessary so to do; and the Governor, with the advice of the Executive Council, may from time to time abolish any village tribunal, or may add to the jurisdiction of any village tribunal any other village or villages or group of villages in the same division.

Inhabitants may make further rules.

3. IN addition to the powers of making rules conferred by the principal Ordinance, the inhabitants of any sub-division shall have power to make rules—

1. For regulating the slaughtering of cattle;
2. For the prevention of loitering in thoroughfares or public places;
3. For regulating the killing of game and buffaloes, and all matters connected therewith, provided that such rules are not inconsistent with the provisions of the Ordinance No. 6 of 1872, intituled "An Ordinance to prevent the wasteful destruction of buffaloes and game throughout the Island," which prohibit the killing of game in the close season, or in Crown forests specially reserved.
4. For making it an offence for any holder of a license under "The Licensing Ordinance, 1873," or any keeper of a tavern to sell, or allow any person to sell to females any description of spirits, including intoxicating liquor as well as the produce of the cocoanut or other description of palm or sugar cane.

And any rule so made shall be of the same effect as if it had been made under the powers conferred by the principal Ordinance.

Penalty for false or frivolous plaint.

4. IF it shall appear to any village tribunal that any case has been falsely and maliciously or upon frivolous or vexatious grounds instituted therein, it shall be lawful for such village tribunal to sentence the party instituting such case to a fine not exceeding five rupees, and to award such fine or any part thereof to the aggrieved party, and if such aggrieved party shall accept the same, he shall not be entitled to have or maintain any suit for the recovery of damages in respect of injury sustained by him, by reason of such false and malicious or frivolous or vexatious prosecution.

*Village Communities.*

5. IN any case in which a village tribunal shall have authority to impose a fine, such tribunal shall also have power to sentence the offender, in default of payment of such fine to imprisonment with or without hard labour for any period not exceeding fourteen days.

Punishment which may be awarded by village tribunal. 626

6. The provisions of the 19th clause of the Ordinance No. 4 of 1867 and the 5th, 8th and 81st clauses of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by village tribunals under the authority of the hereinbefore last preceding clause.

Imprisonment may be carried out in the common prisons. 0

7. THE powers conferred by the 32nd clause of the principal Ordinance on the Government Agent, to take action in any case in which parties may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him within fourteen days from the day on which the decision complained of shall have been given, and no application to the Governor under the said section shall be entertained, unless such application shall be made within fourteen days from the day on which the decision of the Government Agent shall have been communicated to the person who shall have applied to such Government Agent for relief.

Applications for relief to Government Agent and Governor respectively to be made within fourteen days after notification of decision. 0

8. THE 1st and 2nd sub-sections *Criminal* of the 21st clause of the principal Ordinance are hereby repealed.

The criminal jurisdiction of village tribunals under the said 21st clause of the said principal Ordinance shall extend to

Village Tribunals to exercise jurisdiction in certain criminal matters. 0

- (1.) Petty assaults—that is to say, assaults which are punishable by law or custom by no higher punishment than a fine of twenty rupees or imprisonment for two weeks.
- (2.) Petty thefts—that is to say, thefts where the property stolen does not exceed the value of twenty rupees, or where the theft is not preceded or accompanied with violence to the person, and which are punishable by law or custom by no higher punishment than a fine of twenty rupees or imprisonment for two weeks.

9. THE 9th clause of Ordinance No. 6 of 1872 intituled "An Ordinance to prevent the wasteful destruction of Buffaloes and Game throughout the Island," and the 16th clause of "The Licensing Ordinance, 1873," and so much of the 29th clause of the principal Ordinance as provides for enforcing sentences condemning any person to pay a fine in criminal cases, shall be repealed, provided that this repeal shall not affect—

Repealing clause. 0

1. Any rules which have been made.
2. Any penalty or punishment already incurred ;
3. Any legal proceeding or remedy in respect thereof.

Not retrospective. 0

Passed in Council the First day of December, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Sixth day of December, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

Supplementary Supply.

Loan Board Balances.

**No. 13.—1880.**

J. R. LONGDEN.

*An Ordinance for making provision for the Supplementary Contingent Charges for the year 1880.—Rs. 505,699-62.*

8th December, 1880.

**No. 14.—1880.**

J. R. LONGDEN.

*An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board.*

Preamble.

WHEREAS by the Ordinance No. 4 of 1865, intituled *An Ordinance for the better regulation of the Loan Board*, and the Ordinance No. 4 of 1879, intituled *An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board*, provision has been made for the transfer to the Treasury of certain unclaimed balances to be appropriated for purposes cognate to or connected with the administration of justice: And whereas it is expedient to appropriate a portion of such balances for such purposes: IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Rs. 65,000 to be applied to public service.

1. A SUM not exceeding Sixty-five thousand rupees shall be issued and applied to the execution of the public work hereinafter mentioned, viz. :—

For the improvement of the Supreme Court building, Colombo ... Rs. 65,000

Treasurer to pay as Governor may direct.

2. THE Treasurer of the Island shall, from such balances as aforesaid, issue and pay the said sum for the purpose hereinbefore mentioned, in such proportions as the Governor for the time being by any warrant, or order in writing, to be signed by him, shall from time to time order and direct; and the payments so to be made shall be charged upon and be payable out of the said balances.

Treasurer to receive credit for such payments.

3. THE Treasurer shall in his accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the Treasurer in passing his said accounts, for any such sum or sums as shall be therein mentioned, and he shall receive credit for the same accordingly.

Passed in Council this Sixth day of December, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Eighth day of December, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.



*Tolls.*

J. R. LONGDEN.

No. 15.—1880. *repealed 3 1896**An Ordinance to establish further Tolls, and to  
discontinue certain Tolls.*

**W**HEREAS it is expedient to establish the tolls hereinafter **Preamble.**  
specified, and to discontinue certain tolls also hereinafter  
specified: **IT IS HEREBY ENACTED BY THE GOVER-**  
**NOR OF CEYLON,** by and with the advice and consent of the  
Legislative Council thereof, as follows:—

1. **FROM** and after the First day of January, 1881, tolls shall **Establishment**  
be established on and in respect of the following roads, viz. :— **of certain tolls.**

**WESTERN PROVINCE.**

- On the road from Colombo to Kandy between the 10th and 12th mile-posts.
- On the road from Kotte to Kaduwella between the 8th and 9th mile-posts.
- On the road from Pamankada to Horana between the 18th and 19th mile-posts.
- On the road from Kelaniya through Biyagama to Henaratgoda between the 12th and 13th mile-posts.
- On the road from Colombo to Kesbawa and from Moratuwa to Mampe at the junction of the two roads at Mampe.
- On the road from Colombo to Kandy between the 21st and 23rd mile-posts.
- On the road from Negombo to Veyangoda between the 16th and 18th mile-posts.
- On the road from Colombo to Galle between the 28th and 29th mile-posts.

**CENTRAL PROVINCE.**

- On the Dikoya and Dimbula road at or near the Kuda-oya Gap.
- On the road from Nawalapitiya to Nuwara Eliya by way of Tispane and Lindula two tolls, viz., one between 17 and 19 miles from Nawalapitiya, and one between 28 and 30 miles from Nawalapitiya.

2. **FROM** and after the first day of January, 1881, the levy of **Discontinuance**  
tolls hitherto established in respect of the following bridges, roads, and **of certain tolls.**  
ferry shall be discontinued, viz. :—

**WESTERN PROVINCE.**

- On the Kandy road at the 10th mile-post.
- On the road from Kotte to Kaduwella near 9th mile.
- On the road from Pamankada to Horana between the 15th and 16th mile-posts, in the village Werahera.
- On the road from Tudella to Pamunugama.

*Tolls.**Commissioner of Assize.*

On the road from Kelaniya through Biyagama to Minuwangoda at 13th mile-post.

On the bridge at Kospalankissa.

On the bridge at Alutgama.

On the bridge at Pattalagedara.

On the road from Colombo to Galle between the 27th and 28th mile-posts.

At the Giriulla Ferry.

## CENTRAL PROVINCE.

On the road from Arambekada to Bokkawela.

Passed in Council this Sixth day of December, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Eighth day of December One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

No. 16.—1880. *repealed*

J. R. LONGDEN.

*An Ordinance to provide for the appointment of a Commissioner to hold Criminal Sessions of the Supreme Court.*

## Preamble.

WHEREAS in consequence of the increase, in the number of prosecutions for criminal offences before the Supreme Court, and in the appellate work of the said court, it is expedient that provision should be made for the appointment, from time to time, of a judicial officer to hold criminal sessions of the court whenever it may be necessary and convenient so to do: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Power to Governor to appoint a Commissioner of Assize in certain cases.

1. WHENEVER the Chief Justice shall represent to the Governor that it is expedient that any criminal session of the Supreme Court should be held in any district or circuit, otherwise than by one of the judges of the Supreme Court, the Governor may, if he think it expedient, by Commission under the Public Seal of the Island from time to time, appoint a judicial officer to be called "Commissioner of Assize," who shall hold office during Her Majesty's pleasure, and for such criminal session or part of a criminal session of the Supreme Court, as shall be specified in the said Commission.

Such Commissioner invested with rights, powers

2. IT shall be lawful for every such Commissioner to hold any criminal session, or part thereof, of the Supreme Court, appointed to be holden under the provisions of "The Administration of Justice Ordinance, 1868," and for which he may be commissioned to act, and

*Commissioner of Assize. Medical Wants of Planting Districts.*

such Commissioner during the continuance of such session, or part thereof, shall be invested with all the rights, powers, privileges, and immunities of a judge of the Supreme Court, and shall have and take rank and precedence immediately after the Puisne Judges of the said court. and privileges, &c., of a Judge of the Supreme Court.

3. EVERY criminal session or part thereof of the Supreme Court to be holden before a Commissioner under the authority of this Ordinance shall be deemed and taken to be a criminal session of the court under "The Administration of Justice Ordinance, 1868," in the same and the like manner as if the same were holden by one of the judges of the said Court, and all laws, usages, and customs applying, relating, or referring to criminal sessions of the said court, or to any act, matter or thing done or required to be done by any person with reference to or in connection with such criminal session of the Supreme Court shall apply, relate, and refer to every criminal session or part thereof to be held by the said Commissioner, and to every act, matter or thing done or to be done by any person with reference to or in connection with such last mentioned session or part thereof, in the same manner and to the same extent as if such last mentioned session or part thereof were a criminal session of the Supreme Court held by a judge thereof. Commissioner empowered to hold criminal session of Supreme Court.

4. EVERY Commissioner appointed under this Ordinance shall receive such remuneration for his services, at such rate not exceeding the salary payable to a Puisne Judge of the Supreme Court, as may from time to time be fixed by the Governor, with the advice of the Executive Council, and such remuneration shall be paid out of the Public Treasury by warrant of the Governor in the usual manner. Commissioner's salary.

Passed in Council this Sixth day of December, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Eighth day of December, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.

No. 17.—1880. No. 9882

J. R. LONGDEN.

*An Ordinance to provide for the Medical Wants of immigrant labourers in certain planting districts.*

WHEREAS it is expedient to make better provision than at present exists for the medical wants of immigrant labourers in certain planting districts: BE IT 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 Medical Wants Ordinance, 1880*," and shall come into operation upon and after such day, Short title.

*Medical Wants of Planting Districts.*

subsequent to the 30th day of June, 1881, as may be appointed by the Governor in Council by proclamation in the *Government Gazette* for the purpose.

## Interpretation.

2. IN this Ordinance, unless the context otherwise requires,

1. The expression "district" shall include an entire district appointed under this Ordinance.
2. The expression "estate" shall include every estate, in districts appointed as aforesaid, in which immigrant labourers are employed, having ten acres of land actually cultivated in coffee, tea, cocoa, cinchona, or any of those products.
3. The expression "superintendent" shall mean any person in the immediate charge of any estate.
4. The expression "labourer" shall include every labourer, whether male or female, and the children of such labourers, and every kankani.

Government to undertake medical care of labourers.

3. THE Government shall cause provision to be made for the medical care of labourers employed on estates.

Special fund to be created for the purpose.

~~4. FOR the purpose of providing a special fund to defray the cost of the medical care of labourers on estates under this Ordinance, it shall be lawful for the Governor, with the advice of the Executive Council, from time to time by proclamation in the *Gazette*, to impose a duty, and the same from time to time to increase or reduce, not exceeding twenty cents per hundredweight on coffee, tea, and cocoa, and forty cents per hundredweight on cinchona, which duty shall be levied at the Customs on the entry for exportation of all coffee, tea, cocoa, and cinchona, 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 17 of 1869, intituled *An Ordinance for the general regulation of Customs in the Island of Ceylon*.~~

To be called the Medical Aid Fund.

5. THE duty to be collected under the authority of the last preceding clause shall be paid into the Treasury, and shall be carried to the credit of a fund to be called the "Medical Aid Fund," and shall be applied and devoted to defray the expenses incurred under this Ordinance, and to no other purpose whatever. And an account current of such fund shall be made up annually and published in the *Gazette* for general information.

Estates to be grouped into districts.

6. THE Governor, with the advice of the Executive Council, may for the purposes of this Ordinance by proclamation in the *Gazette*, group together estates into districts, and may in the same and in the like manner from time to time amend the grouping of any district or districts, or abolish any district, or create a new district or new districts.

Medical officer to be appointed to each district.

7. FOR every district it shall be lawful for the Governor to appoint a medical officer who shall hold office at the pleasure of the Governor, and shall have the medical charge of the district for which

*Medical Wants of Planting Districts.*

he shall be appointed, and shall be under the direction of the Principal Civil Medical Officer, and shall be liable to be removed from one district to another as the Governor may from time to time deem expedient.

8. THE Governor, with the advice of the Executive Council, shall appoint a salary for each district medical officer, not exceeding in any case 4,000 rupees a year, with an increase of 500 rupees a year after five years' service, and a further increase of 500 rupees a year after ten years' service, and the past services of such of the present district medical officers who may be appointed shall count towards increment of salary. The Governor, with the like advice, may assign to each medical officer such an allowance as may be necessary to cover his travelling expenses.

Governor in Council to fix salaries.

9. FOR every district for which the Governor, with the advice of the Executive Council, shall deem it expedient, it shall be lawful for the Governor to appoint one or more medical assistants, who shall reside at the hospital of the district or such other place as may be appointed, and shall receive a salary on first appointment not exceeding 1,000 rupees, which may be increased to a salary not exceeding 1,500 rupees.

Medical assistants.

10. FOR every district there shall be appointed a district hospital, to which may be attached one or more dispensaries.

District hospitals.

11. THE Governor may appoint the existing Government civil hospitals to be hospitals for any district.

Government civil hospitals may be used.

12. THE Governor may appoint any district hospital established under the authority of the Ordinance No. 14 of 1872 as a district hospital under this Ordinance. Provided always that whenever any such hospital shall be appointed a district hospital under this Ordinance, the same shall thereupon vest in and become the property of the Crown for the purposes of this Ordinance.

Existing district hospitals may be used.

13. THE superintendent of every estate shall, upon a written requisition from the medical officer in charge of the district, send to the hospital of the district any labourer requiring hospital treatment, unless he shall refuse to go.

Patients to be sent to hospital on order of district medical officer.

14. THE superintendent of any estate may send to the hospital of the district any labourer appearing to him to require medical treatment.

Patients may be sent to hospital by superintendents.

15. FOR every labourer sent to a hospital under either of the two preceding clauses, the estate from which he is sent shall be liable for the payment of the sum of thirty cents a day for every day such labourer is in hospital not exceeding thirty days. Such payment to be made to the Kachcheri to the credit of the Medical Aid Fund.

Subsistence money to be paid by estates.

16. WHERE it shall appear to the Governor, with the advice of the Executive Council, upon the report of the Principal Civil Medical Officer, that it is necessary to construct a new hospital for any district or to enlarge any existing hospital under this Ordinance,

Enlargement of district hospitals.

*Medical Wants of Planting Districts.*

it shall be lawful for the Governor, with the advice of the Executive Council, to authorize the Treasurer to advance such sum as may be required for such construction or enlargement, and such sum shall be repaid out of the Medical Aid Fund with interest at 4 per cent., in such instalments as may be directed by the Governor, with the advice of the Executive Council.

**Duties of district medical officer to visit hospitals and estates.**

17. IT shall be the duty of each district medical officer to visit the hospital of his district daily, and to visit the cooly lines upon every estate in his district once at least in every six months, and upon each visit he shall call the attention of the superintendent to any defect in the sanitary condition of the lines.

**And sick labourers.**

18. IT shall also be the duty, as far as may be practicable, of each district medical officer upon being required so to do by the superintendent of any estate in his district, to visit any sick labourer on such estate.

**Payment for special visits.**

19. FOR every such last mentioned visit to an estate, the estate shall be liable for the payment into the Kachcheri of a fee of two rupees and fifty cents, which fee shall be carried to the credit of the Medical Aid Fund.

**Duties imposed on superintendents.**

20. THE following duties are hereby imposed on every superintendent of an estate :—

- (a) To maintain the lines on the estate in fair sanitary condition :
- (b) To inform himself of all cases of sickness on the estate, and to take such steps as he may deem best for the immediate relief of the sick :
- (c) To send labourers to hospital as required by the 13th clause.
- (d) To send for the district medical officer in any case of serious illness, or accident :
- (e) To inform the district medical officer within forty-eight hours of every birth or death upon the estate :
- (f) To keep a register of immigrant labourers employed on the estate, and of all immigrant labourers arriving or departing therefrom, and of all births and deaths upon the estate, in such form as may be prescribed by the Governor, with the advice of the Executive Council :
- (g) To supply every female labourer employed upon the estate and giving birth thereon to a child with sufficient food and lodging, for fourteen days after the birth of such child, and to take care that the female labourer be not required to work on the estate for one month, unless the district medical officer shall report sooner that she is fit to work.

Any superintendent who shall refuse or neglect to perform any of the duties hereby imposed on superintendents shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

*Medical Wants of Planting Districts.*

21. IT shall be the duty of every kankani employed upon an estate to give information to the superintendent of every case of sickness in his gang, and any kankani who shall neglect or refuse to give such information to the superintendent shall be guilty of an offence, and liable on conviction to a fine not exceeding twenty rupees.

Duties imposed on kankani.

22. IT shall be lawful for the Governor, with the advice of the Executive Council, to make regulations for the following purposes, and from time to time to revoke, alter or amend such regulations:—

Governor in Council may make rules.

- (a) For the guidance of the district medical officers and medical assistants in their duties:
- (b) For the regulation and management of the district hospitals and dispensaries, and the maintenance of order and cleanliness therein, and for the issue at prime cost of medicines to superintendents for the use of labourers:
- (c) For regulating the private practice of the district medical officers, so that it shall not interfere with their duties under this Ordinance, and for settling the fees to be paid by proprietors, superintendents or assistant superintendents to the district medical officer for medical attendance:
- (d) To provide for keeping by the medical officer at each hospital or dispensary under his charge, a register of all cases treated therein, whether as in or out-patients:
- (e) Prescribing and regulating returns to be made in relation to his duties by the medical officer.

The regulations so made shall be published in the *Government Gazette*, and a printed copy of the regulations made for the management of district hospitals and dispensaries, respectively, shall be hung up for public information in every district hospital or dispensary.

23. WHEN any sum of money shall be payable under the 15th or 19th clause of this Ordinance, it shall be the duty of the Government Agent to give notice in writing to the superintendent of the estate in respect of which the same is payable, requiring the payment thereof within one month after such notice, and in default of such payment it shall be lawful for the Government Agent or any person authorized by him in writing in that behalf to seize, once or oftener, all the crops, live stock and implement, or any part thereof found on the estate, liable in respect of such sum, or any other article or thing whatsoever belonging to the proprietor or any of the proprietors of such estate, until the full amount due by such estate shall be recovered. If there be no sufficient crops, live stock or implements on such estate to realize the amount due, it shall be lawful for the Government Agent or other person authorized 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 to sell the same. And, unless the sum due shall be sooner paid, with the costs and charges incurred in respect of such seizure, it shall be lawful for such Government Agent or any person as aforesaid to sell the property so seized by public auction at any time after thirty days

Recovery of money due for subsistence and medical attendance.

*Medical Wants of Planting Districts.*

from the date of seizure; perishable property, however, may be sold within ten days from the date of such seizure. Provided however that no seizure shall take place under this clause for any sum of money which shall have been in arrear for a period of one year.

Removal of property seized or keeping same in charge.

24. ANY 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; and in the case of the seizure of any property which cannot conveniently be removed, it shall be lawful for the person making the seizure to place and keep a person in possession thereof pending such sale.

Costs of seizure and sale.

25. THE cost and charges of seizure and sale shall also be payable from the proceeds of the property seized, and they shall be as follows:

- (1) For cost of proceeding to the house or land of the party in default in order to seize property,—a charge not exceeding eight per centum on the amount due.
- (2) For removal of the goods seized, in case such removal takes place,—a charge not exceeding eight per centum on the amount due.
- (3) For keeping the same in safe custody in case of such removal,—a charge not exceeding fifty cents per day.
- (4) For keeping a person in possession, 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 two and a-half per centum on the net produce of the sale.

Buildings may be broken open.

26. IT shall be lawful for the Government Agent or person authorized as aforesaid to break open or cause to be broken open in the day time any house or building for the purpose of seizing property in pursuance of this Ordinance, if he shall have affixed to a conspicuous part of such house or building, three clear days previously, a notice of his intention so to do.

Return of overplus.

27. IN the event of a sale of property seized, the Government Agent, at whose instance such seizure was made, shall, after deducting the amount due by the defaulter, and also the costs and charges payable under clause 25, restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Obstructing persons acting under this Ordinance.

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

Repealing clause.

29. THE Ordinance No. 14 of 1872 intituled *An Ordinance to provide for the Medical Wants of the Coffee Districts* is hereby



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*Medical Wants of Planting Districts.*

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repealed from and after the commencement of this Ordinance.  
Provided that

1.—This repeal shall not affect—

- (a) The past operation of the said Ordinance nor anything duly done or suffered under it ;
- (b) Nor any right, privilege, obligation or liability acquired, accrued or incurred under the said Ordinance ;
- (c) Nor any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance ; nor
- (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Fifteenth day of December, One thousand Eight hundred and Eighty.

J. DOUGLAS,  
Colonial Secretary.



*Colombo Harbour.**Railway.***No. 1.—1881.**

J. R. LONGDEN.

An Ordinance to amend the Ordinance No. 1 of 1876, intituled  
 “An Ordinance for the raising by Debentures of a further  
 sum of Four hundred thousand pounds sterling for  
 the improvement of the Harbour of Colombo.”

Title.

**W**HEREAS it is desirable to amend in manner hereinafter  
 appearing so much of the 9th clause of the Ordinance No. 1 of  
 1876, as would apply to the formation of a sinking fund for the repay-  
 ment of money to be raised on debentures under the said Ordinance  
 after the passing hereof; it is hereby enacted by the Governor of  
 Ceylon, with the advice and consent of the Legislative Council thereof,  
 as follows:—

Preamble.

1. The time for the appropriation of ten shillings sterling per  
 centum provided by the said 9th clause for the formation of a  
 sinking fund for the redemption of debentures issued under the au-  
 thority of the said Ordinance shall, in respect of debentures issued  
 after the passing of this Ordinance, begin after the expiration of five  
 years from the day on which the first of the debentures under Ordinance  
 No. 9 of 1874, intituled “An Ordinance for the raising by  
 Debentures of a sum of One million pounds sterling for the construc-  
 tion of a Railway from Náwalapitiya to Nántu-oya” was issued.

Date of first  
 appropriation  
 for sinking fund on  
 future debentures  
 under Ord. 1 of  
 1876  
 assimilated to  
 that prevailing for  
 debentures first  
 issued under  
 Ord. 9 of 1878.

Passed in Council this Nineteenth day of October, One thousand  
 Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
 Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-sixth  
 day of October, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
 Colonial Secretary.

**No. 2.—1881.**

J. R. LONGDEN.

An Ordinance to amend the Ordinance No. 10 of 1865, intituled  
 “An Ordinance relating to the Ceylon Railway.”

Title.

**W**HEREAS by the 4th clause of the Ordinance No. 10 of 1865  
 intituled “An Ordinance relating to the Ceylon Railway,” it  
 is enacted that the Governor may, from time to time, with the advice  
 and consent of the Executive Council, frame and establish rules for  
 the purposes therein mentioned, but no provision is made for making  
 such rules public; it is hereby enacted by the Governor of Ceylon,  
 with the advice and consent of the Legislative Council thereof, as  
 follows:—

Preamble.

1. A copy of any rule or rules made or to be made under the  
 authority of the 4th clause of the said Ordinance No. 10 of 1865 may  
 be hung up and affixed and continued on the front or other conspicuous  
 part of every station of the said railway, and knowledge of the con-  
 tents of such rule or rules shall be presumed as against any person

Rules to be affixed  
 publicly in  
 railway stations  
 and persons using  
 the railway  
 legally-presumed

*Railway.**Quarantine.*

to be acquainted  
with them.

using the said railway, upon proof that such copy was hung up and affixed and continued as required by this Ordinance.

Passed in Council this Nineteenth day of October, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-sixth day of October, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

*repealed 3 1897*

**No. 3.—1881.**

J. R. LONGDEN.

Title.

**An Ordinance to make provision for the recovery of Expenses incurred in enforcing Quarantine.**

Preamble.

**W**HEREAS under the 10th clause of the Ordinance No. 8 of 1866, intituled "An Ordinance to provide against the spread of Contagious Diseases in this Island" authority is given to the Governor, with the advice of the Executive Council, to make such regulations or orders as may seem to be necessary and expedient for the purposes referred to in the said clause :

And whereas by a regulation No. 6, made by the Governor, with the advice of the Executive Council, under the authority of the said Ordinance, bearing date the 8th of August, 1877, it is provided that "it shall be lawful for the principal civil medical officer of the port, into which any vessel subject to quarantine shall enter, to allow the passengers to land before the expiration of the quarantine, and to require such passengers to perform their quarantine on shore in such place as such officer shall determine" :

And whereas it is desirable that provision should be made for the recovery of the quarantine expenses which may be incurred in respect of passengers who may be required to perform quarantine on shore, and also whereby such passengers who may have been left in the Colony should be sent to the place of their destination at the cost of the vessel from which they may have been required to perform quarantine : It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Master, agent  
or consignee  
of ship landing  
passenger in  
quarantine to  
give security for  
his expenses.

1. Whenever any passenger shall have been landed at any place in the Colony for the purpose of performing quarantine, the ship or vessel from which such passenger shall have been landed shall not be entitled to receive a port clearance until sufficient security to the satisfaction of the Master Attendant shall have been given by the master, agent or consignee of such ship to the Master Attendant, for the re-payment to the Government of all quarantine expenses which may have been incurred by the Government in respect of such passenger, and also of the necessary passage money of such passenger to the place of his original destination, should such passenger not be conveyed

*Quarantine. Coffee Stealing. Arrack, Rum, and Toddy.*

thither in the ship or vessel from which he shall have been required to perform quarantine.

Passed in Council this Nineteenth day of October, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-sixth day of October, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 4.—1881.** *repealed*

J. R. LONGDEN.

An Ordinance to continue the Ordinance No. 2 of 1879, intituled "An Ordinance to Check Coffee Stealing."

Title.

**W**HEREAS the Ordinance No. 2 of 1879, intituled "An Ordinance to check Coffee Stealing," will expire at the end of the present Session of the Legislative Council, and it is expedient to continue the same for a further period: Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. The said Ordinance shall remain and continue in force for a further period of two years from the date of the passing hereof and thenceforth to the end of the then Session of the Legislative Council.

Continuance of Ord. 2 of 1879 till end of Session of 1883.

Passed in Council the Second day of November, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of November, 1881.

J. DOUGLAS,  
Colonial Secretary.

**No. 5.—1881.** *repealed*

J. R. LONGDEN.

An Ordinance to amend the Law relative to the Distillation and sale of Arrack, Rum, and Toddy within these Settlements.

Title.

**W**HEREAS the Ordinance No. 10 of 1844, intituled "An Ordinance to amend the Law relative to the distillation and sale of Arrack, Rum, and Toddy within these Settlements" requires amendment in the particulars hereinafter mentioned, it is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. So much of the 11th clause of the said Ordinance as authorizes the Government Agent to demand and receive the sum of three pounds before granting any license for the distillation of

Partial repeal of clauses 11 and 20.

*Arrack, Rum, & Toddy. Supply, 1882. French Mail Steamers.*

Ord. No. 10 of  
1844.

Distiller's license  
and wholesale  
dealer's license to  
cost Rs. 100.

Proof of negative  
to be on the  
defendant.

spirits and so much of the 20th clause as requires payment to the Government Agent of the sum of three pounds before he shall issue a license to deal wholesale in spirits, shall be and the same is hereby repealed.

2. It shall be lawful for the Government Agent to demand and receive the sum of one hundred rupees for every license for the distillation of spirits under the eleventh clause of the said Ordinance, and also one hundred rupees for every license to deal by wholesale in spirits under the 20th clause of the said Ordinance, before granting any such license.

3. In any prosecution for any offence against the said Ordinance, if the information or plaint in any such case shall negative any exemption, proviso, or condition in the said Ordinance, it shall not be necessary for the prosecutor or complainant in that behalf to give any evidence of such negative, but the defendant or accused may prove the affirmative thereof in his defence, if he would have advantage of the same.

Passed in Council the Twenty-third day of November, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Thirtieth day of November, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 6.—1881.**

J. R. LONGDEN.

An Ordinance for making provision for the Contingent Service for the year 1882.—Rs. 8,711,604—18.

30th November, 1881.

**No. 7.—1881.** *repealed*

J. R. LONGDEN.

Title.

An Ordinance to make temporary provision for securing the Status of French Mail Steamers within the Ports of this Colony.

**B**E it enacted by the Governor of Ceylon, with the advice of the Legislative Council thereof, as follows:—

1. The Steam Packets of the Compagnie des Messageries Maritimes, employed by the French Post Office in carrying Mails to and from this Colony, shall, when in the ports of this Colony, be considered and treated as vessels of war, and shall be entitled to all the rights, privileges and immunities of vessels of war, and shall not for any cause be diverted from their special duties, or be liable to seizure or detention by order of any Court or Judge.

Status of  
Messageries  
Maritimes  
steamers.

*French Mail Steamers.*

*Volunteer Corps.*

2. Nothing contained in this Ordinance, and no rights or privileges hereby granted, shall affect the rights of Her Majesty the Queen, Her Heirs or Successors.

Saving rights of Crown.

3. This Ordinance shall continue in force until the 31st December, 1882.

Expiry of Ordinance.

Passed in Council the Thirtieth day of November, One thousand Eight hundred and Eighty-one

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Seventh day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 8.—1881.**

J. R. LONGDEN.

An Ordinance to amend the Ordinance No. 3 of 1861, intituled "An Ordinance to authorize the Formation of a Volunteer Corps in this Colony, and to provide for the good order and discipline thereof."

Title.

WHEREAS by the 15th and 16th clauses of the Ordinance No. 3 of 1861, intituled "An Ordinance to authorize the formation of a Volunteer Corps in this Colony, and to provide for the good order and discipline thereof," reference is made to the Mutiny Act and Articles of War :

Preamble. ✓

And whereas the discipline and regulation of Her Majesty's Forces are now provided for by "The Army Discipline Act, 1879," and by "The Army, Act, 1881."

And whereas the Army Act, 1881, will come into force in this colony on the 27th day of February, A.D. 1882, on and from which date "The Army Discipline Act, 1879," will be repealed, and it is therefore necessary to amend the said Ordinance No. 3 of 1861 in manner hereinafter appearing :—It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof as follows :—

1. Wherever mention is made in the said Ordinance of "The Mutiny Act and Articles of War," the same shall be taken and construed to refer to "The Army Discipline Act, 1879," until the said last mentioned Act shall have been repealed, and thenceforward to "The Army Act, 1881."

Courts-martial and Military offences of Volunteers to be subject to the Army Discipline Act, 1879, and Army Act, 1881, instead of the Mutiny Act and Articles of War as heretofore.

Passed in Council this Seventh day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Fourteenth day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

*Volunteer Corps.*

No. 9.—1881. Vol. 17 (1880)

J. R. LONGDEN.

Title.

An Ordinance further to amend the Ordinance No. 3 of 1861, intituled "An Ordinance to authorize the formation of Volunteer Corps in this Colony, and to provide for the good order and discipline thereof."

Preamble.

WHEREAS by the 5th and 6th clauses of the Ordinance No. 3 of 1861, intituled "An Ordinance to authorize the formation of Volunteer Corps in this Colony, and to provide for the good order and discipline thereof," it is provided that rules and regulations of such corps of Volunteers shall be made by the persons forming such corps, or the majority thereof, for certain purposes therein mentioned, which rules and regulations, when allowed by the Governor with the consent of the Executive Council, and published in the *Government Gazette*, shall be valid and binding upon the persons belonging to the said corps and all other persons affected thereby :

And whereas it is desirable that powers should be given to the Governor, with the advice of the Executive Council, to make rules and regulations for the government of Volunteer Corps now or hereafter to be established under the said Ordinance, and also to repeal the said 5th and 6th clauses of the said Ordinance, and to empower such Volunteer Corps to make rules and regulations with regard to the matters hereinafter particularly mentioned : Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Repealing clause.

1. The 5th and 6th clauses of the said Ordinance shall be and the same are hereby repealed.

Governor in Council may make regulations for certain objects.

2. The Governor, with the advice of the Executive Council, may from time to time make regulations respecting anything required to be done or provided by the said Ordinance, and also such regulations as may seem fit, not being inconsistent with any of the provisions of the said Ordinance, respecting—

- (a) The appointment and promotion of officers ;
- (b) The assembling and proceedings of courts of enquiry to enquire into and report on any matter connected with the government or discipline of a Volunteer Corps ;
- (c) For the full execution of the said recited Ordinance No. 3 of 1861, and the general government and discipline of any Volunteer Force ;

and may alter or repeal any such regulations, and may call for such returns as may from time to time seem requisite; and such regulations or alterations regulating the same, when published in the *Gazette*, shall have the full force and effect of law.

Officers and Volunteers may make rules for certain objects, subject to

3. The officers and volunteers belonging to a Volunteer Corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and may alter or repeal any such rules, but any such rules shall not have



*Volunteer Corps.**Tolls.*

effect unless and until the commanding officer of the corps thinks fit to transmit the same for the approval of the Governor with the advice of the Executive Council, and such approval is notified to the commanding officer of the corps, to be by him further communicated to the corps, whereupon the rules so approved shall be binding on all persons.

approval of Governor in Council.

4. A copy of the rules in print or writing, or partly in print or partly in writing, certified under the hand of the commanding officer as a true copy of the rules, whereof the approval of the Governor, with the advice of the Executive Council, has been notified as aforesaid, shall be conclusive evidence of the rules of the corps.

Copies certified by commanding officer conclusive evidence of rules.

5. This Ordinance shall commence and take effect from and after the date upon which Her Majesty's assent thereto shall have been proclaimed in the *Government Gazette* of the colony, and not sooner.

Date of Ordinance coming into operation.

6. Nothing herein contained shall affect any right or prerogative of Her Majesty, her heirs, and successors.

Reservation of Her Majesty's prerogative.

Passed in Council this Seventh day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Fourteenth day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 10.—1881.**

*repealed 3 1896*

J. R. LONGDEN.

**An Ordinance to establish further Tolls and to discontinue certain Tolls.**

**W**HEREAS it is expedient to establish the tolls hereinafter specified, and to discontinue certain tolls also hereinafter specified: It is hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. From and after the first day of January, 1882, tolls shall be established on and in respect of the following roads and ferry, viz.:—

Establishment of certain tolls.

**WESTERN PROVINCE.**

On the road from Alutgama to Radawana between the 3rd and 4th mile-stones.

At the ferry across the Kepu-ela on the road from Desestara Kalutara to Anguruwatota.

On the roads from Tebuwana to Kalutara, from Palatota to Nagođa, and from Nagođa to Agalawatta at their junction; such toll to clear and to be cleared by that already

*Tolls.**Loan Board Balances.*

established on the road from Kalutara to Agalawatta at Dodangoda near the junction of the road with the minor road from Payyágala.

## CENTRAL PROVINCE.

On the road from Náwalapitiya to Nuwara Eliya through Dimbula between the 10th and 12th mile-posts.

On the road from Náwalapitiya to Nuwara Eliya through Dimbula between the 20th and 21st mile-posts.

Discontinuance of certain tolls.

2. From and after the 1st day of January, 1882, the levy of tolls hitherto established in respect of the following roads shall be discontinued, viz. :—

## WESTERN PROVINCE.

On the road from Alutgama to Radáwána at the 10th mile-stone and at its junction with the Kandy road.

On the road from Negombo to Véyangoda between the 16th and 18th mile-posts.

## CENTRAL PROVINCE.

On the road from Náwalapitiya to Nuwara Eliya by way of Tispane and Lindula two tolls, viz., one between 17 and 19 miles from Náwalapitiya, and one between 28 and 30 miles from Náwalapitiya.

On the road between Náwalapitiya and Tispane at or near the 8th mile-post.

On the Dikoya and Dimbula road at or near the Kuda-oya Gap.

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 11.—1881.**

J. R. LONGDEN.

Title.

An Ordinance to amend Ordinance No. 4 of 1879, intituled an Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board.

Preamble.

**W**HEREAS it is expedient to amend the Ordinance No. 4 of 1879, intituled "An Ordinance to provide for the further appropriation of certain unclaimed balances from the funds of the Loan Board," It is hereby enacted by the Governor of

*Final Supplementary Supply, 1880. Stamp Duties.*

Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

1. So much of clause 1 of Ordinance No. 4 of 1879 as enacts that a sum of Rs. 10,000 shall be issued and applied for building a Court at Hakmana, is hereby repealed.

Partial repeal of cl. 1 of Ord. 4 of 1879. ✓

2. A sum not exceeding 10,000 rupees shall be issued and applied to the execution of the several public works hereinafter mentioned :

Appropriation in lieu thereof.

	Rs.
For the new Prison at Kandy ...	5,000
For improvements to Kalutara Prison ...	1,880
For improvements to Negombo Prison ...	1,650
For improvements to Hambantota Prison	1,470
	Rs. 10,000

3. This Ordinance and the Ordinance No. 4 of 1879 shall be read and construed as one Ordinance.

Ordinance to be construed as one with Ord. 4 of 1879.

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 12.—1881.**

J. R. LONGDEN.

An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1880.—Rs. 175,337—69.

21st December, 1881.

**No. 13.—1881. *repealed***

J. R. LONGDEN.

An Ordinance to amend the Ordinance No. 8 of 1863, and the Ordinance No. 3 of 1865.

Title.

**W**HEREAS it is expedient to amend the Ordinance No. 8 of 1863, intituled "An Ordinance to provide for the registration of titles to land and of all deeds affecting land in this Colony," and No. 3 of 1865, intituled "An Ordinance to amend the Ordinance No. 8 of 1863," in manner hereinafter appearing: It is enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. This Ordinance and the Ordinances No. 8 of 1863, intituled "An Ordinance to provide for the registration of Titles to Land and of all Deeds affecting Land in this Colony," and No. 3 of 1865, intituled "An Ordinance to amend the Ordinance No. 8 of 1863" shall be read and construed as one Ordinance.

Ordinance to be read as one with Ord. 3 of 1865 and Ord. 8 of 1863.

*Stamp Duties.*

✓ Repeal of part of clause 40 of Ordinance 8 of 1863.

✓ Amendment of schedules imposing stamps in previous Registration Ordinances.

2. The words "upon delivery to him of the proper stamp for the certificate hereinafter required" in the 40th clause of the said Ordinance No. 8 of 1863 shall be and the same are hereby repealed.

3. The schedule hereto shall be substituted for and be in the place of the schedule to the Ordinance No. 3 of 1865, and shall be the schedule referred to in the 48th clause of the Ordinance No. 8 of 1863 instead of the schedule M. therein mentioned.

SCHEDULE.

EVERY instrument of sale, purchase, transfer, assignment, or mortgage of any immoveable property, or of promise, bargain, contract, or agreement for effecting any such object, or for transferring any security, interest, or incumbrance affecting such property (other than a lease) or of contract or agreement for the future sale or purchase or transfer of any such property—

(a) WHERE the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed 100 rupees

	Rs	cts.
Where it exceeds 100 rupees do. 250	1	0
250 do. 500	2	0
500 do. 1,000	3	0
1,000 do. 2,500	4	0
2,500 do. 5,000	5	0
5,000 do. 10,000	7	50
And for every further 10,000 or part of 10,000	10	0

(b) WHERE the consideration of the instrument is *not wholly* in money, an addition of ten rupees.

(c) WHERE the money consideration of the instrument is *not stated*, but the *value* of the property is stated—

Where such value does not exceed 100 rupees	1	0
Where it exceeds 100 rupees do. 250	2	0
250 do. 500	3	0
500 do. 1,000	4	0
1,000 do. 2,500	5	0
2,500 do. 5,000	7	50
5,000 do. 10,000	10	0
And every further 10,000 or part of 10,000	10	0

(d) WHERE neither the money consideration of the instrument nor the value of the property is stated 20 0

(e) WHERE the total amount of money ultimately recoverable upon the instrument is indefinite, a duty of 25 0

2. EVERY LEASE, Transfer, or Assignment thereof—

(a) WHERE the consideration is wholly in money and does not exceed 100 rupees ... 1 0

Where it exceeds 100 rupees and does not exceed ... 250 rupees

250 do. 500	2	0
500 do. 1,000	3	0
1,000 do. 2,500	4	0
2,500 do. 5,000	5	0
5,000 do. 10,000	7	50
And for every further 10,000 or part of 10,000	10	0

Provided that the duty shall not exceed that on a lease for five years.

(b) EVERY LEASE, Transfer, or Assignment thereof, where the consideration is partly in produce, and the value of such produce is

*Stamp Duties.*

*Fixed Establishments.*

not stated in the instrument, a duty of Rs. 2-50 in addition to the duty upon the stated pecuniary consideration.

(c) EVERY LEASE, Transfer, or Assignment thereof, where the consideration consists wholly of produce, a duty of one rupee.

**3. EVERY INSTRUMENT OF RELEASE, SURRENDER OR ANNULLMENT; AND EVERY RECEIPT OR DISCHARGE—**

WHERE the amount for which such instrument or receipt or discharge is given does not exceed 5,000 rupees ... ..	Rs. cts.
5,000 rupees ... ..	1 0
Where it exceeds 5,000 rupees ... ..	2 50

4. EVERY instrument of partition and every judgment or decree of Court decreeing such partition, where the value of every land partitioned and divided does not appear on the face of the instrument or judgment or decree : for each land so partitioned and divided a duty of ... .. 5 0

WHERE THE VALUE of every land appears on the face of the instrument or judgment or decree and the total value does not exceed 100 rupees .. 1 0

Where it exceeds 100 rupees and does not exceed	250 rupees	2 0
250 do.	500 "	3 0
500 do.	1,000 "	4 0
1,000 do.	2,500 "	5 0
2,500 do.	5,000 "	7 50
5,000 do.	10,000 "	10 0

And for every further 10,000 or part of 10,000 ... 10 0

5. CAVEAT for every land affected thereby ... 10 0

6. EVERY instrument of any kind whatsoever not charged in this schedule nor expressly exempted from registration duty ... 10 0

7. EVERY application, copy, or extract ... 1 0

8. EVERY judgment or order of Court affecting immovable property and every probate of a will or letters of administration ... 5 0

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 14.—1881.**

J. R. LONGDEN.

An Ordinance to amend the Ordinance No. 1 of 1870, intituled "An Ordinance relating to the Fixed Civil Establishments of this Colony." Title.

WHEREAS it is expedient to make provision for the prospective discontinuance of the annual salaries and allowances for Ecclesiastical purposes which are appropriated and payable under Preamble.

*Fixed Establishments.      Incorporated Church Trustees.*

the provisions of the Ordinance 1 of 1870, intituled "*An Ordinance relating to the Fixed Civil Establishments of the Colony:*" Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Salaries, &c., payable to Ecclesiastical Establishment to continue to be paid to existing officers as long as they hold office, and to cease thereafter.

1. All salaries and allowances which are appropriated and payable under and by virtue of the said Ordinance to the Bishop and other ecclesiastical persons in the Church of England and to the chaplains of the Presbyterian Church shall be continued to be paid to the persons who at the time of the passing of this Ordinance shall hold the said offices respectively, so long as they shall hold their respective offices and duly perform the duties thereof, but upon and immediately after any vacancy occurring in any of the said offices then, except as hereinafter excepted, the salary or allowance appropriated to such office shall cease and be no longer payable out of the Colonial Treasury.

If office falls vacant before 1st July, 1886, such salary to be paid to trustees until that date, but no longer.

2. If any vacancy shall occur in any of the said offices before the first day of July, 1886, the salary or allowance appropriated and payable in respect of such office shall until the said first day of July, 1886, but no longer, be paid to trustees lawfully appointed or to be appointed of the Church to which the office so vacated shall belong, in trust for the said Church. †

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 15.—1881.** *repealed*

J. R. LONGDEN.

Title.

An Ordinance for the appointment of Incorporated Trustees of the Church of England in Ceylon.

Preamble.

**W**HEREAS by an Ordinance passed in the present Session of the Legislative Council, intituled "*An Ordinance to amend the Ordinance No. 1 of 1870, intituled 'An Ordinance relating to the Fixed Civil Establishments of this Colony,'*" the salaries and allowances payable to the Bishop and other ecclesiastical persons of the Church of England out of the Colonial Treasury have been prospectively abolished, and provision has been made for payment from time to time to Trustees for the use of the said Church until the first day of July, 1886, of the salaries and allowances payable in respect of offices which may become vacant before that date :

And whereas in consequence of the prospective withdrawal of all State grants to the said Church it has been decided that all the right, title, interest, powers, and control of the Government held and exercised in and over all churches, the salaries and allowances in respect of which have been prospectively withdrawn, shall be trans-

*Incorporated Church Trustees.*

ferred to Trustees, save and except the right, title, and interest in the two churches hereinafter mentioned, subject, nevertheless, in all respects to the same uses, conditions, and limitations and for the same purposes as the same are now held and exercised by the said Government :

And whereas at a meeting of Clerical and Lay members of the Church of England held at Colombo on the 5th day of July, A.D. 1881, it was, amongst other things resolved, "That in view of the impending disestablishment of the said Church of England four Trustees be elected by the Assembly, to whom Government shall be asked to convey all the rights they now have in the churches to be disestablished, and to pay to them such moneys as shall fall due during the years of grace :"

And whereas in accordance with the said resolution, F. C. Loos, F. J. De Saram, W. F. Courthope, and R. Tatham were elected such Trustees :

And whereas it is necessary and convenient that the trustees so elected and their successors to be appointed as is hereinafter provided should be created a body corporate for the purposes aforesaid :

Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

1. The said Frederick Charles Loos, the said Frederick John De Saram, the said William Francis Courthope, and the said Ralph Tatham, and their successors to be appointed in manner hereinafter provided, shall from and after the passing of this Ordinance be and become a Corporation with continuance for ever under the style of "The Incorporated Trustees of the Church of England in Ceylon," with full power and authority to have and use a common seal, and change and alter the same at their will and pleasure, and shall and may have, hold, receive, take, enjoy, and for the better fulfilment of the trusts of the said Corporation and for the benefit and advantage of the same, sell, grant, or otherwise dispose of all manner of moveable or immoveable property whatsoever, which may come to or be vested in them in trust for the said Church and by the name, style, and title aforesaid to sue and implead, be sued and impleaded, answer and be answered, in all courts in all actions and causes whatsoever for, touching or concerning any matter or thing appertaining to the said Corporation or the trusts thereof. Provided always that the change, succession, and renewal of the members of the said Corporation, and the constitution and government thereof, and the beneficial enjoyment and the uses and disposal of all property to come to or be held by them as such Incorporated Trustees shall be controlled, regulated, decided, and declared from time to time by such governing body as shall be duly authorized to represent the Church of England in Ceylon and to manage and control the affairs thereof.

Creation of a Corporation called "The Incorporated Trustees of the Church of England in Ceylon" with perpetual succession, and with full control over all trust property vested in the Corporation.

Subject always to control by such governing body as shall be duly authorized to represent the Church of England in Ceylon.

2. If any vacancy shall occur among the members of the said Corporation by reason of death, resignation, or removal from the Colony, or by any member ceasing to be a member of the Church of England before the manner by which the succession to such vacancy shall be filled shall have been determined on by the governing body of the said Church, such vacancy shall be filled up by the remaining or continuing Trustees in such manner as may by any rule to be made by the remaining Trustees be provided :

Manner of filling up vacancies in such Corporation.

*Incorporated Church Trustees.*

Provided always that no person who shall not be a member of the Church of England shall be eligible to be appointed one of the said Incorporated Trustees.

Corporation to take the place of Government in respect of such Churches (except two) as were heretofore benefited by Ordinance 1 of 1870.

3. All the right, title, interest, powers, and control of the Government heretofore held, enjoyed, or exercised in and over all churches with their appurtenances (save and except the church of St. Peter, Colombo, and St. Paul, Kandy), in respect of which salaries and allowances have been prospectively withdrawn, shall be transferred to and vested in "The Incorporated Trustees of the Church of England in Ceylon" aforesaid; in trust, nevertheless, and to and for the use of the Church in the same and in the like manner as the same have heretofore been held, exercised, and enjoyed by the Government; subject, nevertheless, in all respects to the proviso and condition contained in the first clause hereof, whereby the constitution of the said Incorporated Trustees and the beneficial enjoyment of all property which shall vest in them are to be regulated and controlled by the governing body of the said Church. Provided that until such governing body is appointed, the Trustees shall exercise all the rights, powers, and control hereby conveyed to them, subject to the sanction of the Bishop.

Such salaries as would be payable under Ordinance 1 of 1870, to be paid to Corporation until 1st July, 1886, in all cases where office falls vacant.

4. It shall be lawful for the Government to pay over to the said Trustees from time to time all and every sums and sum of money which may from time to time become due and payable before the first day of July A.D. 1886, under and by virtue of the hereinbefore recited Ordinance for the use of the said Church in consequence of a vacancy occurring in an ecclesiastical office in the said Church before the said first day of July, 1886, and the said Trustees shall take and receive all and every such sums or sum of money and shall hold the same in trust for the use of the said Church; subject, nevertheless, in all respects to the provision and conditions by the said first clause of this Ordinance imposed in respect of other property which shall come to or be vested in the said Trustees for the use of the said Church.

Provided however, that until a governing body duly authorized to represent the Church of England in Ceylon and to manage and control the affairs thereof, shall have been appointed, it shall be lawful for the said Trustees to deal with and dispose of the respective sum or sums of money which shall be paid to them under and by virtue of this clause, and of all increments thereof, to such uses and for such purposes of the particular church in respect of which such sum or sums respectively shall have been paid to them, as shall from time to time be sanctioned by the Bishop of Colombo. ✕

Passed in Council this Fifteenth day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.



*Municipalities.*

**No. 16.—1881.**

*Repealed* 5/11/1887

J. R. LONGDEN.

An Ordinance to amend "The Municipal Councils Ordinance, 1865," and for other purposes.

Title.

**W**HEREAS "The Municipal Councils Ordinance, 1865," requires amendment in the particulars hereinafter mentioned: and whereas also under the provisions of the said Ordinance Municipal Councils are empowered to make such Municipal bye-laws as they may deem expedient for the purposes mentioned in the said Ordinance, which bye-laws when approved of by the Governor with the advice of the Executive Council and notice of such approval given by Proclamation and when published in the *Government Gazette* become as legal, valid and effectual as if the same had been inserted in the said Ordinance, provided that nothing contained in such bye-laws be repugnant to or inconsistent with the true intent and meaning of the provisions of the said Ordinance: and whereas the Municipal Council of Colombo, acting under the aforesaid provisions of the said Ordinance, have from time to time made certain bye-laws which it is desirable and expedient should have the force and effect of law, but doubts exist and may arise how far the same are consistent with the provisions of the said Ordinance, and it is desirable and expedient that such doubts should be removed and that such bye-laws should be declared legal: Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. This Ordinance and the Municipal Councils Ordinance, 1865, shall be read as one Ordinance.

Ordinance to be read as one with Ord. 17 of 1865.

2. The word "street" as used in the Municipal Councils Ordinance, 1865, shall include such waste land adjoining any street or road as may have been reserved for its protection or benefit.

Interpretation clause.

3. No person who shall have been convicted of an infamous crime or who shall be an uncertificated insolvent debtor, shall be eligible to be elected or to serve as a Municipal Councillor under the 14th clause of the said Ordinance.

Infamous convict or uncertificated bankrupt ineligible as Councillor.

4. The 41st clause of the said Ordinance shall be read and construed as if the words "the cost thereof" were inserted at the end of the clause instead of the words "two-pence for each copy," and in all future reprints of the said Ordinance the said words "the cost thereof" shall be inserted in the said 41st clause in lieu of the words "two-pence for each copy."

Bye-laws to be sold at cost price.

5. The 55th clause of the said Ordinance shall be read and construed as if the words "or horses kept for sale and not used for any other purpose" at the end of such clause were struck out, and the words "kept for sale by *bonâ fide* dealers in such vehicles" were inserted in lieu thereof, and in all future reprints of the said Ordinance such latter words shall be inserted in substitution for the former words.

Horses kept for sale to be liable to tax; only vehicles kept for sale by dealers exempted.

6. From and after the 1st day of January next, the 20th section of the said Ordinance shall be and the same is hereby repealed, and in lieu and instead thereof the following shall be inserted:

Municipal elections to be holden during first week in December.

*Municipalities. (Bye-laws, Colombo.)*

“Meetings shall be holden on such days in the first week in December preceding the day on which the existing term of two years shall expire, as shall be appointed by the Government Agent for the election of councillors for the two years next succeeding, reckoned from the 1st day of January next following the day of such election, and such election shall proceed in such manner as by the 17th section of this Ordinance is provided for the election of the first councillors under this Ordinance.”

Appointment of officers by resolution legalized.

Overplus arising from sale by distraint if unclaimed for twelve months, to be forfeited.

Bye-laws set out in schedule to be as legal and effectual as if recited in Ordinance.

7. The word “resolutions” shall be substituted for the word “bye-laws” in the 26th section of the said Ordinance.

8. If no demand shall be made for any overplus accruing from any sale made in pursuance of the 83rd clause of the said Ordinance, by the owner or joint owner of the property sold within 12 months from the date of such sale, the Council shall pay the amount of such overplus to the credit of the Municipal Fund, and no person thereafter shall be entitled to demand or receive the same from the Council.

9. The bye-laws made by the Municipal Council of Colombo and set forth in the schedule hereto shall, so far as relates to the Municipality of Colombo, be in all respects and for all purposes whatever legal and effectual, and may be enforced in the same and the like manner as if the same had been inserted in the said Ordinance as part thereof. Provided however that nothing herein contained shall be held or construed to prevent the making, approval and publication in respect of the Municipality of Colombo of further substantive bye-laws or bye-laws in amendment, repeal of, or in addition to such bye-laws, or the bye-laws herein contained, in the same and the like manner as is empowered to be done by the provisions of the said Ordinance.

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SCHEDULE A.

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BYE-LAWS OF THE MUNICIPAL COUNCIL OF  
COLOMBO.

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Bye-laws.

The Municipal Council of Colombo, under and by virtue of the provisions in the Municipal Councils Ordinance, 1865, do hereby enact as follows :—

CHAPTER I.

ESTABLISHMENTS.

Establishments.

1. The following offices are hereby created :—

- The office of Secretary to the Municipal Council.
- The office of Sanitary Officer.
- The office of Superintendent of Roads.
- The office of Interpreter to the Municipality.

## CHAPTER II.

## CONDUCT OF BUSINESS.

2. The Municipal Council of Colombo shall meet at the Colombo Town Hall at 3 o'clock P.M. on the first and every alternate Tuesday in the year, unless the sittings shall have been specially adjourned to or fixed for some other day or hour by resolution of Council at a previous meeting.

Ordinary meetings.

3. Notice in writing of the date, time, and place of every adjourned meeting to be held on any other than the ordinary day of meeting shall be transmitted to each member of the Council by the Secretary, and delivered to each member or left at his residence twenty-four hours before the time fixed for such adjourned meeting—excepting when such meeting is to be held in pursuance of an adjournment from the preceding day.

Adjourned meetings.

4. Special meetings convened on the requisition of two members in terms of the 29th clause of the Municipal Councils Ordinance, shall be intimated to each member by written notice transmitted by the Secretary, and delivered to each member or left at his residence forty-eight hours before the time of meeting; which notice shall state the cause of meeting and the subjects to be then brought before such meeting; and for this purpose the said cause and subjects shall be stated in the requisition for the meeting. And no matter shall be brought before or discussed at such special meeting, which has not been stated in the requisition.

Special meetings.

5. Five members of Council shall form a quorum, and as soon as five members shall be present after the hour appointed for a meeting of the Council, the person entitled to preside will take the chair, and the Council will proceed to business. Should a quorum of members not be present at the expiration of half an hour from the time appointed for the meeting, or at any time during the sitting, the meeting shall stand adjourned to the day for the next ordinary meeting.

Quorum.

6. For all purposes connected with the Council, the precedence and seniority of Councillors shall be regulated as follows:—After the Chairman shall rank the members appointed by Government in the order in which they may have been gazetted; after whom, the elected members in the order of the priority of their elections, and, in the case of former members re-elected, of the seniority of their continuous membership of Council.

Seniority of Councillors.

7. The Secretary's office shall be in the place where the meetings of the Municipal Council are ordinarily held, and shall be open for the transaction of the business daily (except on holidays) from 10 till 5.

Secretary's office.

8. The Chairman shall preserve order and shall decide on all disputed points of order.

Duties of Chairman.

9. The business of the Council at its meetings shall be taken in the following order, namely:—

Order of business.

1. The Chairman shall call on the Secretary to read the minutes of the previous meeting, which shall thereupon be read and (if need be) corrected, and confirmed.

2. Memorials, petitions, complaints, and communications addressed to the Council or Chairman, shall be laid before the Council, and orders made thereon.
3. Questions, of which previous notice has been given, may be asked.
4. Notices of motions may be given, provided that it shall be competent to any member by consent of the chair to give notice of motion at any convenient time during the sittings.
5. Reports of officers shall be considered, or referred to committees.
6. Motions, of which previous notice has been given, may be made.
7. Reports of committees shall be brought up and a day fixed for their consideration, unless the Council shall resolve to proceed to their consideration at once. It shall be competent to any member to move that any report be printed and circulated among the members before consideration thereof by the Council; and if such motion be seconded, the question shall be put to the vote.
8. Orders of the day, as set down in the order book, shall be proceeded with. Provided that a deviation from this order of business may be allowed by permission of the Council.
10. The Council may at any time resolve themselves into a committee of the whole Council; and on their resuming, the result of their deliberations shall be dealt with by the Council.

### CHAPTER III.

#### PETITIONS, &c.

Contents of  
petitions, &c.

1. Any member presenting a petition or other communication will be held responsible for its contents being throughout respectful.

Presenting  
petitions, &c.

2. When a petition or other communication is presented, the purport thereof shall be concisely stated. On the motion of any member, duly seconded, the question shall be put whether the document shall be read.

Hearing  
petitioners.

3. In any case where individual rights or interests may be peculiarly affected by any act, order, or proceeding of Council, all parties so affected may be heard, upon petition, before the Council when in committee, either in person or by counsel.

List of witnesses.

4. When it is intended to examine any witnesses, the petitioner or member of Council requiring such witnesses shall deliver to the Secretary, two days at least before the day appointed for their examination, a list containing the names, residences, and occupation of such witnesses.

Summoning  
witnesses.

5. The Secretary shall thereupon, under the sanction of the Chairman, issue to each of the witnesses a summons in the form A. hereunto annexed, 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.

6. The evidence of every witness shall be taken down by the Secretary and read over to the witness, who may then desire any correction to be made; and in case no such correction shall be made the evidence shall stand as taken down, and not be altered afterwards.

Evidence on petitions.

## CHAPTER IV.

### QUESTIONS AND MOTIONS.

1. Any member desiring to ask a question or make a motion, shall (unless in the course of a discussion, or, in a case of emergency, by leave of the Council) give notice of such question or motion, either at some previous sitting of the Council, or by a note in writing to the Secretary, at least two days before the day on which he intends to ask such question or make such motion.

Notices of motions and questions.

2. Every member, in giving such notice, shall deliver to the Secretary a copy of the proposed question or motion.

Notices how given.

3. In putting any question, no argument or opinion shall be offered, nor any fact stated, except in so far as may be necessary to explain such question. And in answering any such question, a member is not to debate the matter to which the same refers.

Asking and answering questions.

4. 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.

Putting the question.

5. Any motion, not seconded, may not be further debated, and no entry thereof shall be made in the minutes.

Motion not seconded.

6. A member who has made a motion may withdraw the same by leave of Council.

Withdrawing motions.

## CHAPTER V.

### RULES OF DEBATE.

1. Every member, while speaking, shall address the chair, and shall stand while so doing.

Rules of debate.

2. If two or more members rise to speak at the same time, the Chairman shall call on the person entitled in his opinion to precedence.

3. In discussing any question, no member 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 member who has made a substantive motion, not being an amendment.

4. All imputations of improper motives shall be considered as being highly disorderly, and such conduct shall be minuted in the journals, if it shall appear to a majority of the Council to be necessary.

5. An adjournment of the discussion of any question may be moved by a member at any time, and, if seconded, shall be forthwith put to the vote.

6. Every motion and amendment shall be reduced into writing and handed to the Secretary by the member proposing the same.

7. No amendment shall be proposed upon an amendment which is under discussion ; but so soon as the amendment shall have become a substantive motion, a subsequent amendment may be moved, and, if seconded, discussed.

8. On any question being put, every member present shall be bound to give his vote, beginning with the junior member present, the Secretary of the Council minuting the vote of each member ; after which the Chairman shall declare the number of votes for or against the question.

9. It shall be competent for any member, who is in the minority, to record the reason of his dissent from the opinion of the majority ; and the same shall be entered by the Secretary at the end of his minutes of the day's proceedings.

## CHAPTER VI.

### ORDERS AND RECORDS OF PROCEEDINGS.

Order Book.  
Notice of Orders of  
the day.

1. 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 shall serve on each member, or leave at his residence, one day at least before each sitting, a notice containing the orders of the day, arranged in succession as in the order book.

Minute Book and  
Journal.

2. 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 Council, and shall keep another book to be called the *Journal*, in which he shall cause all minutes of proceedings, acts and orders of the Council, when confirmed, to be fairly transcribed. And such journal shall form the book required to be kept, and to be signed by the Chairman and two members then present, under the 47th clause of the Municipal Councils Ordinance.

Public Complaint  
Book.

3. He shall also keep and submit to Council at every meeting the *Complaint Book* required to be kept by the 49th clause of the said Ordinance ; and shall provide that this book be accessible to the public at his office between the hours of eleven and four 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 this book, on furnishing the Secretary with his correct name and address.

## CHAPTER VII.

### STANDING COMMITTEES.

Standing  
committees; their  
duties.

1. Standing committees shall be appointed, whose duties shall be (1) to consider and report on all matters specially referred to them ; (2) to exercise a general observation of public wants, occurrences, and matters within the scope of the business of each

standing committee ; (3) to report from to time on such matters as they may deem desirable ; (4) to prepare bye-laws, and make recommendations to the Council.

2. Such standing committees shall each consist of at least three members and a Chairman selected by the Council. The Chairman of the Council shall always be a member of the standing committee on finance, and of the standing committee on general business. In the absence of the Chairman selected by the Council, the senior member present shall preside at their deliberations. Three members shall constitute a quorum, and the Chairman shall have a casting vote.

**Their constitution.**

3. Each standing committee shall keep a minute book, in which shall be recorded in order, minutes of all its proceedings, including the divisions and respective votes of members ; which minutes shall be authenticated (after confirmation) by the signature of the Chairman of the committee presiding during such proceedings. These minute books shall be laid on the table of the Council at all their meetings.

**Minutes of standing committees.**

4. Standing committees shall be appointed, under the following titles, for the transaction of such matters as are implied in these titles respectively, and of such other matters as may be referred to them from time to time by resolution of Council, namely :—

**Names of standing committees.**

- (1) Committee on Finance and Collection of Revenue.
- (2) Committee on Public Works.
- (3) Sanitary and Police Committee.
- (4) Law Committee.
- (5) Committee on General Business.

5. Standing committees shall, in all compatible respects, be subject to the following bye-laws respecting special and sub-committees.

**Proceedings.**

## CHAPTER VIII.

### SPECIAL AND SUB-COMMITTEES.

1. In every resolution of the Council or committee of Council for the appointment of a special or sub-committee, the quorum thereof shall be named.

**Constitution of committees.**

2. Upon the appointment of a special or of a 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 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.

**Meetings of committees.**

3. The committee after having deliberated, shall agree to a report ; and the same shall be brought up by the Chairman 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

**Proceedings of committees.**

Council, a committee may from time to time report their opinions or observations, or the minutes of evidence only, or the proceedings.

Divisions in committees.

4. In the event of any division taking place in a committee, it shall be entered in the minutes, together with the question proposed, the name of the proposer, and the respective votes of the members present, and shall be submitted together with the report of the committee.

Power of committees respecting witnesses.

5. All standing committees, and all special and sub-committees, shall have the like powers of summoning witnesses as are conferred on the Council, subject to the same mode of procedure as therein-mentioned.

## CHAPTER IX.

### FINANCE.

Accounts.

1. The accounts of the Municipality shall be kept on the system of double entry. There shall be a cash-book, a ledger, and cheque-books, for payments and receipts.

Moneys to be deposited in the Bank.

2. All moneys of the Municipality shall be deposited with the Oriental Bank Corporation in the name of the Municipal Council; and the pass-book made up to date shall be laid on the table at every meeting.

Payment how to be made.

3. All payments shall be by means of cheques on the bankers drawn by the Treasurer, and shall be supported by receipts signed by the parties to whom the payments are made.

Returns under sec. 68 of the Ordinance.

4. The returns to be made by the owners or occupiers of houses, buildings and lands under section 68 of the Municipal Councils Ordinance, shall be in the form B. hereunto annexed.

Schedules under sec. 78 of the Ordinance.  
Forms how served.

5. The schedules required to be filled up under section 78 of the said Ordinance, shall be in the form C. hereunto annexed.

6. The Secretary shall from time to time whenever directed by the Chairman, cause a copy of each of the said forms B. and C. to be served on every owner, resident or occupier of all houses, buildings and lands within the Municipality, in the manner provided by section 168 of the Ordinance.

Inspection of houses, &c.

7. On receipt of the said returns and schedules or any of them, the Council may appoint two or more persons to test the correctness thereof; and for that purpose, or in case of neglect or delay in forwarding them, to enter and inspect any houses, buildings, lands, stables and out-houses, within the Municipality, so as to ascertain the particulars required by the said forms.

Notice of assessment and objections thereto.

8. After the completion of the assessment book mentioned in section 63 of the said Ordinance, the Secretary shall issue the notice thereby required, inserting therein the time and proportion in which the Council shall have directed the payment to be made; and any person desirous of objecting to the assessment, shall be entitled to do so at any time between 10 A.M. and 5 P.M., during the 10 days following the service of the notice; after which no objection shall be entertained against the same.



9. After the completion of the list of tax-payers mentioned in section 78 of the Ordinance No. 17 of 1865, the Secretary shall cause a notice, in the form D. hereunto annexed, to be served on each of the persons therein mentioned, in the manner provided by section 168 of the Ordinance. And such notice shall contain a list of the vehicles and animals in respect of which the tax is payable, and the amount of the tax; and shall also state the time and proportion in which the Council shall have directed the tax to be paid. And any person desirous of objecting to the list shall be entitled to do so at any time between 10 A.M. and 5 P.M. during the 10 days following the service of the notice, after which no objection shall be entertained against the same.

Tax on vehicles,  
&c., payable on 1st  
March.

10. All objections to the Assessment Book or the List of Tax-payers shall be made in writing and left with the Secretary, and shall be considered at the next ordinary meeting of the Council, or at any adjournment thereof: Provided that the party objecting shall be entitled to be heard at such meeting in support of his objection.

Objections how  
disposed of.

11. If any person, after having filled up and returned the schedule mentioned in section 79 of the said Ordinance shall acquire, keep, or use any carriage, cart, hackery, horse, pony, mule, bullock, or ass, not mentioned in such schedule, or in addition to those mentioned therein, he shall be bound, within one week of acquiring such vehicle or animal, to send notice thereof to the Secretary, with a view to the List of Tax-payers being amended accordingly. And any person neglecting to send such notice, or who shall knowingly insert therein any incorrect or false information, shall be liable to a fine not exceeding Rs. 10.

Special Notice  
required from  
Tax-payers  
acquiring further  
vehicles or  
animals.

12. The Secretary shall, from time to time whenever directed by the Chairman, cause a copy of the form F. to be served on every Advocate, Proctor, and Notary within the Municipality, in order to ascertain whether and how many clerks have been articulated under him during the current year or any previous year after the establishment of the Municipal Council, the date of the articles, and the period of service. Any Advocate, Proctor, or Notary who shall fail within fifteen days from the service of such form to fill up the same with the information thereby required, or shall wilfully give incorrect information, shall be liable to a fine of Rs. 10.

Articled clerks.

13. All accounts shall be examined and audited once every quarter by such person or persons as the Council may from time to time appoint.

Audit.

## CHAPTER X.

### PUBLIC WORKS.

1. All votes of money for public works, whether to be done on contract or by the officers of the Municipality, shall be made on estimates previously prepared and laid on the table.

Estimates.

## CHAPTER XI.

## DUTIES OF MUNICIPAL INSPECTORS.

Powers and duties  
of Municipal  
Inspectors.

1. The several officers appointed to be Municipal Inspectors shall have all the powers and protection in the discharge of their duties which are by the *Nuisance Ordinance*, 1862, accorded to officers of the Board of Health, and shall be subject to, and carry out the orders of the Council throughout the Municipality. The further special duties and powers of the said Municipal Inspectors shall be as follows :—

To inquire into  
nuisances and  
sanitary  
requirements.

(1) Daily to inquire and ascertain what public or private premises are so foul, or otherwise in such a state, as to be a nuisance or prejudicial to health; or ought to be cleansed, purified, ventilated, or disinfected; or are unprovided with sufficient drains, sewers, gutters, privies or other means for the collection or removal and carrying off the waste water, filth, and other offensive matter from such premises in such a way as not to be a nuisance or dangerous to health; what existing privies, cess-pools, wells, drains gutters, ditches and water-courses are so foul or badly constructed or isolated as to be a nuisance or injurious, or likely to become injurious to health; and whether any houses or places contain any persons or animals suffering from any reputedly contagious or infectious disease, or any bodies of persons or animals who have died of the same.

Daily inspection of  
places for sale of  
food, and seizure of  
unwholesome food.

(2) To make inspection of all markets, shops and places used for the sale of any kind of food or the slaughter of animals, and to examine the articles therein apparently intended to be sold and used as food, and to examine meat, fish, or substance of any kind in or on the way to any market or place of sale as food, or landed from any ship, vessel, or boat for the like purpose; and in case on such examination any such thing shall be found to be putrid, diseased, or otherwise unfit for the food of man, forthwith to convey the same to the Police Magistrate or Bench of Magistrates, in order that the same may be dealt with according to law, and to report all seizures under this bye-law, and the result of the same, to the officer or other authority thereto appointed by the Municipal Council.

Inspection of  
public and open  
places, &c.

(3) To make daily inspection of streets, lanes, public and open places and ditches, and of drains, pools, wells, sewers and common-receptacles and privies for the purpose of ascertaining and reporting to the said officer or other authority the state and sanitary requirements of the same, and of making the aforesaid inquiries and of fully ascertaining whether there be any nuisance or things therein prejudicial to health: and for the purpose of doing any other matter or thing which may lawfully be done by the authority of the said Municipal Council, and for the like purposes to enter into, on, or upon any lands or places whatever, whether enclosed or not, not being within the curtilage of any private dwelling.

Inspection of  
private premises.

(4) To make like inspection for the like purposes from time to time as occasion may require of houses, buildings, out-houses, privies, wells, drains, gutters, and places being private premises. Provided, however, that if the owner, or occupier, or person in charge thereof shall refuse admission to any such Inspector, he

shall not enter the same if within the curtilage of any dwelling-house, except on the written authority of a Municipal Councillor; and thereafter the said Municipal Inspectors may enter into the same with necessary assistants and workmen, as frequently as they may deem necessary, until any nuisance therein shall have been abated, or any works deemed necessary or directed under authority of the Municipal Council shall have been completed.

(5) To make daily written reports of inspections to the officer or other authority thereto appointed by the Municipal Council.

Daily reports.

(6) To report specially, as they may come to their knowledge, all offences against the Municipal Councils Ordinance or bye-laws made in pursuance thereof; or against the *Cemeteries Ordinance*, 1862, the *Nuisances Ordinance*, 1862, the *Butchers Ordinance*, 14 of 1859, or the *Gunpowder Ordinance* of 1862, and all nuisances requiring to be abated, and all matters respecting the state of the public health, or calculated to affect it, which may come to their knowledge, and ought to be brought to the notice of the Municipal Council.

Reports of offences, nuisances, and matters affecting health.

(7) To serve, or cause to be served, notices issued by or by direction or authority of the Municipal Council, either by delivery of the same to the persons to whom they are respectively addressed or by delivering the same or a true copy thereof to some person apparently 16 years old, either on the premises affected by such notice, or at the dwelling-house or place of business of the person to whom it is addressed; and if no such person be found there, by fixing a copy thereof on some conspicuous part of the premises affected by the notice; and to report forthwith the service of the same, and whether or not the same has been complied with.

Service of notices.

(8) To pay over and account for to the Treasurer all sums which may be received by the Inspectors, by, or through, or consequent on the execution of their duties.

Payments to Treasurer.

(9) To carry into effect the orders of the Municipal Council as to abating nuisances or for effecting any structural works, demolitions, or alterations; and to certify to the Police Court or Bench of Magistrates the expenses incurred by or on behalf of the Board in so doing.

Abating nuisances and expenses thereof.

(10) To prosecute, on behalf of the Municipal Council, all offences committed contrary to the aforesaid Ordinances, or any bye-laws of the Municipal Council, and to report the result of all such prosecutions.

Prosecutions.

## CHAPTER XII.

### BENCH OF MAGISTRATES.

1. The Bench of Magistrates shall sit at the Colombo Kachcheri or such other place within the Municipality as may be fixed by resolution of the Municipal Council, at eleven o'clock on every Monday and Thursday in each week, which shall be the ordinary Municipal Court days: or at such other place, day and time, as its sittings may have been specially adjourned to by order of the bench made in open court.

Sittings of the Bench.

Adjourned sittings.

2. On every occasion of an adjourned sitting of the Bench of Magistrates being held, on any other than the ordinary Municipal Court days, or at any other than the ordinary place and time, one day's notice thereof shall be given by the clerk of the bench to every member of the Municipal Council, except when such sitting takes place in pursuance of an adjournment from the preceding day.

Presiding Magistrate.

3. In the absence of the Chairman of the Council, the Magistrates present shall select their own President.

Authentication of proceeding.

4. All warrants, commitments, orders, proceedings and acts which if issued, made or done by a Police Court, would require to be issued, made or done under the hand of a Police Magistrate of such court shall, when issued, made, or done by the Bench of Magistrates, be signed by the Magistrate then presiding, or on his behalf by any member of the Bench of Magistrates actually present when such warrants, commitments, orders, proceedings or acts were resolved upon, and shall then be of the same force and validity as if signed by all the Magistrates then present. Provided that all such warrants, commitments, orders, proceedings and acts shall be intitled "In the Court of the Bench of Magistrates of the Municipality of Colombo," and shall purport to have been done before (at least) two magistrates then present, whose names shall be therein stated.

Form of conviction.

5. When any person is convicted before the said bench of any offence and adjudged therefor to pay any fine or penalty, the conviction may be drawn up in the following words, or in any other words to the like effect, as the case may require :—

In the Court of the Bench of Magistrates of the Municipality of Colombo.

Before A. B., Esq., Presiding Magistrate.

„ D. C., Esq. } Magistrates.

„ E. F., Esq. }

X. Y., Complainant

against

Y. Z., Defendant.

On the ——— day of ——— in the Municipality of Colombo, the said defendant is convicted before the said court of ——— and the said court doth adjudge that the said defendant shall for the said offence forfeit the sum of ——— and shall pay the same immediately [or, *on or before the* ——— day of ———] to the Treasurer of the said Municipality; to be by him paid over to the credit of the Municipal Fund, and to be applied according to the directions of the 52nd clause of the *Municipal Councils Ordinance*, 1865.

A. B.,

*Presiding Magistrate.*

Distress warrants.

6. If any fine or penalty imposed by the Bench of Magistrates be not paid at the time and in the manner provided by the order of conviction, the same shall be enforced and recovered by distress,

as provided for by the Ordinance No. 6 of 1865; but the warrant of distress shall direct the proceeds to be paid to the Treasurer of the Municipal Council of Colombo.

7. The clerk to the Bench of Magistrates shall, at the close of each day's sitting of the bench, certify in writing under his hand to the Treasurer of the Municipal Council, every adjudication of a fine or penalty and every warrant of distress issued during such day's sitting; which certificate shall be signed by one of the magistrates present at such sitting.

Clerks to certify daily fines and warrants.

8. The clerks and interpreter to the bench shall be paid by monthly salaries from the Municipal Fund. And the acceptance by any of them of any other fees or reward on account of any matter or business arising out of or in any way connected with the business of the Municipal Court, without the consent of the Council, shall be punished by dismissal from office and loss of full pay due him.

Clerks and Interpreter not to take fees.

9. It shall be competent to the Magistrates present at any sitting of the bench held in conformity with these bye-laws to suspend any clerk, interpreter or other officer of the court for misconduct or other cause which may appear to them sufficient, and to keep such officer suspended from the execution of his duties and receipt of his salary until the case shall have been reported to the Municipal Council and its decision had thereon. Every such case shall be reported to the Council at the earliest opportunity.

Suspension of officers.

10. It shall be competent to the Magistrates present at any sitting of the bench held in conformity with these bye-laws, in case of emergency and for temporary purposes, to engage the services of any additional interpreter, clerk or other officer at such rates of remuneration as they may deem fit; and such remuneration shall be paid by the Treasurer of the Council to the person so engaged, on a certificate signed by the Magistrate presiding or any two of the Magistrates present at such sitting.

Additional officers may be employed.

11. The clerk to the Bench of Magistrates shall perform the duties required of the chief clerk in Police Courts, and his time and services and those of the other officers to the Bench of Magistrates, so far as not occupied in the special business of the Municipal Court, shall be at the disposal of the Municipal Council for its general business.

Duties of clerk.

## CHAPTER XIII.

### CART AND HACKERY LICENSES.

1. All carts and hackeries kept or used within the Municipality, shall, besides any other plates that may be required by law, after the first of February in every year, bear a metal plate furnished by the Municipal Council, on a conspicuous part thereof, which plate shall bear the design of the letter C. with figures representing the year and the corresponding number in the register in the body thereof.

Vehicles to bear metal plates.

Penalty for not using such plates.

2. If any cart or hackery kept or used within the Municipality be found without the plate in the preceding clause mentioned, or if any plate be used not furnished by the Municipality, the owner and person found therewith shall be severally liable to a penalty not exceeding Rs. 10.

Tax on vehicles raised to Rs. 4.

3. The taxes chargeable on all carts and hackeries kept and used within the limits of the Municipality shall, from the 1st day of January, 1873, be raised to four rupees per annum.

Vehicles without plates may be seized.

4. All carts and hackeries plying without the plate required by rule 1, chap. XIII. of the bye-laws shall be liable to be detained by any Municipal Inspector or Police officer until the law shall be complied with, and no such plate shall issue except on payment of the taxes due on such cart or hackery and the animal or animals employed in drawing the same.

Year and number to be painted on vehicles.

5. Before issuing a plate for a cart or hackery, it shall be further lawful for the Council to require the year and registered number thereof to be painted on the outside of such cart or hackery in a conspicuous part thereof (to be determined by the Chairman of the Municipal Council).

## CHAPTER XIV.

### PERFORMANCE OF LABOUR ON THOROUGHFARES.

Male inhabitants between 18 and 55 years liable to perform labour.

1. Every male inhabitant between the ages of 18 and 55 years within the Municipality, save such as are exempted by the Road Ordinance No. 10 of 1861, shall be liable to perform six consecutive days' labour in each year upon the thoroughfares within the Municipality or on works necessary for the formation, repair, or improvement thereof, or in the collection and preparation of materials required for any such purpose.

Exemptions.

2. It shall be lawful for the Council, upon proof to their satisfaction, that any person resident within the limits of the Municipality and liable to the performance of labour, is, either from disease, or bodily or mental infirmity, incapable of performing the same, to exempt such person from the performance thereof, either for life, or for such period as they may think fit.

Time and place of attendance to perform labour.

3. No person liable to perform labour shall be required to attend for the performance thereof on a Sunday, nor except during the customary hours of labour, nor on any thoroughfare beyond the limits of the municipality.

Notice to attend and perform labour.

4. The Council shall give notice to the persons liable to perform labour, and who shall not have elected to commute the same, to attend and perform labour at such time and place, and in such rotation as the Council may appoint. Such notice shall be given by publication, by beat of tom-tom in the district a reasonable time before the day appointed for such attendance, or by affixing copies thereof at convenient places within the district; or, if the Council shall so order, by serving the same on each person liable to perform such labour.

5. If any person liable to perform labour, and who has not elected to commute the same, shall without lawful excuse (the proof of which excuse shall lie on him) fail to attend at the appointed time and place, he shall be liable to a fine not exceeding Rs. 10, and any person who shall neglect or refuse to remain in attendance during the customary hours of labour, or to perform a reasonable amount of work, or shall be guilty of drunkenness, idleness, wilful neglect, or disobedience of the orders of the officer in charge of the work, or of not taking due care of the tools and implements entrusted to him, or of any other misconduct in the performance of the labour required of him, shall be liable, for every such offence, to a fine not exceeding Rs. 10.

Punishment for not attending to perform labour.

6. The officer in charge of the work shall give to the persons who have duly attended and have properly performed the labour required of them, for the year in which they have been so employed, a certificate in the form E. hereunto annexed. And any officer, who shall wilfully neglect or delay to grant such certificate to any person justly entitled thereto, shall be liable to a fine not exceeding Rs. 10.

Certificate of performance of labour.

7. If any person shall give any such certificate to any other person, in order that such last mentioned person may make use of the same as proof of his having performed the labour due by him, or for any other fraudulent purpose, both the person giving, as well as the person making use of the same, for such purpose, shall be liable to a fine or imprisonment according to the discretion of the court before which he may be tried.

Penalty for fraudulent use of certificate.

8. It shall be lawful for any person, who has not elected to commute, to cause the labour due by him to be performed by a substitute, to be approved of by the Superintendent of Works, or by the officer in charge of the work on which he is to be employed. And the provisions of these bye-laws applicable to persons liable to perform labour shall be deemed applicable to their substitutes.

Substitutes.

9. If any person shall claim to be exempted from the performance of labour, on the ground that his age is less than 18 years or more than 55 years, or if at any time complaint shall be made that any person has been unduly exempted therefrom upon the like plea, it shall be lawful for the Chairman, or in his absence, any Councillor, to make such enquiry as he shall deem necessary, and to determine any such question; and his decision shall be final.

Decision of Council on questions of exemption to be final.

## CHAPTER XV.

### COMMUTATION OF LABOUR.

1. From and after the 1st day of January, 1868, it shall be lawful for any person to commute the whole of the labour due by him for any year, by a money payment of two rupees for such year.

Permission to commute.  
Rate.

2. A list of all persons who have already commuted, or who may hereafter commute the labour due by them shall from time to time be prepared and preserved by the Secretary.

List of persons commuting.

Effect of once  
commuting

3. Any person who has heretofore elected to commute under the Ordinance No. 10 of 1861, or shall hereafter elect to commute the labour due by him shall, without any further notice to or election by him in that behalf, be deemed to have elected to commute the labour to become due by him for every succeeding year, and shall be liable for the amount of the annual commutation, unless and until he shall have given notice in writing to the Council one month at least before the end of the year in which such notice is given, that he no longer wishes to commute; whereupon a memorandum to that effect shall be made in the list kept by the Secretary.

Rate payable to  
Treasurer on or  
before 1st April.

4 The amount due by any person as commutation for labour shall be payable on or before the first day of April in each year, to the Treasurer thereof, or to any person authorized by him to receive the same, and who shall give a receipt for the amount signed by the Secretary or other officer appointed by the Treasurer.

Proceedings in case  
of default.

5. After the first day of April in every year, it shall be lawful for the Council to cause a notice to be given by beat of tom-tom, or in such other manner as the Council shall deem expedient, requiring those who have failed to pay the amount of their commutation, forthwith to pay the same together with a further sum of 25 cents to the Treasurer, and intimating that if the same be not paid before a day to be mentioned in such notice, an order will be issued for the summary recovery of double the amount of the commutation.

Double the amount  
due to be  
summarily  
recovered.

6. If any person shall fail to pay the amount due by him as commutation together with the further sum of 25 cents before the day specified in the notice last mentioned, it shall be lawful for the Chairman to issue a warrant to some collector or other officer of the Municipality named therein, directing him to levy double the amount of such commutation together with the costs of recovery as fixed by any bye-law in that behalf enacted, by seizure and sale of all and singular the property of the persons who have made default, as provided in the 83rd and 84th clauses of the Ordinance No. 17 of 1865, and the said warrant shall be in the form hereunto annexed :—

To \_\_\_\_\_

Whereas the persons mentioned in the Schedule under-written have made default in the payment of the amount due as commutation for the year \_\_\_\_\_, under the provisions of the *Municipal Councils Ordinance, 1865* :—

These are therefore to order you forthwith to seize the property of the said defaulters, wheresoever the same may be found within the limits of the Municipality; and if within the space of ten clear days next after the said seizures respectively, the said several sums set opposite to their respective names, together with the costs below provided shall not be paid, then to sell the property seized by public auction and the over-plus (if any), after payment of the tax due and costs, to restore to the owner or joint owner of the property so sold, and that you do certify to me on or before the \_\_\_\_\_ day of \_\_\_\_\_ what you have done by virtue of this warrant.



## SCHEDULE.

Names of Defaulters.	Where resident.	Amount of Tax.	Costs.	Rs. cts.

Given under my hand — this — day of — 18—.

Chairman, Municipal Council, Colombo.

7. The sums so recovered shall be paid over to the Treasurer, and shall be brought into account by him as moneys recovered for and in respect of commutation money.

8. If any person who has paid the amount due by him as commutation, shall give any receipt granted to him by the Treasurer to any other person, in order that such last mentioned person may make use of the same in proof of his having paid any sum of money due by him, or for any other fraudulent purpose, both the person giving, as well as the person making use of the same, for such purpose, shall be liable to a fine of Rs. 10.

9. If land or other immovable property be sold under any distress warrant issued as aforesaid for non-payment of commutation, a certificate substantially in the Form A. in the Schedule\* hereunto annexed, signed by the Chairman of the Municipal Council, 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.

10. If the persons in default be not possessed of property, or sufficient distress cannot be had, the Chairman shall certify the same to the Police Court or the Bench of Magistrates, and such court or bench shall proceed to enforce payment of the amount due and to deal with the said persons as if a penalty for the like amount had been imposed upon them by the said court or bench.

11. Every householder shall, whenever required by an officer thereunto appointed by the Municipal Council, fill up a list containing the number of inmates, and the name, age, and occupation of every male person (including such householder himself, if a male) resident in his house, so far as the same shall be known to him, and whether they elect to commute the labour due by them as aforesaid; and if any householder is unable to write, he shall furnish the required information to such officer, who shall enter the same in such list; and any householder refusing or neglecting to comply with any such requisition, or wilfully giving false information to such officer, as to any matter or thing required to be inserted in such list, shall be liable to a fine not exceeding Rs. 10;

*m/c*  
 Paid to Treasurer

Punishment for fraudulently lending or using commutation receipts.

Certificate of sale of land in distraint.

Defaulters to be certified to Police Court.

Householders bound to give information regarding inmates.

## \* SCHEDULE.

## FORM A.

Whereas \_\_\_\_\_ of \_\_\_\_\_ was in default in the payment of the moneys due by him as commutation of labour for the year \_\_\_\_\_ 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 law in such cases made and provided, and sold 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 Municipal Council, by virtue of the powers vested in me by a bye-law of the said Council, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ in the year 18—, do hereby certify that the following property, to wit, \_\_\_\_\_ has been sold and purchased by \_\_\_\_\_ of \_\_\_\_\_ for the sum of Rs. \_\_\_\_\_ which has been duly paid, and that 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 \_\_\_\_\_.

\_\_\_\_\_  
Chairman, M. C.

## CHAPTER XVI.

## EXECUTION OF WORKS.

Right to enter upon lands for repairs, &c., of thoroughfares.

1. It shall be lawful for any person thereunto authorized in writing by the Chairman, at all reasonable times, and with all necessary and proper labourers, carriages and animals and other means, to enter upon any land near to any existing or intended thoroughfare, and there severally to do all things necessary for the purposes of making, repairing, or improving any such thoroughfare, or for making, repairing, or improving any bridge, fence, drain, dam, or ditch in any way connected therewith, or for performing any thing under the provisions of the *Municipal Councils Ordinance*.

And throw rubbish upon adjacent lands.

2. In the tracing, making, repairing, or improving any existing or intended thoroughfare; or building any bridge, fence, drain, dam or ditch thereupon, or in any way connected therewith, it shall be lawful for the Superintendent of Roads to throw upon any lands near thereto, such earth, rubbish or materials as it may be necessary to remove from the place of any such work. Provided that the Superintendent of Roads shall be bound, within a reasonable time thereafter, to cause such earth, rubbish or materials to be removed, and restore the ground to its former state.

And make temporary road.

3. It shall be lawful for any person thereunto authorized in writing by the Chairman to make any temporary road through the grounds or near to any existing or intended thoroughfare, during the execution of any work in any way connected therewith; provided such road shall not run over any ground whereon any building stands, nor over an enclosed garden or yard.

And cut trees.

4. It shall be lawful for any person thereunto authorized in writing by the Chairman, to cut, and remove and place upon any ground 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 or harm thereto, and for that purpose to enter upon any land or premises, with such persons, animals, and instruments as may be necessary for the removing of such trees, bushes, shrubs, leaves, branches or roots.

5. It shall be lawful for any person thereunto authorized in writing by the Chairman, to put up or make fences, hedges, ditches, drains or banks by the side of any thoroughfare whenever to him it shall appear necessary, and the owners or occupiers of land adjoining such fences, hedges, ditches, drains or banks, shall, and they are hereby required to, keep the same in good and substantial repair and order.

And put up fences.

6. Any person thereunto authorized in writing by the Chairman, shall have power to make, and cleanse all drains or water-courses, and also to make such bridges, as he shall deem necessary, for the preservation, improvement, repair or construction of any road or canal in and through any lands or grounds lying near to such road or canal or intended road or canal.

And to make and cleanse drains, &c., and to erect bridges, &c.

7. The Superintendent of Roads shall have power to lay any matter or thing whatsoever, upon any road, and to allow the same to remain there, during the time such 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 road; but he shall take due and reasonable precaution for preventing danger or injury to persons passing along such road.

And lay stones, &c., on road.

8. Every person, acting under the authority of these bye-laws, who shall under pretence of performing any act under their authority, use any unnecessary violence or give any vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding Rs. 10.

Vexatious conduct of Council's officers.

9. All persons who shall wilfully resist, obstruct, hinder or molest, and all persons who shall incite, assist, or procure others to resist, obstruct, hinder or molest any person acting under the authority of these bye-laws in the discharge of any duty, or the performance of any act which they shall be authorized or required to perform by these bye-laws, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding Rs. 10.

Obstruction of such officers.

## CHAPTER XVII.

### ENCROACHMENTS AND OBSTRUCTIONS.

1. Whenever it shall appear to the Council that any building, inclosure or obstruction has been made in any land vested in the Council, it shall be lawful for the Council, by a notice in writing signed by the Secretary, to demand of the person claiming to be the owner or occupier of the premises on which such building, inclosure or obstruction shall have been made, the production of every deed, document and instrument, upon which such person founds such claim; and if the occupier of such premises, not

Right to demand production of title deeds.

being himself the alleged owner, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by the Secretary, or if such alleged owner shall refuse to produce, within 10 days after being requested so to do, every deed, document and instrument upon which he founds his claim to the said premises, and which shall be in his possession, or if any such deed, document or instrument shall not be in his possession, shall refuse fully to inform the Secretary upon application in whose possession they are, or if any person having in his possession any such deed, document or instrument shall refuse to produce the same within 10 days after having been requested so to do in writing by the Secretary, every such occupier, alleged owner, and person so refusing shall be liable to a fine not exceeding Rs. 10.

**Obstruction by carts carrying materials.**

2. All persons who shall convey in carts or hackeries, any dirt, rubbish, bricks, cabook, granite, chunam, or other materials in so careless or insecure a manner as shall lead to any annoyance, or obstruction of any road, street or thoroughfare within the Municipality, shall be guilty of an offence and be liable to any fine not exceeding Rs. 10.

**Prohibitions.**

3. 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 article in carts to any height exceeding six feet, above the platform of such cart.

**Penalty.**

4. Any person infringing any of the above provisions shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10; and it shall be lawful for any Municipal or Police officer, and they are hereby required to do so, to detain any cart in which any article is being conveyed contrary to such provisions, until the requirements of this bye-law are complied with.

## CHAPTER XVIII.

### SLAUGHTER-HOUSES.

**Place of slaughter.**

1. No licensed butcher shall slaughter any cattle, sheep, goats, or pigs but at the place appointed by the Council or at any public slaughter-house.

**Exposure of animals for 24 hours.**

2. No licensed butcher shall slaughter any cattle, sheep, goats, or pigs unless he shall have previously exposed the same to public view in some convenient spot appointed by the Council, for a

period of not less than twenty-four hours, and unless he shall have obtained from the slaughter-house keeper a printed permit in the form authorized by the Municipal Council. This permit shall be duly filled in by the slaughter-house keeper, and shall be signed by him and by the butcher who brings the animal for slaughter.

3. A permit for slaughter shall only be valid for seven days after the date of issue.

4. After 1st March, 1878, the permit mentioned above shall not be issued unless the butcher produces a printed certificate in his favour in the form authorized by Government, duly filled in and signed by a Government headman, or unless the person wishing to sell the animal appears with the butcher before the slaughter-house keeper and produces a certificate similar to that mentioned above drawn in his (the seller's) favour.

5. It shall be lawful for the Council to seize or cause to be seized all unhealthy and diseased animals exposed for slaughter, and to have the same destroyed or otherwise disposed of as to them may seem fit.

6. No animal shall be introduced into or removed from the slaughter yard between 6 P.M. and 5.30 A.M., nor shall any animal be slaughtered within that time.

7. Every licensed butcher shall, on the first Monday in every month, register in the office of the Council a true and accurate report (as nearly as possible) of the age, sex, colour, marks and description of all cattle slaughtered by him in the preceding month, and the names and places of abode of the persons from whom the same were purchased or obtained, which said report shall be in the Form G.

8. It shall not be lawful for any person who is not a licensed butcher within the Municipality, to slaughter any cattle, unless he shall have obtained a special license from the Council, and any person obtaining such special license shall not slaughter except at the place named in such license or under any conditions therein set forth. The application for such special license shall contain information with reference to the animal similar to that required of butchers by clause 7, and shall be accompanied by a report from a Police officer or headman of the applicant's district, certifying that the animal belongs to the applicant. For this special license a fee of One rupee shall be charged.

9. Every slaughter-house shall be thoroughly washed and swept, twice at least daily, at such times as the Council may fix.

10. Every slaughter-house shall be lime-washed, both within and without, once at least in every three months.

11. Every slaughter-house shall be paved with granite stones or flat paving bricks or tiles, or asphalt, and the joints fresh pointed with mortar, once at least annually.

12. The following fees shall be charged:—

For a permit to slaughter buffaloes or oxen—  
for each animal slaughtered ... .. 50 cents.

#### Permits.

Permit valid for 7 days.

Certificate of sale.

Diseased animal to be destroyed.

Hours of admission and slaughter.

Butchers' monthly returns.

Special license.

Fees.

Slaughter-house to be washed twice a day.

To be lime-washed every 3 months.

To be paved with stone, &c.

Fees.

For a permit to slaughter sheep and goats— for each animal slaughtered ...	12½ cents.
For a permit to slaughter pigs—for each pig	25 „
For housing and feeding each head of cattle— for every 24 hours or any part of 24 hours	25 „
For housing and feeding any sheep or goat— for every 24 hours or any part of 24 hours	12½ „
For housing and feeding any pig—for every 24 hours or any part of 24 hours ...	12½ „

Cattle, &c.,  
slaughtered outside  
the Municipality.

13. It shall not be lawful for any person to sell or expose for sale, within the Municipality, the flesh of any cattle, sheep, goats, or swine slaughtered outside the Municipality, without the same having been previously inspected, and passed as fit for human food, at one or other of the public slaughter-houses, by an officer appointed thereto by the Municipal Council, and for every such inspection a fee of four cents a pound shall be charged, and a certificate that the meat has been inspected shall be issued.

Meat to be  
conveyed in  
screened carts.

14. No person shall remove any meat of any cattle or animal, in any quantity exceeding 28 lbs in weight from the slaughter-house, or any other place of slaughter, to the market or other place of sale within the Municipality, unless the same shall be conveyed in a cart with a 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 dust and rain, and from public view.

Penalty.

15. Any person convicted of a breach of any of the preceding sections, shall be liable to a fine not exceeding Rs. 10.

16. It shall not be lawful for any person who is not a licensed butcher to slaughter any sheep or goat or swine without a special license from the Council or contrary to the tenor of such license; and a fee of 25 cents shall be levied for every such license. Any person committing a breach of this bye-law shall be guilty of an offence and be liable on conviction to a fine not exceeding Rs. 10.

Pass required for  
removal of meat.

17. No person shall remove any meat of any animal slaughtered at a public slaughter-house without a pass certifying to such slaughter 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 applying for the same. Any person committing a breach of this bye-law shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10; and it shall be further lawful for any Municipal officer authorized by the Chairman in writing in that behalf, or any Police officer, to demand the production of such passes from any person conveying meat as aforesaid, and on failure of production to seize any meat conveyed without such pass and to remove the same to the Town Hall to be disposed of as may be directed by the Chairman.

CHAPTER XIX. *Provisions, amendments with 7-1887 226-*PUBLIC MARKETS. *232: done already by the Council with amendments Subject hereby 7/1/208*

1. Before any market shall be opened for public use, the Council shall give not less than ten days' notice of the time when the same will be opened, and such notice shall be published in the *Government Gazette*, and in one or more of the local newspapers.

Opening of public markets.

2. It shall be lawful for the Council to demand, receive, and have of and from every person exposing or offering for sale or selling any goods or provisions of any kind in any public market, or who shall rent or use any stall or standing place in such market, such sums of money as and for stallages, rents, and fees as shall from time to time be appointed by special order of the Council.

Rents and fees.

3. It shall be lawful for the Council to demise or let to farm, for any term not exceeding twelve months, all or any of the stallages, rents, and fees from time to time payable in any public market.

Rents may be let for 12 months.

4. After any public market is opened, it shall be lawful for the Municipal Council, with the sanction of the Governor and Executive Council, to prohibit, by a notice to be published in the *Government Gazette*, and in one or more of the local newspapers, the sale by any person, within a certain area to be defined in such notice, except in his own dwelling place or shop, of any article of food. Any person who shall, after such notice, sell or expose for sale any article of food within the said area, except as aforesaid, shall for every such offence be liable to a penalty not exceeding Rs. 10.

Sale in places, within a certain area, other than markets, forbidden.

5. Every person who shall assault or obstruct any person appointed by the Council to superintend any public market, or to collect the stallages, rents, and fees thereof, or to enforce order and cleanliness therein, whilst in the execution of his duty, shall be guilty of an offence, and shall be liable to a penalty not exceeding Rs. 10.

Obstruction of authorized agents.

6. Every person who shall behave in a disorderly manner, or shall commit any nuisance in any public market, shall be guilty of an offence, and shall be liable to a penalty not exceeding Rs. 10.

Disorderly conduct.

7. The several stallages, rents, or fees payable in respect of any public market shall be paid from time to time on demand to the Council or their lessee, or other person authorized by the Council or their lessee to receive the same.

Recovery of rents.

8. Every person who shall demand or receive a greater stallage, rent, or fee than that authorized to be levied by the Council, shall be guilty of an offence, and be liable to a penalty not exceeding Rs. 10.

Greater rent than that authorized cannot be recovered.

9. If any person liable to the payment of any stallages, rent, or fee authorized as aforesaid do not pay the same when demanded, the Council or their lessee, or any person authorized by the Council or their lessee to collect the same, may levy the same by distress of all or any of the articles in the market belonging to the person liable to pay such stallage, rent, or fee.

Recovery by distress.

Disputes to be settled by Chairman or two Councillors.

10. If any dispute arise concerning any such stallage, rent, or fee, it shall be competent for the Chairman, or any two Councillors, to determine the same, and make such order thereon as to him or them may seem proper.

List of rents.

11. The Council or their lessee shall from time to time cause to be set up conspicuously in every public market a list of the several stallages, rents, and fees from time to time payable in such market.

Sale of meat and fish in places other than public markets forbidden.

12. After any market is opened for public use, any person who shall sell or expose for sale any meat or fish, in any place within the Municipality, except at the markets therefor provided by the Council, without a special license from the Council, or contrary to the tenor of such license, shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10.

Fee for special license.

13. It shall be lawful for the Council to levy a fee of five rupees for every special license issued as in the preceding bye-law.

Public markets not to be occupied without license.

14. No person shall hold or occupy a seat or stall in any of the public markets without a license in the form A.\* hereto annexed, signed by the Secretary, or contrary to the tenor of such license, except where the stallages, rents, or fees are authorized to be collected daily, or where such license shall be dispensed with by resolution of the Council.

Only meat to be sold in meat market, and fish in fish market.

15. No person shall sell any article or thing other than meat in any market set apart by the Council for the sale of meat; or any provisions or things other than fish in any fish market.

Penalty.

16. Any person committing a breach of the aforesaid bye-laws shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10.

Hours of business.

17. All public markets shall be opened for use daily from 5 A.M. to 9 P.M.

All meat to come from slaughter-house.

18. No carcass of any animal not slaughtered at a Municipal slaughter-house shall be brought into the meat market, or to any meat-stall licensed as in bye-law 12 of this chapter or sold or exposed for sale in such market or stall.

Licenses not transferable.

19. No person shall transfer a license issued to him for the sale of meat or fish to any other person, or shall sublet any meat or fish stall held under a license from the Council.

No other than licensee to sell.

20. No person, other than the licensee, shall sell or expose for sale any meat or fish in any public or private market, without the written sanction of the Chairman of the Municipal Council, and any person employed as agent or servant by such licensee shall have his name registered as such in the office of the Municipal Council.

Stalls to be kept clean.

21. No occupier of any market or stall for the sale of meat or fish shall keep or allow the same to be kept in a filthy or unwholesome state.

No diseased person to occupy market.

22. No person affected with any loathsome or infectious disease shall occupy any stall, seat or place in any public or private market, or expose for sale thereat or in any house or place or carry



about for sale in any street within the Municipality, any provisions whatsoever, and every such person, and those employing such person for such purpose, shall be guilty of an offence, and be liable to a penalty not exceeding Rs. 10.

Stalls to be kept open for service of public.

23. Every person having a license to hold or occupy a stall in any public market, in terms of rule 14, chapter XIX. of the bye-laws relating to public markets, or holding a special license to sell meat, fish, or other article in any place of business other than a public market and for which such special license may be lawfully issued, in terms of rule 12 of the aforesaid bye-laws, or any other bye-law hereafter enacted, shall be bound to keep such stall or place of business open to the public daily between the hours of 6 A.M. and 9 P.M.; and any person who shall close such stall or place of business, or shall wilfully neglect or refuse to serve the public during two consecutive days, without the written leave of the Chairman of the Municipal Council, shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10 for every day during which such stall or place of business is so kept closed, or such wilful neglect or refusal continues, and it shall be lawful for the Municipal Council to suspend or revoke the license of any person convicted as aforesaid, and to refuse to grant any such license to any such person ever after.

Penalty for failure.

\* FORM A.

— is hereby licensed to hold the Stall marked No. — in the — market, conforming himself to the bye-laws of the Municipal Council.  
This license to be in force till —

Town Hall, Colombo, — 188 .

Secretary, M. C.

CHAPTER XX.

SANITARY MEASURES AND PUBLIC SAFETY.

1. No person shall have, keep or deposit, or cause to be kept, or deposited, for sale or storage, any guano, bone dust, or any manure from which noxious or offensive smells arise, in any place or depôt within the limits of the Municipality of Colombo, except such place or depôt be licensed therefor by the Municipal Council, which license shall be in the form hereunto annexed, marked A. \* and shall be in force from the date of issue, and until the 31st day of December then next ensuing.

Manure depots to be licensed.

2. If any person shall commit a breach of this bye-law, he shall be guilty of an offence, and liable to pay a fine of Rs. 10, and to a further fine of not exceeding Rs. 10 for each day during which the offence is continued, after notice to such person to desist or abstain therefrom.

Penalties.

3. It shall be lawful for the Municipal Council, if any just or reasonable ground exist for so doing, to refuse to grant such license as last aforesaid, or to revoke such license as may have been granted.

License may be refused or revoked.

Fee.

4. It shall be lawful for the Municipal Council to demand and receive a fee of One rupee for every license which may be so granted.

Landing, &c., on northern shore of lake, except at crossings, forbidden.

5. Every person who shall land or embark or aid in landing or embarking on the northern shore of the Colombo lake, except at the places where railway crossings have been provided shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10.

Night soil.

6. The night soil of the town and from private latrines shall be removed by such routes and through such streets only as the Municipal Council shall appoint, and no person employed in such removal shall unnecessarily stop or delay on the said routes

Interment of carcasses.

7. Every person within whose premises any horse, ox, cow, sheep, or pig may die, shall within four hours after its death, or if death occurs at night within two hours after daylight, either remove the carcass at his own expense to such place as may be appointed by the Municipal Council for that purpose, or report its death to the Municipal Inspector of the Ward in which such premises may be situated, and in such latter case shall pay to the said Inspector the expense of removing and burying the carcass at such rate as the Chairman shall determine.

Picketing animals, &c., forbidden.

8. No person shall picket animals or collect carts or form an encampment upon any public ground within the Municipality without the written permission of the Chairman of the Municipal Council.

Stabling in verandahs, &c., forbidden.

9. No person shall make use of the pavement or the front 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 horses, cattle or any other animal.

Seized animals trespassing.

10. It shall be lawful for any person thereto authorized by the Municipal Council, to seize any ox, horse, sheep, goat, or other animal which he may find tied, tethered, straying, improperly driven, or tended upon any thoroughfare within the Municipality, or cause the same to be seized, unless any 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 an officer of the Police in charge of the nearest Police Station ; and every such officer seizing or receiving any such animal as aforesaid, shall forthwith report such seizure to the Municipal Council, and the Council shall, if at the time of such report no claim be made to such animal, direct such officer to take the necessary steps for the safe custody and maintenance thereof, and to publish such seizure in the usual manner, and no such animal seized as aforesaid, shall be delivered to the owner thereof, unless upon payment to such Council of the sum of One rupee, for the use of the person by whom the same shall have been seized, and of a further sum of 12 cents, for each day during which the same shall have been kept in the custody of the said officer, for the use of such officer ;

and if no person shall claim such animal, or pay such dues as aforesaid within ten days after the animal shall have been so seized, it shall be lawful for such officer, and he is hereby required, to sell the same by public auction, and after payment of One rupee to the person by whom the same may have been seized and of the sum due to himself for the custody and maintenance thereof to pay the remainder of the produce of such sale, if any, to the Treasurer of the Municipal Council.

11. Every person acting under the authority of the aforesaid bye-law 10, who shall, under pretence of performing any act under its authority, use any unnecessary violence, or give any uncalled for or vexatious annoyance; and all persons who shall wilfully resist, obstruct, hinder or molest, or shall incite, resist, or procure others to resist, obstruct, hinder, or molest any person acting under the authority of the aforesaid bye-law, in the discharge of any duty or the performance of any act authorized or required thereby, shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10.

Penalties for unnecessary violence or obstruction.

12. The owner of every public cattle stall shall have the same covered with a suitable roof and paved with brick, stone, cement or asphalt, and provided with suitable drains and receptacles for conveying and receiving manure, and he shall cause such stall to be daily washed and always kept clean, and to be whitewashed at least once in three months.

Conservancy of cattle stall.

\* A.

MUNICIPALITY OF COLOMBO.

A. B. has permission to keep manure for sale or storage at \_\_\_\_\_. This license to be in force until the 31st day of December, 18

By Order of Council,  
\_\_\_\_\_  
Secretary.

CHAPTER XXI.

LIGHTING RATE.

1. That a lighting rate of  $8\frac{1}{2}$  per cent. be levied for the quarter ending 31st December, 1872, to cover the expenditure on gas supplied for the public lights in the town from the 8th August 1872; and that a lighting rate of only  $4\frac{1}{2}$  per cent. be levied from the 1st January, 1873.

Lighting rate.

CHAPTER XXII.

DOGS.

1. That a yearly tax of 75 cents be recovered from the owner of each dog kept within the Municipality.

Dog tax.

2. It shall not be lawful for any person to keep any dog within the Municipality, without a license from the Municipal

Dogs to be licensed.

Council, and such license shall be obtained on or before the 1st day of February every year, or within 21 days of acquiring such dog, and shall be issued on payment of the tax leviable thereon, and cease to be in force on the 31st day of December every year. Every person who shall, after 1st day of February, 1882, keep a dog within the Municipality without taking out a license shall be liable to a fine not exceeding Rs. 10.

Stray dogs without stamped collar liable to seizure.

3. All dogs found in any street or public place without a collar bearing the stamp of the Municipal Council, shall be liable to seizure by the Police or any person authorized thereunto by the Chairman of the Municipal Council, and to be conveyed to the Municipal pound, and may be destroyed or sold unless redeemed and furnished with such collar within 48 hours of the time of seizure.

Stamping fee.

4. Collars of an uniform kind will be issued by the Municipality without charge, except for stamping; a fee of eight cents will be charged for stamping.

Fee for redeeming captured dogs.

5. A fee of 50 cents shall be charged for any dog redeemed as aforesaid, and no collar shall be issued except on payment of the tax due and the stamping fee.

6. It shall be lawful for the Council from time to time to require every occupier of a house to furnish a return showing the number of dogs kept in such house and to whom they respectively belong; and any person who shall neglect or refuse to furnish such return when called upon to do so, or shall knowingly insert therein any false information, shall be guilty of an offence and be liable on conviction to a fine not exceeding Rs. 10.

## CHAPTER XXIII.

### OFFENSIVE AND DANGEROUS TRADES.

Coal depots.

1. It shall be lawful for the Municipal Council to levy a fee of Rs. 30 per annum, for every license issued under the 158th section of the Ordinance No. 17 of 1865, for the establishment of a depot for coal.

## CHAPTER XXIV.

### GENERAL CONSERVANCY.

Penalty for building without notice.

1. Any person who shall commence to construct any house or building in or near a street, without giving the Municipal Council the notice required by the 126th clause of the Ordinance No. 17 of 1865, shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10.

Conditions for erection of buildings.

2. It shall not be lawful for any person to erect a house or hut for the purposes of a dwelling place, without giving seven days' notice to the Council, and except under the following conditions:—

The walls shall in no case be built of cadjan, but of mud and wattle or other suitable material, to allow of being properly plastered and whitewashed.

Every such house or hut or any room therein to be used for human habitation shall not be less than 120 superficial feet in area, and not less than ten feet in height, and the eaves at least six feet from the ground.

Every room to be used for human habitation shall have at least one door not less than six feet by three feet, and at least one window not less than three feet by two feet.

The floor shall in no case be lower than one foot from the ground, provided the Council shall be at liberty to require a higher standard according to situation. Between any two ranges or blocks of huts there shall be a clear space of at least eight feet.

It shall be lawful for the Council to cause any house or hut erected contrary to the provisions of this bye-law to be taken down at the expense of the owner, if within one month after written notice to him to alter or take down the same, he shall fail or neglect to do so.

3. Any person who shall, from and after the 1st day of January, 1882, without the sanction of the Municipal Council, build, renew or cause to be renewed any building constructed of thatch, leaves, straw, grass or shingle within the limits of the Municipality, shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10, and to a further fine of not exceeding Rs. 10 for every day after notice or conviction during which such building is kept standing, and it shall be further lawful for the Council to take down such building at the expense of the owner and to sell the materials thereof, if necessary, to defray such expense.

## CHAPTER XXV.

### CARRIAGES.

1. All carriages licensed under Ordinance No. 17 of 1873 to ply for hire shall be classed either as first or second class carriages.

Carriages to be first or second class.

2. The Chairman of the Municipal Council or any officer of the Council thereunto authorized by the Chairman, shall determine the class of and the number of passengers to be carried in every such carriage submitted for classification prior to obtaining the license required by law for that purpose, and such class and the registered number of the carriage shall be painted in a conspicuous part (to be determined by the Chairman) of such carriage, and shall be at all times plainly and distinctly visible and legible, provided however, that such painting may be dispensed with at the discretion of the Chairman; and no license shall issue unless the requirements of this bye-law are first complied with. An infant carried in arms or on the lap, or one child not so carried but under eight years of age, shall not be deemed a passenger; but two children under eight years of age not so carried shall be considered an adult passenger, and so on in the same proportion for any number

Chairman to determine class and number of passengers. Class and number to be painted on carriage.

of children. No person to whom any license shall have been granted shall refuse to carry the full number so determined, or shall carry more than the said number.

Every carriage to have two lamps.

3. Every carriage shall have and carry two good and sufficient lamps, one on either side of the driver, ready for lighting, and the same shall be lighted, if the carriage be used between the hours of 6-20 P.M. and 5-30 A.M.

Inspectors to inspect carriages on Chairman's written authority. If carriage, &c., unfit for use, owner to be noticed not to hire.

4. A Municipal Inspector, being thereto authorized by the Chairman in writing, shall, at least once a month or oftener, if such Inspector deem necessary, inspect all carriages licensed to ply for hire within the Municipality, and the harness and the horse or horses used in drawing such carriage, and the other equipments, and shall submit a report thereof to the Council. If any such carriage or horse, or horses, or other equipment, shall at any time upon such inspection be found unfit for public use, notice in writing of the same shall be given by the Municipal Council to the owner of such carriage, and after such notice he shall not use or suffer to be used or let to hire such carriage until the same or the harness or the horse and horses used for and in drawing the same or the other equipments shall have been declared by the Municipal Council to be in a fit condition.

Carriages not to ply for hire except from stands.

5. The owner or driver of any carriage licensed for hire shall not permit the same to ply for hire (except as hereinafter provided) but from an appointed stand.

Council to appoint stands.

6. The Council shall appoint places as public stands for licensed carriages, and may from time to time, by resolution, abolish or alter, as they shall see fit, the number and situation of the said stands.

Notice to be given of opening of stands.

7. When such public stands shall be appointed, the Council shall cause due notice thereof to be given by beat of tom-tom, or in such other public manner as to them may seem fit, that the same will be opened for public use on a date to be fixed in the said notice; and no carriage licensed for hire shall ply for hire from that date except from such stand so appointed.

Space after every 4th carriage in stand.

8. After every fourth carriage in every stand, there shall be left a space of at least eight feet for passengers on foot to pass through.

Position to be taken by carriages at stands.

9. Every carriage on its arrival at any public stand shall be drawn to the end of and be last of the rank of any carriages already occupying such stand; and at every stand all carriages shall be arranged only in single rank.

Table of fares to be affixed inside carriage.

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

Owner of carriage bound to let same for hire.

11. The owner or driver of any licensed carriage shall be bound and compelled at all times to let such carriages for hire, whether the same be on the stand during the hours appointed or at the residence of the owner after such hours, to any person

applying for the same, to proceed therefrom to any place on any carriage road within the Municipality, unless the said carriage, or the harness, or the horse used in drawing the same, shall be unfit for use, or unless he has some other like reasonable cause for refusing; provided, however, 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.

Fare payable on demand.

12. No driver of any carriage shall suffer the same to stand or loiter in any street, or alongside of any other carriage (except for the purpose of setting down or taking up any passengers), nor shall he obstruct the driver of any other carriage in taking up or setting down any person, or wilfully, wrongfully or forcibly prevent or endeavour to prevent the driver of any other carriage from taking a fare.

Loitering, &c., in streets.

13. No carriage which shall be let to hire, on special agreement only, or bespoken at the residence of its owner for a day or a longer or shorter period, shall be subject to the operation of these bye-laws, so long as its term of engagement remains unexpired.

Carriages exempt from operation of these Bye-laws.

14. Every driver shall wear a jacket or coat, and shall carry a badge, such badge to be provided by the Council, and to bear the number of the carriage license.

Driver to wear jacket and carry badge bearing No. of license.

15. All licensed carriages shall be compelled to carry passengers from any public stand to any place within the Municipal limits, provided, however, that any horse let to hire shall not be compelled to travel more than 10 miles between the hours of 6:30 A.M. and 7 P.M.

Maximum distance to be travelled.

16. The following shall be the rates and fares for time; no rates for carriages, other than hackeries, shall be charged for distance, unless specially agreed to.

Fares.

For a first class carriage drawn by one horse :—		Rs.	cts.
From 6:30 A.M. to 7 P.M. ... ..	4	0	
From 6:30 A.M. to 12 noon or from 12 noon to 7 P.M. ... ..	2	0	
For one hour or under ... ..	0	75	
For the second hour or portion of such hour ... ..	0	50	
For every subsequent hour or portion of such hour ... ..	0	25	

For a second class carriage drawn by one horse :—

The above rates to be reduced by one-third.

For a first or second class carriage drawn by two horses :—

The rates as for a first or second class carriage drawn by one horse to be increased respectively by one-half.

For a hackery drawn by one bullock :—

For a hackery drawn by one bullock :—		Rs.	cts.
For every hour between 6 A.M. and 7 P.M. ... ..	0	25	
Per mile ... ..	0	8	

Rates chargeable between 7 P.M. and 6:30 A.M. to be one-fourth more than the above charges.

Night fares.

Property found in carriages.

17. In case of any property being left in any such carriage by any person who may have hired or used the same, the owner or driver of such carriage shall, within six hours after such property shall have been found in such carriage, take the same to, or cause to be taken, in the state in which it was found, to the office of the Municipal Council, and then deliver the same to the Secretary or any person authorized to receive the same on his behalf, to be there deposited for reclamation; and the owner or driver delivering such property or causing the same to be delivered, shall be entitled to a remuneration of 25 cents, payable by the owner of such property (if the same does not consist of jewellery) before the same be allowed to be removed. If, however, the property found consist of jewellery, the owner thereof shall pay to the owner or driver a fee or remuneration of One rupee. If the property so found on any such carriage and deposited in the office of the Municipal Council, shall not be claimed by the true owner thereof within one month of such deposit, the said property shall be sold by public auction, after due notice of such intended sale in one or more of the local papers, and the proceeds of such sale, less expenses incurred in and about the publication of such sale, shall go to the Municipal Fund.

## CHAPTER XXVI.

### THE LAKE PASSENGER BOATS.

Lake passenger boats to be licensed.

1. The owner of every boat carrying passengers for hire, and plying on the Colombo lake, shall obtain from the Municipal Council an annual license, setting forth the maximum number of passengers to be carried in such boat, and such number shall be painted in conspicuous figures and letters on every boat so licensed; and it shall be lawful for the Municipal Council to levy a fee of One rupee, per annum, for every license so issued; provided that in the case of boats licensed by the Government Agent, under the provisions of the Ordinance No. 14 of 1865, the license issued by the Municipal Council, if such license be applied for, shall be free of charge.

## CHAPTER XXVII.

### RECOVERY OF TAXES.

Costs.

1. It shall be lawful for the Municipal Council to demand, take and receive from every person who shall have made default in the payment of any tax lawfully levied by the Council, or from the owner or joint owner of any property lawfully seized for non-payment of such tax, the several charges mentioned in the following table:—

#### TABLE OF CHARGES.

1. For cost of proceeding to the house or land of the party in default, in order to seize property—a charge not exceeding five cents for every 58 cents of tax due.
2. For removal of the goods seized, in case such removal takes place—a charge not exceeding five cents for every 50 cents of tax due.



3. For keeping the same in safe custody in case of such detention—a charge not exceeding 4 cents per day.
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 50 cents per day.
5. For the expenses of sale, where any takes place—a charge not exceeding 25 cents in every Rs. 10 on the nett produce of the sale.

2. If the amount of the tax imposed under the 55th section of the *Municipal Councils Ordinance*, No. 17 of 1865, be not paid into the office of the Treasurer of the Municipality within such time as the Council shall direct, it shall be lawful for the Chairman to issue a warrant, in the form hereunto annexed, to some collector or other officer of the Municipality named therein, directing him to levy the same and the costs of recovery by seizure and sale of the property on account of which such tax is due, and of any property of the person to whom the aforesaid property belonged at the time when the said tax upon it accrued and became due.

Distress warrant  
against defaulters  
of tax on vehicles,  
&c.

FORM OF WARRANT.

WHEREAS the persons named in the under-written Schedule have made default in the payment of the sums set opposite their respective names, being the tax due under the 55th section of the *Municipal Councils Ordinance*, 1865, on the property therein described, and the said sums are still due and owing: These are, therefore, to order you forthwith to seize the said property, in whose possession soever it may be found, or any property belonging to the said persons, and if within the space of ten clear days next after the said seizures, respectively, the said several sums, together with the costs in the said Schedule mentioned in each case, shall not be paid, then to sell the property seized by public auction, and the over-plus (if any), after payment of the tax due and costs, to restore to the owner or any joint owner of the property so sold, and that you do certify to me on or before the \_\_\_\_\_ day of \_\_\_\_\_, what you shall have done by virtue of this warrant.

SCHEDULE.

Names of Defaulters.	Description of Property.	Amount of Tax.	Period, for which Tax is due.	Costs.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

Chairman.

3. The tax levied on dogs under the Ordinance No. 11 of 1872 shall be payable on or before the 31st day of January every year; and if the amount of such tax be not paid into the office of

Dog tax payable  
on 31st January.

the Treasurer, as herein required, 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 contained in the 83rd clause of the Ordinance No. 17 of 1865.

## CHAPTER XXVIII

### BURIAL GROUNDS.

*Interpretation.*—Custodian shall mean the trustees, managers, proprietors, or person having sole or principal charge of a burial ground.

Burials to be registered by custodian and transcripts of register to be furnished quarterly to M. C.

The custodian of any burial ground within the Municipality shall register, or cause to be registered, in register books to be kept for that purpose, all burials that take place in such burial-ground; and such register books shall state the name, designation, sex, and so far as may be practicable, the age of the deceased and the cause of death, and shall be open to the inspection of the Council or any officer authorized thereunto by the Council; and transcripts thereof shall be sent quarterly to the office of the Municipal Council by every such custodian. And any custodian who shall wilfully commit a breach of any of the provisions contained in this bye-law, and any person, being the nearest male relative present at the death or attending the last illness of the deceased, or in case none such shall be present, the occupier, or, in case the occupier be the person deceased, some inmate of the house or tenement in which the death shall have occurred, who shall refuse to give information to the custodian, or shall wilfully give false information respecting the particulars hereby required to be registered, shall be guilty of an offence and be liable to a fine not exceeding Rs. 10.

## CHAPTER XXIX.

### PUBLIC BATHING PLACES.

Wells to be walled

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

and drained.

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

Washing across wells forbidden.

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

Tubs to be painted.

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

5. Persons suffering from scabies (itch) and other infectious diseases, or who have recently recovered therefrom, shall not be permitted to bathe, wash or in any way to use the water at any public well.

No diseased persons to bathe thereat.

6. The owner or lessee of any such public well who shall fail or neglect to comply with the requirements of the foregoing bye-laws shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10.

Penalty on lessees for failure to observe regulations.

CHAPTER XXX.

MISCELLANEOUS.

1. All persons who shall resist, obstruct, hinder, or molest any officer of the Municipal Council acting under the authority of any bye-law enacted by the said Council in the discharge of any duty or the performance of any act which such officer shall be authorized or required to perform by such bye-law, shall be guilty of an offence, and be liable on conviction, to a fine not exceeding Rs. 10.

Penalty for obstructing officers of Municipal Council.

2. Any person who shall commit a breach of any of the foregoing bye-laws for which no special penalty is imposed, shall be guilty of an offence, and be liable on conviction to a fine not exceeding Rs. 10.

Penalty for breach of bye-laws.

A.

FORM OF SUMMONS.

*Municipality of Colombo.*

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 \_\_\_\_\_, to give evidence touching the above matter.

By order of the Chairman,

A. B.

Secretary.

[Date.]

B.

RETURN required by Section 68\* of the *Municipal Councils Ordinance, 1865.*

District.	Street.	No. of House.	Owner.	Occupier.	Rent or annual value.	Remarks.

\* In order to enable the Council to arrive at a fair valuation of any houses, buildings, or lands liable to the rate, it shall be lawful for the

Council to require the owner or occupier of such houses, buildings, or lands to furnish the Council with returns of the rent or annual value thereof, and for the like purpose, it shall be lawful for the Council or any person appointed by them for that 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 therein specified for the space of one week from the day on which he shall have been required so to do, and whoever knowingly makes a false or incorrect return, and whoever hinders, obstructs or prevents the Council, or any person appointed by it as aforesaid from entering, or inspecting, or if need be, measuring any such houses, buildings or lands, shall be liable to a fine not exceeding Rs. 50.

## C.

RETURN required by Section 79\* of the *Municipal Councils Ordinance, 1865.*

District.	Street.	No. of Houses.	Occupant.	Number of Carriages other than Carts or Hackeries.	Number of Carts and Hackeries.	Number of Horses, Ponies and Mules.	Number of Bullocks and Asses.	Number of children's carriages, the wheels whereof exceed 24 inches in diameter.	Remarks.
				State whether employed for hire or not, and whether belonging to you, or to whom.	do.	do.	do.	do.	
					do.	do.	do.	do.	
					do.	do.	do.	do.	

\* In order to enable the Council to make such list, the Council, or any officer authorized by it, shall send to all persons, supposed to be liable to the payment of such taxes, a Schedule to be filled up with such information respecting the vehicles and animals kept by them as the Council may judge necessary for the assessment of the taxes. The Schedule shall be filled up in writing, and signed and dated, and returned to the office of the Council by every person to whom it has been sent, whether or not liable to the payment of such taxes; and whoever 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 Rs. 50.

## D.

## FORM OF NOTICE TO TAX-PAYERS.

*Municipality of Colombo.*

Town Hall,

Colombo,

188 .

To \_\_\_\_\_

Take notice that by virtue of *The Municipal Councils Ordinance, 1865*, the Municipal Council of Colombo have ordered you to be assessed in respect of the undermentioned vehicles and animals for the year 188 , and the following sums are due thereon :—

Description of Vehicle or Animal.	Number.	Rate.	Amount payable	Time of payment.
Carriages ...				On the 1st of March, 188
Carts ...				
Hackeries ...				Re-
Horses ...				
Ponies ...				
Mules ...				
Bullocks ...				
Asses ...				
Children's Carriages .				

You are hereby required to pay the amount of the above taxes into this office on or before the date above-mentioned, in failure whereof a warrant will be issued by the Council for the recovery thereof with costs.

Date of service :

Secretary, M. C.

## E.

## CERTIFICATE OF PERFORMANCE OF LABOUR.

*Municipality of Colombo.*

No.

I certify that \_\_\_\_\_ of \_\_\_\_\_ duly performed six days' labour due by him for the year 188— between the \_\_\_\_\_ and \_\_\_\_\_ of \_\_\_\_\_ with the working party employed at \_\_\_\_\_.

Date.

Officer in Charge.

**F.**

RETURN required by the Bye-laws of the Municipal Council of Colombo.

Your Name and Address.	Whether and how many Clerks have been Articled to you.	Name of the Articled Clerk.	Date of Articles, each.

**G.**

REPORT of Cattle slaughtered by

Date of Purchase.	Description.	Colour.	Age.	Brand marks.	From whom purchased.	Seller's place of residence.	Date of slaughter.	REMARKS.

I \_\_\_\_\_ do hereby declare that the above is a correct account of cattle slaughtered by me during the month of \_\_\_\_\_.

Colombo, \_\_\_\_\_ 18

\_\_\_\_\_  
*Signature.*

Passed in Council this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, this Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
Colonial Secretary.

**No. 17.—1881.**

J. R. LONGDEN.

**An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1880.**

21st December, 1881.

**No. 18.—1881.**

J. R. LONGDEN.

**An Ordinance to amend "The Medical Wants Ordinance, 1880."**

**W**HEREAS *The Medical Wants Ordinance, 1880*, requires amendment in the particulars hereinafter mentioned before the same is brought into operation as provided for by the 1st clause thereof:—Be it enacted by the Governor of ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as *The Medical Wants Ordinance, 1880, Amendment Ordinance, 1881*.

2. This Ordinance and *The Medical Wants Ordinance, 1880*, hereinafter referred to as the principal Ordinance, shall be read and construed as one Ordinance; and this Ordinance, save and except the 7th and 15th clauses thereof, shall come into operation with the principal Ordinance; and the 7th and 15th clauses of this Ordinance shall come into operation on the 1st day of January, A.D. 1882.

3. Until this Ordinance and the principal Ordinance shall come into operation, the expression "estate" in the said 7th, 11th, and 15th clauses shall mean such estates as come within the operation of the Ordinance No. 14 of 1872, intituled "An Ordinance to provide for the Medical Wants of Coffee Districts."

4. The 4th and 5th clauses of the principal Ordinance shall be and the same are hereby repealed.

5. For the purpose of creating a special fund to defray the cost of providing for the medical care of labourers on estates under the principal Ordinance, there shall be levied and paid in respect of every estate which shall be brought within the operation of the principal Ordinance an annual tax at and after a rate to be fixed and declared by the Governor, with the advice of the Executive Council, by Proclamation on or before the 31st day of January in each year, not to exceed one rupee and twenty-five cents for each and every labourer on such estate during each year ending on the thirty-first day of December, which tax shall be paid by the proprietor of such estate, and shall be a charge thereon, and shall be collected and disposed of as is hereinafter provided.

Title.

Preamble.

Title of Ordinance.

Ordinance to be construed as one with Ord. 17 of 1880. Clauses 7 and 15 to operate from 1st January, 1882.

Interpretation.

Repeal of clauses 4 and 5 of Ord. 17 of 1880.

Capitation tax not exceeding Rs. 1.25 per labourer imposed to defray expenses contemplated in Ord. 17 of 1880.

To be collected by Govt. Agents and credited to special fund.

6. The Government Agents shall collect the tax by this Ordinance imposed in respect of estates in their respective Provinces, and shall pay the same into the Treasury to be carried to the credit of a fund to be called "The Medical Aid Fund," which shall be applied and devoted to defray the expenses incurred in providing medical care of labourers and assessing and collecting the tax under this and the principal Ordinance, and to no other purpose whatever. And an account of such fund shall be made up annually and published in the *Gazette* for general information.

Accounts to be published annually. Superintendents to make monthly returns of labourers.

7. It shall be the duty of the superintendent of every estate to make monthly a return to the Government Agent, in the form of the schedule A. hereto, of the average number of labourers on such estate during the previous month, which return shall be signed and declared to by such superintendent, as is provided for in the said schedule, and shall be delivered into the Kachchéri of the Province before the expiration of the fifteenth day of each month.

Govt. Agent to calculate average and assess tax.

8. It shall be the duty of the Government Agent, before the expiration of the month of February in every year, to strike an average of the number of labourers on every estate during the previous year, and thereupon to assess the tax payable in respect of each estate for the current year, and to enter the same in an assessment record to be kept in the Kachchéri of the District.

When returns are deficient or false, Govt. Agent to have power to assess according to his own opinion.

9. In the event of any return required by this Ordinance not being made, or in the event of no return being made for an estate, in respect of which the Government Agent shall be of opinion that tax is payable, or if any return shall be made which the Government Agent shall have reason to believe is false, it shall be the duty of the Government Agent to enter upon the assessment record the amount of tax which in his opinion would be the correct amount for which such estate should be assessed.

Assessment record to be published.

10. A copy of the annual assessment record, to be made by the Government Agent as aforesaid, shall be published three several times in the *Government Gazette* and in two local newspapers in the month of March in each year.

Govt. Agent personally or by agent empowered to check returns.

11. It shall be lawful for the Government Agent or any person duly authorized by him in writing for that purpose at all times to enter upon any land which he may have reason to suppose to be liable to the provisions of this Ordinance, and to remain thereon for such time as may be necessary, and to examine the cooly lines on any estate and number the labourers thereon, and inspect the check-rolls thereof, for the purpose of verifying any return or returns which have been made, or for the purpose of obtaining any information which the Government Agent may deem necessary in order to enable him to determine if any tax is payable, or to assess correctly the tax which may be payable in respect of such estate, and any person who shall molest, hinder, or obstruct any Government Agent or person duly authorized by him as aforesaid, in the exercise of the powers hereby given, shall be guilty of an offence and shall be liable on conviction before any Police Court to a fine not exceeding 200 rupees or imprisonment with or without hard labour for any period not exceeding three months.

Penalty on obstruction.



**12.** The proprietor of any estate who may be dissatisfied with any assessment made by the Government Agent under the 8th and 9th clauses may, within thirty days of the publication of the assessment record in the *Gazette*, upon depositing the amount of assessment in the District Court, apply in a summary way for a rule calling on the Government Agent to show cause why the assessment record should not be amended, and thereupon the District Court, subject to the right of appeal to the Supreme Court, shall have full power and authority to enquire into the correctness of the assessment, and direct the assessment record to be amended either by increasing, decreasing, or altogether disallowing the amount assessed, and may make such orders as to the disposal of the amount deposited and as to costs or otherwise, as the Judge may deem just.

Proprietor's remedy for unsatisfactory assessment.

**13.** The assessment record, if the same shall have been undisputed, or if disputed, so much thereof as shall have been undisputed, and if affirmed or amended the affirmed or amended assessment record shall for all purposes whatsoever be final and conclusive as to the amount of tax due and payable in respect of any estate to which such assessment record, undisputed part thereof, or amended or affirmed assessment record shall refer.

Assessment if undisputed within 30 days of publication to be final.

**14.** At the expiration of sixty days from the date of the first publication of a copy of the assessment record in the *Gazette*, the amount therein assessed in respect of each estate, if the same shall not have been previously paid, or the assessment in respect thereof disputed, as is hereinbefore provided for, shall be forthwith recoverable in the same manner and by the same process as is provided for by the 23rd clause of the principal Ordinance in respect of money payable under the 15th and 19th clauses thereof, save and except that it shall not be necessary to give any further notice requiring payment of the said tax, and all the provisions of the 23rd, 24th, 25th, 26th and 27th clauses of the principal Ordinance shall apply to proceedings for, and the costs of, recovering the tax payable under the 5th clause of this Ordinance, and to property seized and the disposal thereof and the proceeds thereof.

Recovery of assessment.

**15.** If any superintendent shall omit or neglect to make and deliver within the required time the return required by the 7th clause, he shall be liable on conviction before any Police Court to a penalty not exceeding two hundred rupees; and if any superintendent shall make any false return, he shall be guilty of an offence and shall be liable on conviction before a District Court to a penalty not exceeding five hundred rupees and to imprisonment with or without hard labour for any period not exceeding six months.

Penalty for neglect to make returns.

## SCHEDULE.

*Medical Wants.]***A.**

RETURN of Labourers under clause 7 of the Ordinance of 1881.

Name and situation of Estate.	Name of Proprietor.	Number of Labourers (in figures and words)
		<i>Men.</i> <i>Women.</i> <i>Children.</i>

I, ———, superintendent of the above-named estate, do hereby certify this to be a true and correct return of the number of labourers on such estate for the month ending the ——— day of ——— last, as required by the 7th clause of the Ordinance — of 1881.

Signed and declared to this ——— day of ——— A. D. 18—, by me,  
*(Signature.)*

Passed in Council the Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. A. SWETTENHAM,  
 Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-first day of December, One thousand Eight hundred and Eighty-one.

J. DOUGLAS,  
 Colonial Secretary.

*Minicoy and Basses Lights.***No. 1.—1882.**

J. R. LONGDEN.

**An Ordinance to declare the consent of the Legislature to the erection of a Lighthouse on Minicoy Island, and to the levy of dues in respect thereof, and to fix the dues payable in respect of the Minicoy and Great and Little Basses Lights.** Title.

**WHEREAS** by the 2nd section of the Merchant Shipping Act Amendment Act, 1855, it is enacted that "In any case in which any lighthouse, buoy, or beacon has been or is hereafter erected or placed on or near the coasts of any British possession, by or with the consent of the Legislative authority of such possession, Her Majesty may, by order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as Her Majesty may deem reasonable, and may in like manner from time to time increase, diminish, or repeal such dues; and from the time specified in such order for the commencement of the dues thereby fixed, increased, or diminished, the same shall be leviable throughout Her Majesty's dominions, in manner hereinafter mentioned:" Preamble.

And whereas by the 3rd section of the said Act it is further enacted that "No such dues as aforesaid shall be levied in any colony unless and until the Legislative authority in such colony has, either by address to the Crown, or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such colony:"

And whereas it is proposed to erect a lighthouse on Minicoy Island, near the coasts of this colony, with the consent of the Legislature thereof, and it is expedient that such consent should be given, and also that the Legislature should, by Ordinance, signify its opinion that such dues as aforesaid ought to be levied in the colony:

And whereas Her Majesty has signified through Her Principal Secretary of State for the Colonies that the dues to be levied by Her Order in Council in Ceylon on each vessel will be as follows, viz. :—In respect of the lighthouse on the Island of Minicoy at cents ( $2\frac{1}{2}$ ) two and-a-half per ton; in respect of the lighthouse on the Great Basses rocks and the lighthouse on the Little Basses rocks at cents ( $7\frac{1}{2}$ ) seven and-a-half per ton:

It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

**1.** This Ordinance may be cited as "The Minicoy Lighthouse and Lighthouse Dues Ordinance, 1882." Short Title.

**2.** The consent of the Legislature is hereby given to the erection of a lighthouse on the Island of Minicoy. Lighthouse to be erected at Minicoy.

**3.** The opinion of the Legislature is hereby signified that the dues so to be fixed, by Her Majesty by Order in Council under the authority of the 2nd section of the said recited Act, in respect of the said lighthouse on the Island of Minicoy and in respect of the lighthouse on the Great Basses rocks and of the Fees for said lighthouse and those at Great and Little Basses to be collected as per schedule.

*Minicoy Lights. Rupees and Cents Currency.*

lighthouse on the Little Basses rocks, and set forth in the schedule hereunder written, ought to be levied in this colony, and the light dues so set forth in the schedule hereto shall be payable in accordance with the provisions of any Order made by Her Majesty in Council in respect of all ships whatever arriving or touching at any port or place in this colony, except ships belonging to Her Majesty, and ships belonging to the Ceylon Government.

## SCHEDULE.

## TABLE OF DUES.

- |   |        |                                |
|---|--------|--------------------------------|
| 1. In respect of the lighthouse on the Island of Minicoy  | ... .. | } Cents 2½ of a rupee per ton. |
| 2. In respect of the lighthouse on the Great Basses rocks and in respect of the lighthouse on the Little Basses rocks | .. ..  |                                |

Passed in Council the Eleventh day of October, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Fourteenth day of October, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

## No. 2.—1882.

J. R. LONGDEN.

Title. An Ordinance to substitute the Currency of Rupees and Cents in certain Ordinances where sums of money are mentioned in terms of British Currency.

Preamble. **W**HEREAS by a Proclamation dated the Seventh day of September, 1871, which took effect from and after the First day of January, 1872, the currency of this Island was, for all revenue purposes and for all Government and other contracts and engagements in force at the latter date and payable in the said Island, altered from pounds, shillings and pence to rupees and cents: And whereas no provision was therein made to meet other cases where mention is made in Ordinances of sums in terms of British currency: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Date of operation. 1. This Ordinance shall come into operation on the day of the passing thereof.

Terms, pounds, shillings and pence appearing in 2. Whenever in any Ordinance or enactment in force on the First day of January, 1872, mention is made of any sum, whether by way of qualification, test, or limit, or otherwise howsoever in

*Rupees and Cents Currency.**Lunacy.*

the terms "pounds," "shillings," or "pence," or "pounds sterling," or other terms of British currency, such sum shall be estimated and reckoned at the respective rates in the schedule hereto.

Ordinances adjusted to currency of rupees and cents.

## SCHEDULE.

	Rs.	cts.
For the term pound shall be reckoned ...	10	0
For the term pound sterling ...	10	0
For each pound or pound sterling whenever a larger sum than one pound or one pound sterling is mentioned (for each pound or pound sterling) ...	10	0
For the term shilling shall be reckoned ...	0	50
For each shilling whenever more than one shilling is mentioned ...	0	50
For the term penny shall be reckoned ...	0	4
For each penny whenever more than one penny is mentioned ...	0	4

Passed in Council the Eleventh day of October, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of October, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

## No. 3.—1882.

J. R. LONGDEN.

## An Ordinance to amend "The Lunacy Ordinance, 1873."

Title.

WHEREAS it is expedient to amend the Ordinance No. 1 of 1873, intituled "An Ordinance relating to the care and custody of persons of unsound mind and their Estates": It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. The 15th section of Ordinance No. 1 of 1873 is hereby repealed.

Repealing clause.

2. From and after the passing of this Ordinance, every order made by a District Court under the provisions of "The Lunacy Ordinance, 1873," shall be subject to an appeal to the Supreme Court.

Right of appeal from order of District Court given—

3. Such appeal may be prosecuted by, or at the instance of (1) the person suspected or adjudged to be of unsound mind, or (2) of any relative or friend of his, or (3) of the Queen's Advocate or of any Deputy Queen's Advocate, or (4) of the Inspector-General of Police, or (5) of the Principal Civil Medical Officer, or (6) of the Inspector-General of Prisons, or (7) of any medical practitioner who shall have certified or testified to the state of mind of the person suspected or adjudged to be of unsound mind,

to person affected thereby, to his relatives, to the Queen's Advocate, Inspector-General of Police, Principal Civil Medical Officer, or any Medical Practitioner concerned.

*Lunacy.**Emigration.*

Appeal to follow rules for appeals from interlocutory orders.

4. The time for, the rules of, and the practice relating to, the filing and forwarding of an appeal from an interlocutory order of the District Court shall apply to appeals prosecuted under this enactment.

Duty of Supreme and District Courts in case of appeal.

5. The Supreme Court shall take cognizance of such appeal and deal with the same as an appeal from an interlocutory order of the District Court, and make such order thereon as to the Supreme Court shall seem fit. And it shall be the duty of the District Court to conform to and execute such order.

Ordinance to be read as one with Lunacy Ordinance, 1873.

6. This Ordinance and the Ordinance No. 1 of 1873 shall be read and construed as one Ordinance.

Passed in Council the Eleventh day of October, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of October, one thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

**No. 4.—1882.**

J. R. LONGDEN.

Title.

An Ordinance relating to the Emigration of Native Labourers from this Island under contract of Service.

Preamble.

**W**HEREAS it is expedient to regulate the emigration of native labourers under contract of service to labour in places without the limits of this Island: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be called "The Ceylon Emigration Ordinance, 1882," and shall come into force on the passing thereof.

Power to Governor, with the advice of Executive Council, to declare emigration lawful.

2. From and after the passing of this Ordinance the Governor may, with the advice of the Executive Council, from time to time by notification published in the *Government Gazette*, declare that the emigration of the native inhabitants of this Island shall be lawful to any place described in such notification, provided that every such notification shall contain also a declaration that the Governor has been duly certified that the Government of the place to which the notification refers has made such laws and other provisions as the Governor in Executive Council shall deem sufficient for the protection of the native inhabitants of Ceylon emigrating to such place.

Contracts with natives for performance of labour in any place to which

3. From the date of any such notification, contracts may be made with any native inhabitant of Ceylon for labour to be performed in any place to which emigration is authorized in the notification, and it shall be lawful to enable or assist any native

vide 22 of 1884

*Emigration. Post Office Savings Banks.*

inhabitant to emigrate to such place; but all contracts and engagements under such notification shall be made and signed before a Police Magistrate, who is hereby authorized to take such signatures, after reading over and explaining to the signatories, the contract to be entered into by them.

emigration has been authorized made lawful. Such contracts to be signed before a Police Magistrate.

4. It shall not be lawful for any person to make with any native inhabitant of this Island any contract for labour to be performed in any ~~British or Foreign colony~~ without the limits of this Island to which emigration has not been declared lawful, in manner aforesaid, and every person who shall make any such contract, or who shall knowingly aid or abet any native inhabitant of this Island in emigrating from this Island for the purpose of being employed under contract as a labourer shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding two hundred rupees for every native inhabitant so contracted with, aided, or abetted.

Contracts for performance of labour in any *place* place to which emigration has not been authorized, unlawful.

*Except to a place to which emigration has been declared lawful*

Provided always, that nothing in this Ordinance contained shall be taken to apply to any native seaman who shall of his own free will contract to navigate any vessel, or who shall embark on board such vessel in pursuance of such contract, or to any person who shall contract to serve as a menial servant only, or who shall embark as such menial servant.

Exceptions.

Passed in Council the Eleventh day of October, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of October, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

**No. 5.—1882.** *repealed*

J. R. LONGDEN.

An Ordinance to grant facilities for depositing small Savings at Interest.

Title.

**W**HEREAS it is expedient to grant facilities for the deposit of small savings at interest, and to make the several Post Offices of the Island available for that purpose: 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 for all purposes as "The Post Office Savings Bank Ordinance, 1882."

Short title.

2. It shall be lawful for the Governor, by Proclamation to that effect to be published in the *Government Gazette*, to establish Savings Banks in connection with the General Post Office and

Governor may establish and discontinue Postal

*Post Office Savings Banks.*

Savings Banks by Proclamation in *Government Gazette.*

all or any of the branches or stations thereof, and for that purpose to authorize and direct the Postmaster-General and such of his officers as the Governor may think fit, to receive deposits and to repay the same under such rules and regulations as shall be made under the 4th section of this Ordinance. And it shall be lawful for the Governor, by like Proclamation, to discontinue any Savings Bank established under this Ordinance.

Funds how to be laid out.

3. The several sums which shall from time to time be deposited in the said Savings Banks shall be invested at interest in securities of the Government of the United Kingdom of Great Britain and Ireland, or of the Government of India, or of this Island, or of such other British Colony as may be approved of by the Governor, acting with the advice of the Executive Council, and all sums so invested and the securities thereof may be called up, sold, or otherwise disposed of, from time to time, under such rules as shall be made under the 4th section of this Ordinance.

Governor and Executive Council may make rules for general management.

4. The Governor may, with the advice and consent of the Executive Council, from time to time, make rules and regulations touching the limit of deposits, the rate of interest to be allowed thereon, the sale or disposal of securities or investments, the deposits of minors and trustees, and the mode of payment thereof, and for all matters relating to the general management of such Savings Banks, and such rules and regulations from time to time to add to, amend, alter, and repeal. All such rules and regulations when made, added to, amended, altered or repealed shall be published in the *Government Gazette*, and upon the publication of such rules as shall be made, added to, amended, or altered, they shall be as legal, valid, and effectual as if the same had been enacted herein. Provided always that such rules and regulations shall not be repugnant to or inconsistent with the provisions of this Ordinance.

Deposit in name of married woman to be her separate property.

5. Any deposit made in the name of a married woman, or in the name of a woman who may marry after such deposit, shall be deemed to be the separate property of such woman, and the same shall be accounted for and paid to her as if she were an unmarried woman. Provided that nothing herein contained in reference to such deposits shall, as against creditors of the husband, give validity to any deposit of moneys of the husband made in fraud of such creditors, and any moneys so deposited may be followed as if this Ordinance had not passed.

Not to be in fraud of husband's creditors.

Payments on death of depositors.

6. In case any depositor in the funds of any Post Office Savings Bank established under this Ordinance shall die leaving a sum of money in the said fund, it shall be lawful for the person or persons authorized to make payments by the rules and regulations hereinbefore provided for, and they are hereby authorized and permitted, in case he or they shall be satisfied that no will was made or left by such deceased depositor, and that no letters of administration will be taken out of the property, goods, and chattels of such depositor, to pay the same at any time after the decease of such depositor, according to the rules and regulations of the said Post Office Savings Bank; and in the event of there being no rules and regulations made in that behalf, then such person or persons



*Post Office Savings Banks.*

*Local Boards.*

aforesaid are hereby authorized and permitted to pay and divide the same to and amongst the person or persons who appear to be entitled to the effects of the deceased intestate according to law.

7. Whenever any sum of money shall have been paid and divided to or amongst any person or persons who shall at the time of such payment appear to be entitled to the effects of any deceased intestate depositor according to the rules and regulations of any such Savings Bank, or according to law, the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person or persons as next of kin of such deceased intestate depositor, or as the lawful representative or representatives of such depositor, against the funds of such Savings Bank, or against the Government of this Colony, or against the person or persons authorized to make such payments; but, nevertheless, such next of kin or representative shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

Payment to persons appearing to be next of kin declared valid.

Remedy of person entitled against persons receiving the money.

8. This Ordinance shall come into operation on a day to be fixed by proclamation by the Governor, acting with the advice of the Executive Council.

Date of operation of Ordinance.

Passed in Council the Eighteenth day of October, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fourth day of October, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

No. 6.-1882. Repealed 27th 1892 492

J. R. LONGDEN.

An Ordinance to remove doubts as to certain powers of Local Boards under "The Local Board of Health and Improvement Ordinance, 1876."

Title.

WHEREAS under the provisions of "The Local Board of Health and Improvement Ordinance, 1876," Local Boards of Health are empowered to make from time to time such bye-laws as they may deem expedient for the purposes mentioned in the said Ordinance, which bye-laws when submitted to and confirmed by the Governor, acting with the advice of the Executive Council, and published in the *Government Gazette*, shall become as legal, valid, and effectual as if they had been enacted in the said Ordinance, provided that nothing contained in such bye-laws be contrary to any of the provisions of the said Ordinance :

Preamble.

And whereas no express authority has been given by the said Ordinance to the said Boards to add to, cancel, alter or amend

*Local Boards.*

*Unlicensed Gemming.*

such bye-laws, and doubts have arisen how far authority exists for such purposes, and it is desirable and expedient that such doubts should be removed: Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance to be read as one with Ord. 7 of 1876. Local Boards may cancel, alter or amend any bye-laws.

1. This Ordinance and "The Local Board of Health and Improvement Ordinance, 1876," shall be read as one Ordinance.

Cancellations and amendments heretofore made to be valid and effectual.

2. It shall be lawful for Local Boards of Health from time to time to add to, cancel, alter or amend any existing bye-law or any bye-law which may hereafter be made by them, provided that the said additions, cancellations, alterations or amendments, as the case may be, shall be within the power, scope and authority of Local Boards of Health as declared and defined by the said Ordinance, and shall be in all respects dealt with and decided upon in the same manner as is directed and provided in the said Ordinance with respect to the original bye-laws in the 35th section of the said Ordinance: and all additions, cancellations, alterations or amendments heretofore made by any Local Board in respect of any bye-law since the passing of the said Ordinance, and confirmed by the Governor, acting with the advice of the Executive Council, and published in the *Gazette*, shall, for all purposes of the said Ordinance, be binding and effectual, and have the same force and virtue as the same would have had, had they been made after the passing of this Ordinance.

Date of operation of Ordinance.

3. This Ordinance shall come into operation on the passing thereof.

Passed in Council the First day of November, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Third day of November, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

**No. 7.—1882.** *revised*

J. R. LONGDEN.

Title.

An Ordinance to prevent unlicensed gemming upon Crown Lands.

Preamble.

WHEREAS it is expedient to prevent unlicensed gemming upon Crown lands within this Colony: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as "The Gemming Ordinance, 1882."

Interpretation of terms:

2. In the construction of this Ordinance, unless the context otherwise requires, the following terms shall have the respective meanings hereby assigned to them, that is to say:—

"to gem" and "gemming."

(1) The terms "to gem" and "gemming" shall mean and include any mode or method of working whatsoever

*Unlicensed Gemming.*

whereby the soil or earth or any gem or precious stone or any rock, stone or quartz may be disturbed, removed, carted, carried, washed, sifted or otherwise dealt with for the purpose of obtaining any gem or precious stone therefrom, whether the same may have been previously disturbed or not.

(2) "Crown land" includes the bed of every river and stream flowing through lands belonging to or reserved by the Crown, in addition to every other description of land belonging to or reputed to belong to the Crown, whether under the Ordinance No. 12 of 1840, or reserved or otherwise held or possessed by the Crown.

"Crown land."

3. From and after the passing of this Ordinance it shall not be lawful for any person to gem upon any Crown land or upon any land in which the rights of the Crown to gems and precious stones have been reserved, for gems or precious stones; unless such person shall have obtained a license therefor in the manner hereinafter provided.

Unlicensed gemming declared unlawful.

4. The Government Agent of the Province and any Assistant Government Agent within his own district may grant to the party applying for the same a license, to be called a "gemmer's license"; such license shall be in the form A. given in the schedule hereto, and shall be stamped with a stamp of Rs. 1, to be furnished by the licensee.

Government Agent and Assistant Government Agent may grant license.

5. Every such gemmer's license shall be in force for such term as shall be mentioned therein, and shall not be transferable; and only one person shall be named therein, who shall be called the licensee.

Duration, &c., of license.

6. A gemmer's license shall authorize the licensee personally and not through another or others to gem during the time mentioned therein, upon any portion of the Crown land described in the license.

Powers of licensee under license.

7. Every licensee shall conform to the rules which the Government Agent of the Province shall cause to be drawn up in the manner hereinafter provided for the regulation of gemming within his own Province.

Licensee to conform to rules.

8. The Government Agent of each Province is hereby empowered from time to time to make, alter, amend or substitute such rules for the regulation of gemming within his own Province as he may consider necessary. Provided that such rules shall not be contrary to any of the provisions of this Ordinance, and provided also that such rules 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 rules when allowed shall be published in the *Government Gazette*, and shall thereupon become as legal, valid and effectual as if they had been enacted in this Ordinance.

Government Agent may make rules for regulation of gemming. Rules to be confirmed by Governor and Executive Council.

9. Every licensee shall be held and required to produce and exhibit his license to the Government Agent of the Province, or his Office Assistant, or the Assistant Government Agent within his own district, or any person authorized by the Government or by his

License to be exhibited to Government Agent on demand.

*Unlicensed Gemming.*

Assistant in writing in that behalf, and to prove to the satisfaction of such Government Agent, Office Assistant, or Assistant Government Agent that such license is in force, whenever required to do so by him.

Punishment for breach of provisions of this Ordinance or of rules made thereunder.

10. Every person committing a breach of any of the provisions of the third, seventh or ninth sections of this Ordinance, or of any rule made under the provisions of sections seven and eight of this Ordinance, shall be guilty of an offence, punishable with imprisonment at hard labour for any term not exceeding three months or with a fine not exceeding fifty rupees or with both.

Confiscation of tools and gems in possession of illicit gemmers.

11. If the court before which the offence is tried shall find the offender guilty under the third section of this Ordinance of gemming without a license, it shall be lawful for such court to confiscate all gems, stones, or gemming implements which at the time of the commission of the said offence were found on the person or in the possession of such offender.

Proof of negative to lie on defendant.

12. In any prosecution for any offence against this Ordinance, if the information or plaint in any such case shall negative the issue or possession of a gemmer's license under the provisions of this Ordinance, it shall not be necessary for the prosecutor or complainant in that behalf to give any evidence of such negative, but the defendant or accused may prove the affirmative thereof in his defence if he would have advantage of the same.

When Ordinance to operate.

13. This Ordinance shall come into operation on the passing thereof.

SCHEDULE A.

*GEMMER'S LICENSE.*  
(NOT TRANSFERABLE.)



No. \_\_\_\_\_ District. \_\_\_\_\_  
Province. \_\_\_\_\_

The day of \_\_\_\_\_ 188 .

Issued to \_\_\_\_\_ under the  
provisions of the \_\_\_\_\_ Ordinance, to be in force for  
land \_\_\_\_\_ from the date hereof, and to apply to the Crown  
, in the province aforesaid, lot  
, containing in extent \_\_\_\_\_

Government Agent.  
(See back.)

Passed in Council the Eighth day of November, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Thirteenth day of November, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

*Village Communities.*No. 8.—1882. *Amended*

J. R. LONGDEN.

**An Ordinance further to amend "The Village Communities Ordinance, 1871."**

Title.

**W**HEREAS it is expedient further to amend the Ordinance No. 26 of 1871, intituled "An Ordinance to facilitate the Administration of Village Communities, and to provide for the establishment of Village Tribunals": 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 and "The Village Communities Ordinance, 1871," in this Ordinance referred to as the principal Ordinance, and "The Village Communities Ordinance, 1871, Amendment Ordinance, 1880," shall be read and construed as one Ordinance.

Ordinance to be read as one with Ord. No. 26 of 1871, and No. 12 of 1880.

2. It shall be lawful for the inhabitants of any sub-division within the limits thereof to impose and levy tolls subject to the approval or disallowance thereof of the Governor, with the advice of the Executive Council (such approval to be notified in the *Government Gazette*), on all ferries constructed, regulated, or protected under the principal Ordinance.

Village committee may impose and levy tolls.

3. In addition to the powers of making rules conferred by the principal Ordinance and by "The Village Communities Ordinance, 1871, Amendment Ordinance, 1880," the inhabitants of any sub-division shall have power to make rules—

Inhabitants may make further rules.

- (1) For the construction, repair and protection of village tribunal court-houses;
- (2) For the determining, imposing and enforcement of penalties incurred by officers appointed under section 6 of this Ordinance for neglect or breach of duty;
- (3) For the collection of tolls imposed and levied under the next preceding clause;
- (4) For the construction and maintenance of village roads not exceeding twelve feet in width; provided that no inhabitant shall be required to contribute in labour or money towards any road other than a natural road, nor to give more than ten full days' labour in any year for such village roads;
- (5) For the repair, protection and maintenance of village canals.

And any rules so made shall have the same effect as if they had been made under the powers conferred by the principal Ordinance.

4. It is hereby enacted and declared that in all rules which have heretofore been made, or which hereafter shall or may be made, under the provisions of the principal Ordinance, for the enforcement of ancient customs as regards cultivation, the term 'cultivation' shall be taken and construed to include the repair, protection and maintenance of village tanks.

The term 'cultivation' in past and future rules to include repair, protection, and maintenance of village tanks.

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*Village Communities.*

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Village committee  
may create offices.

5. Whenever it shall be necessary to appoint an officer to carry into effect or supervise the working of any rule lawfully made or to be made by the inhabitants of any sub-division, under the principal Ordinance or under "The Village Communities Ordinance, 1871, Amendment Ordinance, 1880," it shall be lawful for the said inhabitants to create an office for such purpose within their own sub-division, by a rule to be made, subject to the approval of the Governor and the Executive Council.

Officer to be  
appointed by  
Government Agent  
of Province.

6. As soon as any such office has been created, it shall be lawful for the Government Agent of the Province, within which such sub-division is situated, to appoint an officer thereto, and such appointment from time to time to revoke or annul and in lieu thereof to make a fresh appointment to such office, as to the Government Agent aforesaid shall seem fit or necessary.

Such officer to be  
entitled to fees:  
such fees to be  
determined by  
Governor and  
Executive Council.

7. Every such officer shall, so long as he continues in office, be entitled to be paid and to receive such fees in respect of his office as may be determined by a rule to be made by such inhabitants, subject to the approval of the Governor and the Executive Council.

Such officer to be  
liable to penalties,

8. Every such officer shall be liable to pay the penalties prescribed by any rules which may be passed in accordance with the powers conferred under sub-section 2 of section 3 of this Ordinance for breach of or neglect of duty in respect of his office.

Power of Governor  
and Executive  
Council to cancel  
or vary rule  
previously  
approved.

9. The Governor, by and with the advice of the Executive Council, may, at any time, and from time to time, cancel or annul any rule previously approved of by the Governor, by and with the advice of the Executive Council, and published as provided for by the 7th section of the principal Ordinance; such cancellation or annulment shall in like manner be published in the *Government Gazette*.

Short Title.

10. This Ordinance may be cited for all purposes as "The Village Communities Ordinance, 1871, Amendment Ordinance, 1882," and shall come into effect from the date of the passing thereof.

Passed in Council the Eighth day of November, One thousand Eight hundred and Eighty-two.

**J. A. SWETTENHAM,**  
Clerk to the Council.

Assented to by His Excellency the Governor the Thirteenth day of November, One thousand Eight hundred and Eighty-two.

**J. DOUGLAS,**  
Colonial Secretary.

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*Estates Medical Wants.***No. 9.—1882.**

J. R. LONGDEN.

**An Ordinance to amend "The Medical Wants Ordinance, 1880,"  
and to repeal "The Medical Wants Ordinance, 1880,  
Amendment Ordinance, 1881."**

**W**HEREAS it is expedient to amend "The Medical Wants Ordinance, 1880," and to repeal "The Medical Wants Ordinance, 1880, Amendment Ordinance, 1881": Be it 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 Medical Wants Ordinance, 1880, Amendment Ordinance, 1882."

Title.

2. This Ordinance and "The Medical Wants Ordinance, 1880," hereinafter referred to as the principal Ordinance, shall be read and construed as one Ordinance, save so much of the principal Ordinance as is hereby repealed.

Ordinance to be construed as one with Ordinance 17 of 1880.

3. This Ordinance and the principal Ordinance shall together come into operation on the 1st day of January, 1883.

Date of operation.

4. For the purpose of providing a special fund to defray the cost of the medical care of labourers on estates under this and the principal Ordinance, it shall be lawful for the Governor, with the advice of the Executive Council, from time to time by Proclamation in the *Gazette*, to impose a duty, and the same from time to time to increase or reduce, not exceeding ten cents per hundred-weight on coffee, tea, and cocoa, and twenty cents per hundred-weight on cinchona, which duty shall be levied at the Customs on the entry for exportation of all coffee, tea, cocoa, and cinchona, 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 17 of 1869, intituled "An Ordinance for the general regulation of Customs in the Island of Ceylon."

Special fund to defray cost of medical care of labourers.

5. The duty to be collected under the authority of the last preceding clause shall be paid into the Treasury, and shall be carried to the credit of a fund to be called the "Medical Aid Fund," and shall be applied and devoted to defray the expenses incurred under this Ordinance, and to no other purpose whatever. And an account current of such fund shall be made up annually and published in the *Gazette* for general information.

To be called the "Medical Aid Fund."

6. It shall be lawful for the Governor to appoint superintending medical officers, not exceeding three in number, for the purposes of this Ordinance, and to assign to them salaries commencing at Rs. 5,000 per annum, and rising by quinquennial increments of Rs. 500 until a maximum salary of Rs. 8,000 is reached. Such officers shall receive, when travelling on duty, a daily allowance not exceeding Rs. 10, and shall be under the direction of the Principal Civil Medical Officer.

Governor to appoint superintending medical officers. Salaries of officers so appointed.

*Estates Medical Wants.*

Duties of  
superintending  
medical officers.

7. It shall be the duty of each superintending medical officer :—

To visit the cooly lines upon every estate in the districts which may be assigned to him by the Governor, at least once in every six months, and upon the occasion of each visit to call the attention of the superintendent to any defect in the sanitary condition of the cooly lines.

To inspect the labourers employed on the estate with a view of ascertaining their state of health and whether they have been duly vaccinated.

To inspect the hospitals and dispensaries within his district, and to inquire into any complaints which may have been made respecting the working of such hospitals or dispensaries.

Superintending  
officer may enter  
upon estates and  
send sick labourers  
to hospital.

8. The superintending medical officer shall have power to enter upon every estate within the districts assigned to him and visit the cooly lines thereon whenever he shall deem fit, and to send to the hospital of any district any labourer requiring medical treatment. Provided that whenever any hospital shall be appointed a district hospital under the principal Ordinance, or a dispensary under this Ordinance, any residences attached or appertaining thereto shall, if ordered by the Governor to be taken over, vest in and become the property of the Crown for the purposes of this Ordinance.

Existing district  
hospitals may be  
made dispensaries.

Salaries of  
medical assistants.

9. It shall be lawful for the Governor to appoint existing district hospitals or other buildings to be dispensaries, to be placed in charge of medical assistants, and to assign to such medical assistants salaries commencing at Rs. 1,500 per annum, and rising by quinquennial increments of Rs. 250 to Rs. 2,000, with such horse or travelling allowance as the Governor may in his discretion assign to such assistants, and it shall also be lawful for the Governor to appoint, if need be, Licentiates of the Ceylon Medical College to be district medical officers, medical assistants, or dispensers under this Ordinance.

Duties of district  
medical officers  
and medical  
assistants.

10. It shall be the duty of each district medical officer to visit the hospital of his district daily, and it shall also be the duty, as far as may be practicable, of each medical assistant, upon being required in writing so to do by the superintendent of any estate in his district, to visit any sick labourer on such estate, and for every such last mentioned visit to an estate, the estate shall be liable for the payment into the Kachehéri of a fee of Rs. 2-50, which fee shall be recoverable in the manner provided in the 23rd section of the principal Ordinance, and shall be carried to the credit of the Medical Aid Fund.

Amendment of  
section 12 of 17  
of 1880.

11. The 12th section of the principal Ordinance is hereby amended by adding the words "or dispensary" immediately after the words "district hospital" whenever the words "district hospital" appear.

Repealing clause.

12. Sections 16 and 17 of the principal Ordinance are hereby repealed from and after the commencement of this Ordinance.



*Estates Medical Wants.**Supply, 1883.*

And from and after the said date the Ordinances specified in the schedule to this Ordinance are hereby repealed: *Provided* that this repeal shall not affect—

- (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.

*Provided* that if the committee of any district shall leave any such obligation or liability unpaid, it shall be lawful for the Governor with the advice of the Executive Council, on being satisfied that such obligation or liability was duly incurred under the said Ordinance No. 14 of 1872 and is unpaid, to fix and levy an assessment on all estates situated in such district according to the latest assessment roll of such district published in the *Government Gazette*, to defray the said obligation or liability; and the assessment so made shall be a charge on the said estates and the proprietors thereof, and be recoverable in manner provided by the said Ordinance.

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SCHEDULE.

1. The Ordinance No. 14 of 1872, intituled "An Ordinance to provide for the Medical Wants of the Coffee Districts."
2. The Ordinance No. 18 of 1881, intituled an Ordinance to amend "The Medical Wants Ordinance, 1880."

Passed in Council the Twenty-ninth day of November, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

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

J. DOUGLAS,  
Colonial Secretary.

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**No. 10.—1882.**

J. R. LONGDEN.

An Ordinance for making provision for the Contingent Services for the year 1883.—Rs. 8,222,123—65.

29th November, 1882.



*Small Tenements.*

No. 11.—1882. Vol. 3 1007

J. R. LONGDEN.

Title. **An Ordinance to facilitate the recovery of possession of Tenements after due determination of the Tenancy.**

Preamble. **W**HEREAS it is expedient to provide for the more speedy and effectual recovery of the possession of tenements unlawfully held over after the determination of the tenancy: Be it therefore enacted by the Governor of Ceylon, 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 Small Tenements Ordinance, 1882.”

Definition clause. **2.** In this Ordinance—unless the context otherwise requires—

The term “tenement” shall mean a house or other building or any part thereof, rented, or which may be rented, exclusive of all taxes, rates and assessments, at a sum not exceeding twenty rupees a month, other than a tenement held, or occupied under a tenure registered under the provisions of “The Service Tenures Ordinance, 1870.”

The term “town” shall mean the towns of Colombo, Kandy and Galle, within their respective Municipal limits, and such of the towns mentioned in the schedule of “The Local Boards of Health and Improvement Ordinance, 1876,” and in Ordinance No. 21 of 1877, the limits of which have been defined by proclamations issued under those Ordinances, and also such other towns which shall be determined upon by the Governor, with the advice of the Executive Council, and the limits of which, for the purposes of this Ordinance, shall, by proclamation, be published in the *Government Gazette*.

Where the tenant or occupier of a tenement refuses to give up possession, after determination of tenancy, the landlord may apply to the Court of Requests for writ of possession; and if tenant does not appear, on rule nisi served upon him, or fails to show cause, the court shall issue writ to give possession to landlord.

**3.** Whenever the term or interest of the tenant<sup>(1)</sup> of any tenement situated in any town shall have ended, or shall have been duly determined by legal notice to quit, and such tenant, or (if such tenant do not actually occupy the premises or occupy only a part thereof) any person by whom the same or any part thereof shall be then actually occupied, shall neglect or refuse to quit and deliver up possession of the tenement or of such part thereof respectively, it shall be lawful for the landlord to file in the Court of Requests of the division in which such tenement is situated, an application praying for the recovery of possession, and such application shall be supported by an affidavit of the landlord or his agent, setting forth the holding, the end, or other determination of the tenancy, with the time or manner thereof and where the title of the applicant shall have accrued since the letting of the premises, the right by which he claims the possession. Thereupon the court shall cause a copy of the application and affidavit aforesaid and a rule nisi to be served on the tenant or occupier to appear on a day certain to be named by the court, not less than three or more than seven clear days after the service of the said rule, and show cause why he should not deliver up possession of the tenement to the said applicant or his agent; and if the tenant or occupier shall not appear at the time appointed, or, appearing, shall not show good and

*Small Tenements.*

valid cause to the contrary, the rule *nisi* shall be made absolute with costs, and the court shall forthwith issue (and if need be re-issue) a writ of possession to the Fiscal of the district requiring and authorising him, within a period therein to be named, not less than three or more than seven clear days from the date of the issue or re-issue of such writ, to give possession of the tenement to such landlord or his agent; and such writ shall be sufficient to the said Fiscal to enter upon the tenement with such assistants as he shall deem necessary and to give possession accordingly. And the costs incurred in the suing out and execution of such writ shall be recovered from the tenant or occupier. Provided always that nothing herein contained shall be deemed to protect any person, by whom any such writ shall be sued out, from any action or proceeding which may be brought against him by any such tenant or occupier for or in respect of such entry and taking possession, where such person had not at the time of suing out the same as aforesaid lawful right to the possession of the said tenement.

4. The rule *nisi* aforesaid shall be served by the Fiscal, or any officer appointed by him, on the tenant or occupier personally, or by leaving the same with some adult person being in and apparently residing at the place of abode of the person or persons so holding over as aforesaid; provided that if the person or persons so holding over, or any or either of them, cannot be found, and the place of abode of such person or persons shall either not be known or admission thereto cannot be obtained for serving such rule *nisi*, the posting of the rule *nisi* on some conspicuous part of the tenement so held over shall be deemed to be good service upon such person or persons respectively, anything in the Ordinance No. 4 of 1867 to the contrary notwithstanding, and the Fiscal shall return to the court the mode of the service of the said rule *nisi* and the circumstances under which such service was made.

Mode of service of rule *nisi*, and the return thereto.

5. If, in showing cause to the rule *nisi* aforesaid, the tenant shall, upon affidavit, deny the legal determination of the tenancy, or shall profess to hold the tenement in his own right or under any other person than the applicant, or raise any other valid defence, necessitating, in the opinion of the court, a postponement of the hearing, the court shall immediately settle and record the issue or issues raised, and, having regard to the circumstances of the case, appoint as early a day as possible for the hearing of evidence, and the parties shall take immediate notice of the same. The chief clerk of the said court shall thereupon issue subpoenas to such witnesses as may be required by the parties, commanding their attendance at the time and place specified. No further postponement of the hearing shall be allowed except by consent of parties, or for any reason save the absence of a material witness. And in every affidavit for founding a motion for such postponement, the facts which the said witness knows and is able to prove shall be set forth, as also that he is not kept away by collusion. On the day appointed, the court shall hear and determine the issues raised, and give judgment thereon, anything to the contrary in the Ordinance No. 11 of 1868 notwithstanding.

Procedure where tenant raises a valid defence, necessitating postponement of the hearing.

6. In every case in which the person by whom any such writ of possession shall be sued out of the Court had not at the time of suing out the same lawful right to the possession of the

How execution of writ of possession may be stayed.

*Small Tenements.*

tenement, the suing out of the writ aforesaid shall be deemed a trespass by him against the tenant or occupier of the tenement, although no entry shall be made by virtue of the writ of possession. And in case any such tenant or occupier will become bound with two sufficient securities in such sum as to the court shall seem reasonable, regard being had to the rent already due and which may become due, and to the probable cost of the action herein mentioned, to sue in a court of competent jurisdiction, within two months from the date of such bond, the person by whom such writ was sued out, and to pay all the costs incidental to such action in case a judgment shall pass for the defendant, or the plaintiff shall discontinue or not prosecute his action or become nonsuit therein, execution upon the writ shall be stayed until judgment shall have been given in such action; and if, upon the trial of such action of trespass, judgment shall pass for the plaintiff, such judgment shall supersede the said writ.

Stamp duty payable in proceedings under this Ordinance.

7. All documents and process or other proceedings liable to stamp duty which shall or may be rendered necessary by this Ordinance, shall be charged as if falling under class III. of part II. of the schedule to the Ordinance No. 23 of 1871, referring to Courts of Requests, and all costs and fees chargeable in respect of such proceedings shall be taxed as of suits falling under the said class.

Appeal to Supreme Court.

8. Any party who shall be dissatisfied with any final judgment, or any order having the effect of a final judgment, may appeal to the Supreme Court against any such judgment or order, and all such appeals shall be filed within five days (exclusive of Sundays and holidays) of the order or judgment complained of, and be governed in all other respects by the same rules as are applicable to appeals from judgments of Courts of Requests.

Forms to be used.

9. The precedents contained in the schedule of forms (A) hereto annexed shall be followed as near as is material in the procedure enacted by this Ordinance.

Commencement.

10. This Ordinance shall come into operation on the 1st day of January, 1883.

## A.

## SCHEDULE OF FORMS.

(1).—APPLICATION FOR A RULE *Nisi*.—Cl. 3.

In the Court of Requests of \_\_\_\_\_

In the matter of the application of A. B, of \_\_\_\_\_, for a rule *nisi*, under "The Small Tenements Ordinance, 1882."

Between A. B. .... Landlord.  
No. \_\_\_\_\_ and  
C. D. .... Tenant.

The application of A. B. in person (or by \_\_\_\_\_).

Showeth:—That he files hereto his [or E. F.'s] affidavit, dated \_\_\_\_\_, and prays that C. D. of \_\_\_\_\_, the tenant abovenamed, may be cited to show cause why he should not deliver peaceful possession of the tenement [*describe it particularly*] to A. B.

Date \_\_\_\_\_

Signature of A. B. (or his proctor.)

*Small Tenements.*

(2.)—AFFIDAVIT SUPPORTING APPLICATION FOR RULE *Nisi*.

In the Court of Requests of \_\_\_\_\_

In the matter of the application of A. B., of \_\_\_\_\_, for a rule *nisi*, under "The Small Tenements Ordinance, 1882."

Between A. B. .... Landlord.  
No. \_\_\_\_\_ and  
C. D. .... Tenant.

I, \_\_\_\_\_ of \_\_\_\_\_, make oath and say—

1. That I am the landlord of [or the agent of the landlord of] tenement No. \_\_\_\_\_, which is a house [or other building] situated in \_\_\_\_\_, and bounded as follows :—

2. That I, [or E. F. acting for and on behalf of A. B.] put C. D. in occupation of the said tenement on or about \_\_\_\_\_, upon these terms, to wit, [state the terms, if any.]

[If the title of A. B. accrued since the letting of the premises, the special circumstances of such a case must be set forth.]

3. That I, [or E. F. acting for and on behalf of A. B.] gave notice to C. D. on or about \_\_\_\_\_ to quit the tenement aforesaid on \_\_\_\_\_ [or state in what other way the tenancy expired, and when such determination took place.]

4. That notwithstanding that the tenancy as aforesaid was determined on or about \_\_\_\_\_, the said C. D. has forcibly held over possession, and refuses to give up possession.

(3.)—RULE *NISI*.

In the Court of Requests of \_\_\_\_\_

In the matter of the application of A. B., of \_\_\_\_\_, for a rule *nisi*, under "The Small Tenements Ordinance, 1882."

Between A. B. .... Landlord.  
No. \_\_\_\_\_ and  
C. D. .... Tenant.  
The \_\_\_\_\_ day of \_\_\_\_\_ 18 —.

Upon reading the annexed application of \_\_\_\_\_ and the affidavit of \_\_\_\_\_, it is ordered that \_\_\_\_\_ do on the \_\_\_\_\_ day of \_\_\_\_\_ next at \_\_\_\_\_ o'clock [or "instant"] appear and show cause why he should not deliver peaceful possession of the tenement [describe it particularly as in the application] to \_\_\_\_\_

Upon the motion of \_\_\_\_\_

By order of Court, \_\_\_\_\_

Chief Clerk.

(3 a.)—FISCAL'S RETURN.

By virtue of this Order I have caused the said C. D. to be summoned as therein directed as will appear from the affidavit of \_\_\_\_\_ dated \_\_\_\_\_ hereto annexed.

\_\_\_\_\_  
Fiscal,

(3 b.)—AFFIDAVIT OF SERVICE REFERRED TO IN THE FISCAL'S RETURN.

In the Court of Requests of \_\_\_\_\_

In the matter of the application of A. B. of \_\_\_\_\_, for a rule *nisi*, under "The Small Tenements Ordinance, 1882."

Between A. B. .... Landlord.  
No. \_\_\_\_\_ and  
C. D., .... Tenant.

*Small Tenements.*

I, \_\_\_\_\_ make oath and say—

1. That I was deputed by the Fiscal of the \_\_\_\_\_ to serve the rule *nisi* ordered in the aforesaid case on the \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_

2. That I am personally known to and am acquainted with C. D., the tenant above-named.

3. That I served the said rule *nisi* upon the said C. D. personally on the \_\_\_\_\_ day of \_\_\_\_\_ at [*mention the place where the service took place*].

[If personal service could not be effected, state the reason why it could not be done, and what efforts were made to effect such service, and then proceed to state particulars of the service upon the adult person residing apparently in C. D.'s house. If C. D. cannot be found, or evades service, &c., state full particulars, so that the court may see reason to order the posting of the rule *nisi* on some conspicuous part of the tenement.]

Sworn to, &c.

(4.)—WRIT OF POSSESSION.

In the Court of Requests of \_\_\_\_\_

In the matter of the application of A. B. of \_\_\_\_\_ for a rule *nisi*, under "The Small Tenements Ordinance, 1882."

Between A. B. .... Landlord.  
No. \_\_\_\_\_ and  
C. D. .... Tenant.

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS by an order of this Court dated \_\_\_\_\_, A. B. recovered [or C. D. was ordered to deliver to A. B.] possession of all that [*describe the tenement recovered as in the order*]: This is to command you to enter the same and within \_\_\_\_\_ days hereof to cause the said A. B. to have possession of the said tenement with its appurtenances; and in what manner you have executed this writ, make appear to this Court immediately after the execution hereof, and have you there this writ.

By Order of Court,  
\_\_\_\_\_  
Chief Clerk.

Date \_\_\_\_\_

(5)—FORM OF BOND TO STAY EXECUTION OF WRIT OF POSSESSION.—Cl. 6.

In the Court of Requests of \_\_\_\_\_

In the matter of the application of A. B. of \_\_\_\_\_ for a rule *nisi*, under "The Small Tenements Ordinance, 1882."

Between A. B. .... Landlord.  
No. \_\_\_\_\_ and  
C. D. .... Tenant.

KNOW all men by these presents that we, C. D., E. F., and G. H. of \_\_\_\_\_ are jointly and severally held and firmly bound unto \_\_\_\_\_ Chief Clerk for the time being of the said Court, in the sum of Rs \_\_\_\_\_ to be paid to such Chief Clerk as aforesaid, or to his assigns; for which payment to be well and truly made, we jointly and severally bind ourselves, our heirs, executors, and administrators firmly by these presents.

Whereas the said C. D., at present in occupation of the tenement which is the subject matter of the proceeding aforesaid, has applied to the said Court to stay execution of writ of possession which was sued out in the said proceeding on \_\_\_\_\_:

Now the condition of this bond is such that if the said C. D. shall within two months from the date hereof sue in a separate action in a Court of competent jurisdiction A. B.

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*Small Tenements. Final Supplementary, 1881. French Mail Steamers.*

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abovenamed for trespass in wrongfully suing out the writ of possession aforesaid, and shall pay all the costs arising from such action in case a decree shall be entered in favour of the said A. B., or the said C. D. shall not prosecute his action or shall become nonsuit therein, then the said bond shall be void, or otherwise shall be in full force.

Witness our hands at ——— this ——— day of ——— 18 —

Signed in my presence,

C. D.  
E. F.  
G. H.

Passed in Council the Twenty-ninth day of November, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Fourth day of December, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

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**No. 12.—1882.**

J. R. LONGDEN.

An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1881.—Rs. 44,582—96.

7th December, 1882.

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**No. 13.—1882.** *repealed*

J. R. LONGDEN.

An Ordinance for continuing the Ordinance No. 7 of 1881 intituled "An Ordinance to make temporary provision for securing the Status of French Mail Steamers within the ports of this Colony."

Title.

**W**HEREAS the Ordinance No. 7 of 1881, intituled "An Ordinance to make temporary provision for securing the Status of French Mail Steamers within the ports of this Colony," will expire on the 31st day of December, 1882, and it is expedient to continue the same for a further period: Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

The said Ordinance No. 7 of 1881 shall be and continue in force until the 31st day of December, 1883.

Continuance of Ordinance No. 7 of 1881 until 31st December, 1883.

Passed in Council the Twenty-ninth day of November, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Seventh day of December, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

## Tolls.

repealed 2 1596

No. 14.—1882.

J. R. LONGDEN.

Title.

An Ordinance to establish further Tolls, and to discontinue certain Tolls.

Preamble.

**W**HEREAS it is expedient to establish the Tolls hereinafter specified and to discontinue the Tolls hereinafter specified: It is hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

Establishment of certain tolls.

1. From and after the first day of January, 1883, tolls shall be established on and in respect of the following roads and ferries, viz. :—

*Western Province.*

On the road from Colombo to Keşbéwa between the 10th and 11th mile-posts at or near Bókundara. Such toll to clear and to be cleared by that already established on the aforesaid road and that from Moraţuwa to Mámpe at their junction at Mámpe.

On the road from Minuwangođa to Koţadeniyáwa, between the 26th and 27th mile-posts.

On the road from Negombo to Giriulla, between the 8th and 9th mile-posts.

On the road from Ratnapura to Nambápána, between the 9th and 10th mile-posts, at Kurugammodara ferry.

On the road from Visidagama to Wéwiţa, at or near Visidagama. This toll to form one toll with those already established at Banđáragama and Bolgođa. Payment at any one of the three stations to clear the rest.

On the road from Galapáta to Kalutara, at the ferry across the Kalu-gaŋga at Galapáta. Such toll to clear and to be cleared by that already established at the ferry across the Keşu-ċla on the road from Deşéstara Kalutara to Anguruwátota.

*North-Western Province.*

On the minor road from Giriulla to Daŋkoţuwa, in the Puttaċam District, at a place called Heċambagaha-gođella, in the village of Daŋkoţuwa.

*Central Province.*

A branch toll-station at Gurudeniya, on the road from Talátuoya to Gurudeniya and within a quarter of a mile of Kershaw's bridge. Payment at either Ampitiya or Gurudeniya shall clear the other.

On the (Grant-in-aid) road from Náwalapitiya to Dikoya, between the 40th and 41st mile-posts.

Discontinuance of certain tolls.

2. From and after the first day of January, 1883, the levy of tolls hitherto established in respect of the following roads shall be discontinued, viz. :—

*Western Province.*

On the road from Minuwangođa to Koţadeniyáwa, between the 25th and 26th mile-posts.



*Tolls. Supplementary Supply, 1882. Telephones.*

On the road from Negombo to Giriulla, between the 4th and 6th mile-posts.

On the minor road from Póré to Bópé, at Godagama.

Passed in Council the Twenty-ninth day of November, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Seventh day of December, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.

**No. 15.—1882.**

J. R. LONGDEN.

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1882.—Rs. 162,696—42.

13th December, 1882.

**No. 16.—1882.**

J. R. LONGDEN.

An Ordinance to authorize and regulate the use of Telephones in this Island. Title.

**W**HEREAS it is desirable to permit the establishment and use of Private Telephones: 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 Telephone Ordinance, 1882." Short title.

2. It shall be lawful for the Governor, with the advice of the Executive Council, to grant a license to any company to establish, maintain and use a line of telephones, or exchange telephones, within any part of this Island, which license shall be revocable by the Governor, with the like advice, on the breach of any of the regulations, terms or conditions in the said license contained. The Governor may grant license to establish telephones.

3. It shall be lawful for the Governor, with the advice of the Executive Council, to establish and fix a royalty upon the establishment, maintenance or use of every telephone for which a license is granted under the preceding section. The amount of such royalty shall be fixed by the Governor, with the advice of the Executive Council, at the time of the grant of each license: Provided always that it shall be lawful for the Governor, with the advice of the Executive Council, from time to time as he may think expedient, by Proclamation in the "Government Gazette," to alter, vary, increase or decrease the amount of any royalty Governor may fix royalty.

*Telephones.*

established under the provisions of this Ordinance, so that such royalty shall not exceed 5 per cent. upon the fees received by any company for the use of the telephones.

Company may erect telephones.

4. Any company licensed as aforesaid may erect telephones or posts, or construct works upon, over, under, across or along any street, road, land, building, railway, canal or other property, and may alter or remove the same: Provided always that the company shall not be deemed to acquire any right other than that of user only in the soil of any street, road, land, building, railway, canal or other property under, over or along which they erect any telephone or posts or construct any work: Provided further, that every such erection and construction shall be conducted, carried out, maintained and performed in strict conformity to the conditions under which the license of the company erecting or constructing the same was granted, and in strict compliance with the regulations for the time being in force touching the erection, construction and maintenance of works, posts and telephones.

Company to make compensation: amount to be determined by arbitration.

5. In the exercise of the powers given by the last foregoing section, the company shall do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them, by reason or in consequence of the exercise of such powers: the amount and application of such compensation to be determined by arbitration in the manner hereinafter provided.

Governor may make regulations.

6. It shall be lawful for the Governor, with the advice of the Executive Council, to make, and from time to time to repeal, alter, vary or amend such regulations as he shall consider necessary for any of the following purposes:—

- (1) For the giving of notices by the company to any bodies or persons upon whose property the company may enter, or whose property may be affected in the course of constructing or maintaining any work:
- (2) For the construction of works upon and under streets and roads:
- (3) For the removal of works affecting streets and roads:
- (4) For the allowing or restraining the opening or breaking up of streets and roads:
- (5) For the regulation of works affecting Municipal, private or Crown property;
- (6) For the removal or alteration of works affecting land or buildings:
- (7) For determining the obligations and liabilities of the company and of their servants respectively:
- (8) For the winding up of any company licensed to erect telephones under this Ordinance, and to prevent the sale by any company of any works without the consent of Government:
- (9) For any other purpose necessary for the proper working of telephones or exchange telephones, and for the protection of public or other property affected thereby.

Government may purchase

7. It shall be lawful for the Governor, with the advice of the Executive Council, at any time after the erection of a telephone

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*Telephones.*

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or exchange telephone, to purchase the same from the company on behalf of the Ceylon Government ; and the company shall, upon receiving six months previous notice in writing from the Colonial Secretary of the intention of the Government to purchase such telephone or work, sell and transfer the same to the Ceylon Government. In the event of the Government and the company being unable to fix the price to be paid for such telephone or work, the same shall be determined by arbitration in the manner hereinafter provided.

telephones so erected.

8. When any question of disputed compensation under this Ordinance, or under the regulations for the time being in force under the provisions of this Ordinance, authorized or required to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator, to whom such dispute shall be referred ; and every appointment of an arbitrator shall be made on the part of the company under the hand of their secretary or clerk, and on the part of any other party under the hand of such party or the agent of such party lawfully authorized in that behalf, and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made ; and after any such appointment shall have been made, neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation ; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing in which shall be stated the matter so required to be referred to arbitration shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Reference to arbitration, and mode of procedure under it.

9. If, before the matters so referred shall be determined, any arbitrator appointed by either party die, or become incapable, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place ; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so, the remaining or other arbitrator may proceed *ex parte* ; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

In cases of death of arbitrator.

10. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this Ordinance ; and if such umpire shall die or become incapable to

Election of umpire, and in case of death of umpire.

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*Telephones.*

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act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

Appointment of umpire on failure to elect.

11. If in either of the cases aforesaid the said arbitrators shall refuse, or shall, for seven days after request to either party to such arbitration, neglect to appoint an umpire, the Police Magistrate of the district where the matter referred to arbitration occurred, took place or commenced, shall, on the application of either party to such arbitration, appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this Ordinance, shall be final.

Arbitrators failing to act.

12. If, where more than one arbitrator shall have been appointed, either of the arbitrators refuse or for seven days neglect to act, the other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

Arbitrators failing to make award.

13. If, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

Arbitrators and umpire may call evidence.

14. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Declaration to be made by them.

15. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him, he shall, in the presence of a Justice of the Peace, make and subscribe the following declaration; that is to say—

I, "A B," do solemnly and sincerely declare, that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Ordinance."

(Signed) A. B.

Made and submitted in the presence of

J. P.

Costs of arbitration.

16. All the costs of any such arbitration and incident thereto to be settled by the arbitrators shall be borne by the company, unless the arbitrators shall award the same or a less sum than shall have been offered by the company, in which case each party shall bear his own costs incident to the arbitration, and the costs of the arbitrators shall be borne by the parties in equal proportions.

Custody and record of award.

17. The arbitrators shall deliver their award in writing to the company, and the said company shall retain the same, and shall

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*Telephones.*

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forthwith, on demand, at their own expense, furnish a copy thereof to the other party to the arbitration, and shall at all times, on demand, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose.

18. The submission to any such arbitration may, on the application of either of the parties, be made a rule of the District Court of the district where the matter referred to arbitration occurred, took place, or commenced.

Submission to arbitration may be made rule of court.

19. No award made with respect to any question referred to arbitration under the provisions of this Ordinance shall be set aside for irregularity or error in matter of form.

Irregularity or error of form in award.

Passed in Council the Thirteenth day of December, One thousand Eight hundred and Eighty-two.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Thirteenth day of December, One thousand Eight hundred and Eighty-two.

J. DOUGLAS,  
Colonial Secretary.



*Law Officers of the Crown.***No. 1.—1883.****An Ordinance relating to the Law Officers of the Crown and to Deputies to the Queen's Advocate.**

JOHN DOUGLAS.

**W**HEREAS it is expedient to alter the official designations of the Law Officers of the Crown, now known as the Queen's Advocate and the Deputy Queen's Advocate for the Island, and the designations of the several Deputies to the Queen's Advocate for circuits and provinces : Be it enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

1. The Law Officers of the Crown now designated as the Queen's Advocate and the Deputy Queen's Advocate for the Island shall, after the passing of this Ordinance, be designated, respectively, "The Attorney-General" and "The Solicitor-General," any law or usage in this Colony to the contrary notwithstanding.

2. Whenever the words Queen's Advocate or Deputy Queen's Advocate for the Island occur in any Ordinance, proclamation, regulation, enactment, document, or other writing, or in any judicial proceeding or legal process heretofore made or taken, such words shall be held and construed, respectively, to refer to and mean the Attorney-General and the Solicitor-General, as the Law Officers of the Crown are by this Ordinance designated, and all acts, matters or things which before the passing of this Ordinance might or could be done or transacted by the Queen's Advocate or Deputy Queen's Advocate for the Island shall in the same manner be done and transacted by the said Law Officers under the said designation of the Attorney-General and the Solicitor-General, and all rights, precedence, powers, privileges and authority which at the passing of this Ordinance belonged to, vested in, or were exercised by the Queen's Advocate or Deputy Queen's Advocate for the Island shall belong to, vest in, and be exercised by the said Law Officers of the Crown, respectively, by and under the designation of Attorney-General and Solicitor-General aforesaid.

3. In all future editions of any Ordinance, proclamation, regulation, enactment or other public document in which the words Queen's Advocate or Deputy Queen's Advocate for the Island shall appear, the words Attorney-General and Solicitor-General, respectively, may be inserted and printed in lieu thereof.

4. The officers heretofore known or designated as Deputies to the Queen's Advocate for circuits and provinces shall hereafter be called and known as "Crown Counsel," and all acts, matters and things which before the passing of this Ordinance might or could be transacted by any Deputy to the Queen's Advocate shall in the same manner be done and transacted by him under the designation of Crown Counsel, and in all future editions of any Ordinance or enactment in which the words Deputy to the Queen's Advocate shall appear as referring and applicable to any Deputy to the Queen's Advocate, the words Crown Counsel may be inserted and printed in lieu thereof.

Preamble.

Change of titles of the Law Officers of the Crown into Attorney-General and Solicitor-General.

The words Attorney-General and Solicitor-General to be substituted for Queen's Advocate and Deputy Queen's Advocate in Ordinances, &c.

Attorney-General and Solicitor-General to be substituted for Queen's Advocate and Deputy Queen's Advocate in future editions of Ordinances.

Deputies to the Queen's Advocate to be called "Crown Counsel."

*Law Officers of the Crown.**Penal Code.*

Commencement of Ordinance.

5. This Ordinance shall come into operation on the First day of January, 1884.

Passed in Council the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

W. H. RAVENSCROFT,  
Acting Colonial Secretary.

**No. 2.—1883.**

An Ordinance to provide a General Penal Code for this Colony.

JOHN DOUGLAS.

CHAPTER I.

PRELIMINARY.

Preamble.

**W**HEREAS it is expedient to provide a General Penal Code for this Colony: It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Short title and date of operation.

1. This Ordinance shall be called *The Ceylon Penal Code*, and is generally referred to hereinafter as “this Code,” and shall come into operation on and from such date subsequent to the confirmation thereof by Her Majesty, as may be appointed by order of the Governor in Executive Council, proclaimed in the *Government Gazette*.

Liability for offences committed within the Colony.

2. Every person shall be liable to punishment under this Code, and not otherwise, for every act or omission contrary to the provisions thereof, of which he shall be guilty within this colony on or after the day on which this Code comes into operation.

Roman-Dutch Criminal Law abolished.

3. So much of the Criminal Law heretofore administered in this colony as is known as the Criminal Law of the United Provinces, or as the “Roman-Dutch Law,” is hereby abolished.

Certain laws not to be affected.

4. Nothing in this Code is intended to repeal, vary, suspend or affect any of the provisions of any special or local law, or to affect the liability, trial, or punishment of a person in respect of any act done or commenced before the commencement of this Code, or to affect the power heretofore possessed by the Supreme Court or any judge thereof of summarily punishing persons guilty of contempts of the said court, and advocates and proctors guilty of misconduct in the exercise of their profession.

CHAPTER II.

GENERAL EXPLANATIONS.

Definitions to be understood subject to exceptions.

5. Throughout this Code every definition of an offence, every penal provision and every illustration of every such definition or penal provision shall be understood subject to the exceptions contained in chapter IV., intituled “General Exceptions,” though these exceptions are not repeated in such definition, penal provision or illustration:

*Illustrations.*

(a) The sections in this Code which contain definitions of offences do not express that a child under seven years of age cannot commit such



*Penal Code.*

offences; but the definitions are to be understood subject to the general exception which provides that nothing shall be an offence which is done by a child under seven years of age.

(b) A, a police officer, without warrant, apprehends Z, who has committed murder. Here A is not guilty of the offence of wrongful confinement; for he was bound by law to apprehend Z, and therefore the case falls within the general exception which provides that "nothing is an offence which is done by a person who is bound by law to do it."

6. Every expression which is explained in any part of this Code is used in every part of this Code in conformity with the explanation.

Expression once explained is used in the same sense throughout the Code.

7. The pronoun "he" and its derivatives are used of any person, whether male or female.

Gender.

8. Unless the contrary appear from the context, words importing the singular number include the plural number, and words importing the plural number include the singular number.

Number.

9. The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of any age.

"Man."  
"Woman."

10. The word "person" includes any company or association or body of persons, whether incorporated or not.

"Person."

11. The word "public" includes any class of the public or any community.

"Public."

12. The word "Queen" denotes the sovereign for the time being of the United Kingdom of Great Britain and Ireland.

"Queen."

13. The words "servant of the Queen" denote all officers or servants employed in this colony by or under the Imperial Government or the Government of this colony.

"Servant of the Queen."

14. The word "Government," when not otherwise qualified, denotes the person or persons authorized by law to administer executive Government in this colony.

"Government."

15. The words "this colony" and "Ceylon" denote, respectively, the colony of Ceylon.

"This colony."  
"Ceylon."

16. The word "Governor" denotes the person for the time being administering the Government of Ceylon.

"Governor."

17. The word "Judge" not only denotes every person who is officially designated as a judge, but also every person who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed against, would be definitive, or a judgment which, if confirmed by some other authority, would be definitive, or who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

"Judge."

*Illustrations.*

(a) A police magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment is a judge.

(b) The president of a village tribunal and each councillor of such tribunal, when exercising jurisdiction under Part V. of *The Village Communities Ordinance, 1871*, is a judge.

(c) A provincial registrar or assistant provincial registrar exercising jurisdiction under the 23rd section of *The Amended Kandyan Marriage Ordinance, 1870*, is a judge.

(d) A juror at a trial before the Supreme Court is a judge.

*Penal Code.*

(e) A police magistrate exercising jurisdiction in respect of a charge on which he has power only to commit for trial to another court is not a judge; but a police magistrate when exercising jurisdiction in requiring persons to give security to keep the peace, or for good behaviour, is a judge.

“ Court of justice.”

18. The words “ Court of Justice ” denote a judge who is empowered by law to act judicially alone, or a body of judges which is empowered by law to act judicially as a body, when such judge or body of judges is acting judicially.

“ Public servant.”

19. The words “ public servant ” denote a person falling under any of the descriptions hereinafter following, namely—

*First.*—Every person holding any office in Ceylon by virtue of any commission or warrant granted by the Queen or under the Queen’s authority.

*Second.*—Every member of the Ceylon Civil Service.

*Third.*—Every commissioned officer in the military or naval forces of the Queen while serving in Ceylon.

*Fourth.*—Every judge.

*Fifth.*—Every officer of a court of justice whose duty it is, as such officer, to investigate or report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to execute any judicial process, or to administer any oath, or to interpret, or to preserve order in the court, and every person specially authorized by a court of justice to perform any of such duties.

*Sixth.*—Every juryman, assessor, or councillor of a village tribunal assisting a court of justice or a public servant.

*Seventh.*—Every arbitrator or other person to whom any cause or matter has been referred for decision or report by any court of justice, or by any other competent public authority.

*Eighth.*—Every person who holds an office by virtue of which he is empowered to place or keep any person in confinement ;

*Ninth.*—Every officer of Government whose duty it is, as such officer, to prevent offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience.

*Tenth.*—Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property on behalf of Government, or to make any survey, assessment, or contract on behalf of Government, or to investigate, or to report on any matter affecting the pecuniary interests of Government, or to make, authenticate, or keep any document relating to the pecuniary interests of Government, or to prevent the infraction of any law for the protection of the pecuniary interests of Government, and every officer in the service or pay of Government, or remunerated by fees or commission for the performance of any public duty.

*Eleventh.*—Every officer whose duty it is, as such officer, to take, receive, keep, or expend any property, to make any survey or assessment, or to levy any rate or tax for any secular common purpose of any village, town or district, or to make, authenticate, or keep any document for the ascertaining of the rights of the people of any village, town or district.

*Illustrations.*

A municipal inspector is a public servant.

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A division officer under the Road Ordinance, 1861, is a public servant.

A deputy fiscal is a public servant.

A police vidahn is a public servant

*Explanation 1.*—Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

*Explanation 2.*—Wherever the words “public servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

20. The words “moveable property” are intended to include corporeal property of every description, except land and things attached to the earth, or permanently fastened to anything which is attached to the earth. “Moveable property.”

21. “Wrongful gain” is gain by unlawful means of property to which the person gaining is not legally entitled. “Wrongful gain.”

“Wrongful loss” is the loss by unlawful means of property to which the person losing it is legally entitled. “Wrongful loss.”

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property. “Wrongful gain” includes wrongful retention of property.  
“Wrongful loss” includes the being wrongfully kept out of property.

22. Whoever does anything with the intention of causing wrongful gain to one person, or wrongful loss to another person, is said to do that thing “dishonestly.” “Dishonestly.”

23. A person is said to do a thing fraudulently if he does that thing with intent to defraud, but not otherwise. “Fraudulently.”

24. A person is said to have “reason to believe” a thing, if he has sufficient cause to believe that thing, but not otherwise. “Reason to believe.”

25. When property is in the possession of a person’s wife, clerk or servant, on account of that person, it is in that person’s possession within the meaning of this Code. Property in possession of wife, clerk or servant.

*Explanation.*—A person employed temporarily or on a particular occasion in the capacity of a clerk or servant is a clerk or servant within the meaning of this section.

26. A person is said to “counterfeit” who causes one thing to resemble another thing, intending by means of that resemblance to practise deception, or knowing it to be likely that deception will thereby be practised. “Counterfeit.”

*Explanation.*—It is not essential to counterfeiting that the imitation should be exact.

27. The word “document” denotes 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, as evidence of that matter. “Document.”

*Explanation 1.*—It is immaterial by what means, or upon what substance, the letters, figures, or marks are formed, or whether the evidence is intended for or may be used in a court of justice, or not.

*Illustrations.*

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A check upon a banker is a document.

A power of attorney is a document.

*Penal Code.*

A map or plan which is intended to be used, or which may be used as evidence, is a document.

A writing containing directions or instructions is a document.

*Explanation 2.*—Whatever is expressed by means of letters, figures or marks, as explained by mercantile or other usage, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although the same may not be actually expressed.

*Illustration.*

A writes his name on the back of a bill of exchange payable to his order.

The meaning of the endorsement, as explained by mercantile usage, is that the bill is to be paid to the holder. The endorsement is a document, and must be construed in the same manner as if the words "pay to the holder," or words to that effect, had been written over the signature.

"Valuable security."

28. The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is created, extended, transferred, restricted, extinguished, or released, or whereby any person acknowledges that he lies under legal liability, or has not a certain legal right.

*Illustration.*

A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who may become the lawful holder of it, the endorsement is a "valuable security."

"A will."

29. The words "a will" denote any testamentary document.

Words referring to acts include illegal omissions.

30. In every part of this Code, except where a contrary intention appears from the context, words which refer to acts done extend also to illegal omissions.

"Act."  
"Omission."

31. The word "act" denotes as well a series of acts as a single act; the word "omission" denotes as well a series of omissions as a single omission.

Liability for act done by several persons in furtherance of common intention.

32. When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

When such an act is criminal by reason of its being done with a criminal knowledge or intention.

33. Whenever an act, which is criminal only by reason of its being done with a criminal knowledge or intention, is done by several persons, each of such persons who joins in the act with such knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

Effect caused partly by act and partly by omission.

34. Whenever the causing of a certain effect, or an attempt to cause that effect, by an act or by an omission, is an offence, it is to be understood that the causing of that effect partly by an act and partly by an omission is the same offence.

*Illustration.*

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

Co-operation by doing one of several acts constituting an offence.

35. When an offence is committed by means of several acts, whoever intentionally co-operates in the commission of that offence by doing any one of those acts, either singly or jointly with any other person, commits that offence.

*Illustrations.*

(a) A and B agree to murder Z by severally, and at different times, giving him small doses of poison. A and B administer the poison

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according to the agreement with intent to murder Z. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally co-operate in the commission of murder, and as each of them does an act by which the death is caused, they are both guilty of the offence, though their acts are separate.

(b) A and B are joint jailors, and as such have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, knowingly co-operate in causing that effect by illegally omitting, each during the time of his attendance, to furnish Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

(c) A, a jailor, has the charge of Z, a prisoner. A, intending to cause Z's death, illegally omits to supply Z with food: in consequence of which Z is much reduced in strength, but the starvation is not sufficient to cause his death. A is dismissed from his office, and B succeeds him. B, without collusion or co-operation with A, illegally omits to supply Z with food, knowing that he is likely thereby to cause Z's death. Z dies of hunger. B is guilty of murder; but as A did not co-operate with B, A is guilty only of an attempt to commit murder.

36. Where several persons are engaged or concerned in the commission of a criminal act, they may be guilty of different offences by means of that act.

Several persons engaged in the commission of a criminal act may be guilty of different offences.

*Illustration.*

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. B, having ill-will towards Z, and intending to kill him, and not having been subject to the provocation, assists A in killing Z. Here, though A and B are both engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

37. A person is said to cause an effect "voluntarily," when he causes it by means whereby he intended to cause it, or by means which, at the time of employing these means, he knew or had reason to believe to be likely to cause it.

"Voluntarily."

*Illustration.*

A sets fire, by night, to an inhabited house in a large town for the purpose of facilitating a robbery, and thus causes the death of a person. Here A may not have intended to cause death, and may even be sorry that death has been caused by his act, yet, if he knew that he was likely to cause death, he has caused death voluntarily.

38. (a) Except in the chapter and sections mentioned in clauses (b) and (c) of this section, the word "offence" denotes a thing made punishable by this Code.

"Offence."

(b) In chapter IV. and in the following sections, namely, sections 60, 61, 62, 67, 100, 101, 102, 103, 105, 107, 108, 109, 110, 111, 112, 113, 184, 191, 192, 200, 208, 210, 211, 216, 217, 218, 219, 220, 318, 319, 320, 321, 322, 338, 339, 377, 378 and 431, the word "offence" denotes a thing punishable in Ceylon under this Code, or under any law other than this Code.

(c) And in sections 138, 174, 175, 198, 199, 209, 213, and 427, the word "offence" has the same meaning when the thing punishable under any law other than this Code is punishable under such law with imprisonment for a term of six months or upwards, whether with or without fine.

39. A "special law" is a law applicable to a particular subject. "Special Law."

40. A "local law" is a law applicable only to a particular part of Ceylon. "Local Law."

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- “Illegal.”** 41. The words “illegal” and “illegally” are applicable to everything which is an offence, or which is prohibited by law, or which furnishes ground for a civil action.
- “Legally bound to do.”** 42. A person is said to be “legally bound to do” whatever it is illegal in him to omit.
- “Injury.”** 43. The word “injury” denotes any harm whatever illegally caused to any person, in body, mind, reputation, or property.
- “Life.”** 44. The word “life” denotes the life of a human being, unless the contrary appear from the context.
- “Death.”** 45. The word “death” denotes the death of a human being, unless the contrary appear from the context.
- “Animal.”** 46. The word “animal” denotes any living creature, other than a human being, unless the contrary appear from the context.
- “Vessel.”** 47. The word “vessel” denotes anything made for the conveyance by water of human beings, or of property.
- “Year ;”**  
**“Month.”** 48. Wherever the word “year” or the word “month” is used, it is to be understood that the year or the month is to be reckoned according to the British calendar.
- “Section.”** 49. The word “section” denotes one of those portions of a chapter of this Code which are distinguished by prefixed numeral figures.
- “Oath.”** 50. The word “oath” includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made before a public servant, or to be used for the purpose of proof, whether in a court of justice or not.
- “Good faith.”** 51. Nothing is said to be done or believed in good faith, which is done or believed without due care and attention.

## CHAPTER III.

## OF PUNISHMENTS.

- Punishment.** 52. The punishments to which offenders are liable under the provisions of this Code are—
- First.*—Death ;
- Secondly.*—Imprisonment, which is of two descriptions, namely—
- (1) Rigorous, that is, with hard labour.
- (2) Simple.
- Thirdly.*—Whipping.
- Fourthly.*—Forfeiture of property.
- Fifthly.*—Fine.
- Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple.** 53. In every case in which an offender is punishable with imprisonment which may be of either description, it shall be competent for the court which sentences such offender to direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any part of such imprisonment shall be rigorous and the rest simple.
- Sentence of forfeiture of property.** 54. In every case in which a person is convicted of an offence for which he is liable to forfeiture of all his property, the offender shall be incapable of acquiring any property, except for the benefit of Government, until he shall have undergone the punishment awarded, or the punishment to which it shall have been commuted, or until he shall have been pardoned.

*Penal Code.**Illustration.*

A, being convicted of waging war against the Government, is liable to forfeiture of all his property. After sentence and whilst the same is in force, A's father dies, leaving an estate which, but for the forfeiture, would become the property of A. The estate becomes the property of the Government.

55. Whenever a person is sentenced to whipping for any offence under this Code, such whipping shall, in the case of persons above sixteen years of age, be inflicted with a cat or other implement of such description as the Governor shall at any time or from time to time direct to be used for whipping, and, in the case of persons under sixteen years of age, shall be inflicted with a light cane on the posteriors.

Whipping how to be inflicted.

56. The sentence of whipping must specify the number of lashes or strokes to be inflicted, and the number shall in no case exceed twenty-five lashes, or, when the person is under sixteen years of age, twenty-five strokes with a rattan.

Sentence of whipping to specify number of lashes.

57. No female shall in any case be punished with whipping. Nor shall any person who may be sentenced to death or to imprisonment for more than five years be punished with whipping.

No female or person sentenced to death or imprisonment for more than five years to be sentenced to whipping.

58. Any male under sixteen years of age who commits any offence not punishable with death, may, whether for a first or any other offence, be punished with whipping in lieu of, or in addition to, any other punishment to which he may, for such offence, be liable under this Code.

Male under sixteen may be whipped in addition to or in lieu of other punishment.

59. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimited, but shall not be excessive.

Amount of fine.

60. 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, it shall be competent to the court which sentences such offender to direct by the sentence that, in default of payment of the fine, the offender shall 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.

Sentence of imprisonment in default of payment of fine.

61. 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.

Limit of term of imprisonment for default in payment of fine, when the offence is punishable with imprisonment as well as fine.

62. The imprisonment which the court imposes in default of payment of a fine may be of any description to which the offender might have been sentenced for the offence.

Description of imprisonment for such default.

63. If the offence be punishable with fine only, the imprisonment which the court imposes in default of payment shall be simple, and 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 shall not exceed fifty rupees, and for any term not exceeding four months when the amount shall not exceed one hundred rupees, and for any term not exceeding six months in any other case.

Term of imprisonment for default in payment of fine, when the offence is punishable with fine only.

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Such imprisonment to terminate upon payment of the fine.

Termination of such imprisonment upon payment of proportional part of fine.

**64.** 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.

**65.** 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.

*Illustration.*

A is sentenced to a fine of one hundred rupees and to four months' imprisonment in default of payment. Here, if seventy-five rupees of the fine be paid or levied before the expiration of one month of the imprisonment, A will be discharged as soon as the first month has expired. If seventy-five rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonment, A will be immediately discharged. If fifty rupees of the fine be paid or levied before the expiration of two months of the imprisonment, A will be discharged as soon as the two months are completed. If fifty rupees be paid or levied at the time of the expiration of those two months, or at any later time while A continues in imprisonment, A will be immediately discharged.

Fine may be levied within 6 years, or at any time during the term of imprisonment. Death of offender not to discharge his property from liability.

**66.** 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.

Limit of punishment of offence which is made up of several offences.

**67.** Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such his offences, unless it be so expressly provided.

*Illustrations.*

- (a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, and also by each of the blows which make up the whole beating. If A were liable to punishment for every blow, he might be imprisoned for fifty years, one for each blow. But he is liable only to one punishment for the whole beating.
- (b) But if, while A is beating Z, Y interferes, and A intentionally strikes Y: here, as the blow given to Y is no part of the act whereby A voluntarily causes hurt to Z, A is liable to one punishment for voluntarily causing hurt to Z, and to another for the blow given to Y.

Where anything is 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, or

Where several acts of which one, or more than one, would by itself or themselves constitute an offence, constitute when combined, a different offence,

the offender shall not be punished with a more severe punishment than the court which tries him could award for any one of such offences.

Punishment of persons convicted, after

**68.** Whoever, having been convicted of an offence punishable under chapter XII. or chapter XVII. of this Code with imprisonment of either description for a term of three years or upwards, shall be



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guilty of any offence punishable under either of those chapters with imprisonment of either description for a term of three years or upwards, shall be subject for every such subsequent offence to double the amount of punishment to which he would otherwise have been liable for the same; provided that he shall not in any case be liable to imprisonment for a term exceeding twenty years, or to a whipping which shall exceed twenty-five lashes or twenty-five strokes.

a previous conviction, of an offence punishable with three years' imprisonment.

## CHAPTER IV.

## GENERAL EXCEPTIONS.

69. Nothing is an offence which is done by a person who is, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be, bound by law to do it.

Act done by a person bound, or by mistake of fact believing himself bound by law.

*Illustrations.*

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a court of justice, being ordered by that court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

70. Nothing is an offence which is done by a judge when acting judicially in the exercise of any power which is, or which in good faith he believes to be, given to him by law.

Act of judge when acting judicially.

71. Nothing which is done in pursuance of, or which is warranted by, the judgment or order of a court of justice, if done whilst such judgment or order remains in force, is an offence, notwithstanding the court may have had no jurisdiction to pass such judgment or order, provided the person doing the act in good faith believes that the court had such jurisdiction.

Act done pursuant to the judgment or order of a court of justice.

72. Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be justified by law in doing it.

Act done by a person justified, or by mistake of fact believing himself justified by law.

*Illustration.*

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment exerted in good faith, of the power which the law gives to all persons of apprehending murderers in the act, seizes Z, in order to bring Z before the proper authorities. A has committed no offence, though it may turn out that Z was acting in self-defence.

73. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge, in the doing of a lawful act in a lawful manner, by lawful means, and with proper care and caution.

Accident in the doing of a lawful act.

*Illustration.*

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A, his act is excusable and not an offence.

74. Nothing is an offence merely by reason of its being done with the knowledge that it is likely to cause harm, if it be done without any criminal intention to cause harm, and in good faith for the purpose of preventing or avoiding other harm to person or property.

Act likely to cause harm, but done without a criminal intent and to prevent other harm.

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*Explanation.*—It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent as to justify or excuse the risk of doing the act with the knowledge that it was likely to cause harm.

*Illustrations.*

- (a) A, the captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that, before he can stop his vessel, he must inevitably run down a boat, B, with twenty or thirty passengers on board, unless he changes the course of his vessel, and that, by changing his course, he must incur risk of running down a boat, C, with only two passengers on board, which he may possibly clear. Here, if A alters his course without any intention to run down the boat C, and in good faith for the purpose of avoiding the danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act which he knew was likely to cause that effect, if it be found as a matter of fact that the danger which he intended to avoid was such as to excuse him in incurring the risk of running down the boat C.
- (b) A in a great fire pulls down houses in order to prevent the conflagration from spreading. He does this with the intention, in good faith, of saving human life or property. Here, if it be found that the harm to be prevented was of such a nature and so imminent as to excuse A's act, A is not guilty of the offence.

Act of a child under 7 years of age.

75. Nothing is an offence which is done by a child under seven years of age.

Act of a child above 7 and under 12 years of age, who has not sufficient maturity of understanding.

76. Nothing is an offence which is done by a child above seven years of age and under twelve, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion.

Act of a person of unsound mind.

77. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unsoundness of mind, is incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law.

Act of a person incapable of judgment by reason of intoxication caused against his will.

78. Nothing is an offence which is done by a person who, at the time of doing it, is, by reason of intoxication, incapable of knowing the nature of the act, or that he is doing what is either wrong or contrary to law; provided that the thing which intoxicated him was administered to him without his knowledge or against his will.

Offences requiring a particular intent or knowledge committed by one who is intoxicated,

79. In cases where an act done is not an offence unless done with a particular knowledge or intent, a person who does the act in a state of intoxication shall be liable to be dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him was administered to him without his knowledge or against his will.

Act not intended and not known to be likely to cause death or grievous hurt, done by consent.

80. Nothing, which is not intended to cause death or grievous hurt, and which is not known by the doer to be likely to cause death or grievous hurt, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, to any person above eighteen years of age, who has given consent, whether express or implied, to suffer that harm; or by reason of any harm which it may be known by the doer to be likely to cause to any such person who has consented to take the risk of that harm.

*Illustration.*

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which, in the course of

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such fencing, may be caused without foul play; and if A, while playing fairly, hurts Z, A commits no offence.

**81.** Nothing, which is not intended to cause death, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, or to take the risk of that harm.

Act not intended to cause death, done by consent in good faith for the benefit of a person.

*Illustration.*

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under a painful complaint, but not intending to cause Z's death, and intending, in good faith, Z's benefit, performs that operation on Z, with Z's consent. A has committed no offence.

**82.** Nothing, which is done in good faith for the benefit of a person under twelve years of age, or of unsound mind, by or by consent, either express or implied, of the guardian or other person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause, or be known by the doer to be likely to cause, to that person: Provided—

Act done in good faith for the benefit of a child or person of unsound mind, by or by consent of guardian. Provisoes.

*First.*—That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;

*Secondly.*—That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity.

*Thirdly.*—That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous disease or infirmity.

*Fourthly.*—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

*Illustration.*

A, in good faith, for his child's benefit, without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely that the operation will cause the child's death, but not intending to cause the child's death. A is within the exception, inasmuch as his object was the cure of the child.

**83.** A consent is not such a consent as is intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception—or

Consent known to be given under fear or misconception.

If the consent is given by a person who, from unsoundness of mind or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or, unless the contrary appear from the context, if the consent is given by a person who is under twelve years of age.

Consent of a child or person of unsound mind.

**84.** The exceptions in sections 80, 81, and 82 do not extend to acts which are offences independently of any harm which they may cause, or be intended to cause, or be known to be likely to cause, to the person giving the consent, or on whose behalf the consent is given.

Acts which are offences independently of harm caused to the person consenting, are not within the exceptions in sections 80, 81, and 82.

*Illustration.*

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any harm which

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it may cause or be intended to cause to the woman. Therefore it is not an offence "by reason of such harm," and the consent of the woman or of her guardian to the causing of such miscarriage does not justify the act.

Act done in good faith for the benefit of a person without consent

Proviso.

**85.** Nothing is an offence by reason of any harm which it may cause to a person for whose benefit it is done in good faith, even without that person's consent, if the circumstances are such that it is impossible for that person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him from whom it is possible to obtain consent in time for the thing to be done with benefit. Provided—

*First.*—That this exception shall not extend to the intentional causing of death, or the attempting to cause death ;

*Secondly.*—That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous disease or infirmity :

*Thirdly.*—That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt ;

*Fourthly.*—That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

*Illustrations.*

- (a) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A, not intending Z's death, but in good faith, for Z's benefit, performs the trepan before Z recovers his power of judging for himself. A has committed no offence.
- (b) Z is attacked by a bear. A fires at the bear knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith intending Z's benefit. A's ball gives Z a mortal wound. A has committed no offence.
- (c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is not time to apply to the child's guardian. A performs the operation in spite of the entreaties of the child, intending, in good faith, the child's benefit. A has committed no offence.
- (d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the house-top, knowing it to be likely that the fall may kill the child, but not intending to kill the child, and intending, in good faith, the child's benefit. Here, even if the child is killed by the fall, A has committed no offence.

*Explanation.*—Mere pecuniary benefit is not benefit within the meaning of sections 81, 82, and 85.

Communication made in good faith.

**86.** No communication made in good faith is an offence by reason of any harm to the person to whom it is made, if it is made for the benefit of that person.

*Illustration.*

A, a surgeon, in good faith communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has committed no offence, though he knew it to be likely that the communication might cause the patient's death.

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**87.** Except murder and offences against the State, punishable with death, nothing is an offence which is done by a person who is compelled to do it by threats, which, at the time of doing it, reasonably cause the apprehension that instant death to that person will otherwise be the consequence; provided the person doing the act did not of his own accord, or from a reasonable apprehension of harm to himself short of instant death, place himself in the situation by which he became subject to such constraint.

Act to which a person is compelled by threats.

*Explanation 1.*—A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of housebreakers, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by his associates to do anything that is an offence by law.

*Explanation 2.*—A person seized by a gang of housebreakers, and forced by threat of instant death, to do a thing which is an offence by law—for example, a smith compelled to take his tools and to force the door of a house for the housebreakers to enter and plunder it—is entitled to the benefit of this exception.

**88.** Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to cause, any harm, if that harm is so slight that no person of ordinary sense and temper would complain of such harm.

Act causing slight harm.

## OF THE RIGHT OF PRIVATE DEFENCE.

**89.** Nothing is an offence which is done in the exercise of the right of private defence.

Nothing done in private defence is an offence.

**90.** Every person has a right, subject to the restrictions contained in section 92, to defend—

Right of private defence of the body and of property.

*First.*—His own body, and the body of any other person, against any offence affecting the human body;

*Secondly.*—The property, whether moveable or immovable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to commit theft, robbery, mischief, or criminal trespass.

**91.** When an act, which would otherwise be a certain offence, is not that offence, by reason of the youth, the want of maturity of understanding, the unsoundness of mind, or the intoxication of the person doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against that act which he would have if the act were that offence.

Right of private defence against the act of a person of unsound mind, &c.

*Illustrations.*

- (a) Z, under the influence of madness, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he would have if Z were sane.
- (b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a housebreaker, attacks A. Here Z, by attacking A under this misconception, commits no offence. But A has the same right of private defence against Z, which he would have if Z were not acting under that misconception.

**92.** *First.*—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of

Acts against which there is no

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right of private defence.

grievous hurt, if done, or attempted to be done, by a public servant acting in good faith under colour of his office, though that act may not be strictly justifiable by law.

*Second.*—There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if done, or attempted to be done, by the direction of a public servant acting in good faith under colour of his office, though that direction may not be strictly justifiable by law.

*Third.*—There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Extent to which the right may be exercised.

*Fourth.*—The right of private defence in no case extends to the inflicting of more harm than it is necessary to inflict for the purpose of defence.

*Explanation 1.*—A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public servant,

*Explanation 2.*—A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is acting by such direction; or unless such person states the authority under which he acts, or, if he has authority in writing, unless he produces such authority, if demanded.

When the right of private defence of the body extends to causing death.

**93.** The right of private defence of the body extends, under the restrictions mentioned in the last preceding section, to the voluntary causing of death or of any other harm to the assailant, if the offence which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely—

*First.*—Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

*Secondly.*—Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

*Thirdly.*—An assault with the intention of committing rape;

*Fourthly.*—An assault with the intention of gratifying unnatural lust;

*Fifthly.*—An assault with the intention of kidnapping or abducting;

*Sixthly.*—An assault with the intention of wrongfully confining a person, under circumstances which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

When such right extends to causing any harm other than death.

**94.** If the offence be not of any of the descriptions enumerated in the last preceding section, the right of private defence of the body does not extend to the voluntary causing of death to the assailant, but does extend, under the restrictions mentioned in section 92, to the voluntary causing to the assailant of any harm other than death.

Commencement and continuance of the right of

**95.** The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises from an attempt or threat to commit the offence, though the offence may not

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have been committed ; and it continues as long as such apprehension of danger to the body continues.

private defence of the body.

96. The right of private defence of property extends, under the restrictions mentioned in section 92, to the voluntary causing of death or of any other harm to the wrong-doer, if the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions hereinafter enumerated, namely—

When the right of private defence of property extends to causing death.

*First.*—Robbery ;

*Secondly.*—Housebreaking by night ;

*Thirdly.*—Mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or as a place for the custody of property ;

*Fourthly.*—Theft, mischief, or house-trespass, under such circumstances as may reasonably cause apprehension that death or grievous hurt will be the consequence, if such right of private defence is not exercised.

97. If the offence, the committing of which, or the attempting to commit which, occasions the exercise of the right of private defence, be theft, mischief, or criminal trespass, not of any of the descriptions enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions mentioned in section 92, to the voluntary causing to the wrong-doer of any harm other than death.

When such right extends to causing any harm other than death.

98. *First.*—The right of private defence of property commences when a reasonable apprehension of danger to the property commences.

Commencement and continuance of the right of private defence of property.

*Second.*—The right of private defence of property against theft continues till the offender has effected his retreat with the property or the assistance of the public authorities is obtained, or the property has been recovered.

*Third.*—The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or hurt or wrongful restraint, or as long as the fear of instant death or of instant hurt or of instant personal restraint continues.

*Fourth.*—The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of criminal trespass or mischief.

*Fifth.*—The right of private defence of property against house-breaking by night continues as long as the house-trespass which has been begun by such housebreaking continues.

99. If, in the exercise of the right of private defence against an assault which reasonably causes the apprehension of death, the defender be so situated that he cannot effectually exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Right of private defence against a deadly assault when there is risk of harm to an innocent person.

*Illustration.*

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mob, and he cannot fire without risk of harming young children who are mingled with the mob. A commits no offence if, by so firing, he harms any of the children.

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## CHAPTER V.

## OF ABETMENT.

Abetment of a thing.

100. A person abets the doing of a thing, who—

*First.*—Instigates any person to do that thing ; or*Secondly.*—Engages in any conspiracy for the doing of that thing ; or*Thirdly.*—Intentionally aids, by any act or illegal omission, the doing of that thing.*Explanation 1.*—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.*Illustration.*

A, a public officer, is authorized by a warrant from a court of justice to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here, B abets by instigation the apprehension of C.

*Explanation 2.*—A conspiracy for the doing of a thing is when two or more persons agree to do that thing or cause or procure that thing to be done. A person within the jurisdiction of the court abets an offence by engaging with one or more other persons beyond the jurisdiction of the court in a conspiracy for the commission of an offence by them or either of them, or by any other person.*Explanation 3.*—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abettor.

101. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

*Explanation 1.*—The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.*Explanation 2.*—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.*Illustrations.*

(a) A instigates B to murder C. B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B, in pursuance of the instigation, stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

*Explanation 3.*—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.*Illustrations.*

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.



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- (b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act, and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence and had committed murder, and he is therefore subject to the punishment of death.
- (c) A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.
- (d) A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

*Explanation 4.*—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

*Illustration.*

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and as A instigated B to commit the offence, A is also liable to the same punishment.

*Explanation 5.*—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

*Illustration.*

A concert with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed the offence defined in this section, and is liable to the punishment for murder.

**102.** Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence.

*Explanation.*—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Punishment of abetment if the act abetted is committed in consequence, and where no express provision is made for its punishment.

*Illustrations.*

- (a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe. A has abetted the offence defined in section 169.

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- (b) A instigates B to give false evidence. B, in consequence of the instigation, commits that offence. A is guilty of abetting that offence, and is liable to the same punishment as B.
- (c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B, in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

Punishment of abetment if the person abetted does the act with a different intention from that of the abettor.

Liability of abettor when one act is abetted and a different act is done.  
Proviso.

103. Whoever abets the commission of an offence shall, if the person abetted does the act with a different intention or knowledge from that of the abettor, be punished with the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor and with no other.

104. When an act is abetted and a different act is done, the abettor is liable for the act done, in the same manner and to the same extent as if he had directly abetted it; provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation, or with the aid or in pursuance of the conspiracy which constituted the abetment.

*Illustrations.*

- (a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, by mistake puts the poison into the food of Y, which is by the side of that of Z. Here, if the child was acting under the influence of A's instigation, and the act done was under the circumstances a probable consequence of the abetment, A is liable in the same manner, and to the same extent, as if he had instigated the child to put the poison into the food of Y.
- (b) A instigates B to burn Z's house. B sets fire to the house, and at the same time commits theft of property there. A, though guilty of abetting the burning of the house, is not guilty of abetting the theft; for the theft was a distinct act, and not a probable consequence of the burning.
- (c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C break into the house, and being resisted by Z., one of the inmates, murder Z. Here, if that murder was the probable consequence of the abetment, A is liable to the punishment provided for murder.

Abettor when liable to cumulative punishment for act abetted and for act done.

105. If the act for which the abettor is liable under the last preceding section is committed in addition to the act abetted, and constitutes a distinct offence, the abettor is liable to punishment for each of the offences.

*Illustration.*

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B voluntarily causes grievous hurt to the officer executing the distress. As B has committed both the offence of resisting the distress, and the offence of voluntarily causing grievous hurt, B is liable to punishment for both these offences; and if A knew that B was likely voluntarily to cause grievous hurt in resisting the distress, A will also be liable to punishment for each of the offences.

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**106.** When an act is abetted with the intention on the part of the abettor of causing a particular effect, and an act for which the abettor is liable in consequence of the abetment causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same extent as if he had abetted the act with the intention of causing that effect, provided he knew that the act abetted was likely to cause that effect.

Liability of abettor for an effect caused by the act abetted different from that intended by the abettor.

*Illustration.*

A instigates B to cause grievous hurt to Z. B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, if A knew that the grievous hurt abetted was likely to cause death, A is liable to be punished with the punishment provided for murder.

**107.** Whenever any person who, if absent, would be liable to be punished as an abettor, is present when the act or offence for which he would be punishable in consequence of the abetment is committed, he shall be deemed to have committed such act or offence.

Abettor present when offence is committed.

*Illustration.*

A writes to B, telling him that C is likely to pass along a certain road with treasure, and instigates B to lie in wait for and rob C. B on such instigation lies in wait for and robs C, A accompanying C along the journey. A is guilty under this section.

**108.** Whoever abets the commission of an offence punishable with death shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall

Abetment of an offence punishable with death, if the offence be not committed in consequence of the abetment.

also be liable to fine; and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

If an act which causes harm be done in consequence of the abetment.

*Illustration.*

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death. Therefore A is liable to imprisonment for a term which may extend to seven years, and also to a fine; and if any hurt be done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

**109.** Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of any description provided for that offence, for a term which may extend to one-fourth part of the longest term provided for that offence; or with such fine as is provided for that offence, or with both; and if the abettor or the person abetted is a public servant, whose duty it is to prevent the commission of such offence, the abettor shall be punished with imprisonment of any description provided for that offence, for a term which

Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment. If the abettor or the person abetted be a public servant

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whose duty it is to prevent the offence.

may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

*Illustrations.*

- (a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe. A is punishable under this section.
- (b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section, and is punishable accordingly.
- (c) A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A is liable to one-half of the longest term of imprisonment provided for that offence, and also to fine.
- (d) B abets the commission of a robbery by A, a police officer, whose duty it is to prevent that offence. Here, though the robbery be not committed, B is liable to one-half of the longest term of imprisonment provided for the offence of robbery, and also to fine.

Abetting the commission of an offence by the public, or by more than ten persons.

110. Whoever abets the commission of an offence by the public generally, or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

*Illustration.*

A affixes in a public place a placard, instigating a sect consisting of more than ten members to meet at a certain time and place for the purpose of attacking the members of an adverse sect while engaged in a procession. A has committed the offence defined in this section.

Concealing a design to commit an offence punishable with death or imprisonment for twenty years.

If the offence be committed.

If the offence be not committed.

111. Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with death or imprisonment for twenty years, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false

respecting such design, shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to seven years, or, if the offence be not committed, with imprisonment of either description for a term which may extend to three years: and in either case shall also be liable to fine.

*Illustration.*

A, knowing that murder is about to be committed at B, falsely informs the magistrate that a murder is about to be committed at C, a place in an opposite direction, and thereby misleads the magistrate with intent to facilitate the commission of the offence. The murder is committed at B in pursuance of the design. A is punishable under this section.

A public servant concealing a design to commit an offence which it is his duty to prevent. If the offence be committed.

112. Whoever, being a public servant, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence, the commission of which it is his duty as such public servant to prevent, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of any description provided for the offence, for a term which may extend

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to one-half of the longest term of such imprisonment, or with such fine as is provided for that offence, or with both; or, if the offence be punishable with death, with imprisonment of either description

If the offence be punishable with death, &c.

for a term which may extend to ten years; or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence, for a term which may extend to one-fourth part of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

If the offence be not committed.

*Illustration.*

A, an officer of police, being legally bound to give information of all designs to commit murder which may come to his knowledge, and knowing that B designs to commit murder, omits to give such information, with intent to facilitate the commission of that offence. Here, A has by an illegal omission concealed the existence of B's design, and is liable to punishment according to the provision of this section.

113. Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, shall, if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth, and, if the offence be not committed, to one-eighth of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

Concealing a design to commit an offence punishable with imprisonment—

If the offence be committed.

If not committed.

## CHAPTER VI.

## OF OFFENCES AGAINST THE STATE.

114. Whoever wages war against the Queen, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or imprisonment for twenty years, and shall forfeit all his property.

Waging, or attempting to wage war, or abetting the waging of war against the Queen.

*Illustrations.*

(a) A joins an insurrection against the Queen. A has committed the offence defined in this section.

(b) A in Ceylon abets an insurrection against the Queen's Government of India by sending arms to the insurgents. A is guilty of abetting the waging of war against the Queen.

115. Whoever conspires to commit any of the offences punishable by the next preceding section, or to deprive the Queen of the sovereignty of Ceylon or of any part thereof, or of any of Her Majesty's dominions, or conspires to overawe, by means of criminal force or the show of criminal force, the Government of Ceylon, shall be punished with imprisonment of either description which may extend to twenty years, and shall also be liable to fine.

Conspiracy to commit offences punishable by preceding section.

*Explanation.*—To constitute a conspiracy under this section, it is not necessary that any act or illegal omission shall take place in pursuance thereof.

116. Whoever collects men, arms, or ammunition, or otherwise prepares to wage war with the intention of either waging or being

Collecting arms &c., with the

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intention of waging war against the Queen.

prepared to wage war against the Queen, shall be punished with imprisonment of either description for a term not exceeding twenty years, and shall forfeit all his property.

Concealing with intent to facilitate a design to wage war.

117. Whoever by any act, or by any illegal omission, conceals the existence of a design to wage war against the Queen, intending by such concealment to facilitate, or knowing it to be likely that such concealment will facilitate, the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Attempt by contumacious or insulting words or signs to bring the Queen into contempt.

118. Whoever, by means of any contumacious, insulting, or disparaging words, whether spoken or intended to be read, or by signs or visible representations, shall attempt to bring the Queen or her royal dignity into contempt, shall be punishable with simple imprisonment for a period which may extend to two years, and shall also be liable to fine.

Assaulting Governor, &c., with intent to compel or restrain the exercise of any lawful power.

119. Whoever, with the intention of inducing or compelling the Governor or a Member of the Executive or Legislative Council of Ceylon to exercise or refrain from exercising in any manner any of the lawful powers of such Governor, or Member of Council, assaults or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal force, or attempts so to overawe such Governor, or Member of Council, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Exciting or attempting to excite disaffection.

120. Whoever by words, either spoken or intended to be read, or by signs, or by visible representations, or otherwise, excites or attempts to excite feelings of disaffection to the Queen or to the Government established by law in Ceylon, or excites or attempts to excite hatred to or contempt of the administration of justice, or excites or attempts to excite the Queen's subjects to procure, otherwise than by lawful means, the alteration of any matter by law established, or to raise discontent or disaffection amongst the Queen's subjects, or to promote feelings of ill-will and hostility between different classes of such subjects, shall be punished with simple imprisonment for a term which may extend to two years.

*Explanation.*—It is not an offence under this section by intending to show that the Queen or the Local Government have been misled or mistaken in measures, or to point out errors or defects in the Government or any part of it, or in the administration of justice, with a view to the reformation of such alleged errors or defects, or to excite the Queen's subjects to attempt to procure by lawful means the alteration of any matter by law established, or to point out in order to their removal matters which are producing or have a tendency to produce feelings of hatred or ill-will between different classes of the Queen's subjects.

Waging war against any power in alliance with the Queen.

121. Whoever wages war against the Government of any power in alliance or at peace with the Queen, or attempts to wage such war, or abets the waging of such war, shall be punished with imprisonment of either description for a term which may extend to ten years, to which fine may be added, or with fine.

Committing depredation on the territories of

122. Whoever commits depredation, or makes preparations to commit depredation, on the territories of any power in alliance or at peace with the Queen, shall be punished with imprisonment of

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either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used, or intended to be used, in committing such depredation, or acquired by such depredation. any power at peace with the Queen.

123. Whoever receives any property knowing the same to have been taken in the commission of any of the offences mentioned in sections 121 and 122, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of the property so received. Receiving property taken by war or depredation mentioned in sections 121 and 122.

124. Whoever, being a public servant, and having the custody of any State prisoner or prisoner of war, voluntarily allows such prisoner to escape from any place in which such prisoner is confined, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine. Public servant voluntarily allowing prisoner of State or war in his custody to escape.

125. Whoever, being a public servant, and having the custody of any State prisoner or prisoner of war, negligently suffers such prisoner to escape from any place of confinement in which such prisoner is confined, shall be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine. Public servant negligently suffering prisoner of State or war in his custody to escape.

126. Whoever knowingly aids or assists any State prisoner or prisoner of war in escaping from lawful custody, or rescues or attempts to rescue any such prisoner, or harbours or conceals any such prisoner who has escaped from lawful custody, or offers or attempts to offer any resistance to the re-capture of such prisoner, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine. Aiding escape of, rescuing, or harbouring such prisoner.

*Explanation.*—A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in Ceylon, is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

127. No prosecution shall be instituted under this chapter except by, or with the written authority of, the Attorney-General. Authority of Attorney-General required for prosecution under this Chapter.

## CHAPTER VII.

## OF OFFENCES RELATING TO THE ARMY AND NAVY.

128. Whoever abets the committing of mutiny by an officer, soldier or sailor in the army or navy of the Queen, or attempts to seduce any such officer, soldier or sailor from his allegiance or his duty, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine. Abetting mutiny or attempting to seduce a soldier or sailor from his duty.

129. Whoever abets the committing of mutiny by an officer, soldier or sailor in the army or navy of the Queen, shall, if mutiny be committed in consequence of that abetment, be punished with death or imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine. Abetment of mutiny, if mutiny is committed in consequence thereof.

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Abetment of an assault by a soldier or sailor on his superior officer, when in the execution of his office.

130. Whoever abets an assault by an officer, soldier or sailor in the army or navy of the Queen, on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Abetment of such assault, if the assault is committed.

131. Whoever abets an assault by an officer, soldier or sailor in the army or navy of the Queen, on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Abetment of the desertion of a soldier or a sailor.

132. Whoever abets the desertion of any officer, soldier or sailor in the army or navy of the Queen, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Harbouring a deserter.

133. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier or sailor in the army or navy of the Queen, has deserted, harbours such officer, soldier or sailor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Exception.*—This provision does not extend to the case in which the harbour is given by a wife to her husband.

Deserter concealed on board merchant vessel through negligence of master.

134. The master or person in charge of a merchant vessel, on board of which any deserter from the army or navy of the Queen is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred rupees, if he might have known of such concealment, but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

Abetment of act of insubordination by a soldier or sailor.

135. Whoever abets what he knows to be an act of insubordination by an officer, soldier or sailor in the army or navy of the Queen, shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Persons subject to Army Act not punishable under this Code.

136. No person subject to the provisions of the Imperial "Army Act, 1881," or any similar law for the time being in force, or to any regulations made thereunder, is subject to punishment under this Code for any of the offences defined in this chapter.

Wearing the dress of a soldier.

137. Whoever, not being a soldier in the military or naval service of the Queen, wears any garb, or carries any token resembling any garb or token used by such a soldier, with the intention that it may be believed that he is such a soldier, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.



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CHAPTER VIII.

OF OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

138. An assembly of five or more persons is designated an "unlawful assembly," if the common object of the persons composing that assembly, is— Unlawful assembly. 17.7.99 W

*First.*—To overawe by criminal force, or show of criminal force, the Executive Government or the Legislative Council of Ceylon or any public servant in the exercise of the lawful power of such public servant; or

*Second.*—To resist the execution of any law, or of any legal process; or

*Third.*—To commit any mischief or criminal trespass, or other offence; or vide § 427

*Fourth.*—By means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person or the public of the enjoyment of a right of way, or of the use of water or other incorporeal right of which such person or public is in possession or enjoyment, or to enforce any right or supposed right; or

*Fifth.*—By means of criminal force, or show of criminal force to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do; or

*Sixth.*—That the persons assembled, or any of them, may train or drill themselves, or be trained or drilled to the use of arms, or practising military movements or evolutions, without the consent of the Governor of the Colony.

*Explanation.*—An assembly which was not unlawful when it assembled, may subsequently become an unlawful assembly.

139. Whoever, being aware of facts which render any assembly an unlawful assembly, intentionally joins that assembly, or continues in it, is said to be a member of an unlawful assembly. Being a member of an unlawful assembly.

140. Whoever is a member of an unlawful assembly shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. Punishment.

141. Whoever, being armed with any deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, is a member of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Joining an unlawful assembly armed with any deadly weapon.

142. Whoever joins or continues in an unlawful assembly, knowing that such unlawful assembly has been commanded by lawful authority to disperse, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Joining or continuing in an unlawful assembly knowing that it has been commanded to disperse.

143. Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is guilty of the offence of rioting. Force used by one member in prosecution of common object.

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Punishment for rioting.

144. Whoever is guilty of rioting shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Rioting, armed with a deadly weapon.

145. Whoever is guilty of rioting, being armed with a deadly weapon, or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Every member of an unlawful assembly to be deemed guilty of any offence committed in prosecution of common object.

146. If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly, or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence.

Hiring or conniving at hiring of persons to join an unlawful assembly.

147. Whoever hires, or engages or employs, or promotes or connives at the hiring, engagement, or employment of any person to join or become a member of any unlawful assembly, shall be punishable as a member of such unlawful assembly, and for any offence which may be committed by any such person as a member of such unlawful assembly, in pursuance of such hiring, engagement, or employment, in the same manner as if he had been a member of such unlawful assembly, or himself had committed such offence.

Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.

148. Whoever knowingly joins or continues in any assembly of five or more persons likely to cause a disturbance of the public peace, after such assembly has been lawfully commanded to disperse, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

*Explanation.*—If the assembly is an unlawful assembly within the meaning of section 138 the offender will be punishable under section 142.

Assaulting or obstructing public servant when suppressing riot, &c.

149. Whoever assaults or threatens to assault, or obstructs or attempts to obstruct, any public servant in the discharge of his duty as such public servant in endeavouring to disperse an unlawful assembly, or to suppress a riot or affray, or uses, or threatens or attempts to use criminal force to such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Wantonly giving provocation, with intent to cause riot—If rioting be committed.

150. Whoever maliciously or wantonly, by doing anything which is illegal, gives provocation to any person intending or knowing it to be likely that such provocation will cause the offence of rioting to be committed, shall, if the offence of rioting be committed in consequence of such provocation, be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both; and if the offence of rioting be not committed, with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

If not committed.

Owner or occupier of land on which an unlawful assembly is held.

151. Whenever any unlawful assembly or riot takes place, the owner or occupier of the land, upon which such unlawful assembly is held or such riot is committed, and any person having or claiming an interest in such land, shall be punishable with fine not

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exceeding one thousand rupees, if he, knowing that such offence is being or has been committed, or having reason to believe it is likely to be committed, do not give the earliest notice thereof in his power to the nearest police officer, and do not, in the case of his having reason to believe that it was about to be committed, use all lawful means in his power to prevent it, and in the event of its taking place, do not use all lawful means in his power to disperse or suppress the riot or unlawful assembly:

152. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such assembly or riot from taking place and for suppressing and dispersing the same.

Liability of person for whose benefit a riot is committed.

153. Whenever a riot is committed for the benefit or on behalf of any person who is the owner or occupier of any land respecting which such riot takes place, or who claims any interest in such land, or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent or manager of such person shall be punishable with fine, if such agent or manager, having reason to believe that such riot was likely to be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his power to prevent such riot or assembly from taking place and for suppressing and dispersing the same.

Liability of agent or occupier for whose benefit a riot is committed.

154. Whoever harbours, receives, or assembles in any house or premises in his occupation or charge or under his control, any persons, knowing that such persons have been hired, engaged or employed, or are about to be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Harbouring persons hired for an unlawful assembly.

155. Whoever is engaged or hired, or offers or attempts to be hired or engaged, to do or assist in doing any of the acts specified in section 138 shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both; and whoever, being so engaged or hired as aforesaid, goes armed or engages or offers to go armed, with any deadly weapon or with anything which, used as a weapon of offence, is likely to cause death, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Being hired to take part in an unlawful assembly or riot.  
Or to go armed.

156. When two or more persons, by fighting, in a public place, disturb the public peace, they are said to "commit an affray."

Affray.

157. Whoever commits an affray shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Punishment for committing affray

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## CHAPTER IX.

## OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

Public servant taking a gratification other than legal remuneration in respect of an official act.

158. Whoever, being or expecting to be a public servant, accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person, with the Legislative or Executive Government of Ceylon or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

*Explanations.*—“Expecting to be a public servant.” If a person, not expecting to be in office, obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

“Gratification.” The word “gratification” is not restricted to pecuniary gratifications, or to gratifications estimable in money.

“Legal remuneration.” The words “legal remuneration” are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government which he serves to accept.

“A motive or reward for doing.” A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, comes within these words.

*Illustrations.*

- (a) A, expecting to be called as a juryman obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for giving a verdict in favour of Z. A has committed the offence defined in this section.
- (b) A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a title for Z, and thus induces Z to give A money as a reward for this service. A has committed the offence defined in this section.

Taking a gratification, in order, by corrupt or illegal means, to influence a public servant.

159. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Legislative Council or the Executive Government of Ceylon, or with any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Taking a gratification for the exercise of personal influence with a public servant.

160. Whoever accepts or obtains, or agrees to accept or attempts to obtain, from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any

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person, or to render or attempt to render any service or disservice to any person with the Legislative Council or the Executive Government of Ceylon, or with any public servant, as such, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

*Illustrations.*

An advocate who receives a fee for arguing a case before a judge; a person who receives pay for arranging and correcting a memorial addressed to Government, setting forth the services and claims of the memorialist; a paid agent for a condemned criminal, who lays before the Government statements tending to show that the condemnation was unjust—are not within this section, inasmuch as they do not exercise or profess to exercise personal influence.

161. Whoever, being a public servant, in respect of whom either of the offences defined in the last two preceding sections is committed, abets the offence, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for abetment by public servant of the offence above defined.

*Illustration.*

A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so. B is punishable with imprisonment for a term not exceeding one year, or with fine, or with both. A is punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

162. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person or to the Government shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

Public servant disobeying a direction of the law, with intent to cause injury to any person or the government.

*Illustration.*

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a court of justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.

163. Whoever, being a public servant, and being, as such public servant, charged with the preparation or translation of any document, frames or translates that document in a manner which he knows or believes to be incorrect, intending thereby to cause, or knowing it to be likely that he may thereby cause, injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Public servant framing an incorrect document with intent to cause injury.

164. Whoever, being a public servant, employed in the electric telegraph department of Government, fraudulently or maliciously secretes, makes away with, alters or omits to transmit any message which may have been lawfully delivered to him for transmission, or fraudulently or maliciously discloses to any person not authorized to receive the same any message received by him in the course of his employment as aforesaid, shall be punished with imprisonment of either description, which may extend to a term of two years, or with fine, or with both.

Fraudulent or malicious infraction of duty by public servant in telegraph department.

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Misconduct by public servant in telegraph or postal department.

165. Whoever, being a public servant, employed in the electric telegraph or postal department of Government, by drunkenness, carelessness or other misconduct, endangers or delays the transmission of any message, letter or postal packet, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to fifty rupees, or with both.

Fraud by public servant in telegraph department.

166. Whoever, being a public servant, employed in the electric telegraph department of Government, transmits by the electric telegraph any message upon which the prescribed charge has not been paid, with intent thereby to defraud, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Injury to messages, &c., committed by public servants in postal or telegraph department.

167. Whoever, being a public servant, employed in the electric telegraph or postal department of Government, does, contrary to his duty, secrete, destroy, mutilate or break open any telegraphic despatch or letter or postal packet, shall be punished with imprisonment of either description for a term which may extend to seven years, or with a fine, or with both.

Personating a public servant.

168. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, or falsely personates any other person holding such office, and in such assumed character does or attempts to do any act under colour of such office, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Wearing garb or carrying token used by public servant with fraudulent intent.

169. Whoever, not belonging to a certain class of public servants, wears any garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

## CHAPTER X.

## OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

Abscinding to avoid service of summons or other proceeding from a public servant.

170. Whoever absconds in order to avoid being served with a summons, notice, or order proceeding from any public servant, legally competent, as such public servant, to issue such summons, notice or order, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both; or, if the summons, notice or order is to attend in person or by agent, or to produce a document in a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Preventing service of summons or other proceeding or preventing publication thereof.

171. Whoever in any manner intentionally prevents the serving on himself, or on any other person, of any summons, notice or order proceeding from any public servant legally competent, as such public servant, to issue such summons, notice or order, or intentionally prevents the lawful affixing to any place of any such summons, notice or order, or intentionally removes any such summons, notice or order

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from any place to which it is lawfully affixed, or intentionally prevents the lawful making of any proclamation, under the authority of any public servant legally competent, as such public servant, to direct such proclamation to be made, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent, or to produce a document in a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

**172.** Whoever, being legally bound to attend in person or by an agent at a certain place and time in obedience to a summons, notice, order or proclamation proceeding from any public servant legally competent, as such public servant, to issue the same, intentionally omits to attend at that place or time, or departs from the place where he is bound to attend before the time at which it is lawful for him to depart, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both; or, if the summons, notice, order or proclamation is to attend in person or by agent in a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Non-attendance in obedience to an order from a public servant.

*Illustrations.*

- (a) A, being legally bound to appear before the Supreme Court at Colombo, in obedience to a subpoena, intentionally omits to appear. A has committed the offence defined in this section.
- (b) A, being legally bound to appear before a district judge, as a witness, in obedience to a summons issued by that district judge, intentionally omits to appear. A has committed the offence defined in this section.

**173.** Whoever, being legally bound to produce or deliver up any document to any public servant, as such, intentionally omits so to produce or deliver up the same, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both; or, if the document is to be produced or delivered up to a court of justice, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Omission to produce a document to a public servant by a person legally bound to produce such document.

*Illustration.*

A, being legally bound to produce a document before a district court, intentionally omits to produce the same. A has committed the offence defined in this section.

**174.** Whoever, being legally bound to give any notice or to furnish information on any subject to any public servant, as such, intentionally omits to give such notice or to furnish such information in the manner and at the time required by law, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both; or, if the notice or information required to be given respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both,

Omission to give notice or information to a public servant by a person legally bound to give notice or information.

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**Furnishing false information.**

**175.** Whoever, being legally bound to furnish information on any subject to any public servant, as such, furnishes, as true, information on the subject which he knows or has reason to believe to be false, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both; or, if the information which he is legally bound to give respects the commission of an offence, or is required for the purpose of preventing the commission of an offence, or in order to the apprehension of an offender, with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Illustration.*

**A**, a landholder, knowing of the commission of a murder within the limits of his estate, wilfully misinforms the magistrate of the district that the death has occurred by accident in consequence of the bite of a snake. **A** is guilty of the offence defined in this section.

**Refusing oath when duly required to take oath by a public servant.**

**176.** Whoever refuses to bind himself by an oath or an affirmation to state the truth, when required so to bind himself by a public servant, legally competent to require that he shall so bind himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

**Refusing to answer a public servant authorized to question.**

**177.** Whoever, being legally bound to state the truth on any subject to any public servant, refuses to answer any question demanded of him touching that subject by such public servant, in the exercise of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

**Refusing to sign statement.**

**178.** Whoever refuses to sign any statement made by him, when required to sign that statement by a public servant legally competent to require that he shall sign that statement, shall be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

**False statement on oath to public servant or person authorized to administer on oath.**

**179.** Whoever, being legally bound by an oath or an affirmation to state the truth on any subject to any public servant or other person authorized by law to administer such oath or affirmation, makes to such public servant or other person as aforesaid, touching that subject, any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

**False information, with intent to cause a public servant to use his lawful power to the injury of another person.**

**180.** Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant to use the lawful power of such public servant to the injury or annoyance of any person, or to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.



*Penal Code.**Illustrations.*

- (a) A informs the Inspector-General of Police that Z, a police officer, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Inspector-General to dismiss Z. A has committed the offence defined in this section.
- (b) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

**181.** Whoever offers any resistance to the taking of any property by the lawful authority of any public servant, knowing or having reason to believe that he is such public servant, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Resistance to the taking of property by the lawful authority of a public servant.

**182.** Whoever intentionally obstructs any sale of property offered for sale by the lawful authority of any public servant, as such, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

Obstructing sale of property offered for sale by authority of a public servant.

**183.** Whoever voluntarily obstructs any public servant or any person acting under the lawful orders of such public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Obstructing public servant in discharge of his public functions.

**184.** Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both; and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a court of justice, or of preventing the commission of an offence, or of suppressing a riot, unlawful assembly, or affray, or of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Omission to assist public servant when bound by law to give assistance.

**185.** Whoever, knowing that by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both; and if such disobedience causes or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray, shall be punished

Disobedience to an order duly promulgated by a public servant.

*Penal Code.*

with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

*Explanation.*—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce harm.

*Illustration.*

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

Threat of injury to a public servant.

186. Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Threat of injury to induce any person to refrain from applying for protection to a public servant.

187. Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application, for protection against any injury, to any public servant legally empowered as such to give such protection or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

## CHAPTER XI.

## OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

Giving false evidence.

188. Whoever, being legally bound by an oath or affirmation, or by any express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true, is said to give false evidence.

Wherever in any Ordinance the word "perjury" occurs, such Ordinance shall be read as if the words "giving false evidence" were therein used instead of the word "perjury."

*Explanation 1.*—A statement is within the meaning of this section, whether it is made verbally or otherwise.

*Explanation 2.*—A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

*Illustrations.*

- (a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the justice of B's claim. A has given false evidence.
- (b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.

*Penal Code.*

- (c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.
- (d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence, whether Z was at that place on the day named, or not.
- (e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document, which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

189. Whoever causes any circumstance to exist, or makes any false entry in any book or record, or makes any document containing a false statement, intending that such circumstance, false entry, or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstances, false entry, or false statement, so appearing in evidence, may cause any person, who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to fabricate false evidence." Fabricating  
false evidence.

*Illustrations.*

- (a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of theft. A has fabricated false evidence.
- (b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a court of justice. A has fabricated false evidence.
- (c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy, and puts the letter in a place which he knows that the officers of the police are likely to search. A has fabricated false evidence.

190. Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. Punishment for  
false evidence.

*Explanation 1.*—A trial before a court martial or before a military court of requests is a judicial proceeding.

*Explanation 2.*—An investigation directed by law, preliminary to a proceeding before a court of justice, is a stage of a judicial proceeding, though that investigation may not take place before a court of justice.

*Illustration.*

A, in an enquiry before a police magistrate for the purpose of ascertaining whether Z ought to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

*Penal Code.*

*Explanation 3.*—An investigation directed by a court of justice according to law, and conducted under the authority of a court of justice, is a stage of a judicial proceeding, though that investigation may not take place before a court of justice.

*Illustration.*

A, in an enquiry before an officer deputed by a court of justice to ascertain on the spot the boundaries of land, makes on oath or affirmation a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has given false evidence.

Giving or fabricating false evidence with intent to procure conviction of a capital offence. If innocent person be thereby convicted and executed.

191. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is punishable with death by this Code or the law of England, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and if an innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished with death.

Giving or fabricating false evidence with intent to procure conviction of an offence punishable with imprisonment for seven years or upwards.

192. Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which by this Code or the law of England, is not capital, but punishable with imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

*Illustration.*

A gives false evidence before a court of justice, intending thereby to cause Z to be convicted of a robbery. The punishment of robbery is rigorous imprisonment for a term which may extend to ten years, with or without fine. A, therefore, is liable to such imprisonment with or without fine.

Using evidence known to be false.

193. Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which he knows to be false or fabricated, shall be punished in the same manner as if he gave or fabricated false evidence.

Issuing or signing a false certificate.

194. Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as a true certificate one known to be false in a material point.

195. Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

False statement made in any declaration which is by law receivable as evidence.

196. Whoever, in any declaration made or subscribed by him, which declaration any court of justice, or any public servant or other person, is bound or authorized by law to receive, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

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197. Whoever corruptly uses or attempts to use as true any such declaration knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Using as true any such declaration known to be false.

*Explanation.*—A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 196 and 197.

198. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall, if the offence which he knows or believes to have been committed is

Causing disappearance of evidence of an offence committed, or giving false information touching it, to screen the offender.

punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ; and if the offence is punishable with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine ; and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

If a capital offence.  
If punishable with ten years imprisonment.  
If punishable with less than ten years' imprisonment.

*Illustration.*

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for seven years, and also to fine.

199. Whoever, knowing or having reason to believe that an offence has been committed, intentionally omits to give any information respecting that offence which he is legally bound to give, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Intentional omission to give information of an offence, by a person bound to inform.

200. Whoever, knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Giving false information respecting an offence committed.

201. Whoever secretes or destroys any document which he may be lawfully compelled to produce as evidence in a court of justice, or in any proceeding lawfully held before a public servant, as such, or obliterates or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used as evidence before such court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Destruction of document to prevent its production as evidence.

202. Whoever falsely personates another, and in such assumed character makes any admission or statement, or confesses judgment, or causes any process to be issued, or becomes bail or security, or does

False personation for the purpose of

*Penal Code.*

any act or proceeding in a suit.

any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulent removal or concealment of property to prevent its seizure as a forfeiture or in execution of a decree.

203. Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture, or in satisfaction of a fine under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a court of justice or other competent authority, or from being taken in execution of a decree or order which has been made or which he knows to be likely to be made by a court of justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulent claim to property to prevent its seizure as a forfeiture or in execution of a decree.

204. Whoever fraudulently accepts, receives, or claims any property or any interest therein, knowing that he has no right or rightful claim to such property or interest, or practices any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a court of justice or other competent authority, or from being taken in execution of a decree or order which has been made or which he knows to be likely to be made by a court of justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Fraudulently suffering a decree for a sum not due.

205. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for a sum not due, or for a larger sum than is due to such person, or for any property or interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Illustration.*

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

Dishonestly making false claim in a court of justice.

206. Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a court of justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Fraudulently obtaining a decree for a sum not due.

207. Whoever fraudulently obtains a decree or order against any person for a sum not due, or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied, or for anything in respect of which it has been satisfied, or fraudulently suffers or permits any

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such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**208.** Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if such criminal proceeding be instituted on a false charge of an offence punishable with death, or imprisonment for seven years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

False charge of offence made with intent to injure.

**209.** Whenever an offence has been committed, whoever harbours, conceals, assists or maintains a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to one year and not to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Harbouring an offender—

If a capital offence.

If punishable with imprisonment.

*Exception.*—This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

*Illustration.*

A, knowing that B has committed robbery, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to imprisonment which may extend to ten years, A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

**210.** Whoever accepts, or attempts to obtain, or agrees to accept any gratification for himself or any other person, or any restitution of property to himself or any other person in consideration of his concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

Taking gift, &c., to screen an offender from punishment—

If a capital offence.

If punishable with imprisonment.

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Offering gift or restoration of property in consideration of screening offender—

If a capital offence.

If punishable with imprisonment.

211. Whoever gives or causes, or offers or agrees to give or cause, any gratification to any person, or to restore or cause the restoration of any property to any person, in consideration of that person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment, shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the offence is punishable with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

*Exception.*—The provisions of sections 210 and 211 do not extend to any case in which the offence may lawfully be compounded.

Taking gift to help to recover stolen property, &c.

212. Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any moveable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Harbouring an offender who has escaped from custody, or whose apprehension has been ordered—

If a capital offence.

If punishable with imprisonment.

213. Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody, or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for an offence, whoever, knowing of such escape or order for apprehension, harbours or conceals that person with the intention of preventing him from being apprehended, shall be punished in the manner following, that is to say, if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; if the offence is punishable with imprisonment for a term which may extend to ten years, he shall be punished with imprisonment of either description for a term which may extend to three years with or without fine; and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

*Exception.*—This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be apprehended.

Public servant disobeying a direction of law with intent to save person from

214. Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment or subject him to a less punishment than that to which



*Penal Code.*

he is liable, or with intent to save or knowing that he is likely thereby to save, any property from forfeiture or any charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

punishment or property from forfeiture.

215. Whoever, being a public servant, and being, as such public servant, charged with the preparation of any record or other writing, frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby cause, loss or injury to the public or to any person, or with intent thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Public servant framing an incorrect record or writing with intent to save person from punishment or property from forfeiture.

216. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to be apprehended for an offence, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape,

Intentional omission to apprehend on the part of a public servant bound by law to apprehend.

from such confinement, shall be punished as follows, that is to say:—

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with death; or

Punishment.

With imprisonment of either description for a term which may extend to three years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with imprisonment for a term which may extend to ten years; or

With imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confinement or who ought to have been apprehended was charged with or liable to be apprehended for an offence punishable with imprisonment for a term less than ten years.

217. Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a court of justice for any offence, or if the person was lawfully committed to custody, intentionally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escaping or attempting to escape from

Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence or lawfully committed.

such confinement, shall be punished as follows, that is to say:—

With imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement or who ought to have been apprehended is under sentence of death; or

Punishment.

*Penal Code.*

With imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement or who ought to have been apprehended is subject, by a sentence of a court of justice, or by virtue of a commutation of such sentence, to imprisonment for a term of ten years or upwards ; or

With imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended is subject, by a sentence of a court of justice, to imprisonment for a term not extending to ten years, or if the person was lawfully committed to custody.

Escape from confinement or custody negligently suffered by a public servant.

**218.** Whoever, being a public servant, legally bound as such public servant to keep in confinement any person charged with or convicted of any offence or lawfully committed to custody, negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Resistance or obstruction by a person to his lawful apprehension.

**219.** Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Explanation.*—The punishment in this section is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

Resistance or obstruction to the lawful apprehension of another person. Punishment.

**220.** Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any other person from any custody in

which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both ;

Or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;

Or, if the person to be apprehended or rescued, or attempted to be rescued, is liable, under the sentence of a court of justice, or by virtue of a commutation of such a sentence, to imprisonment for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine ;

*Penal Code.*

Or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

221. Whoever escapes or attempts to escape from any custody in which he is lawfully detained for failing to furnish good security for the peace or good behaviour, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. Escape from custody.

222. Whoever, having accepted any conditional pardon or remission of punishment, knowingly violates any condition on which such remission was granted, shall, if his original sentence is one of death, be punished with imprisonment of either description which may extend to twenty years, and if his original sentence be not one of death, be punished with the punishment to which he was originally sentenced if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered. Violation of condition of remission of punishment.

223. Whoever intentionally offers any insult or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Intentional insult or interruption of a public servant sitting in any stage of a judicial proceeding.

224. Whoever, by personation or otherwise, shall intentionally cause or knowingly suffer himself to be returned, empanelled, or sworn as juryman or assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled, or sworn, or knowing himself to have been so returned, empanelled, or sworn contrary to law, shall voluntarily serve on such jury or as such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Personation of a juror or assessor.

CHAPTER. XII.

OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

225. Coin is metal used as money, and stamped and issued by the authority of some Government in order to be so used. "Coin" defined.

Coin stamped and issued by the authority of the Queen, or by the authority of the Government of Ceylon, or of any Government in the Queen's dominions, is the Queen's coin. Queen's coin.

*Illustrations.*

- (a) Cowries are not coin.
- (b) Lumps or bars of unstamped metal, though used as money, are not coin.
- (c) Medals are not coin, inasmuch as they are not intended to be used as money.
- (d) The coin denominated as the rupee is the Queen's coin.

226. Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Counterfeiting coin.

*Penal Code.*

*Explanation.*—A person commits this offence, who, intending to practise deception, or knowing it to be likely that deception will thereby be practised, causes a genuine coin to appear like a different coin.

Counterfeiting the Queen's coin.

**227.** Whoever counterfeits or knowingly performs any part of the process of counterfeiting the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Making or selling instrument for counterfeiting coin.

**228.** Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells, or disposes of any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Making or selling instrument for counterfeiting Queen's coin.

**229.** Whoever makes or mends, or performs any part of the process of making or mending, or buys, sells, or disposes of any die or instrument, for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of instrument or material for the purpose of using the same for counterfeiting coin.

**230.** Whoever is in possession of any instrument or material for the purpose of using the same for counterfeiting coin, or knowing or having reason to believe that the same is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the coin to be counterfeited is the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetting in Ceylon the counterfeiting out of Ceylon of coin.

**231.** Whoever, being within this colony, abets the counterfeiting of coin out of this colony, shall be punished in the same manner as if he abetted the counterfeiting of such coin within this colony.

Import or export of counterfeit coin.

**232.** Whoever imports into this colony, or exports therefrom, any counterfeit coin, knowing or having reason to believe that the same is counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Import or export of counterfeit of the Queen's coin.

**233.** Whoever imports into this colony, or exports therefrom, any counterfeit coin which he knows or has reason to believe to be a counterfeit of the Queen's coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Delivery to another of counterfeit coin possessed with the knowledge that it is counterfeit.

**234.** Whoever, having any counterfeit coin, which at the time he became possessed of it he knew to be counterfeit, fraudulently, or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery of Queen's coin,

**235.** Whoever having any counterfeit coin, which is a counterfeit of the Queen's coin, and which at the time he became possessed of it

*Penal Code.*

he knew to be a counterfeit of the Queen's coin, fraudulently, or with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

possessed with the knowledge that it is counterfeit.

**236.** Whoever delivers to any other person as genuine, or attempts to induce any other person to receive as genuine, any counterfeit coin which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to two years or with fine to an amount which may extend to ten times the value of the coin counterfeited, or with both.

Delivery to another of coin as genuine, which when first possessed the deliverer did not know to be counterfeit.

**237.** Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.

**238.** Whoever, fraudulently or with intent that fraud may be committed, is in possession of counterfeit coin which is a counterfeit of the Queen's coin, having known at the time when he became possessed of it that it was counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Possession of counterfeit Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.

**239.** Whoever fraudulently or dishonestly performs on any coin any operation which diminishes the weight or alters the composition of that coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Fraudulently or dishonestly diminishing the weight or altering the composition of any coin.

*Explanation.*—A person who scoops out part of the coin and puts anything else into the cavity, alters the composition of that coin.

**240.** Whoever fraudulently or dishonestly performs on any of the Queen's coin any operation which diminishes the weight or alters the composition of that coin shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Fraudulently or dishonestly diminishing the weight or altering the composition of the Queen's coin.

**241.** Whoever performs on any coin any operation which alters the appearance of that coin with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Altering appearance of any coin with intent that it shall pass as a coin of different description.

**242.** Whoever performs on any of the Queen's coin any operation which alters the appearance of that coin, with the intention that the said coin shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Altering appearance of the Queen's coin with intent that it shall pass as a coin of a different description.

*Penal Code.*

Delivery to another of coin possessed with the knowledge that it is altered.

**243.** Whoever, having coin in his possession with respect to which the offence defined in section 239 or 241 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently, or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery of Queen's coin with the knowledge that it is altered.

**244.** Whoever, having coin in his possession with respect to which the offence defined in sections 240 or 242 has been committed, and having known at the time when he became possessed of such coin that such offence had been committed with respect to it, fraudulently, or with intent that fraud may be committed, delivers such coin to any other person, or attempts to induce any other person to receive the same, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Possession of altered coin by a person who knew it to be altered when he became possessed thereof.

**245.** Whoever fraudulently, or with intent that fraud may be committed, is in possession of coin with respect to which the offence defined in either of the sections 239 or 241 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Possession of Queen's coin by a person who knew it to be altered when he became possessed thereof.

**246.** Whoever fraudulently, or with intent that fraud may be committed, is in possession of Queen's coin with respect to which the offence defined in either of the sections 240 or 242 has been committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such Queen's coin, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Delivery to another of coin as genuine which when first possessed the deliverer did not know to be altered.

**247.** Whoever delivers to any other person as genuine, or as a coin of a different description from which it is, or attempts to induce any person to receive as genuine or as a different coin from which it is, any coin in respect of which he knows that any such operation as that mentioned in sections 239, 240, 241, or 242 has been performed, but in respect of which he did not at the time when he took into his possession know that such operation had been performed, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to ten times the value of the coin for which the altered coin is passed or attempted to be passed.

Counterfeiting a Government stamp.

**248.** Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

*Explanation.*—A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of a different denomination.

Having possession of an instrument or

**249.** Whoever has in his possession any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any

*Penal Code.*

stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

material for the purpose of counterfeiting a Government stamp.

250. Whoever makes, or performs any part of the process of making, or buys, or sells, or disposes of any instrument for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for the purpose of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Making or selling instrument for the purpose of counterfeiting a Government stamp.

251. Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Sale of counterfeit Government stamp.

252. Whoever has in his possession any stamp which he knows to be a counterfeit of any stamp issued by Government for the purpose of revenue, intending to use or dispose of the same as a genuine stamp, or in order that it may be used as a genuine stamp, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Having possession of a counterfeit Government stamp.

253. Whoever uses as genuine any stamp, knowing it to be a counterfeit of any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Using as genuine a Government stamp known to be counterfeit.

254. Whoever, fraudulently or with intent to cause loss to the Government, removes or effaces from any substance bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any writing or document a stamp which has been used for such writing or document, in order that such stamp may be used for a different writing or document, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

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.

255. Whoever, fraudulently or with intent to cause loss to the Government, uses for any purpose a stamp issued by Government for the purpose of revenue, which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Using a Government stamp known to have been before used.

256. Whoever, fraudulently or with intent to cause loss to Government, erases or removes from a stamp issued by Government for the purpose of revenue, any mark put or impressed upon such stamp for the purpose of denoting that the same has been used, or fraudulently or with such intent alters any such mark, or knowingly has in his possession, or sells, or disposes of, any such stamp from which such mark has been erased or removed, or on which such mark has been altered, or sells or disposes of any such stamp which he

Erasure of mark denoting that stamp has been used.

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Penal Code.

knows to have been used, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

*Explanation.*—The word “stamp” where used in this chapter includes postage stamps.

CHAPTER XIII.

OF OFFENCES RELATING TO WEIGHTS AND MEASURES.

amended  
11. 1857  
Use of false instrument for weighing.

*fraudulently*  
257. Whoever uses any instrument for weighing, which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Use of false weight or measure.

*fraudulently*  
258. Whoever uses any false weight or false measure of length or capacity, or uses any weight or any measure of length or capacity as a different weight or measure from what it is, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Being in possession of false weights or measures.

259. Whoever is in possession of any false instrument for weighing, or of any false weight, or of any false measure of length or capacity, intending that the same may be used, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Making or selling false weights or measures.

260. Whoever makes, sells, or disposes of, any instrument for weighing, or any weight, or any measure of length or capacity which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

CHAPTER XIV.

OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS.

Public nuisance.

261. A person is guilty of a public nuisance, who does any act, or is guilty of an illegal omission, which causes any common injury, danger or annoyance to the public or to the people in general, who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right.

A public nuisance is not excused on the ground that it causes some convenience or advantage.

Negligent act likely to spread infection of any disease dangerous to life.

262. Whoever unlawfully or negligently does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

Malicious act likely to spread infection of any disease dangerous to life.

263. Whoever maliciously does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.



*Penal Code.*

- 264.** Whoever knowingly disobeys any rule made and promulgated by Government for putting any vessel into a state of quarantine, or for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels, or for regulating the intercourse between places where an infectious disease prevails and other places, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both. **Disobedience to a quarantine rule.**
- 265.** Whoever adulterates any article of food or drink, so as to make such article noxious as food or drink, intending to sell such article as food or drink, or knowing it to be likely that the same will be sold as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. **Adulteration of food or drink which is intended for sale.**
- 266.** Whoever sells, or offers or exposes for sale, as food or drink any article which has been rendered or has become noxious, or is in a state unfit for food or drink, knowing or having reason to believe that the same is noxious as food or drink, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. **Sale of noxious food or drink.**
- 267.** Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or change the operation of such drug or medical preparation, or to make it noxious, intending that it shall be sold or used for, or knowing it to be likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. **Adulteration of drugs.**
- 268.** Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to lessen its efficacy, to change its operation, or to render it noxious, sells the same, or offers or exposes it for sale, or issues it from any dispensary for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. **Sale of adulterated drugs.**
- 269.** Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary for medicinal purposes, any drug or medical preparation as a different drug or medical preparation, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both. **Sale of any drug as a different drug or preparation.**
- 270.** Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it less fit for the purpose for which it is ordinarily used, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to fifty rupees, or with both. **Fouling the water of a public spring or reservoir.**
- 271.** Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling or carrying on business in the neighbourhood or passing along a public way, shall be punished with fine which may extend to one hundred rupees. **Making atmosphere noxious to health.**

*Penal Code.*

Rash driving or riding on a public way.

**272.** Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Rash navigation of a vessel.

**273.** Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Exhibition of a false light, mark or buoy.

**274.** Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that such exhibition will mislead any navigator, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Conveying person by water for hire in a vessel overloaded or unsafe.

**275.** Whoever knowingly or negligently conveys, or causes to be conveyed for hire, any person by water in any vessel, when that vessel is in such a state or so loaded as to endanger the life of that person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Danger or obstruction in a public way or navigation.

**276.** Whoever, by doing any act, or by omitting to take order with any property in his possession or under his charge, causes danger, obstruction or injury to any person in any public way or public line of navigation, shall be punished with fine which may extend to one hundred rupees.

Negligent conduct with respect to any poisonous substance.

**277.** Whoever does, with any poisonous substance, any act in a manner so rash or negligent as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against any probable danger to human life from such poisonous substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Negligent conduct with respect to any fire or combustible matter.

**278.** Whoever does, with fire or any combustible matter, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard against any probable danger to human life or hurt or injury to any other person from such fire or combustible matter, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Negligent conduct with respect to any explosive substance.

**279.** Whoever does, with any explosive substance, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any probable danger to human life from that substance, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

*Penal Code.*

- 280.** Whoever does, with any machinery, any act so rashly or negligently as to endanger human life, or to be likely to cause hurt or injury to any other person, or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard against any probable danger to human life from such machinery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.
- Negligent conduct with respect to any machinery in the possession or under the charge of the offender.
- 281.** Whoever, in pulling down or repairing any building, knowingly or negligently omits to take such order with that building as is sufficient to guard against any probable danger to human life from the fall of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.
- Negligence with respect to pulling down or repairing buildings.
- 282.** Whoever knowingly or negligently omits to take such order with any animal in his possession as is sufficient to guard against any probable danger to human life, or any probable danger of grievous hurt from such animal, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.
- Negligence with respect to any animal.
- 283.** Whoever commits a public nuisance in any case not otherwise punishable by this Code, shall be punished with fine which may extend to fifty rupees, or with imprisonment of either description which may extend to three months, or with both.
- Punishment for public nuisance.
- 284.** Whoever repeats or continues a public nuisance, having been enjoined by any public servant who has lawful authority to issue such injunction not to repeat or continue such nuisance, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.
- Continuance of nuisance after injunction to discontinue.
- 285.** Whoever sells or distributes, imports or prints for sale or hire, or wilfully exhibits to public view, any obscene book, pamphlet, paper, drawing, painting, photograph, representation or figure, or attempts or offers so to do, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.
- Sale, &c., of obscene books.
- 286.** Whoever has in his possession any such obscene book or other thing as is mentioned in the last preceding section for the purpose of sale, distribution, or public exhibition, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.
- Having in possession obscene books for sale or exhibition.
- 287.** Whoever sings, recites, or utters in or near any public place any obscene song, ballad, or words to the annoyance of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.
- Obscene songs.
- 288.** Whoever keeps any office or place for the purpose of drawing any lottery, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.
- Keeping lottery office.

*Penal Code.*

And whoever publishes any proposal to pay any sum, or to deliver any goods, or to do or forbear doing anything for the benefit of any person, on any event or contingency relative or applicable to the drawing of any ticket, lot, number or figure in any such lottery, shall be punished with fine which may extend to one hundred rupees.

No prosecution shall be instituted under this section except by or with the written consent of the Attorney-General.

Wilful omission  
of statutory  
duty.

289. Whoever wilfully neglects or omits to perform any duty imposed upon him by, or wilfully disobeys or infringes any provision of any ordinance or statute heretofore or hereafter to be enacted, for which neglect, omission, disobedience or infringement no punishment is or shall be by this Code or any other ordinance or statute otherwise specially provided, shall be punished with a fine.

## CHAPTER XV.

## OF OFFENCES RELATING TO RELIGION.

Injuring or  
defiling a place  
of worship, with  
intent to insult  
the religion of  
any class.

290. Whoever destroys, damages or defiles any place of worship, or any object held sacred by any class of persons, with the intention of thereby insulting the religion of any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Disturbing a  
religious  
assembly.

291. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Trespassing on  
burial places,  
&c.

292. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

## CHAPTER XVI.

## OF OFFENCES AFFECTING THE HUMAN BODY.

## OF OFFENCES AFFECTING LIFE.

Culpable  
homicide.

293. Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

*Penal Code.**Illustrations.*

- (a) A lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z, believing the ground to be firm, treads on it, falls in, and is killed. A has committed the offence of culpable homicide.
- (b) A knows Z to be behind a bush. B does not know it. A, intending to cause, or knowing it to be likely to cause Z's death, induces B to fire at the bush. B fires and kills Z. Here B may be guilty of no offence; but A has committed the offence of culpable homicide.
- (c) A, by shooting at a fowl with intent to kill and steal it, kills B, who is behind a bush; A not knowing that he was there. Here, although A was doing an unlawful act, he was not guilty of culpable homicide, as he did not intend to kill B, or to cause death by doing an act that he knew was likely to cause death.

*Explanation 1.*—A person who causes bodily injury to another who is labouring under a disorder, disease, or bodily infirmity, and thereby accelerates the death of that other, shall be deemed to have caused his death.

*Explanation 2.*—Where death is caused by bodily injury, the person who causes such bodily injury shall be deemed to have caused the death, although by resorting to proper remedies and skilful treatment the death might have been prevented.

*Explanation 3.*—The causing of the death of a child in the mother's womb is not homicide. But it may amount to culpable homicide to cause the death of a living child, if any part of that child has been brought forth, though the child may not have breathed or been completely born.

**294.** Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or—

*2ndly.*—If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

*3rdly.*—If it is done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

*4thly.*—If the person committing the act knows that it is so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

*Illustrations.*

- (a) A shoots Z with the intention of killing him. Z dies in consequence. A commits murder.
- (b) A, knowing that Z is labouring under such disease that a blow is likely to cause his death, strikes him with the intention of causing bodily injury. Z dies in consequence of the blow. A is guilty of murder, although the blow might not have been sufficient in the ordinary course of nature to cause the death of a person in a sound state of health. But if A, not knowing that Z is labouring under any disease, gives him such a blow as would not in the ordinary course of nature kill a person in a sound state of health, here A, although he may intend to cause bodily injury, is not guilty of murder, if he did not intend to cause death, or such bodily injury as in the ordinary course of nature would cause death.

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- (c) A intentionally gives Z a sword-cut or club-wound sufficient to cause the death of a man in the ordinary course of nature. Z dies in consequence. Here A is guilty of murder, although he may not have intended to cause Z's death.
- (d) A, without any excuse, fires a loaded gun into a crowd of persons and kills one of them. A is guilty of murder, although he may not have had a premeditated design to kill any particular individual.

When culpable homicide is not murder.

*Exception 1.*—Culpable homicide is not murder, if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation, or causes the death of any other person by mistake or accident.

The above exception is subject to the following provisos :—

*First.*—That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

*Secondly.*—That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

*Thirdly.*—That the provocation is not given by anything done in the lawful exercise of the right of private defence.

*Explanation.*—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder, is a question of fact.

*Illustrations.*

- (a) A, under the influence of passion excited by a provocation given by Z, intentionally kills Y, Z's child. This is murder, inasmuch as the provocation was not given by the child, and the death of the child was not caused by accident or misfortune in doing an act caused by the provocation.
- (b) Y gives grave and sudden provocation to A. A, on this provocation, fires a pistol at Y, neither intending nor knowing himself to be likely to kill Z, who is near him, but out of sight. A kills Z. Here A has not committed murder, but merely culpable homicide.
- (c) A is lawfully arrested by Z, a fiscal's officer. A is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a thing done by a public servant in the exercise of his powers.
- (d) A appears as a witness before Z, a magistrate. Z says that he does not believe a word of A's deposition, and that A has perjured himself. A is moved to sudden passion by these words, and kills Z. This is murder.
- (e) A attempts to pull Z's nose. Z, in the exercise of the right of private defence, lays hold of A to prevent him from doing so. A is moved to sudden and violent passion in consequence, and kills Z. This is murder, inasmuch as the provocation was given by a thing done in the exercise of the right of private defence.
- (f) Z strikes B. B is by this provocation excited to violent rage. A, a bystander, intending to take advantage of B's rage, and to cause him to kill Z, puts a knife into B's hand for that purpose. B kills Z with the knife. Here B may have committed culpable homicide, but A is guilty of murder.

*Exception 2.*—Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law, and causes the death of the person against whom he is exercising such right of defence, without premeditation and without any intention of doing more harm than is necessary for the purpose of such defence.

*Penal Code.**Illustration.*

Z attempts to horse-whip A, not in such a manner as to cause grievous hurt to A. A draws out a pistol. Z persists in the assault. A, believing in good faith that he can by no other means prevent himself from being horse-whipped, shoots Z dead. A has not committed murder, but only culpable homicide.

**Exception 3.**—Culpable homicide is not murder if the offender, being a public servant, or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

**Exception 4.**—Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel, and without the offender having taken undue advantage or acted in a cruel or unusual manner.

**Explanation.**—It is immaterial in such cases which party offers the provocation or commits the first assault.

**295.** If a person, by doing anything which he intends or knows to be likely to cause death, commits culpable homicide by causing the death of any person whose death he neither intends nor knows himself to be likely to cause, the culpable homicide committed by the offender is of the description of which it would have been if he had caused the death of the person whose death he intended or knew himself to be likely to cause.

Culpable homicide by causing the death of a person other than the person whose death was intended.

**296.** Whoever commits murder shall be punished with death.

Punishment for murder.

**297.** Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death; or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

Punishment for culpable homicide not amounting to murder.

**298.** Whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Causing death by negligence.

**299.** If any person commits suicide, whoever abets the commission of such suicide shall be punished with death.

Abetment of suicide.

**300.** Whoever does any act with such intention or knowledge and under such circumstances that if he by that act caused death he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable to imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Attempt to murder.

*Penal Code.**Illustrations.*

- (a) A shoots at Z with intention to kill him under such circumstances that, if death ensued, A would be guilty of murder. A is liable to punishment under this section.
- (b) A, with the intention of causing the death of a child of tender years, exposes it in a desert place. A has committed the offence defined by this section, though the death of the child does not ensue.
- (c) A, intending to murder Z, buys a gun and loads it. A has not yet committed the offence. A fires the gun at Z. He has committed the offence defined in this section; and if by such firing he wounds Z, he is liable to the punishment provided by the latter part of this section.
- (d) A, intending to murder Z by poison, purchases poison and mixes the same with food which remains in A's keeping; A has not yet committed the offence defined in this section. A places the food on Z's table or delivers it to Z's servants to place it on Z's table. A has committed the offence defined in this section.

Attempt to  
commit culpable  
homicide.

301. Whoever does any act with such intention or knowledge and under such circumstances, that if he by that act caused death he would be guilty of culpable homicide not amounting to murder, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and if hurt is caused to any person by such act, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

*Illustration.*

A, on grave and sudden provocation, fires a pistol at Z, under such circumstances that if he thereby caused death he would be guilty of culpable homicide not amounting to murder. A has committed the offence defined in this section.

Attempt to  
commit suicide.

302. Whoever attempts to commit suicide, and does any act towards the commission of such offence, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

OF THE CAUSING OF MISCARRIAGE, OR INJURIES TO UNBORN CHILDREN, OF THE EXPOSURE OF INFANTS, AND OF THE CONCEALMENT OF BIRTHS.

Causing  
miscarriage.

303. Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

*Explanation.*—A woman who causes herself to miscarry is within the meaning of this section.

Causing  
miscarriage  
without woman's  
consent.

304. Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.



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**305.** Whoever, with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Death caused by an act done with intent to cause miscarriage.

*Explanation.*—It is not essential to this offence that the offender should know that the act is likely to cause death.

**306.** Whoever, before the birth of any child does any act with the intention of thereby preventing that child from being born alive, or causing it to die after its birth, and does by such act prevent that child from being born alive, or causes it to die after its birth, shall, if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.

Act done with intent to prevent a child being born alive or to cause it to die after birth.

**307.** Whoever does any act under such circumstances that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Causing death of a quick unborn child by an act amounting to culpable homicide.

*Illustration.*

A, knowing that he is likely to cause the death of a pregnant woman, does an act which, if it caused the death of the woman, would amount to culpable homicide. The woman is injured, but does not die; but the death of an unborn quick child with which she is pregnant is thereby caused. A is guilty of the offence defined in this section.

**308.** Whoever, being the father or a mother of a child under the age of twelve years, or having the care of such child, shall expose or leave such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Exposure and abandonment of a child under twelve years, by parent, or person having care of it.

*Explanation.*—This section is not intended to prevent the trial of the offender for murder or culpable homicide, as the case may be, if the child die in consequence of the exposure.

**309.** Whoever, by secretly burying or otherwise disposing of the dead body of a child, whether such child die before or after or during its birth, intentionally conceals or endeavours to conceal the birth of such child, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Concealment of birth by secret disposal of dead body.

*OF HURT.*

**310.** Whoever causes bodily pain, disease, or infirmity to any person is said to cause hurt.

**311.** The following kinds of hurt only are designated as Grievous hurt. "grievous":—

*First.*—Emasculation.

*Secondly.*—Permanent privation of the sight of either eye.

*Thirdly.*—Permanent privation of the hearing of either ear.

*Fourthly.*—Privation of any member or joint.

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*Fifthly.*—Destruction or permanent impairing of the powers of any member or joint.

*Sixthly.*—Permanent disfiguration of the head or face.

*Seventhly.*—Fracture or dislocation of a bone or tooth.

*Eighthly.*—Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain or unable to follow his ordinary pursuits.

Voluntarily  
causing hurt.

**312.** Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

Voluntarily  
causing grievous  
hurt.

**313.** Whoever voluntarily causes hurt, if the hurt which he intends to cause or knows himself to be likely to cause is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

*Explanation.*—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

*Illustration.*

A, intending or knowing himself to be likely permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days. A has voluntarily caused grievous hurt.

Punishment for  
voluntarily  
causing hurt.

**314.** Whoever, except in the case provided for by section 325, voluntarily causes hurt, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Voluntarily  
causing hurt by  
dangerous  
weapons or  
means.

**315.** Whoever, except in the case provided for by section 325, voluntarily causes hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for  
voluntarily  
causing grievous  
hurt.

**316.** Whoever, except in the case provided for by section 326, voluntarily causes grievous hurt, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the person to whom the grievous hurt is caused shall be a woman or a child, may in addition be punished with whipping.

Voluntarily  
causing grievous  
hurt by  
dangerous  
weapons or  
means.

**317.** Whoever, except in the case provided for by section 326, voluntarily causes grievous hurt by means of any instrument for shooting, stabbing or cutting, or any instrument which, used as a weapon of offence, is likely to cause death, or by means of fire or any heated substance, or by means of any poison or any corrosive substance, or by means of any explosive substance, or by means of any

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substance which it is deleterious to the human body to inhale, to swallow, or to receive into the blood, or by means of any animal, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the person to whom the grievous hurt is caused shall be a woman or a child, may in addition be punished with whipping.

**318.** Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to extort property or to constrain to an illegal act.

**319.** Whoever administers to, or causes to be taken by, any person any poison or any stupefying, intoxicating, or unwholesome drug or other thing, with intent to cause hurt to such person, or with intent to commit or to facilitate the commission of an offence, or knowing it to be likely that he will thereby cause hurt, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Causing hurt by means of poison, &c., with intent to commit an offence.

**320.** Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any property or valuable security, or of constraining the sufferer or any person interested in such sufferer to do anything which is illegal, or which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Voluntarily causing grievous hurt to extort property, or to constrain to an illegal act.

**321.** Whoever voluntarily causes hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Voluntarily causing hurt to extort confession, or to compel restoration of property.

*Illustrations.*

- (a) A, a police officer, tortures Z in order to induce Z to confess that he committed a crime. A is guilty of an offence under this section.
- (b) A, a police officer, tortures B to induce him to point out where certain stolen property is deposited. A is guilty of an offence under this section.
- (c) A, a revenue officer, tortures Z in order to compel him to pay certain arrears of revenue due from Z. A is guilty of an offence under this section.
- (d) A, a land-owner, tortures his tenant in order to compel him to pay his rent. A is guilty of an offence under this section.

**322.** Whoever voluntarily causes grievous hurt for the purpose of extorting from the sufferer, or from any person interested in the sufferer, any confession or any information which may lead to the

Voluntarily causing grievous hurt to extort

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confession, or to compel restoration of property.

detection of an offence or misconduct, or for the purpose of constraining the sufferer or any person interested in the sufferer to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt to deter public servant from his duty.

**323.** Whoever voluntarily causes hurt to any person, being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Voluntarily causing grievous hurt to deter public servant from his duty.

**324.** Whoever voluntarily causes grievous hurt to any person, being a public servant in the discharge of his duty as such public servant, or with intent to prevent or deter that person or any other public servant from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by that person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Voluntarily causing hurt on provocation.

**325.** Whoever voluntarily causes hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both.

Voluntarily causing grievous hurt on provocation.

**326.** Whoever voluntarily causes grievous hurt on grave and sudden provocation, if he neither intends nor knows himself to be likely to cause grievous hurt to any person other than the person who gave the provocation, shall be punished with imprisonment of either description for a term which may extend to four years, or with fine which may extend to two thousand rupees, or with both.

*Explanation.*—The last two sections are subject to the same provisos as exception 1, section 294.

Punishment for act which endangers life or the personal safety of others.

**327.** Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Causing hurt by an act which endangers life or the personal safety of others.

**328.** Whoever causes hurt to any person by doing any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Causing grievous hurt by an act which endangers life or the personal safety of others.

**329.** Whoever causes grievous hurt to any person by doing any act so rashly or negligently as to endanger human life, or the personal safety of others, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

*Penal Code.***WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT.**

**330.** Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person. **Wrongful restraint.**

*Exception.*—The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obstruct, is not an offence within the meaning of this section.

*Illustration.*

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby prevented from passing. A wrongfully restrains Z.

**331.** Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding beyond certain circumscribing limits, is said “wrongfully to confine” that person. **Wrongful confinement.**

*Illustrations.*

(a) A causes Z to go within a walled space, and locks Z in. Z is thus prevented from proceeding in any direction beyond the circumscribing line of wall. A wrongfully confines Z.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrongfully confines Z.

**332.** Whoever wrongfully restrains any person shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both. **Punishment for wrongful restraint.**

**333.** Whoever wrongfully confines any person shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. **Punishment for wrongful confinement.**

**334.** Whoever wrongfully confines any person for three days or more, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. **Wrongful confinement for three or more days.**

**335.** Whoever wrongfully confines any person for ten days or more, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. **Wrongful confinement for ten or more days.**

**336.** Whoever keeps any person in wrongful confinement, knowing that a writ for the liberation of that person has been duly issued, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any term of imprisonment to which he may be liable under any other section of this Code. **Wrongful confinement of person for whose liberation a writ has been issued.**

**337.** Whoever wrongfully confines any person in such manner as to indicate an intention that the confinement of such person may not be known to any person interested in the person so confined, or to any public servant, or that the place of such confinement may not be known to or discovered by any such person or public servant as hereinbefore mentioned, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to any other punishment to which he may be liable for such wrongful confinement. **Wrongful confinement in secret.**

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Wrongful confinement for the purpose of extorting property or constraining to an illegal act.

**338.** Whoever wrongfully confines any person for the purpose of extorting from the person confined, or from any person interested in the person confined, any property or valuable security, or of constraining the person confined, or any person interested in such person, to do anything illegal or to give any information which may facilitate the commission of an offence, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Wrongful confinement for the purpose of extorting confession, or of compelling restoration of property.

**339.** Whoever wrongfully confines any person for the purpose of extorting from the person confined, or any person interested in the person confined, any confession or any information which may lead to the detection of an offence or misconduct, or for the purpose of constraining the person confined, or any person interested in the person confined, to restore or to cause the restoration of any property or valuable security, or to satisfy any claim or demand, or to give information which may lead to the restoration of any property or valuable security, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

## OF CRIMINAL FORCE AND ASSAULT.

Force.

**340.** A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion or change of motion or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling; provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:—

*First.*—By his own bodily power.

*Secondly.*—By disposing any substance in such a manner that the motion, or change, or cessation of motion takes place without any further act on his part or on the part of any other person.

*Thirdly.*—By inducing any animal to move, to change its motion, or to cease to move.

Criminal force.

**341.** Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending illegally by the use of such force to cause, or knowing it to be likely that by the use of such force he will illegally cause injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.

*Illustrations.*

(a) Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear or annoyance to Z, A has used criminal force to Z.

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- (b) Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z: and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, A has committed criminal force to Z.
- (c) Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.
- (d) A intentionally pushes against Z in the street. Here A has by his own bodily power moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z, and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy Z, he has used criminal force to Z.
- (e) A throws a stone, intending or knowing it to be likely that the stone will thus be brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.
- (f) A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten or annoy her, he has used criminal force to her.
- (g) Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear or annoyance to Z, A has used criminal force to Z.
- (h) A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear or annoyance to Z he uses criminal force to Z.
- (i) A, a schoolmaster, in the reasonable exercise of his discretion as master, flogs B, one of his scholars. A does not use criminal force to B, because, although A intends to cause fear and annoyance to B, he does not use force illegally.

**342.** Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault. **Assault.**

*Explanation.*— Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

*Illustrations.*

- (a) A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

*Penal Code.*

(b) A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(c) A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances, might not amount to an assault, the gesture explained by the words may amount to assault.

Punishment for using criminal force otherwise than on grave provocation.

**343.** Whoever assaults or uses criminal force to any person otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to fifty rupees, or with both.

*Explanation.*—Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is sought or voluntarily provoked by the offender as an excuse for the offence;—or

If the provocation is given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant;—or

If the provocation is given by anything done in the lawful exercise of the right of private defence.

Whether the provocation was grave and sudden enough to mitigate the offence, is a question of fact.

Using criminal force to deter a public servant from discharge of his duty.

**344.** Whoever assaults or uses criminal force to any person, being a public servant in the execution of his duty as such public servant, or with intent to prevent or deter that person from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful discharge of his duty as such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or use of criminal force to a woman with intent to outrage her modesty.

**345.** Whoever assaults or uses criminal force to any woman, intending to outrage, or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both, and may in addition be punished with whipping.

Assault or criminal force with intent to dishonour a person, otherwise than on grave provocation.

**346.** Whoever assaults or uses criminal force to any person, intending thereby to dishonour that person, otherwise than on grave and sudden provocation given by that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt to commit theft of property carried by a person.

**347.** Whoever assaults or uses criminal force to any person, in attempting to commit theft on any property which that person is then wearing or carrying, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Assault or criminal force in attempt wrongfully to confine person.

**348.** Whoever assaults or uses criminal force to any person, in attempting wrongfully to confine that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.



*Penal Code.*

**349.** Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both. Assaulting or using criminal force on grave provocation.

*Explanation.*—The last section is subject to the same explanations as section 343.

**OF KIDNAPPING, ABDUCTION, AND SLAVERY.**

**350.** Kidnapping is of two kinds ; kidnapping from Ceylon, and kidnapping from lawful guardianship. Kidnapping.

**351.** Whoever conveys any person beyond the limits of Ceylon without the consent of that person or of some person legally authorized to consent on behalf of that person, is said to kidnap that person from Ceylon. Kidnapping from Ceylon.

**352.** Whoever takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship. Kidnapping from lawful guardianship.

*Explanation.*—The words “lawful guardian” in this section include any person lawfully entrusted with the care or custody of such minor or other person.

*Exception.*—This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless such act is committed for an immoral or unlawful purpose.

**353.** Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person. Abduction.

**354.** Whoever kidnaps any person from Ceylon or from lawful guardianship, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Punishment for kidnapping.

**355.** Whoever kidnaps or abducts any person in order that such person may be murdered, or may be so disposed of as to be put in danger of being murdered, shall be punished with rigorous imprisonment for a term which may extend to twenty years, and shall also be liable to fine. Kidnapping or abducting in order to murder.

*Illustrations.*

- (a) A kidnaps Z from Ceylon, intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.
- (b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

**356.** Whoever kidnaps or abducts any person with intent to cause that person to be secretly and wrongfully confined, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Kidnapping or abducting with intent secretly and wrongfully to confine a person.

*Penal Code.*

Kidnapping or abducting a woman to compel her marriage, &c.

**357.** Whoever kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.

**358.** Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Wrongfully concealing or keeping in confinement a kidnapped person.

**359.** Whoever knowing that any person has been kidnapped or has been abducted, wrongfully conceals or keeps such person in confinement, shall be punished in the same manner as if he had kidnapped or abducted such person with the same intention or knowledge or for the same purpose as that with or for which he conceals or detains such person in confinement.

Kidnapping or abducting child under ten years with intent to steal moveable property from the person of such child.

**360.** Whoever kidnaps or abducts any child under the age of ten years, with the intention of taking dishonestly any moveable property from the person of such child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Buying or disposing of any person as a slave.

**361.** Whoever imports, exports, removes, buys, sells, or disposes of any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Habitual dealing in slaves.

**362.** Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

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## OF RAPE.

Rape.

**363.** A man is said to commit "rape" who, except in the case hereinafter excepted, has sexual intercourse with a woman under circumstances falling under any of the five following descriptions :—

*First.*—Against her will.

*Secondly.*—Without her consent.

*Thirdly.*—With her consent, when her consent has been obtained by putting her in fear of death or of hurt.

*Fourthly.*—With her consent, when the man knows that he is not her husband, and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

*Penal Code.*

*Fifthly.*—With or without her consent, when she is under ten years of age.

*Explanation.*—Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

*Exception.*—Sexual intercourse by a man with his own wife, the wife not being under ten years of age, is not rape.

**364.** Whoever commits rape shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine. Punishment for rape.

## OF UNNATURAL OFFENCES.

**365.** Whoever voluntarily has carnal intercourse against the order of nature with any man, woman, or animal, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine. Unnatural offences.

*Explanation.*—Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

## CHAPTER XVII.

## OF OFFENCES AGAINST PROPERTY.

## OF THEFT.

**366.** Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft. Theft.

*Explanation 1.*—A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

*Explanation 2.*—A moving effected by the same act which effects the severance, may be a theft.

*Explanation 3.*—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

*Explanation 4.*—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

*Explanation 5.*—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

*Illustrations.*

- (a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, as soon as A has severed the tree, in order to such taking, he has committed theft.
- (b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.
- (c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

*Penal Code.*

- (d) A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.
- (e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft though he may have committed criminal breach of trust.
- (f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.
- (g) A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.
- (h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.
- (i) A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.
- (j) If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.
- (k) Again, if A having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.
- (l) A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z as a reward for its restoration. Here A takes dishonestly; A has therefore committed theft.
- (m) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.
- (n) A asks charity from Z's wife. She gives A money, food and clothes, which A knows to belong to Z, her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.
- (o) A is the paramour of Z's wife. She gives a valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.
- (p) A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

*Penal Code.*

**367.** Whoever commits theft shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Punishment for theft.

**368.** Whoever commits theft of any bull, cow, steer, buffalo, heifer, or calf, or of any fruit, vegetable, or other prædial production, or any cultivated root or plant used, or capable of being used, for the food of man or beast, or for medicine, distilling or dyeing, or in the course of any manufacture, may, in addition to any other punishment for theft, be punished with whipping. Theft of cattle. Of prædial products.

**369.** Whoever commits theft in any building, tent or vessel, which building, tent or vessel is used as a human dwelling, or for the custody of property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Theft in dwelling-house, &c.

**370.** Whoever, being a clerk or servant, or being employed in the capacity of a clerk or servant, commits theft in respect of any property in the possession of his master or employer, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine. Theft by clerk or servant of property in possession of master.

**371.** Whoever commits theft, having made preparation for causing death or hurt or restraint, or fear of death or of hurt or of restraint, to any person, in order to the committing of such theft, or in order to the effecting of his escape after the committing of such theft, or in order to the retaining of property taken by such theft, shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine. Theft after preparation made for causing death or hurt, in order to the committing of the theft.

*Illustrations.*

- (a) A commits theft on property in Z's possession; and while committing this theft, he has a loaded pistol under his garment, having provided this pistol for the purpose of hurting Z, in case Z should resist. A has committed the offence defined in this section.
- (b) A picks Z's pocket, having posted several of his companions near him, in order that they may restrain Z, if Z should perceive what is passing and should resist, or should attempt to apprehend A. A has committed the offence defined in this section.

**OF EXTORTION.**

**372.** Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion." Extortion.

*Illustrations.*

- (a) A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.
- (b) A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain moneys to A. Z signs and delivers the note. A has committed extortion.
- (c) A, by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper, and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

*Penal Code.*

**Punishment for extortion.**

**373.** Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

**Putting person in fear of injury in order to commit extortion.**

**374.** Whoever, in order to the committing of extortion, puts any person in fear or attempts to put any person in fear of any injury, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**Extortion by putting a person in fear of death or grievous hurt.**

**375.** Whoever commits extortion by putting any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Putting person in fear of death or of grievous hurt, in order to commit extortion.**

**376.** Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of death or of grievous hurt to that person or to any other, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

**Extortion by threat of accusation of an offence punishable with death or imprisonment for ten years, &c.**

**377.** Whoever commits extortion by putting any person in fear of an accusation against that person or any other, of having committed or attempted to commit any offence punishable with death, or with imprisonment for a term which may extend to ten years, or of having attempted to induce any other person to commit such offence, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if the offence be one punishable under section 365, may be punished with rigorous imprisonment for a term which may extend to twenty years, and shall also be liable to fine.

**Putting person in fear of accusation of offence, in order to commit extortion.**

**378.** Whoever, in order to the committing of extortion, puts or attempts to put any person in fear of an accusation against that person or any other, of having committed, or attempted to commit an offence punishable with death, or with imprisonment for a term which may extend to ten years or more, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, and if the offence be punishable under section 365, may be punished with rigorous imprisonment which may extend to twenty years, and shall also be liable to fine.

**OF ROBBERY.**

**Robbery.**

**379.** In all robbery there is either theft or extortion.

**When theft is robbery.**

Theft is "robbery," if, in order to the committing of the theft, or in committing the theft, or in carrying away or attempting to carry away property obtained by the theft, the offender, for that end, voluntarily causes or attempts to cause to any person death or hurt or wrongful restraint, or fear of instant death or of instant hurt or of instant wrongful restraint.

**When extortion is robbery.**

Extortion is "robbery," if the offender, at the time of committing the extortion, is in the presence of the person put in fear, and commits the extortion by putting that person in fear of instant death, of instant hurt, or of instant wrongful restraint to that person or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing extorted.

*Explanation.*—The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or of instant wrongful restraint.

*Penal Code.**Illustrations.*

- (a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and, in order to the committing of that theft, has voluntarily caused wrongful restraint to Z. A has therefore committed robbery.
- (b) A meets Z on the high road, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extorted the purse from Z by putting him in fear of instant hurt, and being at the time of committing the extortion in his presence. A has therefore committed robbery.
- (c) A meets Z and Z's child on the high road. A takes the child, and threatens to fling it down a precipice, unless Z delivers his purse. Z, in consequence, delivers his purse. Here A has extorted the purse from Z, by causing Z to be in fear of instant hurt to the child who is there present. A has therefore committed robbery on Z.
- (d) A obtains property from Z by saying—"Your child is in the hands of my gang, and will be put to death unless you send us ten thousand rupees." This is extortion, and punishable as such; but it is not robbery, unless Z is put in fear of the instant death of his child.

**380.** Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine, and if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

Punishment for robbery.

**381.** Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Attempt to commit robbery.

**382.** If any person, in committing or in attempting to commit robbery, voluntarily causes hurt, such person, and any other person jointly concerned in committing or attempting to commit such robbery, shall be punished with rigorous imprisonment for a term which may extend to twenty years, and shall also be liable to fine or to whipping.

Voluntarily causing hurt in committing robbery.

**383.** If, at the time of committing robbery, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.

Robbery with attempt to cause death or grievous hurt.

**384.** If, at the time of attempting to commit a robbery, the offender is armed with any deadly weapon, the imprisonment with which such offender shall be punished shall not be less than seven years.

Attempt to commit robbery when armed with deadly weapon.

**385.** Whoever, at any time after the passing of this Code, shall belong to any wandering or other gang of persons associated for the purpose of habitually committing theft or robbery, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Punishment for belonging to a wandering gang of thieves.

#### OF CRIMINAL MISAPPROPRIATION OF PROPERTY.

**386.** Whoever dishonestly misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest misappropriation of property.

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*Penal Code.*


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*Illustrations.*

- (a) A takes property belonging to Z out of Z's possession, in good faith believing, at the time when he takes it, that the property belongs to himself. A is not guilty of theft; but if A, after discovering his mistake, dishonestly appropriates the property to his own use, he is guilty of an offence under this section.
- (b) A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent. Here, if A was under the impression that he had Z's implied consent to take the book for the purpose of reading it, A has not committed theft. But if A afterwards sells the book for his own benefit, he is guilty of an offence under this section.
- (c) A and B being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use the horse, he does not dishonestly misappropriate it. But if A sells the horse and appropriates the whole proceeds to his own use, he is guilty of an offence under this section.

*Explanation 1.*—A dishonest misappropriation for a time only is misappropriation within the meaning of this section.

*Illustration.*

A finds a promissory note belonging to Z, payable to bearer. A, knowing that the note belongs to Z, pledges it with a banker as security for a loan, intending at a future time to restore it to Z. A has committed an offence under this section.

*Explanation 2.*—A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner, and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means, or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it: it is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

*Illustrations.*

- (a) A finds a rupee on the high road, not knowing to whom the rupee belongs. A picks up the rupee. Here A has not committed the offence defined in this section.
- (b) A finds a letter on the road containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He appropriates the note. He is guilty of an offence under this section.
- (c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the person who has drawn the cheque appears. A knows that this person can direct him to the person in whose favour the cheque was drawn. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.



*Penal Code.*

- (d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to his own use. A has committed an offence under this section.
- (e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to his own use. A is guilty of an offence under this section.
- (f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

**387.** Whoever dishonestly misappropriates or converts to his own use property, knowing that such property was in the possession of a deceased person at the time of that person's decease, and has not since been in the possession of any person legally entitled to such possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offender at the time of such person's decease was employed by him as a clerk or servant, the imprisonment may extend to seven years.

**Dishonest misappropriation of property possessed by a deceased person at the time of his death.**

*Illustration.*

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such possession, dishonestly misappropriates it. A has committed the offence defined in this section.

**OF CRIMINAL BREACH OF TRUST.**

**388.** Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or wilfully suffers any other person so to do, commits "criminal breach of trust."

**Criminal breach of trust.**

*Illustrations.*

- (a) A being executor to the will of a deceased person, dishonestly disobeys the law, which directs him to divide the effects according to the will, and appropriates them to his own use. A has committed criminal breach of trust.
- (b) A is a warehousekeeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of a stipulated sum for warehouse-room. A dishonestly sells the goods. A has committed criminal breach of trust.
- (c) A, residing in Colombo, is agent for Z residing in England. There is an express or implied contract between A and Z that all sums remitted by Z to A shall be invested by A according to Z's direction. Z remits ten thousand rupees to A, with directions to A to invest the same on mortgage of coffee estates. A dishonestly disobeys the directions, and employs the money in his own business. A has committed criminal breach of trust.
- (d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares in a company, disobeys Z's directions and buys shares in a company in Z's name instead of investing the money on mortgage, here, though Z should suffer loss, and should be entitled to bring a civil action against A on account of that loss, yet A, not having acted dishonestly, has not committed criminal breach of trust.

for honest receiving but by unjust. Dishonest receiving.

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(e) A, a revenue officer, is entrusted with public money, and is either directed by law or bound by a contract, express or implied, with the Government, to pay into a certain kachcheri all the public money which he holds. A dishonestly appropriates the money. A has committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has committed criminal breach of trust.

Punishment for criminal breach of trust.

389. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Criminal breach of trust by carrier, &c.

390. Whoever, being entrusted with property as a carrier, wharfinger, or warehouse-keeper, commits criminal breach of trust in respect of such property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by a clerk or servant.

391. Whoever, being a clerk or servant or employed as a clerk or servant, and being in any manner entrusted in such capacity with property, or with any dominion over property, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Criminal breach of trust by public servant, or by banker, merchant or agent.

392. Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

OF THE RECEIVING OF STOLEN PROPERTY.

Stolen property.

393. Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, 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.

Dishonestly receiving stolen property.

394. Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Habitually dealing in stolen property.

395. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Assisting in concealment of stolen property.

396. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

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397. If the stolen property referred to in the three preceding sections shall be of any of the descriptions mentioned in section 368, the offender may, in addition to the punishments by the three preceding sections imposed, be punished with whipping. Receiving stolen cattle or prædial products.

## OF CHEATING.

398. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, or damage or loss to the Government, is said to "cheat." Cheating.

*Explanation.*—A dishonest concealment of facts is a deception within the meaning of this section.

*Illustrations.*

- (a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit goods for which he does not mean to pay. A cheats.
- (b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated manufacturer, and thus dishonestly induces Z to buy and pay for the article. A cheats.
- (c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample, and thereby dishonestly induces Z to buy and pay for the article. A cheats.
- (d) A, by tendering in payment for an article a cheque on a bank with which A keeps no money, and by which A expects that the cheque will be dishonoured, intentionally deceives Z, and thereby dishonestly induces Z to deliver the article, intending not to pay for it. A cheats.
- (e) A, by pledging as diamonds articles which he knows are not diamonds, intentionally deceives Z, and thereby dishonestly induces Z to lend money. A cheats.
- (f) A intentionally deceives Z into a belief that A means to repay any money that Z may lend to him, and thereby dishonestly induces Z to lend him money, A not intending to repay it. A cheats.
- (g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of copperah which he does not intend to deliver, and thereby dishonestly induces Z to advance money upon the faith of such delivery. A cheats; but if A, at the time of obtaining the money, intends to deliver the copperah, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable only to a civil action for breach of contract.
- (h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and thereby dishonestly induces Z to pay money. A cheats.
- (i) A sells and conveys an estate to B. A knowing that in consequence of such sale he has no right to the property, sells or mortgages the same to Z without disclosing the fact of the previous sale and conveyance to B, and receives the purchase or mortgage money from Z. A cheats.

399. A person is said to "cheat by personation" if he cheats by pretending to be some other person, or by knowingly substituting one Cheating by personation.

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person for another, or representing that he or any other person is a person other than he or such other person really is.

*Explanation.*—The offence is committed whether the individual personated is a real or imaginary person.

*Illustrations.*

(a) A cheats by pretending to be a certain rich merchant of the same name. A cheats by personation.

(b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

Punishment for cheating.

400. Whoever cheats shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Cheating with knowledge that wrongful loss may be thereby caused to a person whose interest the offender is bound to protect.

401. Whoever cheats with the knowledge that he is likely thereby to cause wrongful loss to a person, whose interest in the transaction to which the cheating relates he was bound either by law, or by a legal contract, to protect, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Punishment for cheating by personation.

402. Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Cheating and dishonestly inducing a delivery of property.

403. Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter, or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

OF FRAUDULENT DEEDS AND DISPOSITIONS OF PROPERTY.

Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors.

404. Whoever dishonestly or fraudulently removes, conceals, or delivers to any person, or transfers or causes to be transferred to any person, without adequate consideration, any property intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of that property according to law among his creditors or the creditors of any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonestly or fraudulently preventing being made available for his creditors a debt or demand due to the offender.

405. Whoever dishonestly or fraudulently prevents any debt or demand due to himself or to any other person from being made available according to law for payment of his debts or the debts of such other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent execution of deed of transfer

406. Whoever dishonestly or fraudulently signs, executes, or becomes a party to any deed or instrument which purports to transfer or subject to any charge any property, or any interest therein, and which contains any false statement relating to the considera-

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tion for such transfer or charge, or relating to the person or persons for whose use or benefit it is really intended to operate, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

containing a false statement of consideration.

407. Whoever dishonestly or fraudulently conceals or removes any property of himself or any other person, or dishonestly or fraudulently assists in the concealment or removal thereof, or dishonestly releases any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Dishonest or fraudulent removal or concealment of property.

## OF MISCHIEF AND ILLEGAL REMOVAL OF WRECKS.

408. Whoever, with intent to cause, or knowing that he is likely to cause, wrongful loss or damage to the public or to any person, causes the destruction of any property, or any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits "mischief."

Mischief.

*Explanation 1.*—It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to cause, wrongful loss or damage to any person by injuring any property, whether it belongs to that person or not.

*Explanation 2.*—Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person and others jointly.

*Illustrations.*

- (a) A voluntarily burns a valuable security belonging to Z, intending to cause wrongful loss to Z. A has committed mischief.
- (b) A introduces water into an ice house belonging to Z, and thus causes the ice to melt, intending wrongful loss to Z. A has committed mischief.
- (c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed mischief.
- (d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, with the intention of thereby preventing Z from obtaining satisfaction of the debt, and of thus causing damage to Z. A has committed mischief.
- (e) A, having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A has committed mischief.
- (f) A causes a ship to be cast away, intending thereby to cause damage to Z, who has lent money on bottomry on the ship. A has committed mischief.
- (g) A, having joint property with Z in a horse, shoots the horse intending thereby to cause wrongful loss to Z. A has committed mischief.
- (h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A has committed mischief.

409. Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Punishment for committing mischief.

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Committing mischief and thereby causing damage to the amount of fifty rupees.

Mischief by killing or maiming any animal of the value of ten rupees.

Mischief by killing or maiming cattle, &c., or any animal of the value of fifty rupees.

Mischief by injury to works of irrigation or by wrongfully diverting water.

Mischief by injury to public road, bridge, or river.

Mischief by causing inundation or obstruction to public drainage attended with damage.

Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark, or by exhibiting false lights.

Mischief by destroying or moving, &c., a land-mark fixed by public authority.

Mischief by fire or explosive substance with intent to cause

**410.** Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**411.** Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**412.** Whoever commits mischief by killing, poisoning, maiming, or rendering useless, any elephant, camel, horse, ass, mule, buffalo, bull, cow or ox, whatever may be the value thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

**413.** Whoever commits mischief by doing any act which causes or which he knows to be likely to cause, a diminution of the supply of water for agricultural purposes, or for food or drink for human beings, or for animals which are property, or for cleanliness, or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

**414.** Whoever commits mischief by doing any act which renders, or which he knows to be likely to render, any public road, bridge, navigable river, or navigable channel, natural or artificial, impassable or less safe for travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

**415.** Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause, an inundation or an obstruction to any public drainage attended with injury or damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

**416.** Whoever commits mischief by destroying or moving any lighthouse or other light used as a sea-mark, or any sea-mark or buoy or other thing placed as a guide for navigators, or by any act which renders any such lighthouse, sea-mark, buoy or other such thing as aforesaid less useful as a guide for navigators, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

**417.** Whoever commits mischief by destroying or moving any land-mark fixed by the authority of a public servant, or by any act which renders such land-mark less useful as such, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

**418.** Whoever commits mischief by fire or any explosive substance, intending to cause, or knowing it to be likely that he will thereby cause, damage to any property to the amount of one hundred

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rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

damage to the amount of one hundred rupees.

**419.** Whoever commits mischief by fire or any explosive substance, intending to cause or knowing it to be likely that he will thereby cause, the destruction of any building which is ordinarily used as a place of worship or as a human dwelling or as a place for the custody of property, shall be punished with imprisonment of either description for a term which may extend to fifteen years, and shall also be liable to fine.

Mischief by fire or explosive substance with intent to destroy a house, &c.

**420.** Whoever commits mischief to any decked vessel or any vessel of a burden of ten tons or upwards, intending to destroy or render unsafe, or knowing it to be likely that he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 10 tons burden.

**421.** Whoever commits or attempts to commit by fire or any explosive substance such mischief as is described in the last preceding section, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Punishment for the mischief described in the last section when committed by fire or any explosive substance.

**422.** Whoever intentionally runs any vessel aground or ashore, intending to commit theft of any property contained therein, or to dishonestly misappropriate any such property, or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for intentionally running vessel aground or ashore with intent to commit theft, &c.

**423.** Whoever, without lawful excuse, endeavours in any way to prevent or impede the saving of any vessel stranded or in danger of being stranded or otherwise in distress in or near the shore of any sea or tidal water, or any part of the cargo or apparel of such vessel or any wreck, shall be punished with imprisonment of either description for a term which may extend to five years, or with a fine, or with both.

Punishment for impeding the saving of a vessel.

**424.** Whoever illegally carries away or removes any part of any vessel stranded or in danger of being stranded or otherwise in distress on or near the shore of any sea or tidal water or any part of the cargo or apparel thereof or any wreck; and whoever illegally secretes any wreck or obliterates or defaces any marks thereon, shall be punished with imprisonment of either description which may extend to one year, or with fine, or with both.

Punishment for removing or secreting wreck.

**425.** Whoever illegally takes into any foreign port or place any vessel stranded or derelict or otherwise in distress on or near the sea-shore or the shore of any tidal water of Ceylon, or any part of the cargo or apparel thereof, or anything belonging thereto, or any wreck found on or near such sea-shore or shore aforesaid, and there sells the same, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Taking wreck into foreign port.

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*Explanation.*—The word wreck used in sections 423, 424, and 425 includes jetsam, flotsam, lagan and derelict.

**Mischief committed after preparation made for causing death or hurt.** 426. Whoever commits mischief, having made preparation for causing to any person death or hurt or wrongful restraint, or fear of death or of hurt or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

## OF CRIMINAL TRESPASS.

**Criminal trespass.** 427. Whoever enters into or upon property in the possession or occupation of another with intent to commit an offence or to intimidate, insult or annoy any person in possession 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."

**House-trespass.** 428. Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human dwelling, or any building used as a place for worship or as a place for the custody of property, is said to commit "house-trespass."

*Explanation.*—The introduction of any part of the criminal trespasser's body is entering sufficient to constitute house-trespass.

**Lurking house-trespass.** 429. Whoever commits house-trespass, having taken precautions to conceal such house-trespass from some person who has a right to exclude or eject the trespasser from the building, tent or vessel which is the subject of the trespass, is said to commit "lurking house-trespass."

**Lurking house-trespass by night.** 430. Whoever commits lurking house-trespass after sunset and before sunrise is said to commit "lurking house-trespass by night."

**House-breaking.** 431. A person is said to commit "house-breaking," who commits house-trespass if he effects his entrance into the house or any part of it in any of the six ways hereinafter described ; or if, being in the house or any part of it for the purpose of committing an offence, or having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say :—

*First.*—If he enters or quits through a passage made by himself, or by any abettor of the house-trespass, in order to the committing of the house-trespass.

*Secondly.*—If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance ; or through any passage to which he has obtained access by scaling or climbing over any wall or building.

*Thirdly.*—If he enters or quits through any passage which he or any abettor of the house-trespass has opened, in order to the committing of the house-trespass, by any means by which that passage was not intended by the occupier of the house to be opened.



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*Fourthly.*—If he enters or quits by opening any lock in order to the committing of the house-trespass, or in order to the quitting of the house after a house-trespass.

*Fifthly.*—If he effects his entrance or departure by using criminal force or committing an assault or by threatening any person with assault.

*Sixthly.*—If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been unfastened by himself or by an abettor of the house-trespass.

*Explanation.*—Any out-house or building occupied with a house, and between which and such house there is an immediate internal communication, is part of the house within the meaning of this section.

*Illustrations.*

- (a) A commits house-trespass by making a hole through the wall of Z's house and putting his hand through the aperture. This is house-breaking.
- (b) A commits house-trespass by creeping into a ship at a port hole between decks. This is house-breaking.
- (c) A commits house-trespass by entering Z's house through a window. This is house-breaking.
- (d) A commits house-trespass by entering Z's house through the door, having opened a door which was fastened. This is house-breaking.
- (e) A commits house-trespass by entering Z's house through the door, having lifted a latch by putting a wire through a hole in the door. This is house-breaking.
- (f) A finds the key of Z's house door, which Z had lost, and commits house-trespass by entering Z's house, having opened the door with that key. This is house-breaking.
- (g) Z is standing in his door-way. A forces a passage by knocking Z down, and commits house-trespass by entering the house. This is house-breaking.
- (h) Z, the door-keeper of Y, is standing in Y's door-way. A commits house-trespass by entering the house, having deterred Z from opposing him by threatening to beat him. This is house-breaking.

432. Whoever commits house-breaking after sunset and before sunrise is said to commit "house-breaking by night." House-breaking by night.

433. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both. Punishment for criminal trespass.

434. Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both. Punishment for house-trespass.

435. Whoever commits house-trespass in order to the committing of any offence punishable with death, shall be punished with rigorous imprisonment for a term not exceeding twenty years, and shall also be liable to fine. House-trespass in order to the commission of an offence punishable with death.

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House-trespass in order to the commission of an offence punishable with imprisonment for ten years or more.

**436.** Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment for ten years or more, shall be punished with imprisonment of either description for a term not exceeding ten years, and shall also be liable to fine.

House-trespass in order to the commission of an offence punishable with imprisonment for less than ten years.

**437.** Whoever commits house-trespass in order to the committing of any offence punishable with imprisonment for less than ten years, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine ; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

House-trespass after preparation made for causing hurt to any person.

**438.** Whoever commits house-trespass, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking.

**439.** Whoever commits lurking house-trespass or house-breaking shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.

**440.** Whoever commits lurking house-trespass or house-breaking in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine ; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to ten years.

Lurking house-trespass or house-breaking after preparation made for causing hurt to any person.

**441.** Whoever commits lurking house-trespass or house-breaking, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Punishment for lurking house-trespass or house-breaking by night.

**442.** Whoever commits lurking house-trespass by night or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Lurking house trespass or house-breaking by night, in order to the commission of an offence punishable with imprisonment.

**443.** Whoever commits lurking house-trespass by night or house-breaking by night, in order to the committing of any offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine ; and if the offence intended to be committed is theft, the term of imprisonment may be extended to fourteen years.

Lurking house-trespass or house-breaking by night, after preparation

**444.** Whoever commits lurking house-trespass by night or house-breaking by night, having made preparation for causing hurt to any person, or for assaulting any person, or for wrongfully restraining any person, or for putting any person in fear of hurt or of

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- assault or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine. made for causing hurt to any person.
- 445.** Whoever, whilst committing lurking house-trespass or house-breaking, causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine, or to whipping. Grievous hurt caused whilst committing lurking house-trespass or house-breaking.
- 446.** If, at the time of the committing of lurking house-trespass by night or house-breaking by night, any person guilty of such offence shall voluntarily cause or attempt to cause death or grievous hurt to any person, every person jointly concerned in committing such lurking house-trespass by night or house-breaking by night, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine. All persons jointly concerned in house-breaking, &c., to be punishable for death or grievous hurt caused by one of their number.
- 447.** Whoever dishonestly, or with intent to commit mischief, breaks open or unfastens any closed receptacle which contains or which he believes to contain property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both. Dishonestly breaking open any closed receptacle containing or supposed to contain property.
- 448.** Whoever, being entrusted with any closed receptacle which contains or which he believes to contain property, without having authority to open the same, dishonestly, or with intent to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both. Punishment for same offence when committed by person entrusted with custody.
- 449.** Whoever has in his custody or possession any implement with intent unlawfully to break into any building, or any offensive weapon with intent to commit any unlawful act, shall be punished with imprisonment of either description for a term which may extend to two years, and to fine, and such implement or weapon shall be forfeited to the Crown. Unlawful possession of house-breaking implement or offensive weapon.
- 450.** 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 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.
- 451.** Whoever, being a reputed thief, loiters or lurks about any public place or any wharf or warehouse or any vessel in any harbour or other water with intent to commit theft or any other unlawful act, 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. Loitering about by reputed thief.

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## CHAPTER XVIII.

## OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE-OR PROPERTY-MARKS.

Forgery.

**452.** Whoever makes any false document or part of a document with intent to cause damage or injury to the public or to any person, or to the Government, or to support any claim or title, or to cause any person to part with property, or to enter into any express or implied contract, or with intent to commit fraud, or that fraud may be committed, commits forgery.

Making a false document.

**453.** A person is said to make a false document—

*First.*—Who dishonestly or fraudulently makes, signs, seals, or executes a document or part of a document, or makes any mark denoting the execution of a document, with the intention of causing it to be believed that such document or part of a document was made, signed, sealed, or executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, or executed, or at a time at which he knows that it was not made, signed, sealed, or executed; or

*Secondly.*—Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such person be living or dead at the time of such alteration; or

*Thirdly.*—Who dishonestly or fraudulently causes any person to sign, seal, execute, or alter a document, knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him he does not, know the contents of the document or the nature of the alteration.

*Illustrations.*

- (a) A has a letter of credit upon B for rupees 10,000, written by Z. A in order to defraud B, adds a cipher to the 10,000, and makes the sum 100,000, intending that it may be believed by B that Z so wrote the letter. A has committed forgery.
- (b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of selling the estate to B, and thereby of obtaining from B the purchase-money. A has committed forgery.
- (c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudulently fills up the cheque by inserting the sum of ten thousand rupees. A commits forgery.
- (d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable, and authorizes B to fill up the cheque by inserting a sum not exceeding ten thousand rupees for the purpose of making certain payments. B fraudulently fills up the cheque by inserting the sum of twenty thousand rupees. B commits forgery.
- (e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill with a banker, and intending to take up the bill on its maturity. Here, as A draws the bill with intent to deceive the banker by leading him to suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

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- (f) Z's will contains these words—"I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches out B's name, intending that it may be believed that the whole was left to himself and C. A has committed forgery.
- (g) A endorses a promissory note and makes it payable to Z or his order, by writing on the note the words "Pay to Z or his order," and signing the endorsement. B dishonestly erases the words "pay to Z or his order," and thereby converts the special endorsement into a blank endorsement. B commits forgery.
- (h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate, executes a conveyance of the same estate to B, dated six months earlier than the date of the conveyance to Z, intending it to be believed that he had conveyed the estate to B before he conveyed it to Z. A has committed forgery.
- (i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he has prepared the will according to his instructions, induces Z to sign the will. A has committed forgery.
- (j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distressed circumstances from unforeseen misfortune, intending by means of such letter to obtain alms from Z and other persons. Here, as A made a false document in order to induce Z to part with property, A has committed forgery.
- (k) A without B's authority writes a letter and signs it in B's name, certifying to A's character intending thereby to obtain employment under Z. A has committed forgery, inasmuch as he intended to deceive Z by the forged certificate, and thereby to induce Z to enter into an expressed or implied contract for service.

*Explanation 1.*—A man's signature of his own name may amount to forgery.

*Illustrations.*

- (a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same name. A has committed forgery.
- (b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the paper a bill of exchange drawn by B upon Z, and negotiate the bill as though it had been accepted by Z. A is guilty of forgery; and if B knowing the fact draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.
- (c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, intending to cause it to be believed that it was endorsed by the person to whose order it was payable: here A has committed forgery.
- (d) A purchases an estate sold under execution of a decree against B. B, after the seizure of the estate, in collusion with Z, executes a lease of the estate to Z at a nominal rent and for a long period, and dates the lease six months prior to the seizure with intent to defraud A, and to cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery by antedating it.
- (e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his creditors, and in order to give a colour to the transaction, writes a promissory note binding himself to pay to B a sum for value received, and antedates the note, intending that it may be believed to have been made before A was on

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the point of insolvency. A has committed forgery under the first head of the definition.

*Explanation 2.*—The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.

*Illustration.*

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to negotiate it. A commits forgery.

Punishment for forgery.

**454.** Whoever commits forgery shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Forgery of a record of a court of justice or of a public register of births, &c.

**455.** Whoever forges a document purporting to be a record or proceeding of or in a court of justice, or a register of birth, baptism, marriage, or burial, or a register kept by a public servant as such, or a certificate or document purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceedings therein, or to confess judgment, or a power of attorney, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Forgery of a valuable security or will.

**456.** Whoever forges a document which purports to be a valuable security or a will, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest, or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any moveable property or valuable security, shall be punished with imprisonment of either description for a term which may extend to twenty years, and shall also be liable to fine.

Forgery for the purpose of cheating.

**457.** Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

“A forged document.”

**458.** A false document made wholly or in part by forgery is designated “a forged document.”

Using as genuine a forged document.

**459.** Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.

Making or possessing a counterfeit seal, plate, &c., with intent to commit

**460.** Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under section 456, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be

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counterfeit, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

a forgery punishable under section 456.

**461.** Whoever makes or counterfeits any seal, plate or other instrument for making an impression, intending that the same shall be used for the purpose of committing any forgery which would be punishable under any section of this chapter other than section 456, or with such intent has in his possession any such seal, plate or other instrument, knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to a fine.

Making or possessing a counterfeit seal, plate, &c., with intent to commit a forgery punishable otherwise.

**462.** Whoever has in his possession any document, knowing the same to be forged, and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document is one of the description mentioned in section 455, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the description mentioned in section 456 shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Having possession of a forged record or valuable security or will known to be forged, with intent to use it as genuine.

**463.** Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document described in section 456, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or, who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting device or mark used for authenticating documents described in section 456 or possessing counterfeit marked material.

**464.** Whoever counterfeits upon or in the substance of any material any device or mark used for the purpose of authenticating any document other than the documents described in section 456, intending that such device or mark shall be used for the purpose of giving the appearance of authenticity to any document then forged or thereafter to be forged on such material, or who with such intent has in his possession any material upon or in the substance of which any such device or mark has been counterfeited, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Counterfeiting a device or mark used for authenticating documents other than those described in section 456 or possessing counterfeit marked material.

**465.** Whoever knowingly causes to be transmitted by electric telegraph or tenders to any public officer employed in the Electric Telegraph Department for transmission any false message with intent to defraud, injure or annoy any person, or to spread any false rumour, which may be detrimental to the Government or the interests of the public, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Sending false message by telegraph.

**466.** Whoever fraudulently or dishonestly, or with intent to cause damage or injury to the public or to any person, cancels, destroys,

Fraudulent cancellation,

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destruction, &c.  
of a will.

injures, or defaces, or attempts to cancel, destroy, injure or deface, or secretes or attempts to secrete any document which is or purports to be a will, or any valuable security, or any record, register, book or document kept by any public servant in his capacity as such or by any person in pursuance of any ordinance or statute, or commits mischief in respect to such record, register, book or document, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

#### OF TRADE- AND PROPERTY-MARKS.

Trade-mark.

467. A mark used for denoting that goods have been made or manufactured by a particular person or at a particular time or place, or that they are of a particular quality or quantity, is called a trade-mark.

Property-mark.

468. A mark used for denoting that moveable property belongs to a particular person is called a property-mark.

Using a false  
trade-mark.

469. Whoever marks any goods, or any case, package, or other receptacle containing goods, or uses any case, package or other receptacle with any mark thereon, with the intention of causing it to be believed that the goods so marked, or any goods contained in any such case, package, or receptacle so marked, were made or manufactured by any person by whom they were not made or manufactured, or that they were made or manufactured at any time or place at which they were not made or manufactured, or that they are of a particular quality of which they are not, is said to use a false trade-mark.

Using a false  
property-mark.

470. Whoever marks any moveable property or goods, or any case, package, or other receptacle containing moveable property or goods, or uses any case, package, or other receptacle having any mark thereon, with the intention of causing it to be believed that the property or goods so marked, or any property or goods contained in any case, package, or other receptacle so marked, belong to a person to whom they do not belong, is said to use a false property-mark.

Punishment for  
using a false  
trade or  
property-mark  
with intent to  
deceive or injure  
any person.

471. Whoever uses any false trade-mark or any false property-mark with intent to deceive or injure any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Counterfeiting a  
property-mark  
used by another,  
with intent to  
cause damage or  
injury.

472. Whoever, with intent to cause damage or injury to the public or to any person, knowingly counterfeits any trade- or property-mark used by any other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Counterfeiting a  
property-mark  
used by a public  
servant, or any  
mark used by

473. Whoever, with intent to cause damage or injury to the public or to any person, knowingly counterfeits any property-mark used by a public servant, or any mark used by a public servant to denote that any property has been manufactured by a particular person or at a particular time or place, or that the same is of a



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particular quality, or has passed through a particular office, or that it is entitled to any exemption, or uses as genuine any such mark knowing the same to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

him to denote the manufacture, quality, &c., of any property.

474. Whoever makes or has in his possession any die, plate, or other instrument for the purpose of making or counterfeiting any public or private property- or trade-mark, with intent to use the same for the purpose of counterfeiting such mark, or has in his possession any such property- or trade-mark with intent that the same shall be used for the purpose of denoting that any goods or merchandize were made or manufactured by any particular person or firm by whom they were not made, or at a time or place at which they were not made, or that they are of a particular quality of which they are not, or that they belong to a person to whom they do not belong, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulent making or having possession of any die, plate, or other instrument for counterfeiting any public or private property- or trade-mark.

475. Whoever sells any goods with a counterfeit property- or trade-mark, whether public or private, affixed to or impressed upon the same or upon any case, wrapper, or receptacle in which such goods are packed or contained, knowing that such mark is forged or counterfeit, or that the same has been affixed to or impressed upon any goods or merchandize not manufactured or made by the person or at the time or place indicated by such mark, or that they are not of the quality indicated by such mark, with intent to deceive, injure or damage any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Knowingly selling goods marked with a counterfeit property- or trade-mark.

476. Whoever fraudulently makes any false mark upon any package or receptacle containing goods, with intent to cause any public servant or any other person to believe that such package or receptacle contains goods which it does not contain, or that it does not contain goods which it does contain, or that the goods contained in such package or receptacle are of a nature or quality different from the real nature or quality thereof, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

Fraudulently making a false mark upon any package or receptacle containing goods.

477. Whoever fraudulently makes use of any such false mark with the intent last aforesaid, knowing such mark to be false, shall be punished in the manner mentioned in the last preceding section.

Punishment for making use of any such false mark.

478. Whoever removes, destroys or defaces any property-mark, intending or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Defacing any property-mark with intent to cause injury.

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## CHAPTER XIX.

## OF DEFAMATION.

Defamation.

479. Whoever, by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person, intending to harm, or knowing or having reason to believe that such imputation will harm the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person.

*Explanation 1.*—It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of that person if living, and is intended to be hurtful to the feelings of his family or other near relatives.

*Explanation 2.*—It may amount to defamation to make an imputation concerning a company or an association or collection of persons as such.

*Explanation 3.*—An imputation in the form of an alternative, or expressed ironically, may amount to defamation.

*Explanation 4.*—No imputation is said to harm a person's reputation, unless that imputation directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of that person in respect of his caste or of his calling, or lowers the credit of that person, or causes it to be believed that the body of that person is in a loathsome state, or in a state generally considered as disgraceful.

*Illustrations.*

- (a) A says—"Z is an honest man; he never stole B's watch;" intending to cause it to be believed that Z did steal B's watch. This is defamation, unless it falls within one of the exceptions.
- (b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.
- (c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fall within one of the exceptions.

Imputation of any truth which the public good requires to be made or published.

*First Exception.*—It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact.

Public conduct of public servants.

*Second Exception.*—It is not defamation to express in good faith any opinion whatever respecting the conduct of a public servant in the discharge of his public functions, or respecting his character, so far as his character appears in that conduct, and no farther.

Conduct of any person touching any public question.

*Third Exception.*—It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no farther.

*Illustration.*

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public question,

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in signing a requisition for a meeting on a public question, in presiding or attending at such meeting, in forming or joining any society which invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of which the public is interested.

**Fourth Exception.**—It is not defamation to publish a substantially true report of the proceedings of a court of justice, or of the result of any such proceedings.

Publication of reports of proceedings of courts of justice.

**Explanation.**—A police magistrate or other officer holding an enquiry in open court preliminary to a trial in a court of justice, is a court within the meaning of the above section.

**Fifth Exception.**—It is not defamation to express in good faith any opinion whatever respecting the merits of any case, civil or criminal, which has been decided by a court of justice, or respecting the conduct of any person as a party, witness, or agent, in any such case. or respecting the character of such person, as far as his character appears in that conduct, and no farther.

Merits of a case decided in a court of justice; or conduct of witnesses and others concerned therein.

*Illustrations.*

- (a) A says—"I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception if he says this in good faith; inasmuch as the opinion which he expresses respects Z's character as it appears in Z's conduct as a witness, and no farther.
- (b) But if A says—"I do not believe what Z asserted at that trial, because I know him to be a man without veracity." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's conduct as a witness.

**Sixth Exception.**—It is not defamation to express in good faith any opinion respecting the merits of any performance which its author has submitted to the judgment of the public, or respecting the character of the author so far as his character appears in such performance, and no farther.

Merits of a public performance.

**Explanation.**—A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply such submission to the judgment of the public.

*Illustrations.*

- (a) A person who publishes a book, submits that book to the judgment of the public.
- (b) A person who makes a speech in public, submits that speech to the judgment of the public.
- (c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.
- (d) A says of a book published by Z—"Z's book is foolish, Z must be a weak man. Z's book is indecent, Z must be a man of impure mind." A is within this exception if he says this in good faith, inasmuch as the opinion which he expresses of Z respects Z's character only so far as it appears in Z's book, and no farther.
- (e) But if A says—"I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine." A is not within this exception, inasmuch as the opinion which he expresses of Z's character is an opinion not founded on Z's book.

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Censure passed in good faith by a person having lawful authority over another.

*Seventh Exception.*—It is not defamation in a person having over another any authority, either conferred by law, or arising out of a lawful contract made with that other, to pass in good faith any censure on the conduct of that other in matters to which such lawful authority relates.

*Illustrations.*

A judge censuring in good faith the conduct of a witness, or of an officer of the court; a head of a department censuring in good faith those who are under his orders; a parent censuring in good faith a child in the presence of other children; a schoolmaster, whose authority is derived from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness in service; a banker censuring in good faith the cashier of his bank for the conduct of such cashier as such cashier—are within this exception.

Accusation preferred in good faith to a duly authorized person.

*Eighth Exception.*—It is not defamation to prefer in good faith an accusation against any person to any of those who have lawful authority over that person with respect to the subject-matter of accusation.

*Illustrations.*

If A in good faith accuses Z before a magistrate; if A in good faith complains of the conduct of Z, a servant, to Z's master; if A in good faith complains of the conduct of Z, a child, to Z's father—A is within this exception.

Imputation made in good faith by a person for the protection of his interests.

*Ninth Exception.*—It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interests of the person making it, or of any other person, or for the public good.

*Illustrations.*

(a) A, a shopkeeper, says to B, who manages his business—"Sell nothing to Z unless he pays you ready money, for I have no opinion of his honesty." A is within the exception, if he has made this imputation on Z in good faith for the protection of his own interests.

(b) A, a public servant, in making a report to his superior officer, casts an imputation on the character of Z. Here, if the imputation is made in good faith, and for the public good, A is within the exception.

Caution intended for the good of the person to whom it is conveyed or for the public good.

*Tenth Exception.*—It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good.

Punishment for defamation.

480. Whoever defames another shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Printing or engraving matter known to be defamatory.

481. Whoever prints or engraves any matter, knowing or having good reason to believe that such matter is defamatory of any person, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

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482. Whoever sells or offers for sale any printed or engraved substance containing defamatory matter, knowing that it contains such matter, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Sale of printed or engraved substance containing defamatory matter.

## CHAPTER XX.

## OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

483. Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.

Criminal intimidation.

*Explanation.*—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

*Illustration.*

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

484. Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Intentional insult with intent to provoke a breach of the peace.

485. Whoever circulates or publishes any statement, rumour or report which he knows to be false, with intent to cause any officer, soldier or sailor in the Army or Navy of the Queen to mutiny, or with intent to cause fear or alarm to the public, and thereby to induce any person to commit an offence against the State or against the public tranquillity, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Circulating false report with intent to cause mutiny or an offence against the State, &c.

486. Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both; and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Punishment for criminal intimidation.

If threat be to cause death or grievous hurt, &c.

487. Whoever commits the offence of criminal intimidation by an anonymous communication, or having taken precaution to conceal the name or abode of the person from whom the threat comes, shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by the last preceding section,

Criminal intimidation by an anonymous communication,

*Penal Code.**Illustration.*

A writes an anonymous letter threatening B, and sends it to C, living with B, expecting and believing C would show the letter to B; A is guilty under this section.

Misconduct in public by a drunken person.

**488.** Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.

## CHAPTER XXI.

## OF UNLAWFUL OATHS.

Administering or taking or abetting the administering or taking of an oath to commit an offence.

**489.** Whoever administers or causes to be administered, or abets the administering or taking of any oath, engagement, or obligation in the nature of an oath purporting or intending to bind the person taking the same to commit or abet the commission of any offence, or takes any such oath, engagement, or obligation, if the offence to which the oath, engagement, or obligation relates be punishable with death or imprisonment for twenty years, shall be punished with imprisonment of either description which may extend to twenty years, or with fine or both, and if the offence is punishable with imprisonment for less than twenty years, shall be punished with such punishment as may be awarded for the offence to which such oath, engagement, or obligation relates.

## CHAPTER XXII.

## OF ATTEMPTS TO COMMIT OFFENCES.

Punishment for attempting to commit offences punishable with imprisonment.

**490.** Whoever attempts to commit an offence punishable by this Code with imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with imprisonment of either description provided for the offence, for a term which may extend to one-half of the longest term provided for that offence, or with such fine as is provided for the offence, or with both.

*Illustrations.*

- (a) A makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section.
- (b) A makes an attempt to pick the pocket of Z by thrusting his hand into Z's pocket. A fails in the attempt in consequence of Z's having nothing in his pocket. A is guilty under this section.

Passed in Council the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

W. H. RAVESCROFT,  
Acting Colonial Secretary.

COLOMBO:—TUESDAY, 13TH MAY, 1884.

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*Criminal Procedure Code.***No. 3.—1883.****An Ordinance for regulating the Procedure of the Courts of Criminal Judicature.**

JOHN DOUGLAS.

**W**HEREAS it is expedient to provide a General Criminal Procedure Code for this Colony, 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 shall be called the Criminal Procedure Code, 1883, and is generally referred to hereinafter as "this Code," and shall come into operation on and from such day subsequent to the confirmation thereof by Her Majesty as may be appointed by order of the Governor in Executive Council proclaimed in the *Government Gazette*.

Short title.

Commencement.

2. On and from the day when this Ordinance comes into operation the Laws, Ordinances, and Rules of Court mentioned in the first schedule shall be repealed to the extent specified in the third column thereof, but not so as to restore any jurisdiction or form of procedure not then existing or followed, or to render unlawful the continuance of any confinement which is then lawful.

Repeal of Ordinances.

3. In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or context :—

Interpretation clause.

- (a) "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. "Complaint."
- (b) "Inquiry" includes every inquiry conducted under this Code by a police magistrate or a police court. "Inquiry."
- (c) "Judicial proceeding" means any proceeding in the course of which evidence is, or may be, legally taken. "Judicial proceeding."
- (d) "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. "Writing" "Written."
- (e) "Supreme Court" and "court" when applicable to the Supreme Court, means the Supreme Court of the colony of Ceylon for the time being, or the Chief Justice or any judge thereof. Supreme Court.
- (f) "Attorney-General" includes also the Solicitor-General, or any Crown Counsel specially authorized by the Attorney-General to represent the Attorney-General. "Attorney-General."

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- "Pleader." (g) "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.
- "Police station." (h) "Police station" means any post declared generally or specially by the Government to be a police station; an "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 officer." (i) "Police officer" includes the inspector-general, superintendents, inspectors, sergeants, and constables of police, as well as every fiscal, his deputies and officers, and all village headmen and peace officers.
- "Offence." (j) "Offence" means any act or omission made punishable by any law for the time being in force.
- "Cognizable offence." (k) "Cognizable offence" means an offence for, and "cognizable case" means a case in, which a police officer may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant.
- "Non-cognizable offence." (l) "Non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a police officer may not arrest without warrant.
- "Bailable offence." (m) "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.
- "Fine." (n) "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 of the colony.
- "Chapter."  
"Schedule." (o) "Chapter" means a chapter of this Code, and "Schedule" means a schedule hereto annexed.
- "Place." (p) "Place" includes also a house, building, tent, and vessel.
- Words referring to acts include illegal omissions. (q) Words which refer to acts done extend also to illegal omissions, and
- Words to have same meaning as in Penal Code. (r) All words and expressions used herein and defined in the Ceylon Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.
- Trial of offences under Penal Code.  
Trial of offences against other laws. 4. All offences under the Ceylon 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.

*Criminal Procedure Code.***PART 2.****CHAPTER II.****JURISDICTION OF CRIMINAL COURTS.****A.—Of Courts generally.**

5. The courts for the ordinary administration of criminal justice within this colony shall continue as heretofore to be as follows :— Class of criminal courts.

1. The Supreme Court.
2. District Courts.
3. Police Courts.

6. The place in which any criminal court is held for the purpose of inquiry into, or trying, any offence, shall be deemed an open and public court, to which the public generally may have access so far as the same can conveniently contain them. Courts to be open.

But the presiding Judge or Magistrate may, if he thinks fit, order, at any stage of any inquiry into, or trial of, any particular case that the public generally, or any particular person, shall not have access to, or be or remain in the room or building used by the court.

7. The Supreme Court and every Judge thereof shall, as heretofore and under and subject to the provisions of this Code, exercise an original criminal jurisdiction over all offences committed throughout this colony, and for hearing, trying, and determining all prosecutions which shall be commenced therein against any person for or in respect of any such offences; and also and subject to the provisions of this Code, a criminal appellate jurisdiction for the correction of all errors which shall be committed by district and police courts, and sole and exclusive cognizance by way of appeal in all criminal causes, suits, actions, prosecutions, matters and things of which such district courts and police courts or any of them may have taken cognizance by way of original jurisdiction. Criminal jurisdiction of Supreme Court.

8. Every district court, including those to be hereafter established shall have, as heretofore and subject to the provisions of this Code, cognizance of and full power and authority, and is hereby required to hear, try, and determine all suits and prosecutions instituted for or in respect of any offences committed wholly or in part within the district to which such court may belong, and which offences by this Code, or by any law in force in the colony, are made cognizable by district court. Criminal jurisdiction of district courts.

9. Every police court, including those to be hereafter established, 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 summary jurisdiction as aforesaid in case of breach of any enactment made for the protection of the revenue, or of any

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enactment making penal any act, not in itself an offence, and which would otherwise not be cognizable by a police court by reason of the amount of punishment which may be inflicted in respect thereof, if a certificate shall be presented to such police court signed by the Attorney-General, to the effect that he is content that such offence or act shall be tried by such police court.

**Jurisdiction to inquire into the commission of offences.**

And also jurisdiction to inquire into, subject to and as provided for by this Code, all offences committed or alleged to have been committed 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.

**To issue search warrants.**

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.**

**To inquire into causes of sudden or accidental death.**

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.

**Unofficial police magistrates.**

The Governor may from time to time 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 this Code vested in police courts, save and except the power and authority to take proceedings with regard to, or to hear, try or determine any offence which by this Code or by any law of this colony is summarily triable before a police court.

**Proviso saving jurisdiction of village tribunals.**

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 jurisdiction of municipal bench of magistrates.**

And provided that notwithstanding the repeal by this Code of section 32 of "The Municipal Councils Ordinance, 1865," which gave municipal councillors jurisdiction to form a bench of magistrates: any two or more municipal councillors shall continue as heretofore to form a bench of magistrates to sit in open court for the trial of certain offences committed within the municipality, and shall while so sitting constitute and sit as a police court to hear, try, and determine any offence committed within the municipality coming under any bye-law duly enacted by a municipal council, and approved by the Governor, with the advice of the Executive Council, or any offence coming under any of the following Ordinances:—Nos. 4 of 1841, 14 of 1859, 10 of 1861, 7 of 1862, 15 of 1862, 9 of 1863, 13 of 1864, 14 of 1865, 16 of 1865, 17 of 1865, 20 of 1865, 8 of 1866, 14 of 1867, 6 of 1868, 7 of 1873, 17 of 1873, 8 of 1876, 4 of 1878, and 8 of 1878, provided that the provisions of sections 33 and 34 of the said "Municipal Councils Ordinance, 1865," shall apply to municipal councillors sitting as a bench of magistrates under this proviso.

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## CHAPTER III.

## POWERS OF COURTS.

10. All and every the powers, whether of a judicial or executive nature, which by any law of this colony are now vested in a justice of the peace, are hereby conferred upon, and shall hereafter be discharged by a police magistrate within his local jurisdiction.

Powers of justice of the peace to devolve on police magistrates.

11. Subject to the other provisions of this Code, any offence under the Ceylon Penal Code may be tried by the Supreme Court or by any other court by which such offence is shown in the seventh column of the second schedule to be triable.

Offences under Penal Code, or

12. Any offence under any other law shall, when any court is mentioned in this 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 this Code: Provided that—

Offences under other laws.

*Under Code  
Sec 29*

(a) No district court shall try any such offence which is punishable with imprisonment for a term which may exceed two years.

(b) Except as hereinafter provided, no police court shall try any offence which is punishable with imprisonment for a term which may exceed six months.

13. No district court shall take cognizance of any offence as a court of original criminal jurisdiction, 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.

District courts not to have original criminal jurisdiction.

14. The Supreme Court may pass any sentence authorized by law.

Sentence which Supreme Court may pass.

15. A district court may pass any of the following sentences—

Sentences which district courts may pass.

(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 of the sentences which it is authorised by law to pass.

16. A police court may pass any of the following sentences—

Sentences which police courts may pass.

(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 of the sentences which it is authorised by law to pass.

17. A district or police court may award such term of imprisonment in default of payment of a fine as is authorised by law, in case

Power of district or police

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courts to sentence to imprisonment in default of payment of fine.

of such default. Provided that the term is not in excess of the court's powers under this Code.

Proviso as to certain cases.

Provided also that in no case decided by a district or police court, where imprisonment has been awarded as part of the substantive sentence, shall the period of imprisonment awarded in default of payment of the fine exceed one-fourth of the period of imprisonment which such court is competent to inflict as punishment for the offence, otherwise than as imprisonment in default of payment of the fine.

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 15 or 16.

Sentence in case of conviction for several offences at one trial.

18. 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 the one after the expiration of the other, in such order as the court may direct.

1507 NLR 320  
1507 al DC 211-30/197  
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.

Provided as follows :—

Committing magistrate not to try offenders in his capacity of district judge without offender's consent.

(a) Whenever in any district the duties of police magistrate and district judge are performed by one and the same person under the authority of the Governor, a commitment from the police court of such magistrate to the district court of which he shall be judge shall not be held bad on that ground only, provided the accused shall have consented to be tried before such district judge.

Maximum term of punishment.

(b) In no case shall such person be sentenced to imprisonment for a longer period than 14 years.

(c) If the case is tried by a district or 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.

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.

Trial may be continued by magistrate, other than the one commencing it.

19. Whenever any police magistrate, after having heard part of the evidence in a case which is being tried by the police court ceases to exercise jurisdiction in such case, any other magistrate who has and who exercises jurisdiction in such case, may decide the case on the evidence partly recorded by such first-named police magistrate and partly recorded by himself, or he may re-summon the witnesses and commence afresh.

Proviso.

Provided that the accused person may, when the second magistrate commences his proceedings, demand that the witnesses shall be

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re-summoned and re-heard ; in which case the trial shall be commenced afresh.

20. Whenever, from any cause, a police magistrate, making an inquiry preliminary to committal for trial, is unable to complete the proceedings of the inquiry himself, any other police magistrate, having jurisdiction to inquire and to commit, may complete the case, and proceed as if he had heard and recorded all the evidence himself.

Inquiry may be continued by magistrate, other than the one instituting it.

**PART 3.**

**GENERAL PROVISIONS.**

**CHAPTER IV.**

**OF AID AND INFORMATION TO THE MAGISTRATES AND POLICE, AND PERSONS MAKING ARRESTS.**

21. Every person is bound to assist a police magistrate or a police officer reasonably demanding his aid—

Public when to assist magistrates and police.

(a) In the taking of any other person whom such magistrate or police officer is authorised 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.

22. When a warrant is directed to a person other than a police 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.

Aid to person other than police officer executing warrant.

23. Every person aware—

Of the commission of, or the intention of any other person to commit, any offence punishable under the following sections of the Ceylon 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.

Public to give information of certain offences.

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 police 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.

24. Every police officer shall forthwith communicate to the nearest police magistrate any information which he may have or obtain respecting—

Police officer bound to report certain matters.

(a) The commission of or intention to commit any offence within the local jurisdiction in which he is empowered to act ;

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- (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.

## CHAPTER V.

## OF ARREST, ESCAPE, AND RETAKING.

A.—*Arrest Generally.*

Arrest, how made.

25. In making an arrest the police officer or other 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.

Resisting endeavour to arrest.

If such person forcibly resist the endeavour to arrest him, or attempt to evade the arrest, such officer or other person may use all means necessary to effect the arrest.

Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death.

Search of place entered by person sought to be arrested.

26. If any person acting under a warrant of arrest, or any police officer, 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 as aforesaid, or such police officer, allow him free ingress thereto and afford all reasonable facilities for a search therein.

Procedure where ingress not obtainable.

27. 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 police 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.

Power to break open doors and windows for purposes of liberation.

28. Any police officer, or other person authorised 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.

No unnecessary restraint.

29. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

Search of persons arrested.

30. Whenever a person is arrested by a police 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 ; and

Whenever a person 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 officer making the arrest, or when the arrest is made by a private person, the police 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.



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31. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency. Mode of searching women.

32. The officer, or other 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 officer or person making the arrest is required by law to produce the person arrested. Power to seize offensive weapons.

*B.—Arrest without a Warrant.*

33. Any police officer may, without an order from a magistrate and without a warrant arrest— When police may arrest without warrant.

*First.*—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 ;

*Secondly.*—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 ;

*Thirdly.*—Any person who has been proclaimed as an offender ;

*Fourthly.*—Any person in whose possession anything is found which may reasonably be suspected to be stolen property, and who may reasonably be suspected of having committed an offence with reference to such thing ;

*Fifthly.*—Any person who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody ;

*Sixthly.*—Any person reasonably suspected of being a deserter from Her Majesty's Army or Navy ;

*Seventhly.*—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 ;

*Eighthly.*—Any person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself ; or

*Ninthly.*—Any person who is by repute an habitual robber, housebreaker, or thief, or an habitual receiver of stolen property, knowing it to be stolen, or who by repute, habitually commits extortion, or in order to the committing extortion habitually puts, or attempts to put, persons in fear of injury.

Nothing in this section shall be held to interfere with or modify the operation of any other law empowering a police officer to arrest without a warrant.

34. When any person in the presence of a police officer commits, or is accused of committing, a non-cognizable offence, and 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, he may be arrested by such police officer in order that his name or residence may be ascertained, and he shall within twenty-four Refusal to give name and residence.

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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.

Pursuit of offenders into other jurisdictions.

Arrest by private persons. Procedure on such cases.

35. For the purpose of arresting any person whom he has power to arrest without a warrant, a police officer may pursue any such person into any part of this colony.

36. Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or who has been proclaimed as an offender, and shall without unnecessary delay make over the person so arrested to the nearest police officer, or in the absence of a police officer take such person to the nearest police station. If there is reason to believe that such person comes under the provisions of section 33, a police 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, he shall be dealt with under the provisions of section 34. 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.

37. A police 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 court having jurisdiction in the case.

Person arrested not to be detained more than twenty-four hours.

38. No police 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 court.

Police to report arrests.

39. Officers in charge of police stations shall report to the police court of their respective districts the cases of all persons arrested without warrant within the limits of their respective stations, and whether such persons have been admitted to bail or otherwise.

Discharge of person arrested.

40. No person who has been arrested by a police officer shall be discharged except on his own bond or on bail or under the special order of a police magistrate.

Offence committed in magistrate's presence.

41. 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.

42. 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.

43. 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.

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44. The provisions of sections 26, 27, and 28 shall apply to arrests under section 43, although the person making the arrest is not acting under a warrant, and is not a police officer having authority to arrest. Provisions of sections 26, 27, and 28 to apply to arrests under section 43.

CHAPTER VI.

OF PROCESSES TO COMPEL APPEARANCE.

A.—*Summons.*

45. Every summons issued by a court under this Code shall be in writing, in duplicate, and signed by the presiding officer or by the registrar, deputy-registrar, secretary, or chief clerk of such court, as the case may be. *See Form I §350* Forms of summons.

Such summons shall ordinarily be served by a fiscal's officer, but the court issuing the summons may, if it see fit, direct it to be served by any other person. Summons by whom served.

46. The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons. Summons how served.

47. 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 male member of his family or with his servant residing with him. Service when person summoned cannot be found.

48. If the service prescribed in sections 46 and 47 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 thereupon the summons shall be deemed to have been duly served. Procedure when personal service cannot be effected.

49. 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 office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 46, and shall return it to the court with an endorsement of service. Service on Government servant.

50. 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 affirmation, or, in the case mentioned in section 49, 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. Proof of service.

B.—*Warrant of Arrest.*

51. Every warrant of arrest issued by a court under this Code shall be in writing, signed by the presiding officer. Form of warrant of arrest.

Every such warrant shall remain in force until it is cancelled by the court which issued it, or until it is executed. Continuance of warrant of arrest.

52. Any court issuing a warrant for the arrest of any person, may in its discretion 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. Court may direct security to be taken.

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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 time at which he is to attend before the court.

Recognizance to be forwarded. 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.

53. A warrant shall ordinarily be directed to the fiscal of the district, and every fiscal and his deputies, and others his officers, and all headmen and peace officers, are authorized and required to obey, serve, and execute, anywhere within the Island, every warrant issued or endorsed by any magistrate of a police court within the local limits respectively for which the above officers have been appointed to act. Every officer of police is hereby authorized to execute such warrant.

May be directed to any person or persons.

54. The court issuing the warrant may direct it to any other person or persons, and such person or persons, or any police officer, may execute the same.

Warrants to several persons.

When a warrant is directed to more officers or persons than one, it may be executed by all or any one or more of them.

Notification of substance of warrant.

55. The police officer or other person executing a warrant of arrest shall notify the substance thereof to the person arrested, and, if so required, shall show him the warrant. *Form N 350.*

Person arrested to be brought before court, without delay.

56. The police officer or other person executing a warrant of arrest shall (subject to the provisions of section 52 as to security), without unnecessary delay, bring the person arrested before the court before which he is required by law to produce such person.

Where warrant may be executed.

57. A warrant of arrest may be executed at any place in Ceylon.

Warrant forwarded to court for execution outside jurisdiction.

58. When a warrant of arrest is to be executed outside the local limits of the jurisdiction of the court issuing the same, such court may, instead of directing such warrant to the fiscal or other person, forward the same by post or otherwise to any police court within the local limits of the jurisdiction of which it is to be executed.

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.

Warrant directed to fiscal for execution outside jurisdiction.

59. When a warrant directed to a fiscal is to be executed beyond the local limits of the district of such fiscal, he shall endorse it to a fiscal of the district within the limits of 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 within the local limits of his district, in the same way as if it had been originally directed to him.

Procedure on arrest of person against whom warrant is issued.

60. 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 52, be carried before such last-mentioned police court.

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61. Such latter police court or a magistrate thereof 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; or if the offence be bailable, and the person arrested be ready and willing to give bail to the satisfaction of the court or magistrate before whom he shall have been brought; or a direction has been endorsed under section 52 on the warrant, and such person is ready and willing to give the security required by such direction; such last-mentioned court or magistrate shall take such bail or security, as the case may be, and forward the bond to the court which issued the warrant.

Procedure by police court before whom person arrested is brought.

Nothing in this section shall be deemed to prevent a police officer from taking security under section 52.

*C.—Proclamation and Attachment.*

62. 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.

Proclamation for person absconding.

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.

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.

63. The court may, after issuing a proclamation under section 62, order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person.

Attachment of property of person absconding.

Such order shall authorise the attachment of any property belonging to such person within the local jurisdiction of the court by which it is made; and it shall authorise the attachment of any property belonging to such person without such jurisdiction, when endorsed by the judge of the district court or police magistrate within whose jurisdiction such property is situate.

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
- (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.

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If the property ordered to be attached be immovable, the attachment under this section shall, in the case of land paying revenue to Government, be made through the Government Agent of the province in which the land is situate, and in all other cases—

- (e) By taking possession ; or
- (f) By the appointment of a receiver ; or
- (g) 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
- (h) By all or any two of such methods as the court thinks fit.

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.

If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of Government, 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.

Restoration of attached property.

64. If, within one year from the date of the attachment, any person whose property is or has been at the disposal of Government under the last paragraph of section 63 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 nett proceeds of the sale, or if part only thereof has been sold, the nett proceeds 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.

65. 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.

66. 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.

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67. 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.

Arrest on breach of bond for appearance.

68. The provisions contained in this chapter relating to a summons and warrant, and their issue, service and execution, shall so far as may be apply to every summons and every warrant of arrest issued under this Code.

Provisions in this chapter to be generally applicable to summonses and warrants of arrest.

## CHAPTER VII.

## OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVABLE PROPERTY, AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

A.—*Summons to produce.*

69. Whenever any court considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial, or other proceeding under this Code, by or before such court, such court may issue a summons to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it at the time and place stated in the summons.

Summons to produce document or other thing.

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.

Nothing in this section shall be deemed to affect the provisions of the Ordinance 9 of 1852, or 12 of 1864, or to apply to any book, letter, postcard, telegram, or other document in the custody of the postal or telegraph authorities, or in any public office, or in charge of any public officer.

70. If any such book, letter, postcard, telegram, or other document is, in the opinion of the Supreme Court, wanted for the purpose of any investigation, inquiry, trial, or other proceeding under this Code, the Supreme Court may require the public officer, 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.

If any such document is, in the opinion of any district judge or police magistrate, wanted for any such purpose, he may require the public officer, 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.*

71. Where any court has reason to believe that a person to whom a summons under section 69, or a requisition under section 70, paragraph 1, has been or might be addressed, will not or would not produce the document or other thing as required by such summons or requisition ;

When search warrant may be issued.

Or 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 inquiry, trial, or other proceeding under this Code will be served by a general search or inspection :

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It may issue a search warrant ; and the person to whom such warrant is directed may search or inspect in accordance therewith, and the provisions hereinafter contained.

Nothing herein contained shall authorise any court, other than the Supreme Court, to grant a warrant to search for a document in the custody of a public officer, or of the postal or telegraph authorities.

Power to restrict warrant.

72. 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.

Search of house suspected to contain stolen property, forged documents, &c.

73. If a magistrate of a police court, upon information, and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property ;

Or 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 that any stolen property, 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 ;

He may, by his warrant, authorise the person to whom it 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 magistrate or to guard the same on the spot until the offender is taken before a police magistrate, or otherwise to dispose thereof in some place of safety ; and
- (e) To take into custody and carry before a police magistrate 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.

Procedure on search warrants to be executed without the jurisdiction.

74. When it is necessary for a search warrant to be executed out of the local limits of the jurisdiction of the police court by which it was issued, a magistrate of a police court within the local limits of the jurisdiction of which the warrant is to be executed shall endorse his name thereon.



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Such endorsement shall be sufficient authority for the police officer charged with the execution of the warrant to execute the same within the local limits of the said last-mentioned jurisdiction.

75. Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of a magistrate of the police court within the local limits of the jurisdiction of which the warrant is to be executed will prevent the discovery of the thing for which search is to be made, the police officer, or other person charged with the execution of the warrant, may execute the same in any place beyond the local limits of the jurisdiction of the police court by which it was issued, without the endorsement of a court within the local limits of the jurisdiction of which that place is situate.

Procedure on search warrants outside jurisdiction where speedy execution is necessary.

76. Whenever it appears necessary, a police magistrate may, by his warrant, order search to be made in a place out of the local limits of the jurisdiction of his court, and may direct that the warrant be executed either after, or without, obtaining the endorsement of a police magistrate, within the jurisdiction of whose court the search is to be made.

When necessary, police magistrate may order search outside jurisdiction without obtaining endorsement of warrant.

When a police magistrate issues a warrant under this section, he shall send information of his having done so to the police court within the local limits of the jurisdiction of which the place to be searched is situated.

77. A police magistrate, issuing a search warrant to be executed in any place out of the local limits of the jurisdiction of his own court, may direct the warrant to the magistrate of the police court within the local limits of the jurisdiction of which such place is situated, and may send the same to him by post.

Warrant may be directed to magistrate of another jurisdiction.

On receipt of such warrant by the police magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if it had been originally issued by himself.

78. 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 last-mentioned court shall make an order authorising them to be taken to the court issuing the warrant.

Disposal of things found in search beyond jurisdiction.

*C.—Discovery of persons wrongfully confined.*

79. If any magistrate of a police court has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he 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 magistrate, who shall make such order as in the circumstances of the case seems proper.

Search for persons wrongfully confined.

*Criminal Procedure Code.***D.—General provisions relating to searches.**

Direction, &c.,  
of search  
warrants.

80. The provisions of sections 22, 51, 53, 54, and 57 shall, so far as may be, apply to all search warrants issued under section 71, section 73, or section 79.

Persons in  
charge of closed  
place to allow  
search.

81. 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 officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto and afford all reasonable facilities for a search therein.

If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 27.

Search to be  
made in  
presence of  
witnesses.

82. Before making a search under this chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate, to attend and witness the search.

The search shall be made in their presence, and a list of all things seized in the course of such search, and of the places in which they are respectively found, shall be prepared by such officer or other person and signed by such witnesses ; but no person witnessing a search under this section shall be required to attend the court as a witness of the search unless specially summoned by it.

Occupant of  
place searched  
may attend.

The occupant of the place searched, or some person in his behalf, shall in every instance be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

**E.—Miscellaneous.**

Power of court  
to impound  
document  
produced.

83. Any court may, if it thinks fit, impound any document or other thing produced before it under this Code.

Search warrants  
may be endorsed  
by police officer.

84. A search warrant, directed or endorsed to a police officer, may, if he is not able to proceed in person, be executed by any other police officer.

In such case the name of such police officer shall be endorsed upon the warrant by the officer to whom it is directed or endorsed.

Magistrate  
issuing search  
warrant may  
attend at its  
execution.

85. The police magistrate by whom a search warrant is issued may attend personally, for the purpose of seeing that the warrant is duly executed.

Magistrate may  
direct search in  
his presence.

86. Any magistrate of a police court 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 4.****PREVENTION OF OFFENCES.****CHAPTER VIII.****OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.***A.—Security for keeping the Peace on conviction.*

87. Whenever any person, accused of rioting, assault, or other breach of the peace, or of abetting the same, or of assembling armed men or taking other unlawful measures with the evident intention of committing the same, or any person accused of committing criminal intimidation by threatening injury to person or property, is convicted of such offence, and the court before which such person is convicted is of opinion that it is necessary to require such person to execute a bond for keeping the peace :

Security for keeping the peace on conviction.

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.

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.*

88. 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 keeping the peace in other cases.

89. Whenever a district court has reason to believe 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, and that such breach of the peace cannot be prevented otherwise than by detaining such person in custody, such court may issue a warrant for his arrest (if he is not already in custody or before the court) and may send him before a police magistrate empowered to deal with the case under section 88.

Procedure where district court suspects an offence to have been committed, &c.

A police magistrate before whom a person is sent under this section may, in his discretion, detain such person in custody until the completion of the inquiry hereinafter prescribed.

90. 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

Security for good behaviour from suspected persons and vagrants, &c.

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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;

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.

91. 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, housebreaker, 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;

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.

Order to be made.

92. When a police magistrate, acting under section 88, section 90, or section 91, deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character, and class of sureties (if any) required.

Procedure in respect of person present in court.

93. If the person in respect of whom such order is made is present in court, it shall be read over to him, or, if he so desires, the substance thereof shall be explained to him.

Summons or warrant in case of person not so present.

94. If such person is not present in court, the police magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is to bring him before the court:

Provided, that whenever it appears to such police magistrate, upon the report of a police 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.

Copy of order issued under section 92 to accompany summons or warrant.

95. Every summons or warrant issued under section 94 shall be accompanied by a copy of the order made under section 92, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with or arrested under the same.

Power to dispense with personal attendance.

96. 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.

Inquiry as to the truth of information.

97. When an order under section 92 has been read or explained under section 93 to a person present in court, or when any person appears or is brought before a magistrate in compliance with or in

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execution of a summons or warrant issued under section 94, 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.

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, except that no charge need be framed.

For the purposes of this section, the fact that a person is an habitual offender may be proved by evidence of general repute or otherwise.

98. 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.

Order to give security.

Provided—

*First.*—That no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 92.

*Secondly*—That the amount of every bond shall be fixed with due regard to the circumstances of the case, and shall not be excessive.

*Thirdly.*—That when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

99. If, on an inquiry under section 97, 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.

Discharge of person informed against.

*C.—Proceedings in all Cases subsequent to Order to furnish Security.*

100. If any person, in respect of whom an order requiring security is made under section 87 or section 98, is, at the time such order is made, sentenced to or undergoing a sentence of imprisonment, the period for which such security is required shall commence on the expiration of such sentence.

Commencement of period for which security is required.

In other cases such period shall commence on the date of such order.

101. 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.

Contents of bond.

102. A magistrate may refuse to accept any surety for good behaviour offered under this chapter on the ground that, for reasons to be recorded by the magistrate, such surety is an unfit person.

Power to reject sureties.

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Imprisonment in default of security.

103. If any person, ordered to give security under section 87 or section 98, does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter 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 officer in charge of the prison in which the person so ordered is detained.

Simple imprisonment for failure to give security for the peace. Rigorous or simple imprisonment for failure to give security for good behaviour.

104. Imprisonment for failure to give security for keeping the peace shall be simple.

105. Imprisonment for failure to give security for good behaviour may be rigorous or simple, as the magistrate in each case directs.

Power to release person imprisoned for failing to give security.

106. Whenever any court is of opinion that any person, imprisoned for failing to give security under this chapter, whether by the order of such court or a magistrate, or that of his predecessor in office, may be released without hazard to the community, or to any other person, the court may order such person to be discharged.

Police magistrate to report to superior court and such court may order release.

107. 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 section 106, 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.

Discharge of sureties.

108. 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.

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.

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, for the purposes of sections 101, 102, 103, 104, 105, and 106, be deemed to be an order made under section 87 or section 98, as the case may be.

## CHAPTER IX.

## UNLAWFUL ASSEMBLIES.

Assembly to disperse on command of magistrate or police officer.

109. Any police magistrate or police officer may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse, and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

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110. 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 magistrate or police officer of the rank of inspector 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 civil force to disperse assembly.

111. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, any Government Agent or police magistrate who is present, or the inspector-general of police, may cause it to be dispersed by military force.

Use of military force.

112. When a 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, by direction of the Governor, 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.

Duty of officer commanding troops required by magistrate to disperse assembly.

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.

Unnecessary force to be avoided.

113. When the public security is manifestly endangered by any such assembly, and when no Government Agent, police magistrate, or the inspector-general of police can 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 a 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.

Power of commissioned military officers to disperse assembly.

114. No prosecution against any Government Agent, police magistrate, or the inspector-general of police, or any military officer, police 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 police officer acting under this chapter in good faith;
- (b) no officer, acting under section 113 in good faith;
- (c) no person doing any act in good faith, in compliance with a requisition under section 110 or section 112; and

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(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 X.

## PUBLIC NUISANCES.

Conditional  
order for  
removal of  
nuisance.

115. Whenever a police magistrate considers, on receiving a report or other information, and on taking such evidence (if any) as he thinks fit—

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, by reason of its being injurious to the health or physical comfort of the community, should be suppressed, or removed, or prohibited ; or

That the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped ; or

That any building 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 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, tank, well, or excavation, within a time to be fixed in the order—

To remove such obstruction or nuisance ; or

To suppress or remove such trade or occupation ; or

To remove such goods or merchandise ; or

To prevent or stop the construction of such building ; or

To remove, repair, or support it ; or

To alter the disposal of such substance ; or

To fence such tank, well, or excavation, as the case may be ; or

To appear before himself or some other police magistrate, 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.

No order duly made by a police magistrate under this section shall be called in question in any civil court.

*Explanation.*—A “public place” includes also property belonging to the Crown or Colonial Government and grounds left unoccupied for sanitary or recreative purposes.

Service or notification of order.

116. The order shall, if practicable, be served on the person against whom it is made in manner herein provided for service of a summons.

If such order cannot be so served, it shall be notified by proclamation published in the *Government Gazette*, and a copy thereof shall



*Criminal Procedure Code.*

be stuck up at such place or places as may be fittest for conveying the information to such person.

117. The person against whom such order is made shall—

(a) Perform, within the time specified in the order, the act directed thereby; or

(b) Appear in accordance with such order, and either show cause against the same or apply to the police magistrate by whom it was made to appoint a jury, to try whether the same is reasonable and proper.

Person to whom order is addressed to obey, or show cause, or claim jury.

118. If such person does not perform such act, or appear and show cause or apply for the appointment of a jury as required by section 117, he shall be liable to the penalty prescribed in that behalf in section 185 of the Ceylon Penal Code, and the order shall be made absolute.

Consequence of his failing to do so.

119. If he appears and shows cause against the order, the police magistrate shall take evidence in the matter.

If the police magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

If the police magistrate is not so satisfied, the order shall be made absolute.

Procedure where he appears to show cause.

120. On receiving an application under section 117, to appoint a jury, the police magistrate shall—

(a) Forthwith appoint a jury consisting of an uneven number of persons, not less than five of whom, the foreman and one-half of the remaining members, shall be nominated by such police magistrate, and the other members by the applicant;

(b) Summon such foreman and members to attend at such place and time as the magistrate thinks fit; and

(c) Fix a time within which they are to return their verdict.

Procedure where he claims a jury.

121. If the jury, or a majority of the jurors, find that the order of the magistrate is reasonable and proper as originally made, or subject to a modification which the magistrate accepts, the magistrate shall make the order absolute, subject to such modification (if any).

In other cases no further proceedings shall be taken.

Procedure where jury finds magistrate's order to be reasonable.

122. When an order has been made absolute under section 118, section 119, or section 121, the magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that in case of disobedience he will be liable to the penalty provided by section 185 of the Ceylon Penal Code.

Procedure on order being made absolute.

123. If such act is not performed within the time fixed, the police magistrate 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 his order, or by the distress and sale of any other movable property of such person within or without the local limits of such magistrate's jurisdiction. If such other property is without such limits, the order shall authorise its attachment and

Consequence of disobedience to order.

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*Criminal Procedure Code.*

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sale when endorsed by the police magistrate within the local limits of whose jurisdiction the property to be attached is found.

No suit shall lie in respect of anything done in good faith under this section.

Procedure on failure to appoint jury or omission to return verdict.

124. If the applicant, by neglect or otherwise, prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed, or within such further time as the police magistrate may in his discretion allow, the police magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by sections 122 and 123.

Injunction pending inquiry.

125. If a police magistrate, making an order under section 115, considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been appointed or not, issue such an injunction to the person against whom the order was made as is required to obviate or prevent such danger or injury.

If default of obedience to injunction, magistrate may take steps.

126. In default of such person forthwith obeying such injunction, the police magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger, or to prevent such injury.

No suit shall lie against magistrate.

127. No suit shall lie in respect of anything done in good faith by a police magistrate under section 126.

Magistrate may prohibit continuance or repetition of public nuisances.

128. A police magistrate may order any person not to repeat or continue a public nuisance, as defined in the Ceylon Penal Code or any special or local law.

## CHAPTER XI.

### TEMPORARY ORDERS IN URGENT CASES OF NUISANCE.

Power to issue absolute order at once in urgent cases of nuisance.

129. 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 116, 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.

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 passed *ex parte*.

An order under this section may be directed to a particular individual, or to the public generally, when frequenting or visiting a particular place.

Any police magistrate may rescind or alter any order made under this section by himself or by his predecessor in office.

No order under this section shall remain in force for more than two months 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 Government by notification in the Official Gazette otherwise directs.

*Criminal Procedure Code.*

CHAPTER XII.

PREVENTIVE ACTION OF THE POLICE.

130. Every police officer may interpose for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offence.

Police to prevent cognizable offences.

131. Every police officer receiving information of a design to commit any cognizable offence, shall communicate such information to the police officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

Information of design to commit such offences.

132. A police 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.

Police may arrest without orders or warrant to prevent such offences.

133. A police 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 land-mark or buoy or other mark used for navigation.

Prevention of injury to public property.

134. Any police officer not below the rank of sergeant 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.

Inspection of weights and measures.

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.

**PART 5.**

CHAPTER XIII.

STATEMENTS TO MAGISTRATES OR POLICE.

135. No police officer or person in authority shall offer, or make or cause to be offered or made, any inducement, threat or promise to an accused person, sufficient to give such accused person grounds which would appear to him reasonable for supposing that by making a confession he would gain any advantage or avoid any evil of a temporary nature in reference to proceedings against him.

No inducement to be offered to induce an accused to make a confession.

136. Any police magistrate may record any statement or confession made to him, at any time before the commencement of an inquiry or trial.

Power to record statements and confessions.

Such statements shall be recorded in such manner as is hereinafter prescribed for recording evidence. Such confessions shall be recorded and signed in the manner provided in section 368, and shall then be forwarded to the police court by which the case is to be inquired into or tried.

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No magistrate shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and when he records any confession he shall make a memorandum at the foot of such record to the following effect:—

“I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it, and admitted by him to be correct, and it contains a full and true account of the statement made by him.

(Signed) “A. B.,  
“Police Magistrate.”

**PART 6.****PROCEEDINGS IN PROSECUTIONS.****CHAPTER XIV.****OF THE JURISDICTION OF THE CRIMINAL COURTS IN  
INQUIRIES AND TRIALS.***A.—Place of Inquiry or Trial.*

Ordinary place  
of inquiry or  
trial.

137. The trial by a district court of, or the trial of or inquiry by a police court into the commission of an offence shall ordinarily be made by the district or police court within the local limits of the jurisdiction of which the offence is committed, as is hereinafter explained.

Any district or  
police court to  
have jurisdic-  
tion over  
offences  
committed on  
territorial  
waters.

138. Any district 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 may have been committed on the territorial waters of the colony.

Accused is  
triable in  
district where  
act is done or  
consequence  
ensues.

139. 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.

*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.

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(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.

140. 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.

Place of trial where act is offence by reason of relation to other offence.

*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.

141. The offence of having escaped from custody may be inquired into by any police court, or tried by a district 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.

Escape from custody.

142. 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.

Criminal misappropriation and criminal breach of trust.

143. The offence of stealing anything may be inquired into or tried by a 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.

Stealing.

144. When it is uncertain in which of several local areas an offence was committed; or,

Place of inquiry or trial where scene of offence is uncertain. Or not in one district only.

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

Or where offence is continuing.

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.

Or consists of several acts.

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**Offence committed on a journey.** 145. 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.

**Offences against railways, post office, telegraphs and arms Acts.** 146. 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.

**Attorney-General to decide, in case of doubt, district where inquiry or trial shall take place.** 147. 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.

**Sentence of criminal court may not be set aside on ground of inquiry being by police court not having jurisdiction.** 148. 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.

**B.—Conditions necessary for initiating proceedings.**

- Prosecution for contempt of lawful authority of public servants.** 149. No court shall take cognizance—
- (a) Of any offence punishable under sections 170 to 185 (both inclusive) of the Ceylon 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.
- Prosecution for certain offences against public justice.** (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.
- Prosecution for certain offences relating to documents given in evidence.** (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.

**Nature of sanction necessary.** The sanction referred to in this section may be expressed in general terms, and need not name the accused person; but it shall, so far as practicable, specify the court or other place in which, and the occasion on which, the offence was committed.

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; no

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such sanction shall remain in force for more than six months from the date on which it was given.

150. No court shall take cognizance of any offence punishable under chapter VI. of the Ceylon Penal Code, or punishable under section 288 of the same Code, unless upon complaint made by or with the written authority of the Attorney-General. Prosecution for offences against the State.

151. No court shall take cognizance of an offence falling under chapter XIX. of the Ceylon Penal Code, except upon complaint made by direction of the Attorney-General or some person aggrieved by such offence. Prosecution for defamation.

## CHAPTER XV.

## OF THE COMMENCEMENT OF PROCEEDINGS BEFORE POLICE COURTS.

*Institution of the Inquiry.*

152. In the following events (that is to say)—

1. On a complaint being made by any person to a police court that an offence has been committed over which the court has jurisdiction ; or Commencement of proceedings by police courts.
2. On a formal written report being made to a police court by a police officer to the like effect ; or
3. On information received by the magistrate of a police court which the magistrate considers credible, and from which the magistrate draws the inference that an offence has probably been committed, over which the court has jurisdiction ; or
4. On any person being brought before a police court in custody, accused of having committed an offence ; or
5. Whenever it appears to the Attorney-General that an offence has been committed and he shall by his warrant under his hand require the magistrate of a police court to inquire into the same, and such magistrate shall receive such warrant ; or
6. On notice or information given to a magistrate of a police court which the magistrate considers credible that any person has, within the jurisdiction of the court, committed suicide, or has been killed by another, or by an animal, or by an accident, or has died suddenly, or under circumstances raising a suspicion that some other person has committed an offence in connection with such death ; or
7. On notice given to a magistrate of a police court of the finding of the dead body of a person within the local limits of the jurisdiction of such court, without its being known how such person came by death ; or
8. On notice given to a magistrate of a police court of the death of any person in any prison or asylum ;

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Such police court shall proceed, as the case may be—

- (a) to try the offender, or
- (b) to inquire into the matter of the alleged offence, and commit for trial or dispose of otherwise, as is hereinafter prescribed, any accused person; or
- (c) to inquire into any death so brought under its notice, and to proceed thereon as hereinafter prescribed, or
- (d) as is hereinafter or by any other law provided.

Complaint may be oral or written.

153. The complaint in the first head, and the information in the third head of section 152 mentioned, may be made either orally or in writing. If made orally, the substance of the complaint, or the information referred to in the third head, shall be entered by an officer of the court on a separate sheet of paper to be kept in the police court, and the person making the complaint, or giving the information, shall sign the entry so made.

Complaint if written shall be signed.

154. If the complaint or information is in writing, it shall be signed by the person making or giving it.

Complaint and warrant of Attorney-General to be filed.

155. The complaint or information in writing, and the warrant of the Attorney-General, under the fifth head of section 152, shall be delivered to the police court, and form part of the proceedings.

Complainant to be examined.

156. In cases falling under heads 1, 2, 3, and 4 of section 152, the police court shall commence the inquiry by examining the complainant, police officer, or informant, or other person or persons professing to be able to speak to the material facts of the case.

Inquiry into death to be at place where body is.

157. In cases falling under heads 6, 7, and 8 of section 152, if the body be forthcoming, the magistrate or person appointed by the Governor under section 195 shall go to the spot where such body is, and commence the inquiry there.

Examination of complainant to be reduced to writing.

158. The statement made, on 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, in cases falling under head 4 of section 152, shall be taken in the presence of the prisoner, and shall be on oath or affirmation.

Police court may refuse to proceed.

159. The police court may refuse to proceed further if, after such examination, there is, in the judgment of the police magistrate, no sufficient ground for proceeding, and if the accused be in custody he shall forthwith be discharged.

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## CHAPTER XVI.

### OF THE INQUIRY INTO CASES WHICH APPEAR NOT TO BE TRIABLE SUMMARILY BY POLICE COURT, BUT TRIABLE BY A SUPERIOR COURT.

Procedure in inquiries preparatory to commitment.

160. The following procedure shall be observed by police magistrates on inquiry into cases falling under head 5 of section 152, in which the offence is one which is triable only by a superior court; and in all cases falling under heads 1, 2, 3, and 4 of section 152,



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when it shall appear after examination that the offence is one which the police court has no power to try summarily, but is triable only by a superior court.

161. The police magistrate shall appoint a time for the inquiry to begin, and shall ascertain from the complainant or otherwise the names of any persons likely to be acquainted with the facts of the case, and to be able to give evidence for the prosecution, and shall summon any or such of them as he thinks necessary to give evidence before the court.

Police magistrate to appoint time for inquiry.

162. If the accused is not in custody before the police court, the police magistrate shall, if the offence is one for which a summons should issue in the first instance, issue his summons for the attendance of the accused. If the case appears to be one in which a warrant should issue in the first instance, he may issue his warrant, or, if he thinks fit, a summons, for causing the accused to be brought or appear at a certain time before the court.

Procedure when accused is not in custody.

Nothing in this section shall be deemed to affect the provisions of section 65.

163. When the accused appears or is brought before the police magistrate, he shall state to him the particulars of the offence of which he is accused.

When accused appears, particulars of offence to be stated to him.

164. The police magistrate shall, when the accused appears or is brought before him, proceed to hear the complainant (if any), and take, in manner hereinafter provided, all such evidence as—

Taking of evidence produced.

- (a) May be produced in support of the prosecution, or on behalf of the accused, or
- (b) As may be called for by the police magistrate.

165. The accused person shall be permitted to cross-examine the complainant and the witnesses for the prosecution. And the accused person, if he so desires, shall also be permitted, when all the evidence on the part of the prosecution has been taken, to examine witnesses for the defence, who may be cross-examined on behalf of the prosecution, and to re-examine them after such cross-examination.

Accused may cross-examine witnesses for prosecution.

166. The police court may, at any stage of the proceedings, summon and examine any person whose evidence it considers essential to the inquiry, and recall and re-examine any person already examined. And in each of these events the accused person, if he so desires, shall be permitted to cross-examine the witness after the examination by the court, and such witnesses may be re-examined.

Police court may summon further witnesses, and re-examine person already examined.

167. If the complainant or officer conducting the prosecution, or the accused, applies to the police magistrate to issue process to compel the attendance of any witness, or the production of any document or other thing, the police magistrate shall issue such process, unless for reasons to be recorded by him he deems it unnecessary to do so.

Process of compelling attendance of witness.

168. When the evidence referred to in section 164, paragraphs (a) and (b) has been taken, such police magistrate shall, if he finds that there are not sufficient grounds for committing the accused for trial, discharge him.

When accused person to be discharged.

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The provisions of section 226 shall apply to inquiries under this chapter, and if the police magistrate find that the offence disclosed is one over which the police court has summary jurisdiction, or which the accused consents shall be tried by the police court, as provided for in section 226, he may proceed to try and deal with the accused as is provided in chapter XIX. ; and on trials by consent, the provisions contained in the 226th, 227th, and 228th sections and the procedure therein shall apply to such trials.

Nothing in this section shall be deemed to prevent a police magistrate from discharging the accused at any previous stage of the case, if for reasons to be recorded by such police magistrate he considers the charge to be groundless.

*Explanation.*—A discharge under this section is not equivalent to an acquittal, and does not bar the revival of a prosecution for the same offence.

When charge is to be framed.

169. When, upon such evidence being taken, the police magistrate finds that there are sufficient grounds for committing the accused for trial, he shall frame a charge under his hand declaring with what offence the accused is charged.

Charge to be explained and copy furnished to accused gratis.

170. As soon as the charge has been framed it shall be read and explained to the accused, and a copy thereof shall, if he so requires, be given to him free of cost.

Magistrate to ask accused if he wishes to say anything in answer to charge.

171. The magistrate shall then address the accused in these words, or to the like effect :—

“Having heard the evidence and the charge, do you wish to say anything in answer to the charge? You are not bound to say anything, but what you do say will be taken down in writing, and may be given in evidence against you at your trial.”

Whatever the accused then says in answer thereto shall be taken down in writing, and kept with the proceedings in the case, and shall be dealt with as is hereinafter mentioned.

List of witnesses for defence on trial.

172. The accused shall be required at once to give in, orally or in writing, a list of the persons (if any) whom he wishes to be summoned to give evidence on his trial.

Further list.

173. The police magistrate may, in his discretion, allow the accused to give in a list or further list of witnesses at a subsequent time ; and where the accused is committed for trial before the Supreme Court, nothing in this section shall be deemed to preclude the accused from giving, at any time before his trial, a list or further list of the persons whom he wishes to be summoned to give evidence on such trial.

Power of magistrate to examine such witnesses.

174. The police magistrate may, in his discretion, summon and examine any witness named in any list given him under the preceding section.

Proceedings to be forwarded to Attorney-General.

175. So soon as the police magistrate shall have found that there are sufficient grounds for committing the accused for trial, and he shall have framed a charge against the accused, he shall forward the proceedings taken in the case to the Attorney-General in order to be instructed by him as to the court to which such commitment shall be made.

*Criminal Procedure Code.*

**176.** The police magistrate shall commit to the court to be named for the purpose by the Attorney-General, and to no other.

Police magistrate to commit to court named by Attorney-General. Order of commitment.

**177.** When the accused, on being required to give in a list under section 172, has declined to do so, or when he has given in such list, and the witnesses (if any) included therein whom the police magistrate desires to examine have been summoned and examined under section 173, the police magistrate may make an order committing the accused for trial, and shall also record briefly the reasons for such commitment.

Order of commitment.

**178.** In cases of commitment for trial, the police magistrate may summon and examine supplementary witnesses after commitment and before the commencement of the trial, and bind them over to appear and give evidence. Such examination shall, if possible, be taken in the presence of the accused person, and in every case a copy of the examination of such witnesses shall be given to him upon such terms as to charges as may be approved by the Governor, with the advice of the Executive Council.

Police magistrate may summon supplemental witnesses.

**179.** When the accused has given in any list of witnesses under section 172, and has been committed for trial, the police magistrate shall summon such of the witnesses included in the list as have not already appeared before himself, to appear before the court, to be bound over as hereinafter provided.

Summons to witnesses for defence when accused is committed.

**180.** If the police magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice, the police magistrate may require the accused 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 such police magistrate thinks necessary to defray the expense of obtaining the attendance of the witness.

Magistrate may refuse to summon witness, if not satisfied that his evidence is material.

**181.** Complainants and witnesses for the prosecution and defence, whose attendance before the superior court is necessary, and who appear before the police magistrate, shall execute before him bonds binding themselves to be in attendance, to appear at such court to prosecute or to give evidence, as the case may be.

Complainants and witnesses shall be bound over to appear.

**182.** If any complainant or witness refuse to attend before the superior court, or to execute the bond above directed, the magistrate may detain him in custody until he executes such bond, or until his attendance at the superior court is required, when the magistrate shall send him in custody to the superior court.

Detention in custody in case of refusal to attend or to execute bond.

**183.** In proceedings under this chapter, the police magistrate shall record all the particulars mentioned in section 238, down to (e). He shall also, if he decides to commit the accused for trial, record—(a) the charge; (b) the evidence of the witnesses; (c) the statement of the accused; (d) the date of the committal for trial; (e) a brief statement of reasons therefor; (f) the list or lists of witnesses put in by the accused (if any); (g) the names and description of the witnesses bound over, or in custody, to appear; (h) whether the accused is on bail or in custody; and he shall certify such record under his hand, as such police magistrate.

Magistrate shall record particulars of offence.

*Criminal Procedure Code.*

Accused to be furnished with copy of evidence.

184. When the inquiry is concluded, the accused person shall, if he demands it at a reasonable time before the trial, be furnished with a copy of the evidence which is recorded, upon such terms as to charges as may be approved by the Governor, with the advice of the Executive Council.

Record of inquiry to be forwarded to Attorney-General.

185. When the accused person is committed for trial, the police court shall forthwith transmit the record of the inquiry to the Attorney-General.

Magistrate to commit accused to custody to take his trial.

186. Until and during the trial, or until the accused shall be discharged by the Attorney-General as hereinafter provided, the police magistrate shall, subject to the provisions of this Code regarding the taking of bail, commit the accused by warrant to custody.

### CHAPTER XVII.

OF THE INQUIRY INTO CASES OF SUICIDE, SUDDEN DEATH, OR DEATH BY ACCIDENT OR VIOLENCE, OR IN AN ASYLUM OR A PRISON, OR WHERE THERE IS SUSPICION OF AN OFFENCE HAVING BEEN COMMITTED IN CONNECTION WITH SUCH DEATH, OR A DEAD BODY IS FOUND.

Procedure to be observed.

187. The following procedure shall be observed by police magistrates in all cases falling under heads 6, 7, and 8 of section 152.

Magistrate to ascertain names of witnesses.

188. The police magistrate shall ascertain the names of any persons likely to be acquainted with the facts of the case, and to be able to give evidence touching the death to be inquired into, and shall summon them to give evidence before him.

He shall hold inquiry and record evidence.

189. The police magistrate shall hold an inquiry into the cause of death, and shall record the evidence taken by him in connection therewith.

If expedient he shall direct a post-mortem to be held.

190. The police magistrate shall, if he consider it expedient, call upon the Government medical officer of the district, or any other medical practitioner, to hold a post-mortem examination of the dead body, and to report to such police magistrate regarding the cause of death.

Or cause body to be disinterred.

191. Whenever such police magistrate shall consider it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of death, the police magistrate may cause the body to be disinterred and examined.

He shall make a full report and forward same to Attorney-General.

192. He shall, after such inquiry, make and record a full and detailed report of the case and of his opinion thereon, and as to the cause of death, and shall forward the same, together with the evidence taken by him, to the Attorney-General.

If it appears that an offence has been committed, he shall proceed under chapter XVI. Observing procedure therein prescribed.

193. If in the course, or upon the termination, of such inquiry, it shall appear, or the police magistrate shall have reason to believe, that any person has committed any offence cognizable before a superior court, such police magistrate shall deal with such person under the provisions contained in chapter XVI.

194. In holding any inquiry under this chapter the police magistrate shall have all the powers which he would have in, and shall proceed in the same manner as if he were holding an inquiry into, an offence under chapter XVI.

*Criminal Procedure Code.*

195. An inquiry under this chapter may be made by any person appointed by the Governor for that purpose. Provided always that when any inquiry shall be held by a person so appointed, he shall associate with himself at such inquiry three respectable house-holders of the district in which such inquiry shall be held.

Governor may appoint persons to do coroners' duties.

## CHAPTER XVIII.

## OF THE CHARGE.

*Form of Charge.*

196. Every charge under this Code shall state the offence with which the accused is charged.

Charge to state offence.

If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

Specific name of offence sufficient description.

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 to give the accused notice of the matter with which he is charged.

How stated where offence has no specified name.

The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

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.

What implied in charge.

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.

Language of charge.

If the accused has been previously convicted of any offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the court is competent to award, the fact, date, and place of the previous conviction shall be stated in the charge.

Previous conviction, when to be set out.

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 Ceylon Penal Code; that it did 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 315 of the Ceylon 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 Ceylon Penal Code, and that the general exceptions did not apply to it.

(c) A is accused of murder, cheating, theft, extortion, or 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 Ceylon Penal Code; but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(d) A is charged, under section 182 of the Ceylon 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.

*Criminal Procedure Code.*

Particulars as to time, place, and person.

197. The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or 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.

When manner of committing offence must be stated.

198. When the nature of the case is such that the particulars mentioned in sections 196 and 197 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 in charge taken in sense of law under which offence is punishable.

199. 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.

Effect of errors.

200. 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.

*Illustrations.*

(a) A is charged, under section 237, of the Ceylon 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, a material error.

*Criminal Procedure Code.*

(d) J is charged with the murder of A B on the 21st January, 1882. In fact, the murdered person's name was H B, and the date of the murder was the 20th January, 1882. J was never charged with any murder but one, and had heard the inquiry before the magistrate, which referred exclusively to the case of H B. The court may infer from these facts that J was not misled, and that the error in the charge was immaterial.

(e) J was charged with murdering A B on the 20th January, 1882, and H B (who tried to arrest him for that murder) on the 21st January, 1882. When charged for the murder of A B, he was tried for the murder of H B. The witnesses present in his defence were witnesses in the case of A B. The court may infer from this that J was misled, and that the error was material.

**201.** A court may alter any charge at any time before judgment is pronounced, or, in the case of trials before the Supreme Court, before the verdict of the jury is returned.

Court may alter charge.

Every such alteration shall be read and explained to the accused.

**202.** If the alteration made under section 201 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 charge had been the original charge.

When trial may proceed on altered charge immediately.

**203.** If the altered charge 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.

**204.** If the offence stated in the altered charge is one 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 new or altered charge is founded.

Stay of proceedings, if prosecution of offence in altered charge requires previous sanction.

**205.** Whenever a charge is altered by the court after the commencement of the trial, the prosecutor and the accused shall be allowed to recall or re-summon, and examine with reference to such alteration, any witness who may have been examined.

Recall of witnesses when charge altered.

**206.** If the Supreme Court, in the exercise of its powers of appeal, reference, or revision, is of opinion that any person convicted of an offence was misled in his defence by the absence of a charge, or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

Effect of material error.

If the court is of opinion that the facts of the case are such that no valid charge could 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 Ceylon 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.

*Criminal Procedure Code.**Joinder of Charges.*

Separate charges for separate offences.

207. 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 mentioned in sections 208, 209, 210, and 213.

*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.

208. 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.

Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Ceylon Penal Code, or of any special or local law.

I.—Trial for more than one offence.

209. I.—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.

II.—Offence falling within two definitions.

II.—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.

III.—Acts constituting one offence but constituting another offence when combined.

III.—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, or for any offence constituted by any one or more of such acts.

Nothing contained in this section shall affect the Ceylon Penal Code, section 67.

*Illustrations*

to paragraph I.—

(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 Ceylon 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 Ceylon Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 461 of the Ceylon Penal Code.

(c) With intent to cause injury to B, A 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 charge. A may be separately charged with, and convicted of, two offences under section 208 of the Ceylon 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 charge. 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 Ceylon 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



*Criminal Procedure Code.*

such, to suppress the riot. A may be separately charged with, and convicted of, offences under sections 144, 316, and 149 of the Ceylon Penal 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 Ceylon Penal Code.

The separate charges referred to in illustrations (a) to (f) respectively may be tried at the same time.

to paragraph II.—

(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 Ceylon 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 drain-pit. A and B may be separately charged with, and convicted of, offences under sections 394 and 396 of the Ceylon 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 Ceylon 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 Ceylon 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 paragraph III.—

(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 Ceylon Penal Code.

210. 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 having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

Where it is doubtful what offence has been committed.

*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 theft, or receiving stolen property, or criminal breach of trust, or cheating.

211. If, in the case mentioned in section 210, 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.

When a person is charged with one offence he can be convicted of another.

*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.

212. 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.

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*Criminal Procedure Code.*

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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 is not charged with it.

Nothing in this section shall be deemed to authorise a conviction of any offence referred to in section 149 or section 151, when no complaint has been made as required by those sections.

*Illustrations.*

(a) A is charged under section 390 of the Ceylon 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 Ceylon 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.

All persons concerned in committing an offence may be charged together.

**213.** When more persons than one are accused of 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.

*Illustrations.*

(a) A and B are accused of the same murder. A and B may be charged 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 a charge, 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.

When conviction on one charge, remaining charges may be withdrawn.

Effect of withdrawal.

**214.** 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 complainant, or 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. 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.

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**CHAPTER XIX.**

**OF THE TRIAL OF CASES WHERE A POLICE COURT HAS POWER TO TRY SUMMARILY.**

Procedure to be observed.

**215.** The following procedure shall be observed by police courts in all cases falling under head 5 of section 152 in which and in all cases falling under heads 1, 2, 3, and 4 of section 152, in which, after the examination required by the 156th section, it appears that a police court has jurisdiction to try summarily.

*Criminal Procedure Code.*

**216.** If the accused is in custody before the police court, the police magistrate shall state to him the particulars of the offence of which he is accused, and he shall be asked if he has any cause to show why he should not be convicted.

When accused is in custody.

**217.** If the accused, being before the police court, does not admit that he has committed the offence, or if the accused is not before the police court, the police magistrate shall then appoint a time for the appearance of the accused and the trial and hearing of the complaint, and shall ascertain, from the complainant or otherwise, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon to give evidence before the police court such of them as he thinks necessary.

When accused is not before court or denies charge, magistrate may appoint time for trial, &c.

**218.** If the accused is not before the police court, and the case is one in which a summons should issue in the first instance, the police magistrate shall issue his summons for the attendance of the accused. If the case appears to be one in which a warrant should issue in the first instance, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or appear at the time appointed before the police court.

Summons or warrant may be issued.

Nothing in this section shall be deemed to affect the provisions of section 65.

**219.** Whenever a police magistrate issues a summons, he may, in his discretion, dispense with the personal attendance of the accused, and permit him to appear by his pleader. But the police 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.

Personal attendance of accused may be dispensed with.

**220.** When the proceedings have been instituted in respect of an offence which may be lawfully compounded, and upon any day fixed for the hearing of the case the complainant is absent, the police magistrate may, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.

Magistrate may discharge accused if complainant is absent.

**221.** When the accused appears or is brought before the police magistrate, the particulars of the offence of which he is accused shall be stated to him, and he shall be asked if he has any cause to show why he should not be convicted, but it shall not be necessary to frame a formal charge.

Particulars of offence shall be stated to accused.

**222.** If the accused, upon being asked if he has any cause to show why he should not be convicted as provided by sections 216 or 221, admits that he has committed the offence, his admission shall be recorded as nearly as possible in the words used by him; and if he shows no sufficient cause why he should not be convicted, the magistrate shall convict him accordingly, and pass sentence upon him according to law, and shall record the finding and sentence.

Admission of offence by accused.

If the accused does not make such admission, the police magistrate shall proceed to hear the complainant (if any), and take, in manner hereinafter provided, all such evidence as may be produced in support of the prosecution.

If accused does not admit, magistrate shall proceed with inquiry.

The accused shall be permitted to cross-examine any witness examined against him, and the prosecutor or complainant may re-examine any witness who may have been cross-examined.

Accused may cross-examine witnesses for prosecution.

*Criminal Procedure Code.*

Discharge of accused.

223. If the police magistrate, upon taking the evidence referred to in the last preceding section, and such further evidence as he may of his own motion cause to be produced, finds that no case against the accused has been made out, which, if un rebutted, would warrant his conviction, the magistrate shall record an order of acquittal. Nothing in this section shall be deemed to prevent a police court from acquitting the accused at any previous stage of the case, if, for reasons to be recorded by the police magistrate, he considers the charge to be groundless.

Charge to be framed when offence appears proved.

224. If, when such evidence has been taken and made, the police magistrate is of opinion that there is ground for presuming that the accused has committed an offence which the police court is competent to try, and which, in his opinion, could be adequately punished by it, he shall frame in writing a charge against the accused.

Charge to be read to accused.

225. The charge shall then be read and explained to the accused.

Magistrate may try accused by consent.

226. If the offence is one over which such police court does not have summary jurisdiction, but is one within the jurisdiction of a district court, and the police magistrate is of opinion that the same may be sufficiently dealt with and disposed of by the police court summarily, he may likewise frame a charge, which he shall read and explain to the accused, and say to him these words, or words to the like effect :

“Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial to a superior court?”

If accused consents, such consent shall be recorded.

227. If the accused consents to the charge being summarily tried and determined, such consent shall be recorded, and he shall be asked whether he is guilty or claims to be tried. If he does not consent, then the police magistrate shall proceed with the case as is provided for in chapter XVI.

If accused pleads guilty, magistrate shall pass sentence on him.

228. If the accused consents to be summarily tried and pleads guilty, the police magistrate shall then record such plea and proceed to pass sentence on him according to law. Provided always, that a police court, proceeding under sections 226 and 227, shall not impose any greater punishment than double the maximum punishment to which the jurisdiction of a police court in summary trials extends.

Plea of accused.

229. After the charge has been read and explained to the accused, as provided by section 225, he shall be asked whether he is guilty or has any defence to make.

If the accused pleads guilty, the magistrate shall record the plea, and may in his discretion convict him thereon.

Defence of accused. He may cross-examine witnesses for prosecution.

230. If the accused refuses to plead, or does not plead, or claims to be tried, or if the accused consents to, and claims to be tried by a police court, as provided by section 227, he shall be called upon to enter upon his defence, and to produce his witnesses, and shall, at any time while he is making his defence, be allowed to recall and cross-examine any witnesses for the prosecution present in the police court or its precincts.

Witness cross-examined by accused may be re-examined by prosecution.

In the event of any witness being so cross-examined by the accused person, he may be re-examined on the part of the prosecution. And any witness called by the accused may be cross-examined and re-examined.

*Criminal Procedure Code.*

If the accused puts in any written statement, the police magistrate shall file it with the record.

Written statement by accused to be filed with record.

231. If the accused applies to the police magistrate to issue any process for compelling the attendance of any witness (whether he has or has not previously been examined in the case) for the purposes of examination or cross-examination, or the production of any document or other thing, the police magistrate shall issue such process, unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay, or for defeating the ends of justice. Such grounds shall be recorded by him in writing.

Magistrate may issue process for compelling attendance of accused's witnesses.

The police magistrate may, before summoning any witness on such application, require that his reasonable expenses incurred for the purposes of the trial be deposited in court.

Expenses of witnesses.

232. If in any case under this chapter in which a charge has been framed, the police magistrate finds the accused not guilty, he shall record an order of acquittal.

Order of acquittal after charge framed.

233. If in any such case the police magistrate finds the accused guilty, he shall pass sentence upon him according to law, subject to the proviso contained in section 228, and record the finding and sentence.

Conviction and sentence of accused.

234. If a complainant, at any time before the determination of any trial under this chapter, satisfies the police magistrate that there are sufficient grounds for permitting the case to be withdrawn, and the offence is one which may be lawfully compounded, the police magistrate may permit the case to be withdrawn, and shall thereupon acquit the accused.

Withdrawal or compounding offence.

235. A police magistrate may convict an accused of any offence, over which a police court has summary jurisdiction, which from the facts admitted or proved he appears to have committed, whatever may be the nature of the complaint.

Conviction not limited to complaint or summons.

236. If in any case instituted on complaint, a police magistrate acquits the accused under section 223 or section 232, and is of opinion that the complaint was frivolous or vexatious, he may, in his discretion, by his order of acquittal, direct 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, as the police magistrate shall think fit.

Frivolous or vexatious complaints.

The sum so awarded shall be recoverable as if it were a fine. Provided that, if it cannot be realised, the imprisonment to be awarded shall be simple, and for such term not exceeding thirty days, as the police magistrate directs 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.

Recovery of compensation for.

If in any case enquired into or tried before a police magistrate the complaint be not proceeded with within such time as the police magistrate may deem reasonable, or if the complaint is declared by the magistrate to have been frivolous, it shall be lawful for such police magistrate to make an order for the complainant to pay by way of Crown costs a sum not exceeding five rupees, such sum to be recovered as if it were a fine; and against such order there shall be no appeal.

Crown costs in cases abandoned, &c.

*Criminal Procedure Code.*

Police court may stay proceedings and commit accused for trial.

237. In any trial before a police court, in which it may appear at any stage of the proceedings that, from any cause, the case is one which the police court is not competent to try, or one which, in the opinion of the police magistrate, ought to be tried by a superior court, the police court shall stop further proceedings under this chapter, and shall proceed with the case, and commit the prisoner for trial under chapter XVI.

*Explanation.*—Where the evidence shows that an offence beyond the jurisdiction of the police court has been committed, the police court is not at liberty to disregard material parts of the evidence, and convict for a lesser offence, and so to withdraw the case from the proper tribunal.

Magistrate to record particulars of case.

238. In proceeding under this chapter, the police magistrate shall record, in such form as the Governor in Executive Council shall direct, the following particulars :—

- (a) The serial number ;
- (b) The date of the commission of the offence ;
- (c) The date of the report or complaint ;
- (d) The name of the complainant (if any) ;
- (e) The name and residence of the accused ;
- (f) The offence complained of and (if any) proved ;
- (g) The charge, and plea of the accused ;
- (h) The evidence of the witnesses ;
- (i) The statement, or examination (if any), of the accused in his defence ;
- (k) The finding, and a brief statement of the reasons therefor ;
- (l) The sentence, or other final order ; and
- (m) The date on which the proceedings terminated ; and he shall certify such record under his hand, as such police magistrate.

## CHAPTER XX.

## OF THE PROCEEDINGS BY THE ATTORNEY-GENERAL.

Attorney-General's powers to file informations.

239. The Attorney-General may exhibit to the Supreme Court informations for all purposes for which Her Majesty's Attorney-General in England may exhibit informations on behalf of the Crown in the High Court of Judicature. Such proceedings may be taken upon every such information as may lawfully be taken in case 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.

240. All persons appearing before the Supreme Court under a commitment for trial, or in pursuance of bail so to appear, against whom charges are preferred by the Attorney-General, 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 charges so preferred.

Attorney-General may appoint court to which commitment shall be made.

241. When a police magistrate shall have forwarded the proceedings in any case to the Attorney-General for instructions, as required by section 175, the Attorney-General may, if he consider commitment desirable, by indorsement thereon, name the court to which such commitment, if any, shall be made, and in such event he shall return such proceedings, with such indorsement, to the police court.

*Criminal Procedure Code.*

**242.** Upon such proceedings being forwarded to the court, as required by section 175, or upon the record of any inquiry before the police court being transmitted to the Attorney-General, as required by section 185, it shall be competent for the Attorney-General, if he is of opinion that no further proceedings should be taken in the case, to make an order in writing, signed by himself, directing the accused person to be discharged from the matter of the complaint, or information, or charge, and if such accused person is in custody, from further detention; and thereupon the jailor, or other person, having the accused person in custody, shall forthwith release him, and all the proceedings taken upon such inquiry shall cease and be determined.

Attorney-General may order person to be discharged.

**243.** If the Attorney-General is of opinion that a criminal offence is disclosed by the proceedings or record against the accused person, 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 in the case, signed by himself, requesting 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 or record, together with his order, for the purpose of the latter being carried into effect.

Attorney-General may order further evidence to be taken.

**244.** Upon the proceedings or record, together with the order of the Attorney-General, being so returned to it, the police court shall be empowered, and it shall be its duty, to cause the accused person to appear before it, and to resume and proceed with the inquiry in pursuance of the order of the Attorney-General and according to its terms.

Duty of police court in such case.

**245.** For the purpose of this supplemental inquiry, the accused person, if at large on bail, shall be called upon by written notice to appear before the police court, and if in prison shall, by an order of the police court, be brought before the police court, on a day appointed therefor, and all the provisions in respect of the original inquiry shall be applicable to the supplemental inquiry. The police court shall, in any event, at the termination of the supplemental inquiry, again forthwith transmit the proceedings or record, as the case may be, in the case to the Attorney-General.

Procedure on such supplemental inquiry.

**246.** The supplemental inquiry may be conducted in the police court by a magistrate thereof other than the magistrate who conducted the original inquiry.

May be before another magistrate.

**247.** Whenever the Attorney-General is of opinion that a criminal offence is disclosed by the record as against the accused person, and that the evidence taken is sufficient to afford a foundation for a full and proper trial, then he shall in his discretion, by his fiat in writing signed by himself, designate the court, whether Supreme Court or district court, before which the case shall be placed for trial, and shall thereupon transmit the record of the case to the court so designated.

Attorney-General by fiat to appoint court for trial.

**248.** The fiat shall be filed in the case, and if the court therein designated shall be other than the court to which the accused person was committed, he shall, if at large on bail, be served with a copy thereof, and thereupon the bail of the accused shall be taken to refer

Fiat to be filed, and, if court other than that to which

*Criminal Procedure Code.*

commitment was made, accused to be informed.

to the court named in the fiat in the same and the like manner as if such last-mentioned court had been the court to which the accused had originally been committed; but if he is detained in prison, a copy of the fiat shall be left with the jailor, who shall inform the prisoner of the same, and, if he desires it, shall give him a copy of it.

And in such event witnesses to be also informed thereof.

249. In the event of the court designated by the fiat of the Attorney-General for the trial of the accused being a court other than the court to which the accused shall have been committed for trial, the Attorney-General may cause notices to that effect to be served on the witnesses who shall have been bound over to appear and give evidence; and thereupon the bail of such witnesses shall be taken to refer to such court and time named in such notice, in the same manner as if they had been bound over to appear and give evidence at such court and time.

Attorney-General may alter or redraw charge.

250. Before transmitting the record of the case to the court of trial, the Attorney-General shall, if it appear to him necessary and expedient so to do, alter or re-draw the charge against the accused, having regard to the rules as to the form of charges hereinbefore contained; and in the event of his so doing, the charge so altered or re-drawn shall be filed with the record, and shall be deemed the charge on which the accused person is committed for trial, and a copy thereof shall be served on the accused person.

Police magistrate to transmit proceedings in every case to Attorney-General when required to do so.

251. Every police magistrate shall, whenever required so to do by the Attorney-General, forthwith transmit to the Attorney-General the proceedings in any case in which an inquiry has been or is being held before the police court of such magistrate, and thereupon such inquiry shall be suspended in the same and the like manner as upon an adjournment thereof.

In case of doubt or difficulty magistrate may transmit case to Attorney-General.

252. Whenever, in the course of any inquiry before a police court, the police magistrate of such court shall consider the case one of doubt or difficulty, or that there are peculiar circumstances connected therewith, or he shall be in doubt as to whether an accused person should be committed or not, he may, in his discretion, transmit the proceedings on such inquiry to the Attorney-General, in order that the Attorney-General may give such instructions in the case as to him shall appear requisite.

Attorney-General may give such instructions as he may consider requisite.

253. It shall be competent for the Attorney-General, upon the proceedings in any case being transmitted to him, under the provisions of the two last preceding sections, 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.

Attorney-General may file an information when of opinion that an accused should not have been discharged.

254. Whenever a police court shall have discharged an accused person under the provisions of chapter XVI., and the Attorney-General shall be of opinion that such accused person should not have been discharged, the Attorney-General may file an information against such person either in the Supreme, or a district court, as the Attorney-General shall please, and the Attorney-General may take such proceedings thereon as he is authorized and empowered to take on information filed under the authority of section 239.



*Criminal Procedure Code.*

- 255.** The Attorney-General, or a pleader generally or specially appointed by him, shall be entitled to appear and conduct the prosecution in any case into which the magistrate of a police court may be inquiring, or which he may be trying.
- 256.** Any magistrate of a police court, inquiring into, or trying, any case, may permit any person, other than a police officer below the rank of sergeant, to conduct the prosecution; but no person, other than the Attorney-General, or pleader generally or specially appointed by him, shall be entitled to do so, without such permission.
- 257.** Any person conducting the prosecution may do so personally or by pleader.
- 258.** If any private person instructs a pleader to prosecute in any court in any case in which the Attorney-General, or a pleader appointed by him, appears, the pleader so instructed shall act therein under his directions.
- 259.** The Attorney-General, or pleader appointed by him, may, in any case in which he appears, before the judgment is pronounced, withdraw from the prosecution, and upon such withdrawal—
- (a) If it is made before a charge has been framed, the accused shall be discharged;
  - (b) If it is made after the charge has been framed, and the case is one in which the police court has power to adjudicate summarily, the accused shall be acquitted.

Attorney-General entitled to appear in all cases before magistrate.

Magistrate may permit person to conduct prosecution.

Prosecution may be conducted by pleader.

Pleader to act under Attorney-General's directions.

Attorney-General may withdraw from prosecution.

## CHAPTER XXI.

## TRIALS BY DISTRICT COURT.

- 260.** Trials before a district court under this chapter may be before a district judge alone, or before the judge, aided by assessors, as provided by law.
- 261.** In every trial before a district court, the prosecution shall be conducted by the Attorney-General, or by some officer empowered by him in that behalf.
- 262.** The Attorney-General may, at any time before judgment is passed, withdraw any case from a district court; and thereupon all proceedings therein shall be stayed, and the accused shall be discharged from the charge, but such discharge shall not amount to an acquittal.
- 263.** If the case comes before the court on the committal of a police court, the charge or charges upon which any accused person is tried in the district court shall be that or those which has or have been approved of, or framed, by the Attorney-General, and shall be embodied by the secretary of the court in an indictment.
- 264.** If the case comes before the court from some other court, by virtue of an order of transfer made by the Supreme Court, the charge shall be framed upon the facts disclosed in the examination of the

Trial before district court to be by judge or with assessors.

Trial before district court to be conducted by Attorney-General.

Attorney-General may withdraw prosecution.

Attorney-General to frame or approve of charge.

In case of transfer from another court,

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*Criminal Procedure Code.*

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charge to be framed upon the evidence.

complainant or informant and the evidence taken in the case, and need not be substantially identical with, nor comprehend, the charge, if any, made by the police court before which any portion of the inquiry was held; and a copy of the charge so framed shall be furnished to the accused person free of cost.

*Choosing Assessors.*

Judge to choose assessors.

265. When the trial is to be held with the aid of assessors, two or more shall be chosen, as the judge thinks fit, from the persons summoned to act as such.

*Commencement of Trial.*

Accused to appear before court and charge to be read to him, and he shall be called on to plead.

266. When the court is ready to commence the trial, the accused person shall appear, or be brought before it, and the charge shall be read and explained to him, and he shall be asked whether he is guilty of the offence charged or claims to be tried.

Plea of guilty.

267. If the accused person pleads guilty, the plea shall be recorded on the indictment and he may be convicted thereon.

Refusal to plead or claim to be tried.

268. If the accused person refuses to, or does not plead, or if he claims to be tried, the court shall proceed to try the case.

Trial to commence by Attorney-General stating his case, and examining witnesses.

269. The trial shall commence by the Attorney-General, or other officer who conducts the prosecution, stating his case to the court.

The witnesses for the prosecution shall then be examined, and may be cross-examined, and re-examined.

Accused's statement may be put in.

270. If it is intended to put in, as evidence, the statement (if any) of the accused made before the police court by which he was committed, it may be put in at any time before the close of the case for the prosecution.

Court may acquit without calling for defence, or

271. When the examination of the witnesses for the prosecution is concluded, if the court 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, then the court shall return a verdict of acquittal; if, however, the court considers that there are grounds for proceeding with the trial, it shall call upon the accused for his defence, and to produce his witnesses if he desires to do so.

Call for defence.

Accused may make his defence.

272. The accused person, or his pleader, may then enter upon his defence, and may examine the witnesses (if any) produced for the defence, who may be cross-examined on behalf of the prosecution, and in that event may be re-examined on the part of the accused person, and the accused person or his pleader may then sum up his case.

When prosecuting officer entitled to reply.

273. If any evidence is adduced on behalf of the accused person, the officer conducting the prosecution shall be entitled to reply.

Judge to sum up evidence.

274. When the case for the defence and the prosecutor's reply (if any) are concluded, the court may, in its discretion, sum up the evidence for the prosecution and defence; and in a case tried with the aid of assessors it shall do so, and shall require each of the assessors to state his opinion orally, and shall record such opinion.

*Criminal Procedure Code.*

The judge shall not be bound to conform to the opinion of the assessors.

**275.** When the case for the defence and the prosecutor's reply (if any) are concluded, and the assessors' opinion, if the trial has been with the aid of assessors, has been recorded, the court shall proceed to pass judgment or conviction. And to pass judgment.

If the accused person is convicted, the court shall proceed to pass sentence on him according to law.

**276.** 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, trial to proceed before the other; in the absence of all, a new trial to be held.

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.

The provisions of sections 306, 345, with regard to trial by jury in the Supreme Court shall apply to trials with the aid of assessors in the district courts.

## CHAPTER XXII.

## TRIAL BEFORE THE SUPREME COURT.

A.—*Preliminary.*

**277.** All trials under this chapter before the Supreme Court shall be by jury.

The Attorney-General, or some other advocate specially authorized by him in that behalf, shall conduct all prosecutions before the Supreme Court.

Trials before Supreme Court to be by jury. Attorney-General to conduct all prosecutions before Supreme Court.

**278.** At any stage of any 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 charge; and thereupon all proceedings on such charge against the accused shall be stayed, and he shall be discharged of and from the same. But such discharge shall not amount to an acquittal.

Attorney-General may discontinue prosecution.

**279.** When any accused person comes for trial before the Supreme Court, under a commitment for trial made by a police court, or by fiat of the Attorney-General, or by virtue of an order of the Supreme Court of transfer of trial from another court, the charge shall be framed or approved by the Attorney-General, having regard to the rules as to the form of charges.

Attorney-General shall approve of charge.

**280.** If the case comes before the court by virtue of an order of the Supreme Court of transfer of trial from another court, the charge shall be framed upon the facts disclosed in the complaint or information and the evidence taken in the case, and need not be substantially identical with, nor comprehend, the charge (if any) made by the police court before whom any portion of the inquiry was held.

Charge how framed.

*Criminal Procedure Code.*

Attorney-General shall embody charge in indictment.

281. The Attorney-General shall embody the charge in an indictment, which indictment shall be the foundation of the trial in the Supreme Court; and a copy of such indictment shall be given to the accused person, free of cost, if he demands it.

Accused to be furnished with copy of his examination on certain terms.

282. The accused person shall also be furnished, upon such terms as to charges as may be approved by the Governor, with the advice of the Executive Council, with a copy of his own statement (if any) before the police court which committed him for trial, or, if he has been previously tried before a police court or district court, with a copy of his statement and examination (if any) before such court, and with copies of the depositions of witnesses made on the inquiry by the police court and on the previous trial (if any) of the same matter, and of all documents read and made exhibits as part of such depositions on these occasions respectively, if the accused person demands them a reasonable time before the case comes on for trial.

*B.—Commencement of Trial.*

Commencement of trial.

283. When the court is ready to commence the trial, the accused person shall appear or be brought before it, and the indictment shall be read out in court and explained to him, and he shall be asked whether he is guilty of the offence charged or claims to be tried.

Plea of guilty may be recorded and accused convicted thereon.

284. If the accused person pleads guilty, the plea shall be recorded on the indictment, and he may be convicted thereon: Provided that when the charge so pleaded to is murder, the judge may in his discretion refuse to receive the plea and shall cause the trial to proceed, the plea notwithstanding, in like manner as if the accused person had claimed to be tried.

Refusal to plead or claim to be tried.

285. If the accused person refuses to or does not plead, or if he claims to be tried, the court shall proceed to choose jurors as hereinafter directed, and to try the case. Provided that, subject to the right of objection hereinafter named and to the provisions with respect to the panel for trial, the same jury may try as many accused persons successively as the court thinks fit.

Special jury may be summoned.

286. It shall be competent to the Attorney-General or the accused to apply to any judge of the Supreme Court for an order requiring a special jury to be summoned to try any case before the court; and the judge shall, if he considers such application just and reasonable, make an order accordingly.

*C.—Choosing a Jury.*

Number of jury.

287. The jury shall consist of nine persons; in all cases where the verdict returned is for an offence punishable with death, the verdict shall be by a majority of at least two-thirds; in other cases the verdict may be returned by a majority in number of the jury.

Panel to be determined by agreement.

288. Of the three panels of jurors, prepared as hereinafter in section 277 directed, that one from which the jury shall be taken for the trial shall in each case, wherein a special jury is not directed under section 286, be determined by agreement between the Attorney-General and the accused person: Provided that if they do not agree, the judge shall make such selection as shall appear to him most conducive to the ends of justice.

*Criminal Procedure Code.*

**289.** The jury shall be chosen by lot from the persons summoned to act as such on the panel, so selected or determined in such manner as the Supreme Court may from time to time by any rule or rules direct: Provided that—

Jurors to be chosen by lot, subject to rules to be made.

*First.*—Pending the issue of a rule or rules under this section, the practice now prevailing shall be followed.

Until rules made, existing practice maintained. How deficiency to be supplied.

*Secondly.*—In case of a deficiency of persons summoned, the deficient number may, with the leave of the court, be taken from such other persons present as understand the language which distinguishes the panel.

**290.** As each juror is chosen, his name shall be called aloud, and, upon his appearance, the accused shall be asked if he objects to be tried by such juror.

Names of jurors to be called.

Objection may then be taken to such juror by the accused or by the prosecutor, and the grounds of objection shall be stated.

Objections to be then taken.

Provided that objections without grounds stated shall be allowed to the number of three on behalf of the Crown, and three on behalf of the person or all the persons charged.

Objections without grounds stated.

**291.** Any objection taken to a juror on any of the following grounds, if made out to the satisfaction of the court, shall be allowed:—

Grounds of objection.

- (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, or being under the age of 21 or above the age of 60 years ;
- (c) His holding any office in or under the court ;
- (d) His executing any duties of police or being entrusted with police duties ;
- (e) His having been convicted of any offence which, in the opinion of the court, renders him unfit to serve on the jury ;
- (f) His inability to understand the language which distinguishes the panel from which the jury is drawn ;
- (g) Any other circumstance which, in the opinion of the court, renders him improper as a juror.

**292.** Every objection taken to a juror shall be decided by the court, and such decision shall be recorded and be final.

Decision of objection.

If the objection is allowed, the place of such juror shall be supplied by any other juror attending in obedience to any summons and chosen in manner provided by section 289 ; or, if there is no such other juror present, then by any other person present in the court whose name is on the list of jurors, or whom the court considers a proper person to serve on the jury, provided that no objection to such juror or other person is taken under section 291 and allowed.

Supply of place of juror against whom objection allowed.

**293.** When the jurors have been chosen, they shall appoint one of their number to be foreman.

Foreman of jury.

The foreman shall preside in the debates of the jury, deliver the verdict of the jury, and ask any information from the court that is required by the jury or any of the jurors.

*Criminal Procedure Code.*

Judge may appoint.

294. 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 court.

Swearing of jury.

When the foreman has been appointed, the jurors shall be sworn.

Procedure where juror ceases to attend, &c.

295. 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, a new juror shall be added, or the jury shall be discharged and a new jury chosen.

In each of such cases the trial shall commence anew.

Discharge jury in case of sickness of prisoner.

296. The judge may also discharge the jury whenever the prisoner becomes incapable of remaining at the bar.

*D.—Trial to close of case for prosecution and defence.*

Registrar to read indictment to jury.

297. As soon as the foreman is nominated, the registrar shall, in the hearing of the accused person, read the indictment to the jury ; and shall inform them that it is their duty to listen to the evidence which shall be given before them, and upon that evidence to find by the verdict of all, or two-thirds, or the major part of them, as the case may be, whether or not the accused person is guilty of the charge or any of the charges if more than one made against him in the indictment.

Opening of case for prosecution. Accused's statement may be put in.

298. When the jurors have been chosen, the prosecutor shall open his case to the jury.

The prosecutor shall then examine his witnesses, and may put in as evidence, if it is intended so to do, the statement of the accused (if any) made before the police court, by which he was committed for trial.

Evidence given at preliminary inquiry admissible.

299. The evidence of a witness, duly taken in the presence of the accused before the committing magistrate, may, in the discretion of the presiding judge, if such witness is produced and examined, be treated as evidence in the case.

Procedure after examination of witnesses for prosecution.

300. When the examination of the witnesses for the prosecution is concluded, the accused shall be asked whether he means to adduce evidence.

If he says that he does not, the prosecutor may sum up his case : and if the court considers that there is no evidence that the accused committed the offence, it may then direct the jury to return a verdict of not guilty.

If the accused, or any one of several accused, says that he means to adduce evidence, and the court considers that there is no evidence that the accused committed the offence, the court may then direct the jury to return a verdict of not guilty.

If the accused, or any one of several accused, says that he means to adduce evidence, and the court considers that there is evidence that he committed the offence ; or if, on his saying that he does not mean to adduce evidence, the prosecutor sums up his case, and the court considers that there is evidence that the accused committed the offence ; the court shall call on the accused to enter on his defence.

*Criminal Procedure Code.*

- 301.** 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 examine his witnesses (if any), and after their cross-examination and re-examination (if any) may sum up his case. Defence.
- 302.** The accused shall be allowed to examine any witness not previously named by him, if such witness is in attendance; but he shall not, except as provided in sections 173 and 205, be entitled of right to have any witness summoned, other than the witnesses named in the list delivered to the police court by which he was committed for trial. Right of accused as to examination and summoning of witnesses.
- 303.** The prosecutor may, by leave of the court, call witnesses in rebuttal, and such witnesses may be cross-examined and re-examined. Witnesses in rebuttal.
- 304.** If the accused, or any of the accused, has stated, when asked under section 300, that he means to adduce evidence, the prosecutor shall be entitled to reply. Prosecutor's right of reply.
- 305.** Whenever the court 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, the court 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 court. View by jury of place where offence committed.
- Such officer shall not, except with the permission of the court, 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.
- 306.** If a juror is personally acquainted with any relevant fact, it is his duty to inform the judge that such is the case, whereupon he may be sworn, examined, cross-examined, and re-examined in the same manner as any other witness. When juror may be examined.
- 307.** If a trial is adjourned, the jury shall attend at the adjourned sitting, and at every subsequent sitting until the conclusion of the trial. Jury to attend an adjourned sitting.
- 308.** The Supreme Court may, from time to time, make rules as to keeping the jury together during a trial lasting for more than one day; and subject to such rules the presiding judge may order whether and in what manner the jurors shall be kept together under the charge of an officer of the court, or whether they shall be allowed to return to their respective homes. Locking up jury.
- E.—Conclusion of Trial.*
- 309.** When the case for the defence, and the prosecutor's reply (if any) are concluded, the court shall proceed to charge the jury, summing up the evidence for the prosecution and defence, and laying down the law by which the jury are to be guided. Charge to jury.
- 310.** It is the duty of the judge— Duty of 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

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of evidence or the propriety 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, and upon this point his decision shall bind the jurors.

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.

Duty of jury; 311. It is the duty of the 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, and to tell them under what views of the facts A ought to be convicted of murder, or of culpable homicide, or to be acquitted.

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.



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**312.** After the judge has finished his charge, the jury may retire to consider their verdict. Retirement to consider.

Except with the leave of the court, no person other than a member of the jury shall speak to, or hold any communication with, any member of such jury.

**313.** When the jury have considered their verdict, the foreman shall inform the judge of their verdict. Delivery of verdict.

**314.** If the jury are not unanimous, the judge may require them to retire for further consideration. After such further consideration the jury may deliver their verdict although they are not unanimous. Procedure where jury differ.

**315.** Unless otherwise ordered by the court, 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. Verdict to be given on each charge.

Such questions and the answers to them shall be recorded. Questions and answers to be recorded.

**316.** When by accident or mistake a wrong verdict is delivered, the jury may, before or immediately after it is recorded, amend the verdict, and it shall stand as ultimately amended. Amending verdict.

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.

**317.** The judge shall give judgment according to the verdict of the jury. Judge to give judgment according to verdict.

If the accused is acquitted, the judge shall record judgment of acquittal. If the accused is convicted, the judge shall pass sentence on him according to law.

*F.—Re-trial of accused after discharge of Jury.*

**318.** Whenever the jury is discharged, the accused shall be detained in custody or on bail (as the case may be), and shall be tried by another jury. Re-trial of accused after discharge of jury.

*G.—Procedure in case of previous conviction.*

**319.** In the case of a trial by jury, where the accused is charged with an offence committed after a previous conviction for any offence, the procedure laid down in sections 283, 297, 298, 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 sentence 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 shall then inquire concerning such previous conviction, and in such case it shall not be necessary to swear the jurors again.

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## CHAPTER XXIII.

## OF JURIES.

Liability to  
serve as a juror  
or assessor.

320. Subject to the disqualifications and exemptions contained in the two sections next following, every male person residing within this colony, 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 the section 323 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 not distant more than thirty miles, in a straight line, from the place where such sessions or court is holden.

Disqualifica-  
tions.

321. The following persons are disqualified from serving as jurors in the Supreme Court, or as assessors in a district court, that is to say:—

Persons who have been convicted of an infamous crime, and who have not received a free pardon.

Persons who labour under such bodily or mental incapacity, or profess such religious tenets, as renders them unfit to discharge the duty of a juror or assessor.

The judges of the Supreme Court and all persons who hold any office in or under the Supreme Court.

The private secretaries of the judges of the Supreme Court.

Persons under the age of twenty-one years and over the age of sixty years.

District judges and police magistrates.

Advocates and proctors.

Habitual petition-drawers.

All officers of customs and police, and all persons who receive any pay or emolument for executing any duties of customs or police.

All fiscals and their officers.

All prison officers.

Persons actually officiating as priests or ministers of their respective religions.

Every officer of a district court is disqualified from serving as an assessor in the district court of which he is an officer.

Exemptions.

322. The following persons are exempted from liability to serve as jurors in the Supreme Court, or assessors in a district court, that is to say:—

The Governor, or person discharging the office of Governor.

Members of the Executive Council.

Members of the Legislative Council.

Members of the personal staff of the Governor.

All persons serving in Her Majesty's Army or Navy on full pay, or active employment.

All persons duly admitted to practice as physicians, surgeons, surgeon apothecaries, apothecaries, or accoucheurs, in actual practice.

Fiscals to  
prepare list of  
persons liable to  
serve as jurors.

323. The fiscals of the several provinces and circuits of this Island shall prepare, or cause to be prepared, in the first week of January in every year, or as soon thereafter as may be, each for his own province, three several lists of the persons resident therein who shall be both

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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:—

- (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 ; English.
- (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 year ; Sinhalese.
- (3) A list of persons who can 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 ; Tamil.

and also :

- (4) A list of persons selected from list No. (1), each of whom possesses an income of not less than Rs. 2,000 a year, or, either in his own or in his wife's right, property movable or immovable, not less than Rs. 20,000 in value, and who shall be liable to serve as special jurors, as hereinafter prescribed : Special jury.

Provided always that if any person who shall be able to speak, read and write more than one of the abovementioned 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 of his district, in preference to another of the same lists, the fiscal shall, if such person be duly qualified, place him accordingly in such place in such list as to the fiscal shall appear most convenient ; 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 or property, or to reduce the amount thereof in respect of any one or more of the above specified four lists, in any district of this Island in which sufficient panels cannot be secured of jurymen having the income or property herein prescribed.

324. The said fiscals shall, as soon as such lists have been so prepared as aforesaid, cause the same to be published in the *Gazette*. But it shall be lawful for the said fiscals, and they are hereby required, from time to time to add to any such list at the end thereof any names which may have been erroneously omitted therefrom, or the names of any persons who may have become, subsequently to the making of any list, qualified to be placed thereupon, and to strike out from any list the names of any persons who may similarly have become permanently exempted or incapacitated from serving as jurors and assessors. Provided that it shall always be lawful for any judge of the Supreme Court, at any criminal sessions thereof holden before him in any province, to order to be added to the said lists for such province, the name of any duly qualified person which shall appear to such judge to have been erroneously omitted therefrom, or to be struck out of the said lists the names of any persons which shall appear to such judge to have been erroneously inserted therein, as the case may be. Lists to be published in *Gazette*.

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All persons on list qualified to serve as juror.

**325.** Subject to the right of challenge given by section 290 of this Code, every person whose name shall be included in one of the three lists numbered (1), (2), and (3) respectively, in section 323, shall be qualified and liable, for the time being, to serve as a juror at criminal sessions of the Supreme Court.

One panel of jurors to be prepared from each list.

**326.** 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 :

From each of the three said lists of jurors which are distinguished by the numbers (1), (2) and (3), published and amended and corrected as aforesaid, which lists shall be transmitted for this purpose to the registrar of the Supreme Court by the fiscal of the province or circuit for which the said sessions are about to be holden, 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.

How panel to be prepared.

**327.** Each such panel shall contain 18 names, and shall be prepared by first entering therein the names of the persons (if any) already ordered under section 330, 337, 342, or 343 of this Ordinance 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 18 persons qualified and liable under the provisions of this chapter to be summoned and to serve as jurors for the said sessions.

Mode of drawing jury.

**328.** The mode in which the names of the jurors shall be drawn by lot from the list shall be as follows :—

Boxes having locks for securely fastening them shall be provided, which boxes shall be divided into two compartments of equal size.

The name of each person on the list of jurors shall 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.

The slips containing the names of each separate list shall then 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 or circuit, 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 the key thereof shall be kept by the chief justice or presiding judge of the Supreme Court, and it shall not be opened, or any jury drawn therefrom, except in manner herein provided.

Further provisions.

**329.** On the day fixed for the preparation of the panel, the registrar, after having shaken together the slips of paper in the box containing the names of the list from which the particular panel is to be drawn, shall, in open court, in the presence of a judge of the court, open such box, and proceed to draw from the one compartment promiscuously, and without selection, a sufficient number of the said slips, one by one, until the number of names requisite to complete the panel shall have been obtained. As each slip is drawn, the name of the

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juror written thereon shall be called out aloud, and, subject to the provisions of the next section, shall be entered in the panel of the list to which he belongs, as is hereinafter provided.

**330.** 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.

Further provisions.

**331.** The names in full, additions, and places of abode of the several persons included in the panels so prepared for each sessions, 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.

Name, addition, and address of juror to be written on panel.

**332.** 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 jury or 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.

Slips to be replaced in box after jury is drawn.

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.

**333.** 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.

Copy of panels to be annexed to fiscal's precept.

**334.** 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 issued under section 333, shall be served at least ten days before the first day of the sessions.

Persons named in panel to be summoned by fiscal.

**335.** 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.

**336.** The fiscal shall, as soon as possible after service of summons and not later than ten days before the commencement of the sessions in case of panels issued under section 333, return the precept to the registrar, with the panels annexed thereto and a memorandum showing the particulars of service on each person named in the panel; 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 memoranda.

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Registrar to bring return before judge of Supreme Court.

**337.** 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.

Judge may order further list of jurors to be summoned.

**338.** 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 provided by sections 329 and 330, such further number of names as may be required to make up the full number of jurors summoned to attend at the sessions to 18; 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 336 in respect to the original panel and precept.

And in a similar manner, as nearly as may be, at any criminal sessions of the Supreme Court, 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 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, the judge may direct a panel of jurors to be drawn at other periods, when the number of trials before the court renders the attendance of one set of jurors for a whole session oppressive, or whenever, for other reasons, such direction is found to be necessary.

Juror not bound to serve more than five days.

**339.** No juror shall be compellable to serve more than five days in any one week, or for more than ten days in any one sessions, unless the requisite number cannot be made without him, or unless, at the expiration of the ten days, a trial in which he is engaged as a juror is pending, and then only until the end of such trial.

Special jury panel.

**340.** 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 numbered 4 in section 323, and thereupon the fiscal shall summon the persons on such panel, and the provisions of sections 328, 329, 330, 331, 332, 333, 334, 335, 336, 337 and 338, 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.

Special jurors may be taken to any place in same district.

**341.** It shall be lawful for any judge of the Supreme Court, upon cause shown, to order that a panel of special jurors summoned from one or more districts be taken to any place in the same district where the criminal sessions of the Supreme Court, for which such panel is prepared under section 340, shall be holden in any district, or in any circuit. Provided that—

- (1) No special juror shall be liable to be so taken to serve beyond thirty miles in a straight line from his residence, unless with his consent; and

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- (2) Every juror taken to serve as special juror at any place more than ten miles in a straight line from his residence, shall be entitled to his travelling expenses, according to such rates as the Governor, with the advice of the Executive Council, shall from time to time determine.

**342.** Any person, whose name is included in any panel, may apply to the registrar of the Supreme Court, asking to be excused from attendance as a juror at the particular session 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 of the Supreme Court, and such judge may make such order thereon as he may think fit.

Person may apply to registrar to be excused from attendance as juror.

**343.** The judge may, for reasonable cause, excuse any juror from attendance at any particular session, 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 session, or some other day, or time, to be fixed by the judge in the order.

Judge may excuse juror from attendance.

**344.** 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.

Juror absenting himself without leave liable to fine.

**345.** No judgment, sentence, order, verdict, or other proceeding by, of, at, or before the Supreme Court at any criminal sessions thereof, 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 amendment 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.

No proceeding to be invalid by reason of informality of jury list or panel.

## CHAPTER XXIV.

## GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS.

**346.** In the case of any offence triable exclusively by the Supreme Court or a district court, the police 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.

Tender of pardon to accomplice.

Every person accepting a tender under this section shall be examined as a witness in the case.

Such person, if not on bail, shall be detained in custody until the termination of the trial by the Supreme or district court, as the case may be.

**347.** The Attorney-General at any time before judgment is passed, may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in,

Power of Attorney-General to

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direct tender of pardon by police magistrate.

Not complying with condition on which pardon has been tendered.

If pardon is withdrawn, statement of person may be given in evidence against him.

Right of accused to be defended.

Procedure where accused, who is not insane, does not understand proceedings.

Upon the trial of every accused, he shall be informed of his right to make a statement, upon which he may be cross-examined.

Accused may make statement or be examined.

He may be cross-examined.

Court and jury may ask questions.

He may be re-examined.

Accused not to be sworn nor be liable for false statements.

or privy to, any such offence, tender, or authorise the police magistrate to tender, a pardon on the same condition to such person.

**348.** Where a pardon has been tendered under section 346 or 347, 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.

**349.** 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.

No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the Attorney-General.

**350.** Every person accused before any criminal court may of right be defended by a pleader.

**351.** 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.

**352.** Upon the trial of every accused person, when the case for the prosecution is ended, the court shall inform the accused, whether he is defended by counsel or not, that he may make any statement he pleases as to the charge against him, and that if he does so he will, after he has made it, be questioned by the counsel for the prosecution, or, if there is no counsel for the prosecution, as the court may direct.

The accused may either make a statement, or, if he is defended by counsel, he may be examined by his counsel as a witness is examined in chief.

After he has been so examined, or after he has made a statement, the counsel for the prosecution may ask him questions in the same manner as if he were a witness under cross-examination, provided that such questions shall be confined to the matters in issue and matters relevant thereto, and shall not be directed to matters affecting the accused's credit or character.

The court, and the jury (in cases of trial by jury), with the permission of the court, may ask the accused any question which they might ask of a witness.

After the examination of the accused is ended, his counsel, if he is defended by counsel, may ask him any question by way of re-examination. If he is not defended by counsel, he shall be allowed to make any explanation he pleases of the statement made or answers given by him, and the court, and the jury, with the permission of the court, but not the counsel for the prosecution, may ask him questions thereon.

The accused shall not be sworn or affirmed as a witness, nor be liable for making false statements, either before or during or after his examination.



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**353.** Except as provided in sections 346 and 347, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

**354.** 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 recognizances, or with sureties for his appearance.

Power to postpone or adjourn proceedings.

Provided that no police 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 so proclaimed for a term not exceeding 21 days.

Remand.

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.

*Explanation.*—If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

Reasonable cause for remand.

**355.** The offences punishable under the sections of the Ceylon Penal Code described in the first two columns of the table next following, may be compounded by the person mentioned in the third column of that table.

Compounding offences.

Offence.	Sections of Ceylon 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	
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	The person defamed.
Insult, intended to provoke breach of the peace	484	The person insulted.
Criminal intimidation, except when punishment exceeds 7 years	486	The person intimidated.

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The offence of voluntarily causing hurt, voluntarily causing grievous hurt, or causing hurt by an act which endangers life, punishable under section 317, section 326, section 328, or section 329 of the Ceylon Penal Code may, with the permission of the Attorney-General, be compounded by the person to whom the hurt has been caused.

When any offence is compoundable under this section, the abatement of such offence, or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

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.

The compounding of an offence under this section shall have the effect of an acquittal of the accused.

No offence not mentioned in this section shall be compounded.

Detention of offenders attending court.

**356.** Any person attending a criminal court, although not under arrest or upon a summons, may be detained by such court for the purpose of examination 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.

When, in such cases, proceedings shall be commenced afresh.

**357.** 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 reheard.

#### CHAPTER XXV.

##### OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS.

Complainants and witnesses to be examined on oath.

**358.** In all criminal courts complainants and witnesses shall be examined on oath or affirmation, or otherwise, according to the provisions of the law for the time being in force in relation to the examination of witnesses, and, except as otherwise expressly provided, all evidence taken under chapters XVI., XIX., XX., XXI., XXII., shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in the presence of his pleader.

Evidence to be taken down in writing.

**359.** The evidence of each witness shall be taken down in writing in English by the judge or magistrate, or in his presence and hearing, and under his personal direction and superintendence, and shall be signed by the judge or magistrate.

In the form of a narrative.

**360.** The evidence shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative; but the judge or magistrate may in his discretion take down any particular question and answer.

Procedure in regard to such evidence when completed.

**361.** Except in the Supreme Court or in a district court, or except in a police court when the police magistrate is taking down evidence under chapter XIX. of this Code, as the evidence of each witness is completed and taken down, as in the last two preceding sections directed, it shall be read over to the witness in open court, 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.

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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.

**362.** 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 be required to subscribe the deposition with his signature.

Witness to sign record of his own evidence.

**363.** In all cases whatever, when the 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.

**364.** 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.

Interpretation of documents put in.

**365.** Every person employed by any court to interpret evidence shall first make oath or solemn affirmation in open court, and in the presence of the accused, that he will render to the court the true interpretation of the evidence.

Interpreter to take oath.

Provided that in cases where there is an officer of the court, the proper duty of whose office it is to interpret or translate evidence or documents from English into a specified language, and *vice versa*, and who has, on appointment to such office, made oath or affirmation that he will truly and faithfully perform the duties of that office, then such officer may be employed to interpret evidence in criminal cases without conforming to the requirement of this section.

**366.** Every 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.

Remarks respecting demeanour of witness.

**367.** Every accused person may, on his trial, be examined as is provided by section 352, but no oath or affirmation shall be administered to him.

Every accused may be examined on his trial.

**368.** Except in the Supreme Court, whenever an accused person makes a statement only, or makes a statement and is examined thereon, as is provided by section 352, the whole of such statement, or statement and examination, including every question put to him and every answer given by him, shall be recorded in full, and shall be shown or read and interpreted to him in a language he understands, and he shall be at liberty to explain or add to his answers.

How such examination to be recorded.

**369.** When the whole is made conformable to what he declares is the truth, the statement or statement and examination shall be signed by the accused, and the judge or magistrate 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 statement and examination, of the accused person.

To be signed by accused and certified by magistrate.

**370.** The accused person shall be requested to sign or attest, by his mark, such statement, or statement and examination; and in the event of his refusing to do so, the judge or magistrate shall make a memorandum to that effect, signed by himself, at the foot of the statement, or statement and examination.

The accused to be requested to sign and magistrate to record if he refuses.

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## CHAPTER XXVI.

## OF THE JUDGMENT.

Mode of  
delivering  
judgment.

**371.** The judgment in every trial in any criminal court shall be pronounced in open court either immediately or at 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, in which case it may be pronounced in the presence of his pleader.

Judgment to be  
written.  
Contents of  
judgment.

**372.** Except in the Supreme Court, the judgment shall be written by the presiding officer of the court, and shall contain the point or points for determination, the decision thereon, and the reasons for decision, and shall be dated and signed by the presiding officer in open court at the time of pronouncing it.

It shall specify the offence, if any, of which, and the section of the Ceylon Penal Code or other law under which, the accused is convicted, and the punishment to which he is sentenced.

If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted, and direct that he be set at liberty.

When a judgment or final order has been so signed it cannot be altered or reviewed, except to correct a clerical error by the court which gives such judgment.

The judgment or order shall be explained to the accused person or persons affected by it, and a copy thereof shall be given to him without delay if he applies for it, upon such terms as to charges as may be approved by the Governor, with the advice of the Executive Council.

The original shall be filed with the record of proceedings.

Sentence of  
death.

**373.** When a person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

## CHAPTER XXVII.

## EXECUTION.

Respite of  
sentence of  
death.

**374.** In every case where any person shall be adjudged to die by any sentence of the Supreme Court at any criminal sessions, the execution of such sentence shall be respited until such future day as may afford sufficient time for the case of such person to be reported by the judge who shall have presided at such trial to the Governor, and for the same to receive the consideration of the Governor. Such report shall be made as soon after the passing of such sentence as conveniently may be. If the Governor shall not see fit to pardon the offender, or to further respite the execution of the offender, or to commute his said sentence, the same shall be carried into execution by the fiscal, or deputy fiscal, of the province or district within which such sentence shall be pronounced, or by any other fiscal or deputy fiscal as the judge pronouncing the sentence, or the Governor, shall direct, on the day to which such sentence shall have been respited.

Execution of  
sentence of  
death.

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- (a) The sentence of death shall be carried into effect within the walls of the prison in which the prisoner is confined at the time of the execution.
- (b) The fiscal charged with the execution, the jailor, the medical officer of the prison, and such other officers as the fiscal requires shall be present at the execution.
- (c) Any justice of the peace for the colony, any minister of religion in attendance at the prison, and such relations of the prisoner, or other persons as it seems to the superintendent of the prison proper to admit within the prison for the purpose, being also present at the execution.
- (d) As soon as may be after judgment of death has been executed, the medical officer 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.
- (e) The fiscal and jailor of the prison and such justices and other persons present as may be required or allowed shall also sign a declaration to the effect that judgment of death was executed in their presence on the prisoner who had been executed.
- (f) The police magistrate of the district shall within twenty-four hours after the execution hold an enquiry as provided for by this Code, and shall 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 as required by the 192nd section of the Code, in duplicate : one of the originals shall be forwarded to and filed in the office of the Attorney-General, and the other shall be forwarded to and filed in the office of the Colonial Secretary. The Governor in Executive Council shall from time to time make such rules and regulations to be observed in the execution of the judgment of death in every prison as may from time to time be deemed expedient for the purpose, and for guarding against any abuse in such execution, as also for giving greater solemnity to the same and making it known without the prison walls that such execution is taking place.
- (g) The omission to comply with any of the foregoing provisions shall not make the execution of the judgment of death illegal in any case where such execution would otherwise have been legal.

**375.** If sentence of death is passed upon any woman she may move an arrest of execution on the ground that she is pregnant. If such a motion is made, 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 delivered.

In case of pregnant woman.

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Escape of person sentenced to death.

**376.** 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.

Execution of sentence of imprisonment.

**377.** Where the accused is sentenced to imprisonment, the court passing the sentence shall forthwith cause a warrant of commitment, and dated of the day when the sentence was passed. The warrant shall be directed to the fiscal or deputy fiscal for the district in which the court of trial is situated, and the convicted person, together with the warrant, shall forthwith be forwarded to the prison of such district, unless the accused is already confined in such prison, and the officer in charge of such prison shall receive him on behalf of such fiscal or deputy fiscal.

Warrant of commitment.

Sentence of person already in prison.

If the convicted person be already under sentence of imprisonment, he may be returned to the prison in which he is undergoing such imprisonment.

The warrant shall be lodged with the jailor.

Sentence of fine.

**378.** Whenever an offender is sentenced to pay a fine, 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.

Warrant of distress to be directed to fiscal.

**379.** Every warrant of levy and distress shall be directed to the fiscal.

Where such warrant may be executed.

**380.** Such warrant may be executed within the local limits of the jurisdiction of such court, and it shall authorise the distress and sale of any such property without such limits when endorsed by the district judge or police magistrate within the local limits of whose jurisdiction such property is found.

Execution of sentence may be suspended on execution of bond by offender.

**381.** 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 section 378, 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 in the event of the fine not having been realized, the court may direct the sentence of imprisonment to be carried into execution at once.

Who may issue warrant.

**382.** Every warrant for the execution of any sentence may be issued, either by the judge or magistrate who passed the sentence or by his colleague or successor in office.

When and where sentence of whipping to be executed.

**383.** When the accused is sentenced to whipping, the sentence shall be executed within the precincts of a prison, at such time as the court may direct.

In appeal cases, whipping not to be inflicted until after 10 days.

**384.** When the accused is sentenced to whipping in a case which is subject to appeal, the whipping shall not be inflicted until ten days from the date of the sentence, or, if an appeal be made within that time, until the sentence is confirmed by the appellate court; but

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the whipping shall be inflicted as soon as practicable after the expiry of the ten days, or, in case of an appeal, as soon as practicable after the receipt of the order of the appellate court confirming the sentence.

**385.** The punishment shall be inflicted in the presence only of a medical officer, such of the prison officials as may be necessary, and any person or persons whom the Governor may appoint.

In whose presence whipping to be inflicted.

**386.** No sentence of whipping shall be executed by instalments.

Whipping not to be by instalments.

**387.** 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.

Nor unless medical officer certifies that offender is in a fit state of health.

If, during the execution of a sentence of whipping, a 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.

**388.** In any case in which, under the immediately 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 to 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.

When sentence of whipping cannot be carried out, offender may be discharged.

Nothing in this section shall be deemed to authorise any court to inflict imprisonment for a term exceeding that to which the accused is liable by law, or that to which the said court is competent to inflict.

**389.** When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine, or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and if of imprisonment, shall take effect according to the following rules (that is to say):—

Sentences on escaped convicts.

If the new sentence is severer in its quality than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

When the new sentence is not severer in its quality than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment for a further period equal to that which at the time of his escape remained unexpired of his former sentence.

*Explanation.*—For the purposes of this section—

(a) A sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment.

**390.** When a person already undergoing a sentence of 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.

**391.** Nothing in section 389 or section 390 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

Saving as to sections 389 and 390.

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Confinement of youthful offenders in reformatories.

392. When any person under the age of sixteen years is sentenced by any criminal court to imprisonment for any offence, the court may direct that such person, instead of being imprisoned in a criminal prison shall be confined in any reformatory established by Government as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry, or which is kept by a person willing to obey such rules as the Government prescribes with regard to the discipline and training of persons confined therein.

All persons confined under this section shall be subject to the rules so prescribed.

Certain sections of Ceylon Penal Code to apply to all offences.

393. The provisions of sections 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, and 67 of the Ceylon Penal Code shall apply to all offences whatever.

Return of warrant on execution of sentence.

394. 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.

### CHAPTER XXVIII.

#### OF SUSPENSIONS, REMISSIONS, AND COMMUTATIONS OF SENTENCES.

Governor may suspend or remit sentences.

395. 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.

May require presiding judge to make report.

396. Whenever an application is made to the Governor for the suspension or remission of a sentence, the Governor may, if he desires to do so, require the presiding judge 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.

Person failing to fulfil conditions prescribed, may be arrested.

397. 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 to undergo the unexpired portion of the sentence.

Nothing herein contained shall be deemed to interfere with the right of Her Majesty to grant pardons, reprieves, respites, or remissions of punishment.

Governor may commute sentence.

398. The Governor may, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it:—

Death; rigorous imprisonment not exceeding 20 years; rigorous imprisonment; simple imprisonment for any term not exceeding that to which such person might have been sentenced; fine.



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## CHAPTER XXIX.

## OF PREVIOUS ACQUITTALS OR CONVICTIONS.

**399.** 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 210, or for which he might have been convicted under section 211.

No person to be tried twice for same offence.

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 section 209, paragraph 1.

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.

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.

*Explanation.*—The dismissal of a complaint, the stopping of proceedings under section 159, the discharge of the accused, or any entry made upon a charge under section 278, is not an acquittal for the purposes of this section.

*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.

(f) A is charged with and convicted of theft of property from the person of B. A may be subsequently charged with and tried for robbery on the same facts.

*Criminal Procedure Code.***PART 7.****OF APPEAL, REFERENCE AND REVISION.****CHAPTER XXX.****OF APPEALS.**

No appeal to lie, except as provided for.

**400.** 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.

*Of Appeals to the Queen in Council.*

Appeals to the Queen.

**401.** 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.

Duty of all courts in such cases.

**402.** 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.

**CHAPTER XXXI.****APPEALS FROM DISTRICT OR POLICE COURTS TO THE SUPREME COURT.**

No appeal after plea of guilty.

**403.** When an accused person has pleaded guilty, and been convicted by a district or police court on such plea, there shall be no appeal.

No appeal from district or police courts against acquittal except at the instance of Attorney-General.

**404.** When an accused person has been acquitted by a district or police court there shall be no appeal, except at the instance of the Attorney-General.

Nor for certain sentences of district or police courts.

**405.** Except as excepted in the last preceding section, there shall be no appeal from a district court in cases in which such court passes a sentence of imprisonment not exceeding three months, or fine not exceeding one hundred rupees; nor from a police court in cases in which such court passes a sentence of imprisonment not exceeding one month, or fine not exceeding twenty-five rupees; unless upon a matter of law, or unless with the leave of the court.

*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.

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**406.** Except in the cases referred to in the sections 403, 404, and 405, any person who shall be dissatisfied with any judgment, sentence, or 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, sentence or order, for any error in law or in fact, by lodging, within ten days from the time of such judgment, sentence, or order being passed or made, with the chief clerk of such police court, or with the secretary of such district court, as the case may be, a petition of appeal addressed to the Supreme Court. Right of appeal.

**407.** Every petition of appeal shall be addressed to the Supreme Court, and shall state shortly the substance of the judgment appealed against and the grounds of appeal, and shall bear a stamp of five rupees. Provided the court from whose judgment, sentence, or order an appeal is preferred shall, if it see fit, allow the payment of the stamp fee to stand over until judgment on the appeal shall have been given. 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. If the appeal be given against him, 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. What it shall state.  
Stamp fees.

**408.** When an appeal has been preferred under section 406, the court from whose judgment, sentence, or order the appeal has been preferred, shall order the appellant if in custody to be released on bail; and thereupon the sentence passed on the appellant, with the exception, in the case of the appellant not being able to furnish the required bail, of so much of it as directs the appellant to be kept in custody, shall be suspended until the judgment of the court of appeal shall be made. On appeal sentence to be suspended.

**409.** On a petition of appeal being lodged, the district judge or police magistrate, as the case may be, shall transmit the proceedings, with the evidence in the case, to the Supreme Court, including the petition of appeal, together with a certificate signed by such judge or magistrate. Proceedings to be forwarded to Supreme Court.

Also, when the appeal is asserted in the first instance by petition, the police court or district court shall forthwith issue notice thereof to the party, whether complainant or accused person, in whose favour the judgment, sentence, or order appealed against was pronounced or made, or adversely to whom the appeal is preferred. Notice to be given to other side.

**410.** When the proceedings and evidence, with the petition of appeal, have been transmitted to the Supreme Court by the lower court, the registrar shall, unless the court otherwise orders, number the appeal and enter it in the roll of causes for hearing according to the standing orders of court for the time being relative to the course of the business of the court, and the matter of the appeal shall come on for hearing before the court in the order of its position in that roll and according to the said standing orders, without further notice to the parties concerned; provided that a list of the appeals pending before the court in their order on the roll, or of a sufficient number of them, be daily kept suspended upon the doors of the court, Procedure in Supreme Court on appeal.

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and that no appeal shall come on for hearing until it has been in that list for at least six complete days, and provided also that the court may, of its own motion or on the application of a party concerned, and with reasonable notice to the parties, 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.

Appellant to be heard first.

411. When the appeal comes on for hearing, usually the appellant shall be first heard in support of the appeal, and then the respondent if present shall be heard against it; but the appellant shall have no right of reply.

If the appellant does not appear to support his appeal, the court may either dismiss the appeal or make such order thereon as it may deem fit.

Procedure if respondent not present.

412. If at the hearing of the appeal the respondent is not present, and the court is not satisfied upon the affidavits returned by the fiscal or other evidence that the notice of appeal was duly served upon him, then the court shall not make any order in the matter of the appeal adverse to, or to the prejudice of, the respondent, but shall adjourn the hearing of the appeal to a future day, for his appearance, and shall issue the requisite notice to him for service through the fiscal.

Arrest of accused in appeal from acquittal.

413. 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.

Power of Supreme Court on appeals.

414. Upon and after the hearing of the appeal, the Supreme Court may, as to it may seem best to accord with law and to secure the ends of justice, affirm in its entirety, the judgment, sentence, or order which is appealed from, or vary, or modify it in any manner, or may set it aside, and, in lieu thereof, pass any other lawful judgment, sentence, or order; or it may quash the proceedings, or any part of the proceedings of the court of first instance, or remit the case to the court of first instance for re-trial, *de novo*, or for new trial, subject to specified directions or conditions—as to the alteration of the charge or otherwise, or for re-taking of evidence which has been before adduced in the case, or for taking new evidence, or for trial upon any specified charge or charges, issue or issues, or for carrying into effect any other order of the Supreme Court; and the Supreme Court may transfer the case to any other competent court (inclusive of the Supreme Court itself) for the purpose of such re-trial, whether partial or *de novo*.

Appellate court may take further evidence or direct it to be taken.

415. 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 order such evidence to be taken on circuit, or otherwise, by a judge of the court without the aid of a jury, or by any judge of a district court, or by a police magistrate; and it shall be competent for the judge or police magistrate to take all or any such additional evidence, and it shall thereupon be the duty of such judge or magistrate to transmit the evidence so taken, duly certified, to the court of appeal.

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.

The taking of such evidence shall, for the purposes of chapter XVI, be deemed an inquiry.

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**416.** 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, deliver judgment in open court; and if the bench hearing the appeal is composed of more than one judge, each judge may, if he desires it, deliver a separate judgment.

Judgment in appeal to be given in open court.

**417.** The judgment of the Supreme Court shall be passed in accordance with the opinion of the presiding judge, or, if there be more than one judge, with the opinions of the judges of which the bench hearing the appeal is composed, if they are unanimous in regard to it; but if otherwise, in accordance with the opinions of the majority of them.

And to be in accordance with opinions of the majority of the judges.

**418.** A record of the judgment shall be signed and dated by the judges according to whose opinion or opinions it is passed:—  
It shall state generally—

Record of judgment to be signed.

- (a) The points which have come before the court for determination.
- (b) The decision of the judge or judges.
- (c) The reasons which have led to the decision.
- (d) The relief, if any, to which the appellant is entitled on the appeal in consequence of the decision.
- (e) The amount of costs, if any, incurred in the appeal, and by what parties and in what proportions such costs and other costs of the trial are to be paid.

**419.** When the bench hearing the appeal is composed of two judges, and the judges composing the bench do not agree, then the appeal shall be re-heard by the full court of three judges, on a day specially appointed for the purpose, of which notice shall be given to the parties. And after such re-hearing, any judge dissenting from the judgment which the majority consider ought to be passed, on appeal, shall state in writing the judgment which he thinks ought to be made, and his reasons for the same.

Procedure where two judges hearing appeal disagree.

**420.** When all the judges of which the bench hearing the appeal is composed do not concur in the judgment to be pronounced, then the judges shall deliver their opinions in order of seniority, commencing with the judge who is junior in rank, but if otherwise they shall pronounce their opinions in the reverse order.

When judges do not agree, each to deliver his own opinion.

**421.** A record of the judgment after being signed and dated by the judge or judges according to whose opinion or opinions it is passed, shall be sealed with the seal of the court.

Record of judgment to be sealed.

**422.** As soon as the record of the judgment is sealed, all the proceedings in the case sent up to the Supreme Court on appeal, together with the petition of appeal and order thereon (if any), and a copy of the record of the judgment pronounced on appeal shall be forthwith returned to the court of first instance, which shall conform to and execute such judgment in all particulars.

Proceedings to be returned to court below.

**423.** 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.

Abatement of appeals.

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## CHAPTER XXXII.

## OF REFERENCE AND REVISION.

Power to reserve questions arising in original jurisdiction of Supreme Court.

424. When any person has, in a trial before the Supreme Court, acting in the exercise of its original criminal jurisdiction, and holding a criminal sessions thereof, been convicted of an offence, the court, if it thinks fit, may reserve, and refer for the decision of a court consisting of two or more judges of the Supreme Court, any question of law which has arisen in the course of the trial of such person and the determination of which would affect the event of the trial.

Procedure where question reserved.

If the court reserves any such question the person convicted shall, pending the decision thereon, be remanded to prison, or, if the court think fit, be admitted to bail.

Power of court to review.

425. The Supreme Court shall have power to review the case, or such part of it as may be necessary, and finally determine such question, and thereupon to alter the sentence passed by the court of original jurisdiction, and to pass such judgment or order as to it may seem fit.

Supreme Court may call for record of any court.

426. 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, and upon revision of the case so brought before it the Supreme Court may pass any sentence, or make any order which it might have made had the case been brought before it in due course of appeal instead of by way of revision.

Nothing in this section shall be deemed to authorise the Supreme Court to convert a finding of acquittal into one of conviction.

Optional with court to hear parties on review.

427. No party has any right to be heard, either personally or by pleader, before the Supreme Court, when exercising its powers of reference or revision. Provided that the court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader. And provided also that no order shall be made to the prejudice of an accused unless he has had an opportunity of being heard, either personally or by pleader.

When record called for, judge or magistrate may forward statement of grounds of decision.

428. When the record of any case is called for by the Supreme Court, under section 426, the 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 to the issue; and the court shall consider such statement before over-ruling or setting aside the said decision or order.

Judge or magistrate to carry into effect orders of Supreme Court.

429. When a case is revised under this chapter by the Supreme Court, it shall certify its decision or order to the court by which the finding, sentence, or order revised was recorded or passed; and the judge or magistrate to whom the decision is so certified shall thereupon make such orders as are conformable to the decision so certified, and, if necessary, the record shall be amended in accordance therewith.

As to unexpired imprisonment where sentence of imprisonment affirmed.

430. If a sentence of imprisonment is affirmed, any time during which the appellant may have undergone imprisonment under section 424 shall be computed as part of the sentence.

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**431.** 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, the police court shall inquire into the fact of such unsoundness, and 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.

Procedure in case of accused being a lunatic.

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.

**432.** If any person committed for trial before a superior 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 pass judgment accordingly, and thereupon the trial shall be postponed.

Procedure in case of person committed before superior court being a lunatic.

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.

**433.** Whenever an accused person 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.

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 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.

Custody of lunatic.

**434.** Whenever an inquiry or a trial is postponed under section 431 or section 432, the court may at any time resume the inquiry or trial, and require the accused to appear or be brought before such court.

Resumption of inquiry or trial.

When the accused has been released under section 433, 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.

**435.** 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 police or superior court.

If the court considers the accused person to be still incapable of making his defence, the court shall again act according to the provisions of section 431 or section 432, as the case may be.

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When accused appears to have been insane.

**436.** 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, and, if the accused ought to be committed for trial, send him for trial before the Supreme Court or district court, as the case may be.

Judgment of acquittal on ground of lunacy.

**437.** 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 finding shall state specifically whether he committed the act or not.

Person acquitted on such ground to be kept in safe custody.

**438.** Whenever such judgment states that the accused person 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.

The Governor may order such person to be confined in a lunatic asylum, prison, or other suitable place of safe custody.

Lunatic prisoners to be visited by inspector-general.

**439.** When any person is confined under the provisions of section 433 or section 438, 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.

**440.** If such person is confined under the provisions of section 433, 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 435, and the certificate of such inspector-general or visitors as aforesaid shall be receivable as evidence.

Procedure where lunatic confined under section 433 or 438 is declared fit to be discharged.

**441.** If such person is confined under the provisions of section 433 or section 438, and such inspector-general or 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 public lunatic asylum, if he has not been already sent to such an asylum; and in case the Governor orders him to be transferred to an asylum, may appoint a commission consisting of a judicial and two medical officers.

Such commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the Governor, who may order his discharge or detention as he thinks fit.



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**442.** Whenever any relative or friend of any person confined under the provisions of section 433 or section 438 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.

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.

The provisions of sections 439 and 441 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.

## CHAPTER XXXIV.

## PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE.

**443.** When any civil or criminal court is of opinion that there is ground for inquiring into any offence referred to in section 149, and committed before it, or brought under its notice in the course of a judicial proceeding, such court, after making any preliminary inquiry that may be necessary, 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.

Procedure in cases mentioned in section 149.

Such police court shall thereupon proceed according to law.

**444.** The Supreme Court may charge a person for any offence referred to in section 149, and committed before it, or brought under its notice in the course of a judicial proceeding, and may commit, or admit to bail, and try such person upon its own charge.

Power of Supreme Court as to such offences committed before itself.

Such court may direct any police court to cause the attendance of any witnesses for the purposes of the trial.

**445.** Whenever any such offence as is described in sections 173, 176, 177, 178, or 223 of the Ceylon Penal Code is committed, in view or presence of any court, criminal or civil, 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 the Supreme Court, to such punishment as may by law be imposed for the offence; 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 request, 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.

Procedure in certain cases of contempt.

**446.** In every such case the court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

Record in such cases.

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If the offence is under section 223 of the Ceylon Penal Code, the record, except in the Supreme Court, 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.

Procedure where court considers case should not be dealt with under section 445.

**447.** If the court in any case considers that a person accused of any of the offences referred to in section 445, 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 section 445, such court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a police court having jurisdiction to inquire into the same, 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, shall forward such person under custody to such police court.

The police court to which any case is forwarded under this section shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

Discharge of offender on submission or apology.

**448.** When any court has, under section 445, adjudged an offender to punishment for refusing or omitting to do anything which he was lawfully required to do or for any intentional insult or interruption, 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 satisfaction.

Imprisonment or committal of person refusing to answer or produce document.

**449.** If any witness before a criminal 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, sentence him to simple imprisonment, or by warrant under the hand of the magistrate or judge, commit him to custody, 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, he may be dealt with according to the provisions of section 445 or section 447, and, in the case of the Supreme Court, shall be deemed guilty of a contempt.

Appeals from convictions in contempt cases.

**450.** Any person sentenced by any court under section 445 or section 449 may, notwithstanding anything hereinbefore contained, appeal to the court to which judgments or orders made in such court are ordinarily appealable.

The provisions of chapter XXX. shall, so far as they are applicable, apply to appeals under this section.

Certain judges and magistrates not to try offences referred to in section 149 when committed before themselves. Saving power of police magistrate.

**451.** Except as provided in sections 444, 445, and 449, no judge of a criminal court or magistrate other than a judge of the Supreme Court, shall try any person for any offence referred to in section 149, when such offence is committed before himself, or in contempt of his authority, or is brought under his notice as such judge or magistrate in the course of a judicial proceeding.

**452.** Nothing in section 443 or section 447 shall prevent a magistrate of a police court from himself committing any case to the Supreme Court or a district court.

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## CHAPTER XXXV.

## DIRECTIONS OF THE NATURE OF A HABEAS CORPUS.

453. The Supreme Court may, whenever it thinks fit, direct—
- (a) That a person be brought up before the court to be dealt with according to law ;
  - (b) That a person illegally or improperly detained in public or private custody, be set at liberty ;
  - (c) That a prisoner detained in any prison be brought before the court, to be there examined as a witness in any matter pending, or to be inquired into in such court ;
  - (d) That a prisoner detained as aforesaid be brought before a court-martial, or any commissioners acting under the authority of any commission from the Governor, for trial or to be examined touching any matter pending before such court-martial or commissioners respectively ;
  - (e) That a prisoner be removed from one custody to another for the purpose of trial ; and
  - (f) That the body of a defendant be brought in on the fiscal's return of *cepi corpus* to a writ of attachment.

Power to issue directions of the nature of a *habeas corpus*.

The Chief Justice and any judge of the Supreme Court may, from time to time, frame rules to regulate the procedure in cases under this section.

Until such rules are framed, the practice of the court as to the obtaining and issuing writs of habeas corpus, and as to the return thereto, shall apply to such cases.

## CHAPTER XXXVI.

## OF BAIL.

454. When any person, other than a person accused of a non-bailable offence, is arrested or detained without warrant, or appears, or is brought before a court, and is prepared at any time, while in custody, or at any stage of the proceedings before such court to give bail, such person shall be released on bail. Provided that the officer or court, if he or 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.

Bail to be taken in case of bailable offence.

455. When any person accused of any non-bailable offence is arrested or detained without warrant, or 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.

When bail may be taken in case of non-bailable offence.

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 into his guilt, the accused shall, pending such inquiry, be released on bail, or at the discretion of the court on the execution by him of a bond, without sureties, for his appearance as hereinafter provided.

Power to direct admission to bail or reduction of bail.

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 ; provided that no

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person charged under sections 114, 191, or 294 of the Ceylon Penal Code shall be admitted to bail except by order of the Supreme Court or by the authority of the Attorney-General.

**Bond of accused and sureties.**

**456.** 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, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police magistrate be reduced.

**Bond of accused and sureties.**

**457.** 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.

If the case so require, the bond shall also bind the person released on bail to appear, when called upon, at the Supreme or a district court to answer the charge.

**Discharge from custody.**

**458.** 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.

Nothing in this section, section 454, or section 455, 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.

**Power to order sufficient bail when that first taken is insufficient.**

**459.** 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.

**Discharge of sureties.**

**460.** 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.

On such application being made, the court shall issue a warrant of arrest, directing that the person so released be brought before the court.

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.

## CHAPTER XXXVII.

### OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES.

**When attendance of witness may**

**461.** Whenever in the course of an inquiry, a trial, or any 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

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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 :—

be dispensed with.

(1) Issue a commission to any police court within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness,

Court may issue commission.

(2) Or if the trial or inquiry is before a police court, and the witness resides within the local jurisdiction of such court, the magistrate of the police court may proceed to the place where the witness is, to take such evidence.

Police magistrate may proceed to witness.

462. 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 of the police court shall proceed to the place where the witness is.

Procedure on commission.

463. In the events provided for by the second paragraph of section 461, and in the last preceding section, the evidence of the witness shall be taken down by the police court or magistrate in the same manner; and such court or magistrate may, for the purpose, exercise the same powers as in holding inquiries under this Code.

How evidence shall be taken down.

464. The parties to any proceeding under this Code in which a commission is issued, or when a police magistrate shall proceed under the second paragraph of section 461, 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 police magistrate taking the examination shall examine the witness upon such interrogatories.

Parties may examine witness.

Any such party may appear before such magistrate by pleader, or, in case of a commission, if he is not in custody, in person, and may examine, cross-examine, and re-examine, as the case may be, the said witness.

465. After any commission, issued under section 461, 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 as well as any deposition taken under the authority of paragraph 2 section 461, 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.

Return of commission.

466. Whenever it shall appear, to the satisfaction of any magistrate of any police court, that any person within the jurisdiction of the said court, dangerously ill, and, in the opinion of some medical practitioner, not likely to recover from such illness, is able and willing to give material information relating to a cognizable offence, and it shall not be practicable to take the examination of such person under the foregoing provisions of this Code, such magistrate may take in writing the statement, on oath or affirmation, of such person, together with the cross-examination and re-examination of such person (if any); and such police magistrate shall add thereto, by way of caption, a statement of his reason for taking the same, and of the day and place when and where the same was taken, and of the names

Special power of police magistrates to take examination of dying witnesses.

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of the persons (if any) present at the taking thereof, and shall subscribe the same and shall forward the same to the registrar of the Supreme Court, to be filed of record in the registry of such court.

**Procedure.**

**467.** The police magistrate shall cause notice of the intended taking of such statement, and of the time and place thereof, to be given to any person whom he may have reason to believe might be affected thereby; and any such person, personally or by pleader, may cross-examine the person making such statement, and in that event the magistrate may put any questions to such person on re-examination. The taking and recording any such statement shall, as far as practicable, be in accordance with the provisions of this Code, referring to the taking and recording the evidence of a witness on an inquiry before a police court.

**Adjournment of inquiry or trial.**

**468.** In every case in which a commission is issued under section 461, the inquiry, trial, or other proceeding may be adjourned for a specified time, reasonably sufficient for the execution and return of the commission.

**CHAPTER XXXVIII.****SPECIAL RULES OF EVIDENCE.****Deposition of medical witness.**

**469.** 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.

**Power to summon medical witness.**

The court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

**Report of Government analyst.**

**470.** 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 analysed with the subject of which his analysis is needed for the trial of the case. 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 the last preceding section, or the Government analyst referred to in this section, 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 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.

**Previous conviction or**

**471.** In any inquiry, trial, or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any

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other mode provided by any law for the time being in force—

- (a) By an extract certified, under the hand of the officer having the custody of the records of the court in which such conviction or acquittal was had, to be a copy of the sentence or order ; or
- (b) In case of a conviction, either by a certificate, signed by the officer in charge of the prison in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered ; or
- (c) By any other mode provided by any law for the time being in force.

acquittal, how proved.

Together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

**472.** If it be proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the court competent to try or commit for trial such person 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 person, 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.

Record of evidence in absence of accused.

**473.** The statement or confession of an accused, taken and recorded by a police magistrate as provided for by sections 136 and 368 ;

The statement or confession of an accused, made before the police court and recorded as provided for by sections 171 and 368 ;

The statement or statement and examination of an accused, taken and recorded as provided for by sections 352 and 368 ;

The deposition of a witness, taken and recorded under the provisions of this Code ;

May be given in evidence in any subsequent judicial proceeding or in any later stage of the same judicial proceeding.

How confession, statement, and examination of an accused, and depositions of witnesses, may be given in evidence.

Provided that—

- (a) The proceeding was between the same parties or their representatives in interest.
- (b) That the questions in issue were substantially the same in the first as in the second proceeding.

And provided further, in case of the deposition of a witness, that the witness—

- (c) is dead or cannot be found ; or
- (d) is incapable of giving evidence ; or
- (e) is kept out of the way by the adverse party ; or
- (f) his presence cannot be obtained without an amount of delay and expense which the court considers unreasonable ; and
- (g) That the adverse party in the first proceeding had the right and opportunity to cross-examine.

*Explanation.*—A criminal trial or inquiry shall be deemed to be a proceeding between the prosecutor and accused within the meaning of this section.

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How depositions, taken under section 466 and 467, may be given in evidence.

474. If, on the trial of an accused for an offence to which the examination of a person under sections 466 and 467 relates, such person be 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 and expense which the court considers unreasonable, the court may permit the deposition of such person to be given in evidence either for or against the accused without further proof; provided that it purports to be taken and recorded under the powers of sections 466 and 467.

Provided always that the court may refuse to admit such depositions in evidence, if it shall be shown that the person against whom it is proposed to produce it had no opportunity of cross-examining the person who made it, and was prejudiced thereby.

## CHAPTER XXXIX.

## PROVISIONS AS TO BONDS.

Deposit instead of recognizance.

475. When any person is required by any court to execute a bond, with or 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.

476. 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 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.

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 property belonging to such person.

Such warrant may be executed within the local limits of the jurisdiction of the court which issued it, and it shall authorise the distress and sale of any movable 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.

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.

The court may at its discretion remit any portion of the penalty mentioned, and enforce payment in part only.

Power to direct levy of amount due on recognizances.

477. 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.



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## CHAPTER XL.

## OF THE DISPOSAL OF PROPERTY.

**478.** 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.

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, such court may direct that the order be carried into effect by a police magistrate.

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 livestock, 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.

*Explanation.*—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.

**479.** In lieu of passing an order under section 478, 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.

Order may take form of reference to district or police court.

**480.** 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.

Payment to innocent purchaser of money found on accused.

**481.** The Supreme Court may direct any order under section 478, section 479, or section 480, passed by a district or police court, to be stayed pending consideration by the Supreme Court, and may modify, alter, or annul such order.

Stay of order under section 478, 479, 480.

**482.** On a conviction under the Ceylon Penal Code, section 285, section 286, section 481, or section 482, 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.

Destruction of libellous and other matters.

The court may in like manner on a conviction under the Ceylon Penal Code, section 265, section 266, section 267, or section 268, order the food, drink, drug, or medical preparation in respect of which the conviction was had to be destroyed.

**483.** 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.

Power to restore possession of immovable property.

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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 30, or stolen.

**484.** The seizure by any police officer of property taken under section 30, 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.

Procedure where owner of property seized unknown.

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 proclamation 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 proclamation.

Procedure where no claimant appears within six months.

**485.** 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.

In the case of every order passed under this section, an appeal shall lie to the Supreme Court.

Power to sell perishable property.

**486.** 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 sections 484 and 485 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

## CHAPTER XLI.

## OF THE TRANSFER OF CRIMINAL CASES.

Supreme Court may transfer case.

**487.** Whenever it appears to the Supreme Court—

- (a) That a fair and impartial inquiry or trial cannot be had in any particular court ;
- (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 it is expedient on any other ground ; or
- (e) That an order under this section will tend to the general convenience of the parties or witnesses ;

It may order—

- (1) That any offence be inquired into, heard, tried, and determined by any court whether such court be or be not empowered under sections 137 to 146 to inquire into or try such offence, if such court in other respects be competent to inquire into or try such offence ;

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(2) That any particular criminal case be transferred to and tried before itself, or be transferred from itself to and be heard, tried, and determined before any other court. Itself try it.

If an application for the exercise of the power conferred by this section be made by motion, it shall, except when the applicant is the Attorney-General, be supported by affidavit or affirmation. Application to be made by motion supported by affidavit.

When an accused person makes an application under this section, the Supreme Court may direct him to execute a bond, with or without sureties, conditioned that he will if convicted pay the costs of the prosecution.

488. Every accused person making any such application, shall give to the Attorney-General and to the complainant 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. Notice to Attorney-General of application under section 487.

CHAPTER XLII.

OF IRREGULAR PROCEEDINGS.

489. If any police magistrate, not empowered by law to do any of the following things, namely— Irregularities which do not vitiate proceedings.

- (a) To issue a search warrant, under section 73 ;
- (b) To hold an inquiry, under sections 187 to 195 ;
- (c) To take cognizance of an offence, under section 152 ;
- (d) To tender a pardon, under section 346 or section 347 ;
- (e) To sell property, under section 485 or section 486 ;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

490. If any police magistrate, not being empowered by law in this behalf, does any of the following things, namely— Irregularities which vitiate proceedings.

- (a) Attaches and sells property, under section 63 ;
- (b) Issues a search warrant for a letter in the post office, or a telegram in the telegraph department ;
- (c) Demands security to keep the peace ;
- (d) Demands security for good behaviour ;
- (e) Discharges a person lawfully bound to be of good behaviour ;
- (f) Cancels a bond to keep the peace ;
- (g) Makes an order under section 115 as to a local nuisance ;
- (h) Prohibits, under section 115, the repetition or continuance of a public nuisance ;
- (i) Issues an order under section 129 ;
- (k) Tries an offender summarily ;

his proceedings shall be void.

491. No finding, sentence, or order of any criminal court shall be set aside merely on the ground that the inquiry, trial, or other proceeding, in the course of which it was arrived at or passed, took place in a wrong sessions, division, district, sub-division, or other local area, unless it appears that such error occasioned a failure of justice. Proceedings in wrong place.

492. If any court before which evidence is given by a witness, or a confession, or other statement, or statement and examination of an accused person recorded under the provisions of this Code Non-compliance with provisions of Code.

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is tendered in evidence, finds that the provisions of this Code have not been fully complied with by the police magistrate recording the evidence, statements, confession, or statement and examination, it shall take evidence, that such person duly gave the evidence or made the statement, confession, or statement and examination recorded; and, notwithstanding anything in any law to the contrary, such evidence, statement, confession, or statement and examination shall be admitted, if the error has not injured the accused as to his defence on the merits.

Effect of omission to frame charge.

**493.** No finding, or sentence pronounced or passed, shall be deemed invalid, merely on the ground that no charge was framed, unless, in the opinion of the Supreme Court, a failure of justice has been occasioned thereby.

If the Supreme Court think that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge shall be framed, and that the trial be re-commenced from the point immediately after the framing of the charge.

Finding or sentence, when reversible by reason of error or omission in charge or other proceedings.

**494.** Subject to the provisions hereinbefore contained, no finding sentence, or order passed by a court of competent jurisdiction shall be reversed, or altered on review, appeal, or revision, on account—

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 proceeding under this Code; or

Of the want of any sanction required by section 149; or

Of the omission to revise any list of jurors, or assessors; or

Of any misdirection in any charge to a jury, unless such error, omission, irregularity, want, or misdirection has occasioned a failure of justice.

Distress not illegal nor distrainer a trespasser for defect or want of form in proceedings.

**495.** 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.

## CHAPTER XLIII.

## FUGITIVE OFFENDERS' ACT, 1881.

Meaning of word "Superior Court" in "Fugitive Offenders' Act, 1881." Police magistrate is a magistrate under Part I. of said Act.

**496.** The Supreme Court is by this Code determined to be the "Superior Court" within the meaning of the expression "Superior Court" in the Act of the Imperial Parliament, known as the "Fugitive Offenders' Act, 1881," as required by the 39th section thereof.

And every police 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 said Fugitive Offenders' Act, 1881, as is required by the 30th section of the said Act.

## CHAPTER XLIV.

## MISCELLANEOUS.

Judge or magistrate may not hear appeal from himself.

**497.** No judge or police magistrate shall hear, try, or inquire into, or commit for trial, or sit at the hearing, trial, inquiry into, or committal for trial, of any case to or in which he is a party or personally interested; and no judge shall hear an appeal from, or review any judgment, sentence, or order passed by, himself.

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**498.** The question whether a judge or magistrate is personally interested in a case shall be decided by the principles of the law of England applicable to the same question in England.

Question of interest to be decided by law of England.

**499.** Affidavits and affirmations to be used before the Supreme Court, or any officer of such court, may be sworn and affirmed before such court or any commissioner or other person appointed by such court for that purpose, or before any district judge, police magistrate, or justice of the peace, or any judge or any commissioner for taking affidavits in any Court of Record in British India or in any of Her Majesty's colonies, or any commissioner to administer oaths in Chancery in England or Ireland, or any magistrate authorized to take affidavits or affirmations in Scotland.

Courts and persons before whom affidavits may be sworn.

**500.** 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 to summon material witness or examine person present.

**501.** Any 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 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.

Power of court to order prisoner in jail to be brought up for examination.

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.

**502.** Subject to any rules made by the Governor in Executive Council, the Supreme Court may order payment on the part of the Government of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial, or other proceeding before such court under this Code.

Expenses of complainant or witnesses.

**503.** Whenever, under any law in force for the time being, a criminal court imposes a fine or confirms, in appeal, revision, or otherwise, a sentence of fine or a sentence of which fine forms a part, the court may, when passing judgment, 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.

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.

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.

Payments to be taken into account in subsequent suit.

**504.** 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.

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Copies of proceedings.

505. If any person, affected by a judgment or order passed by a criminal court, desires to have a copy of any order or deposition, or other part of the record, he shall, on applying for such copy, be furnished therewith upon such terms as to charges as may be approved by the Governor, with the advice of the Executive Council, unless the court for some special reason thinks fit to furnish it free of cost.

Delivery to military authorities of persons capable of being tried by court-martial.

506. 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 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.

Apprehension of such persons.

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 such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

Power to compel restoration of abducted females.

507. 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 enquiry as he may deem fit, 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.

Power of Supreme Court to make rules for inspection of records of subordinate courts, and for other purposes.

508. With the previous sanction of the Governor in Executive Council, the Supreme Court may—

- (a) make rules for keeping all books, entries, and accounts, to be kept in all criminal courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such courts;
- (b) frame forms for every proceeding in the said courts for which it thinks that a form should be provided;
- (c) make rules for regulating its own practice and proceedings, and the practice and proceedings of all criminal courts subordinate to it; and
- (d) make rules for regulating the execution of warrants issued under this Code for the levy of fines.

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code, or any other law in force for the time being.

Rules to be laid before Legislative Council and published in "Government Gazette."

All rules and forms when so made, altered, amended, or revoked shall be laid before the Legislative Council if then in session, and if not then in session, then so soon as possible after the commencement of the next ensuing session, and if within forty days after their being so laid before the Legislative Council any of such rules or forms be objected to by the Legislative Council, the Legislative Council may, by resolution, annul any such rules or forms.

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Should no such rules or forms be so annulled by the Legislative Council within the said forty days, the rules and forms as laid before the Legislative Council shall be published in the *Government Gazette*, and shall come into force upon the publication thereof, or on such other day as may be specified in such publication; if any rule or form be annulled in manner as aforesaid, then such rules and forms as shall not be so annulled shall come into force in like manner as any rules or forms would have come into force had no rules or forms been annulled.

509. Subject to the power conferred by section 508, 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. Forms.

510. All powers conferred by this Code on the Governor in Executive Council may be exercised from time to time, as occasion requires. Powers of Governor in Executive Council exercisable from time to time.

511. The provisions of this Code shall apply, so far as may be, to all cases pending when this Code comes into force. Pending suits.

SCHEDULE I.

LAWS, ORDINANCES, AND RULES OF COURT REPEALED.

1 Number and Year.	2 Title.	3 Extent of Repeal.
Proclamation, 23rd Sep., 1799	—	Section 4 : the proviso
<i>Ordinances:</i> 1 of 1834	For abolishing certain Oaths and Affirmations taken and made in the Customs and other Revenue Offices in Ceylon, and to substitute Declarations in lieu thereof.	The whole Ordinance
3 of 1836	For consolidating and amending the Laws for the protection of His Majesty's Revenue derived from Salt.	section 16, all the words beginning with "and if any constable, &c.," to the end.
4 of 1841	To amend the Laws relating to Vagrants	sub-sections 5, 6 and 7 of section 4
3 of 1842	For the substitution of solemn Affirmations in lieu of Oaths in certain cases.	sections 3 and 4
11 of 1842	An Ordinance to provide for a Church in Kandy.	section 20
8 of 1844	An Ordinance for the Suppression of Lotteries.	section 2
10 of 1844	An Ordinance to amend the Law relative to the Distillation and Sale of Arrack, Rum, and Toddy within these Settlements.	section 60

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1 Number and Year.	2 Title.	3 Extent of Repeal.
3 of 1846	For improving the Law of Evidence in this Colony.	section 6, the last paragraph beginning with "and every person" ..... and ending with "perjury."
6 of 1846	An Ordinance relative to Malicious Injuries, and to certain Thefts of Property.	The whole Ordinance
12 of 1846	An Ordinance to regulate the temporal affairs of the Episcopal Churches in the Island of Ceylon which have been erected or are now in course of erection or which may hereafter be erected, in terms of the Ordinance No. 1 of 1845.	section 24
6 of 1860	For the more effectual suppression of the Crime of Cattle stealing, and for authorising district courts to hear, try, and determine charges relating to the same.	The whole Ordinance
9 of 1852	To amend the Law of Evidence ...	sections 10, 11, 12, 14 and 16
12 of 1852	For further improving the Administration of Criminal Justice.	The whole Ordinance
6 of 1855	To amend the Ordinance No. 11 of 1844...	The whole Ordinance
2 of 1857	"The Electric Telegraph Ordinance, 1857"	Beginning with section 8 to the end of the Ordinance inclusive.
5 of 1857	"The Coining Prevention Ordinance, 1857"	The whole Ordinance
5 of 1861	An Ordinance relating to Wrecks, Sea Casualties and Salvage.	sections 29 and 30
10 of 1861	"The Road Ordinance, 1861." ...	In section 43, the words "and any householder neglecting or refusing to give such information, or wilfully giving false information to the division officer or to the person acting on his behalf, as to any such matter or thing, shall be liable to a fine not exceeding five pounds." 1st sub-section of section 46 section 83
16 of 1861	An Ordinance to amend the Law respecting the Payment in certain cases of the Expenses of Witnesses and of Medical Practitioners.	The whole Ordinance
18 of 1861	An Ordinance for giving effect to certain Rules and Orders for the Police Courts.	The whole Ordinance
12 of 1862	"The Cemeteries Ordinance, 1862" ...	section 29
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.	section 24 section 26



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1 Number and Year.	2 Title.	3 Extent of Repeal.
5 of 1864	An Ordinance to regulate the Temporal Affairs of Churches not provided for in the Ordinance No. 12 of 1846.	section 21
5 of 1865	"The Merchandise Marks Act, 1865" ...	The whole Ordinance except sections 6, 16, 17, 18 and 19.
6 of 1865	"The Masters Attendant's Ordinance, 1865"	sections 37 and 38
10 of 1865	An Ordinance relating to the Ceylon Railway.	sections 19 and 31
16 of 1865	"The Police Ordinance, 1865" ...	<p>sections 52, 56, and 60  section 63, excepting the words "If in the execution of process it shall be found necessary for the officer of police employed to serve such process to go any distance beyond five miles, the person at whose instance the process is issued shall be bound to lodge at the time he applies for the process a sum sufficient to cover the officer's travelling allowances, at such rates as the Governor shall from time to time appoint."  sections 64, 68, and 71  section 72, except the words "any police officer who shall be guilty of cowardice shall be liable to a fine not exceeding twelve months' pay, or to imprisonment with or without hard labour not exceeding twelve months, or to both."  sections 75, 77, 88 and 89  sections 92, 93, 96, and 99</p>
17 of 1865	"The Municipal Councils' Ordinance, 1865"	section 32
28 of 1865	An Ordinance to give effect to certain Rules relating to Proceedings of the Supreme Court in its Criminal Jurisdiction.	The whole Ordinance
4 of 1866	An Ordinance to enlarge the power of the Surveyor-General to demand the Production of Deeds, and make Surveys of Lands, and to facilitate the proof of Surveys.	section 4
4 of 1867	"The Fiscals' Ordinance, 1867" ...	<p>section 29, all the words beginning with "any person swearing," &amp;c., to the end.  sections 23, 24 } So far as they  and 25. } concern criminal  sections 30, 64 } matters  and 65. } only.</p>



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1 Number and Year.	2 Title.	3 Extent of Repeal.
23 of 1871	.. "The Stamp Ordinance, 1871" ...	section 59
1 of 1873	... "The Lunacy Ordinance, 1873" ...	section 11
7 of 1873	... "The Licensing Ordinance, 1873" ...	sub-section 3 of section 26
17 of 1873	... "The Carriage Ordinance, 1873" ...	section 17
7 of 1874	... An Ordinance to amend "The Administration of Justice Ordinance, 1868."	The whole Ordinance
3 of 1876	... "The Land Acquisition Ordinance, 1876."	section 41
7 of 1876	... "The Local Board of Health and Improvement Ordinance, 1876."	section 80
16 of 1877	... "The Prisons Ordinance, 1877" ...	section 81 so far as it is provided for by section 377 of this Code.
2 of 1878	... "The Postal Ordinance, 1878" ...	sections 52, 53, 54, 55, 60, 61, 62, 66, 67 and 69.
6 of 1878	... "The Crown Timber Ordinance, 1878."	section 12
11 of 1878	... "The Grain Tax Ordinance, 1878"	The second and third paragraphs of section 12.
14 of 1878	... An Ordinance to amend "The Weights and Measures Ordinance, 1876."	section 7
<i>Rules and Orders:*</i>		
1st October, 1833	... (P. 55) So much of paragraphs 1, 2, 4 and 6 as is now in force.	So far as they concern Criminal Procedure.
1st October, 1833	... Section VII. (p. 82)	... The whole so far as it concerns Criminal Procedure.
1st October, 1833	... Forms, section II. (pp. 94—97)	... The whole.
5th April, 1834	... No. 3 (p. 108)	... The whole.
16th June, 1834	... No. 5, section 2 (p. 110)	... The whole.
29th June, 1837	... No. 8 (p. 115)	... The whole so far as it concerns Criminal Procedure.
28th December, 1838	... No. 15 (p. 119)	... The whole.
21st October, 1844	... (pp. 142—143)	... The whole except such as have already been repealed.
6th December, 1845	... General Rules for the Supreme Court (p. 156).	The whole.

\* *Explanation.*—The paging of the demy-quarto edition of the Rules and Orders has been quoted in this schedule.

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*§ 11*

**SCHEDULE II.**  
**TABULAR STATEMENT OF OFFENCES.**

**EXPLANATORY NOTE.**—The entries in the second and sixth columns of this schedule, headed respectively "Offence" and "Punishment under the Ceylon Penal Code," are not intended as definitions of the offences and punishment's described in the several corresponding sections of the Ceylon Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

**CHAPTER V.—ABETMENT.**

1 Section.	2 Offence.	3 Whether the police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether the offence is bailable or not.	6 Punishment under the Ceylon Penal Code.	7 By what Court triable.
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.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	The court by which the offence abetted is triable.

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103	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	Same	...	Same	...	Same	...	Same	...	The court by which the offence abetted is triable.
104	Abetment of any offence, when one act is abetted and a different act is done, subject to the proviso.	Same	...	Same	...	Same	...	The same punishment as for the offence intended to be abetted.	...	The court by which the offence abetted is triable.
106	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Same	...	Same	...	Same	...	The same punishment as for the offence committed.	...	The court by which the offence abetted is triable.
107	Abetment of any offence, if abettor is present when offence is committed.	Same	...	Same	...	Same	...	Same	...	The court by which the offence abetted is triable.
108	Abetment of an offence punishable with death, if the offence be not committed in consequence of the abetment.	Same	...	Same	...	Not bailable	...	Imprisonment of either description for 7 years, and fine.	...	The court by which the offence abetted is triable.
	If an act which causes harm be done in consequence of the abetment.	Same	...	Same	...	Same	...	Imprisonment of either description for 14 years, and fine.	...	The court by which the offence abetted is triable.
109	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Same	...	Same	...	According as the offence abetted is bailable 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.
	If the abettor, or the person abetted, be a public servant whose duty it is to prevent the offence.	Same	...	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.

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110	Abetting the commission of an offence by the public, or by more than ten persons.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	The court by which the offence abetted is triable.
111	Concealing a design to commit an offence punishable with death or imprisonment for twenty years, if the offence be committed.	Same	...	Same	...	Not bailable...	...	Imprisonment of either description for 7 years, and fine.	The court by which the offence abetted is triable.
	If the offence be not committed.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	The court by which the offence abetted is triable.
112	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Same	...	Same	...	According as the offence abetted is bailable or not.	...	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.
	If the offence be punishable with death, or	Same	...	Same	...	Not bailable...	...	Imprisonment of either description for 10 years.	The court by which the offence abetted is triable.
	If the offence be not committed	Same	...	Same	...	According as the offence abetted is bailable 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.
113	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Same	...	Same	...	Same	...	Same	The court by which the offence abetted is triable.
	If the offence be not committed	Same	...	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.

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## 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	...	Not bailable...	Death, or imprisonment for 20 years, and forfeiture of property.
115	Conspiring to commit certain offences against the State.	Same	Same	...	Same	Imprisonment of either description for 20 years, and fine.
116	Collecting arms, &c., with the intention of waging war against the Queen.	Same	Same	...	Same	Imprisonment of either description for 20 years, and forfeiture of property.
117	Concealing with intent to facilitate a design to wage war.	Same	Same	...	Same	Imprisonment of either description for 10 years, and fine.
118	Attempt to bring the Queen into contempt.	Same	Same	...	Same	Simple imprisonment for 2 years, and fine.
119	Assaulting Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Same	Same	...	Same	Imprisonment of either description for 7 years, and fine.
120	Exciting, or attempting to excite, disaffection.	Same	Same	...	Same	Simple imprisonment for 2 years and fine, or fine.
121	Waging war against any Power in alliance or at peace with the Queen, or abetting the waging of such war.	Same	Same	...	Same	Imprisonment of either description for 10 years and fine, or fine.
122	Committing depredation on the territories of any Power in alliance or at peace with the Queen.	Same	Same	...	Same	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.

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		CHAPTER VII.—OFFENCES RELATING TO THE ARMY AND NAVY.				
123	Receiving property taken by war or depredation, mentioned in sections 121 and 122.	Same	...	Same	...	Same.
124	Public servant voluntarily allowing prisoner of State or war, in his custody, to escape.	Same	...	Same	...	Imprisonment of either description for 20 years, and fine.
125	Public servant negligently suffering prisoner of State or war, in his custody, to escape.	Same	...	Same	...	Bailable
126	Aiding escape of, rescuing, or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Same	...	Same	...	Not bailable
128	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant	...	Not bailable	Imprisonment of either description for 20 years, and fine.
129	Abetment of mutiny, if mutiny is committed in consequence thereof.	Same	...	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	...	Imprisonment of either description for 3 years, and fine. District court.
131	Abetment of such assault, if the assault is committed.	Same	...	Same	...	Imprisonment of either description for 7 years, and fine. District court.
132	Abetment of the desertion of an officer, soldier, or sailor.	Same	...	Same	...	Bailable Imprisonment of either description for 2 years, or fine, or both. District court.



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133	Harbouring such an officer, soldier, or sailor, who has deserted.	Same	...	Same	...	Same	...	District court.	
134	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons	...	Same	...	Fine of 500 rupees	District court. Police court.	
135	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant.	Warrant	...	Same	...	Imprisonment of either description for 6 months, or fine, or both.	Police court.	
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	...	Same	...	Imprisonment of either description for 3 months, or fine of 100 rupees, or both.	Police court.	
<b>CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILITY.</b>									
140	Being member of an unlawful assembly.	May arrest without warrant	Summons	..	Bailable	..	Imprisonment of either description for 6 months, or fine, or both.	Police court.	
141	Joining an unlawful assembly, armed with any deadly weapon.	Same	Warrant	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court.	
142	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Same	Same	...	Same	...	Same	District court.	
144	Rioting.	Same	Same	...	Same	...	Same	District court	

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145	Rioting, armed with a deadly weapon.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	The court by which the offence is triable.
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.	...	According as the offence is bailable or not.	...	The same as for the offence	
147	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	...	According to the offence committed by the person hired, engaged, or employed.	...	Same	...	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	District court.
148	Knowingly joining or continuing in any assembly of five or more persons, after it has been commanded to disperse.	Same	...	Summons	...	Bailable	...	Imprisonment of either description for 6 months, or fine, or both.	Police court.
149	Assaulting or obstructing public servant, when suppressing riot, &c.	Same	...	Warrant	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court. Police court.
150	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Same	...	Same	...	Same	...	Imprisonment of either description for 1 year, or fine, or both.	District court. Police court.
	If not committed	Same	...	Summons	...	Same	...	Imprisonment of either description for 6 months, or fine, or both.	Police court.
151	Owner or occupier of land, not giving information of riot, &c.	Shall not arrest without warrant.	...	Same	...	Same	...	Fine of 1,000 rupees.	District court. Police court.
152	Person for whose benefit or on whose behalf a riot takes place, not using all lawful means to prevent it.	Same	...	Same	...	Same	...	Fine	District court. Police court.

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CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.										
153	Agent of owner or occupier for whose benefit a riot is committed, not using all lawful means to prevent it.	Same	...	Same	...	Same	...	Same	...	District court Police court.
154	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	...	Same	...	Same	...	Imprisonment of either description for 6 months, or fine, or both.	...	Police court
155	Being hired to take part in an unlawful assembly or riot.	Same	...	Same	...	Same	...	Same	...	Police court.
157	Or to go armed	Same	...	Warrant	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	...	District court Police court.
157	Committing affray	Shall not arrest without warrant.	...	Summons	...	Same	...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both	...	Police court.
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.	...	Summons	...	Bailable	...	Imprisonment of either description for 3 years, or fine, or both.	...	
159	Taking a gratification in order, by corrupt or illegal means, to influence a public servant.	Same	...	Same	...	Same	...	Same	...	
160	Taking a gratification for the exercise of personal influence with a public servant.	Same	...	Same	...	Same	...	Simple imprisonment for 1 year, or fine, or both.	...	District court.
161	Abetment by public servant, of the offences defined in the last two preceding clauses with reference to himself.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	...	

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162	Public servant, disobeying a direction of the law, with intent to cause injury to any person.	Same	...	Same	...	Same	...	Simple imprisonment for 1 year, or fine, or both.	District court. Police court.
163	Public servant, framing an incorrect document, with intent to cause injury.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
164	Fraudulent or malicious infraction of duty, by public servant in Telegraph Department.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
165	Misconduct, by public servant in Telegraph or Postal Department.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 months, or fine, which may extend to 50 rupees, or both.	Police court.
166	Fraud, by public servant in Telegraph Department.	May arrest without warrant.	...	Warrant	...	Same	...	Imprisonment of either description, which may extend to 2 years, or fine, or both.	District court. Police court.
167	Injury to messages, &c., committed by public servants in Postal or Telegraph Department.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, or fine, or both.	District court.
168	Personating a public servant.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court.
169	Wearing garb or carrying token used by public servant, with fraudulent intent.	Same	...	Summons	...	Same	...	Imprisonment of either description for 3 months, or fine of 100 rupees, or both	Police court.
<b>CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.</b>									
170	Absconding, to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	...	Summons	...	Bailable	...	Simple imprisonment for 1 month, or fine of 50 rupees, or both.	Police court.

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171	<p>If summons or notice require attendance in person, &amp;c., in a court of justice.</p> <p>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.</p> <p>If summons, &amp;c., require attendance in person, &amp;c., in a court of justice.</p>	Same	...	Same	...	Same	...	Same	...	Simple imprisonment for 6 months, or fine of 100 rupees, or both.	Police court.
172	<p>Not obeying a legal order to attend at a certain place, in person or by agent, or departing therefrom without authority.</p> <p>If the order require personal attendance, &amp;c., in a court of justice.</p>	Same	...	Same	...	Same	...	Same	...	Simple imprisonment for 1 month, or fine of 50 rupees, or both.	Police court.
173	<p>Intentionally omitting to produce a document to a public servant, by a person legally bound to produce or deliver such document.</p>	Same	...	Same	...	Same	...	Same	...	Simple imprisonment for 1 month, or fine of 50 rupees, or both.	The court in which the offence is committed, subject to the provisions of chapter XXXIV; or, if not committed in court, a police court.
174	<p>Intentionally omitting to give notice or information to a public servant, by a person legally bound to give such notice or information.</p>	Same	...	Same	...	Same	...	Same	...	Simple imprisonment for 6 months, or fine of 100 rupees, or both.	Police court.

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175	If the notice or information required respects the commission of an offence, &c. Knowingly furnishing false information to a public servant.	Same	...	Same	...	Simple imprisonment for 6 months, or fine of 100 rupees, or both.	Police court.
	Same	Same	...	Same	...	Same	Police court.
	Same	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court.
176	Refusing oath, when duly required to take oath by a public servant.	Same	...	Same	...	Simple imprisonment for 6 months, or fine of 100 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.
177	Being legally bound to state truth, and refusing to answer questions.	Same	...	Same	...	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.
178	Refusing to sign a statement made to a public servant, when legally required to do so.	Same	...	Same	...	Simple imprisonment for 3 months, or fine of 100 rupees, or both.	Police court.
179	Knowingly stating to a public servant on oath, as true, that which is false.	Same	...	Warrant	...	Imprisonment of either description for 3 years, and fine.	District court.

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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	...	Same	...	Imprisonment of either description for 6 months, or fine of 100 rupees, or both.	Police court.
181	Resistance to the taking of property by the lawful authority of a public servant.	Same	...	Same	...	Same	...	Same	Police court.
182	Obstructing sale of property, offered for sale by authority of a public servant.	Same	...	Same	...	Same	...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Police court.
183	Obstructing public servant in discharge of his public functions.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 months, or fine of 100 rupees, or both.	Police court.
184	Omission to assist public servant, when bound by law to give such assistance.	Same	...	Same	...	Same	...	Simple imprisonment for 1 month, or fine of 50 rupees, or both.	Police court.
	Wilfully neglecting to aid a public servant, who demands aid in the execution of process, the prevention of offences, &c.	Same	...	Same	...	Same	...	Simple imprisonment for 6 months, or fine of 100 rupees, or both.	Police court.
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	...	Same	...	Simple imprisonment for 1 month, or fine of 50 rupees, or both.	Police court.
	If such disobedience causes danger to human life, health, or safety, &c.	Same	...	Same	...	Same	...	Imprisonment of either description for 6 months, or fine of 100 rupees, or both.	Police court.

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CHAPTER XI.—FALSE EVIDENCE, AND OFFENCES AGAINST PUBLIC JUSTICE.						
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	...	Same
187	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.  Imprisonment of either description for 1 year, or fine, or both.
190	Giving or fabricating false evidence, in a judicial proceeding.	Shall not arrest without warrant.	...	Warrant	...	Bailable
191	Giving or fabricating false evidence, in any other case.	Same	...	Same	...	Same
192	Giving or fabricating false evidence, with intent to cause any person to be convicted of a capital offence.	Same	...	Same	...	Not bailable ...
193	If innocent person be thereby convicted and executed.	Same	...	Same	...	Same
194	Giving or fabricating false evidence, with intent to procure conviction of an offence punishable with imprisonment for 7 years or upwards.	Same	...	Same	...	Same
195	Using, in a judicial proceeding, evidence known to be false or fabricated.	Same	...	Same	...	According as the offence of giving such evidence is bailable or not.



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194	Knowingly issuing or signing a false certificate, relating to any fact of which such certificate is by law admissible in evidence.	Same	...	Same	...	Bailable	...	The same as for giving false evidence.	District court.
195	Using, as a true certificate, one known to be false in a material point.	Same	...	Same	...	Same	...	Same	District court.
196	False statement made in any declaration which is by law receivable as evidence.	Same	...	Same	...	Same	...	Same	District court.
197	Using, as true, any such declaration known to be false.	Same	...	Same	...	Same	...	Same	District court.
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	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.
	If punishable with imprisonment for 10 years.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.
	If punishable with less than 10 years' imprisonment.	Same	...	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.
199	Intentional omission to give information of an offence, by a person legally bound to inform.	Same	...	Summons	...	Same	...	Imprisonment of either description for 6 months, or fine, or both.	Police court.
200	Giving false information respecting an offence committed.	Same	...	Warrant	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court Police court.

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201	Secreting or destroying any document, to prevent its production as evidence.	Same	...	Same	...	Same	...	Same	District court.
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	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
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	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court.
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	...	Same	...	Same	District court.
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	...	Same	...	Same	District court.
206	False claim in a court of justice.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, and fine.	District court.
207	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court.

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208	False charge of offence made with intent to injure.	Same	...	Same	...	Same	District court.
	If offence charged be capital, or punishable with imprisonment for a term exceeding 7 years.	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.
209	Harbouring an offender, if the offence be capital.	May arrest without warrant.	...	Same	...	Imprisonment of either description for 5 years, and fine.	District court.
	If punishable with imprisonment for 10 years.	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.
	If punishable with imprisonment for 1 year and not for 10 years.	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, where offence committed by person harboured is triable by a police court.
210	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	...	Same	...	Imprisonment of either description for 7 years and fine.	District court.
	If punishable with imprisonment for 10 years.	Same	...	Same	...	Imprisonment of either description for 3 years and fine.	District court.
	If with imprisonment for less than 10 years.	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.
211	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.

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If punishable with imprisonment for 10 years.	Same	...	Same	... Imprisonment of either description for 3 years, and fine.	District court.
If with imprisonment for less than 10 years.	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.
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	... Imprisonment of either description for 2 years, or fine, or both.	District court.
213 Harbours an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant	...	Same	... Imprisonment of either description for 7 years, and fine.	
If punishable with imprisonment for 10 years.	Same	...	Same	... Imprisonment of either description for 3 years, with or without fine.	District court.
If with imprisonment for 1 year, and not for 10 years.	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 offender is triable by police court.
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	Same	... Imprisonment of either description for 2 years, or fine, or both.	District court.

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215	Public servant, framing an incorrect record or writing, with intent to save person from punishment or property from forfeiture.	Same	...	Warrant	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
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	...	Same	...	Imprisonment of either description for 7 years, with or without fine.	District court.
	If punishable with imprisonment for 10 years.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, with or without fine.	District court.
	If with imprisonment for less than 10 years.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, with or without fine.	District court.
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	...	Not bailable	...	Imprisonment of either description for 14 years, with or without fine.	District court.
	If under sentence of imprisonment for 10 years or upwards.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, with or without fine.	District court.
	If under sentence of imprisonment for less than 10 years; or lawfully committed to custody.	Same	...	Same	...	Bailable	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
218	Escape from confinement, negligently suffered by a public servant.	Same	...	Summons	...	Same	...	Simple imprisonment for 2 years, or fine, or both.	District court. Police court.

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	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant	...	...	Imprisonment of either description for 2 years, or fine, or both.	District court, if person resisting or escaping, &c., charged with or convicted of offence cognizable by police court
219				...	Same	...	Police court.
220	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Same	Same	...	Same	...	District court.
	If charged with an offence punishable with imprisonment for 10 years.	Same	Same	...	Not bailable	Imprisonment of either description for 3 years, and fine.	District court.
	If charged with a capital offence.	Same	Same	...	Same	Imprisonment of either description for 7 years, and fine.	District court.
	If the person is sentenced to imprisonment for 10 years or upwards.	Same	Same	...	Same	...	District court.
	If under sentence of death.	Same	Same	...	Same	Imprisonment of either description for 10 years, and fine.	District court.
221	Escape, or attempt to escape, from custody for failing to furnish security for good behaviour.	Same	Same	...	Bailable	Imprisonment of either description for 1 year, or fine, or both.	District court, Police court.
222	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons	...	Not bailable	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The court by which the original offence was triable.

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223	Intentional insult or interruption to a public servant, sitting in any stage of a judicial proceeding.	Same	...	Same	...	Bailable	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	The court in which the offence is committed, subject to provisions of chapter XXXIV.
224	Personation of a juror or assessor.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court.

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	...	Not bailable	...	Imprisonment of either description for 7 years, and fine.	District court.
227	Counterfeiting, or performing any part of the process of counterfeiting the Queen's coin.	Same	...	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court.
228	Making, buying, or selling instrument for the purpose of counterfeiting coin.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.
229	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's coin.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.
230	Possession of instrument or material, for the purpose of using the same, for counterfeiting coin.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.
	If Queen's coin.	Same	...	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court.

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231	Abetting in Ceylon the counterfeiting out of Ceylon of coin.	Same	...	Same	...	Same	...	Same	...	The punishment provided for abetting the counterfeiting of such coin within Ceylon.	District court
232	Import or export of counterfeit coin, knowing the same to be counterfeit.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court
233	Import or export of counterfeit of the Queen's coin, knowing the same to be counterfeit.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court
234	Having any counterfeit coin, known to be such when it came into possession, and delivering, &c., the same to any person.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 5 years, and fine.	District court
235	The same with respect to the Queen's coin.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court
236	Knowingly delivering to another any counterfeit coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	District court
237	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court
238	Possession of Queen's coin by a person who knew it to be counterfeit when he became possessed thereof.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court



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239	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court
240	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court
241	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court
242	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court
243	Same	...	Same	...	Same	...	Imprisonment of either description for 5 years, and fine.	District court
244	Same	...	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court
245	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court
246	Same	...	Same	...	Same	...	Imprisonment of either description for 5 years, and fine.	District court
247	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	District court Police court

*Criminal Procedure Code.*

248	Counterfeiting a Government stamp.	Same	...	Same	...	Bailable	...	Imprisonment of either description for 15 years, and fine.	District court.
249	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.
250	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Same	...	Same	...	Same	...	Same	District court.
251	Sale of counterfeit Government stamp.	Same	...	Same	...	Same	...	Same	District court.
252	Having possession of a counterfeit Government stamp.	Same	...	Same	...	Same	...	Same	District court.
253	Using as genuine a Government stamp known to be counterfeit.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, or fine, or both.	District court.
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	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
255	Using a Government stamp known to have been before used.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
256	Erasure of mark denoting that stamp has been used.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court.

*Criminal Procedure Code.*

## 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	Bailable	...	Imprisonment of either description for 1 year, or fine, or both.	District court. Police court.
258	Using false weight or measure.	Same	Same	Same	...	Same	District court. Police court.
259	Being in possession of false weights or measures for use.	Same	Same	Same	...	Same	District court. Police court.
260	Making or selling false weights or measures for fraudulent use.	Same	Same	Same	..	Same	District court.

## 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 disease dangerous to life.	May arrest without warrant.	Summons	Bailable	..	Imprisonment of either description for 6 months, or fine, or both.	District court. Police court.
263	Maliciously doing any act known to be likely to spread infection of any disease dangerous to life.	Same	Same	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court.
264	Knowingly disobeying any quarantine rule.	Same	Same	Same	...	Imprisonment of either description for 6 months, or fine, or both.	District court. Police court.
265	Adulterating food or drink intended for sale so as to make the same noxious.	Shall not arrest without warrant.	Same	Same	...	Imprisonment of either description for 6 months, or fine of 100 rupees, or both.	Police court.

*Criminal Procedure Code.*

266	Selling any food or drink as food and drink, knowing the same to be noxious.	Same	...	Same	...	Same	...	...	Police court.
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	...	Same	...	...	Police court.
268	Offering for sale, or issuing from a dispensary, any drug or medical preparation, known to have been adulterated.	Same	...	Same	...	Same	...	...	Police court.
269	Knowingly selling, or issuing from a dispensary, any drug or medical preparation as a different drug or medical preparation.	Same	...	Same	...	Same	...	...	Police court.
270	Defiling the water of a public spring or reservoir.	May arrest without warrant.	...	Same	...	Same	...	Imprisonment of either description for 3 months, or fine of 50 rupees, or both.	Police court.
271	Making atmosphere noxious to health.	Shall not arrest without warrant.	...	Same	...	Same	...	Fine of 100 rupees.	Police court.
272	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	...	Same	...	Same	...	Imprisonment of either description for 6 months, or fine of 100 rupees, or both.	Police court.
273	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Same	...	Same	...	Same	...	...	Police court.
274	Exhibition of a false light, mark, or buoy.	Same	...	Warrant	...	Same	...	Imprisonment of either description for 7 years, or fine, or both.	District court.

*Criminal Procedure Code.*

275	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Same	...	Summons	...	Same	...	Imprisonment of either description for 6 months, or fine of 100 rupees, or both.	Police court.
276	Causing danger, obstruction, or injury in any public way, or line of navigation.	Same	...	Same	...	Same	...	Fine of 100 rupees.	Police court.
277	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	...	Same	...	Same	...	Imprisonment of either description for 6 months, or fine of 100 rupees, or both.	Police court.
278	Dealing with fire, or any combustible matter, so as to endanger human life, &c.	May arrest without warrant.	...	Same	...	Same	...	Same	Police court.
279	So dealing with any explosive substance.	Same	...	Same	...	Same	...	Same	Police court.
280	So dealing with any machinery.	Shall not arrest without warrant.	...	Same	...	Same	...	Same	Police court.
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	...	Same	...	Same	Police court.
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	...	Same	...	Same	Police court.
283	Committing a public nuisance.	Shall not arrest without warrant.	...	Same	...	Same	...	Fine of 50 rupees, or imprisonment of either description for 3 months, or both.	Police court.

*Criminal Procedure Code.*

284	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Same	...	Same	...	Simple imprisonment for 6 months, or fine, or both.	District court. Police court.
285	Sale, &c., of obscene books, &c.	Same	Warrant	...	Same	...	Imprisonment of either description for 3 months, or fine, or both.	Police court.
286	Having in possession obscene book, &c., for sale or exhibition.	Same	Same	...	Same	...	Same	Police court.
287	Obscene songs	Same	Same	...	Same	...	Same	Police court.
288	Keeping a lottery-office	Shall not arrest without warrant.	Summons	...	Same	...	Imprisonment of either description for 6 months, or fine, or both.	District court. Police court.
289	Publishing proposals relating to lotteries. Wilful omission of Statutory Authority.	Same	Same	...	Same	...	Fine of 100 rupees	Police court. District court. Police court.
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	...	Bailable	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
291	Causing a disturbance to an assembly engaged in religious worship.	Same	Same	...	Same	...	Same	District court. Police court.

*Criminal Procedure Code.*

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	...	Same	...	Same	...	District court. Police court.
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CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY.

*Of Offences affecting Life.*

296	Murder	...	May arrest without warrant.	Warrant	...	Not bailable	...	Death.
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	Same	...	Same	...	Imprisonment of either description for 20 years, and fine.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Same	Same	Same	...	Same	...	Imprisonment of either description for 10 years, or fine, or both.
298	Causing death by rash or negligent act.	Same	Same	Same	...	Bailable	...	Imprisonment of either description for 5 years, or fine, or both.
299	Abetment of suicide	...	Same	Same	...	Not bailable	...	Death.
300	Attempt to murder	...	Same	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.

*Criminal Procedure Code.*

If such act cause hurt to any person.	Same	...	Same	...	Same	Imprisonment of either description for 20 years, and fine.	
301 Attempt to commit culpable homicide.	Same	...	Same	...	Bailable	Imprisonment of either description for 3 years, or fine, or both.	District court
If such act cause hurt to any person.	Same	...	Same	...	Same	Imprisonment of either description for 7 years, or fine, or both.	District court
302 Attempt to commit suicide ...	Same	...	Same	...	Same	Simple imprisonment for one year, or fine, or both.	District court Police court
<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	...	Bailable	Imprisonment of either description for 3 years, or fine, or both.	District court.
If the woman be quick with child.	Same	...	Same	...	Same	Imprisonment of either description for 7 years, and fine.	District court.
304 Causing miscarriage, without woman's consent.	Same	...	Same	...	Not bailable...	Imprisonment of either description for 20 years, and fine.	
305 Death caused by an act done with intent to cause miscarriage.	Same	...	Same	...	Same	Imprisonment of either description for 20 years, and fine.	
306 Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Same	...	Same	...	Same	Imprisonment of either description for 10 years, or fine, or both.	District court.



*Criminal Procedure Code.*

307	Causing death of a quick un-born child, by an act amounting to culpable homicide.	Same	...	Same	...	Same	...	Imprisonment of either de-scription for 10 years, and fine.	District court.
308	Exposure of a child under 12 years of age, by parent or person having care of it, with intention of wholly abandon-ing it.	May arrest without warrant.	...	Same	...	Bailable	...	Imprisonment of either de-scription for 7 years, or fine, or both.	District court.
309	Concealment of birth, by secret disposal of dead body.	Same	...	Same	...	Same	...	Imprisonment of either de-scription for 2 years, or fine, or both.	District court.

*Of Hurt.*

314	Voluntarily causing hurt.	Shall not arrest without warrant.	...	Summons	...	Bailable	...	Imprisonment of either de-scription for 1 year, or fine of 1,000 rupees, or both.	District court. Police court.
315	Voluntarily causing hurt by dangerous weapons or means	May arrest without warrant.	...	Same	...	Same	...	Imprisonment of either de-scription for 3 years, or fine, or both.	District court. <del>Police court.</del> <i>XV 1876</i>
316	Voluntarily causing grievous hurt.	Same	...	Same	...	Same	...	Imprisonment of either de-scription for 7 years, and fine. If person hurt is a woman or child, whipping in addition.	District court.
317	Voluntarily causing grievous hurt, by dangerous weapons or means.	Same	...	Same	...	Not bailable	...	Imprisonment of either de-scription for 10 years, and fine. If person hurt is a woman or child, whipping in addition.	District court.

## Criminal Procedure Code.

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.	Same	...	Warrant	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court.
319	Administering stupefying drug with intent to cause hurt, &c.	Same	...	Same	...	Same	...	Same	District court.
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	...	Same	...	Imprisonment of either description for 20 years, and fine, or whipping.	District court.
321	Voluntarily causing hurt, to extort confession or information, or to compel restoration of property, &c.	Same	...	Same	...	Bailable	...	Imprisonment of either description for 7 years, and fine.	District court.
322	Voluntarily causing grievous hurt, to extort confession or information, or to compel restoration of property, &c.	Same	...	Same	...	Not bailable	...	Imprisonment of either description for 10 years, and fine.	District court.
323	Voluntarily causing hurt, to deter public servant from his duty.	Same	...	Same	...	Bailable	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
324	Voluntarily causing grievous hurt, to deter public servant from his duty.	Same	...	Same	...	Not bailable	...	Imprisonment of either description for 10 years, and fine.	District court.
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	...	Bailable	...	Imprisonment of either description for 1 month, or fine of 50 rupees, or both.	Police court.

*Criminal Procedure Code.*

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	Same	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	District court.
327	Doing any act which endangers human life or the personal safety of others.	Same	...	Same	Imprisonment of either description for 3 months, or fine of 100 rupees, or both.	Police court.
328	Causing hurt, by an act which endangers human life, &c.	Same	...	Same	Imprisonment of either description for 6 months, or fine of 100 rupees, or both.	Police court.
329	Causing grievous hurt, by an act which endangers human life, &c.	Same	...	Same	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	District court.

*Of Wrongful Restraint and Wrongful Confinement.*

322	Wrongfully restraining any person.	May arrest without warrant.	Summons	...	Bailable	...	Simple imprisonment for 1 month, or fine of 50 rupees, or both.	Police court.
333	Wrongfully confining any person.	Same.	Same	...	Same	...	Imprisonment of either description for 1 year, or fine of 1,000 rupees or both.	District court. Police court.
334	Wrongfully confining for three or more days.	Same	Same	...	Same	...	Imprisonment of either description for 2 years, and fine.	District court.
335	Wrongfully confining for ten or more days.	Same	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.

*Criminal Procedure Code.*

336	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant	Same	...	Same	...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	District court.
337	Wrongful confinement in secret.	May arrest without warrant.	Same	...	Same	...	Same	District court.
338	Wrongful confinement, for the purpose of extorting property, or constraining to an illegal act, &c.	Same	...	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.
339	Wrongful confinement, for the purpose of extorting confession or information, or of compelling restoration, or of property, &c.	Same	...	...	Same	...	Same	District court.

*Of Criminal Force and Assault.*

343	Assault or use of criminal force, otherwise than on grave provocation.	Shall not arrest without warrant.	Summons	...	Bailable	...	Imprisonment of either description for 3 months, or fine of 50 rupees, or both.	Police court.
344	Assault or use of criminal force, to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
345	Assault or use of criminal force, to a woman, with intent to outrage her modesty.	Same	...	...	Same	...	Same and whipping	District court.
346	Assault or criminal force, with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.

*Criminal Procedure Code.*

347	Assault or criminal force, in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant	...	Not bailable ..	Same	...	District court. Police court.	
348	Assault or use of criminal force, in attempt wrongfully to confine a person.	Same	Same	...	Bailable	...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	District court. Police court.	
349	Assault or use of criminal force, on grave and sudden provocation.	Shall not arrest without warrant.	Summons	...	Same	...	Simple imprisonment for 1 month, or fine of 50 rupees, or both.	Police court.	
<i>Of Kidnapping, Abduction, Slavery, and Forced Labour.</i>									
354	Kidnapping	May arrest without warrant.	Warrant	...	Not bailable...	...	Imprisonment of either description for 7 years, and fine.	District court.	
355	Kidnapping or abducting, in order to murder.	Same	Same	...	Same	...	Rigorous imprisonment for 20 years, and fine.	District court.	
356	Kidnapping or abducting, with intent secretly and wrongfully to confine a person.	Same	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.	
357	Kidnapping or abducting, a woman, to compel her marriage, or to cause her defilement, &c.	Same	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court.	
358	Kidnapping or abducting, in order to subject a person to grievous hurt, slavery, &c.	Same	Same	...	Same	...	Same.	District court.	
359	Concealing or keeping in confinement a kidnapped person.	Same	Same	...	Same	...	Punishment for kidnapping or abduction.	District court.	

*Criminal Procedure Code.*

360	Kidnapping or abducting a child, with intent to take property from the person of such child.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.
361	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Same	...	Ballable	...	...	Same	District court.
362	Habitual dealing in slaves	May arrest without warrant.	Same	...	Not bailable	...	...	Imprisonment of either description for 15 years, and fine.	District court.
<i>Of Rape.</i>									
364	Rape	May arrest without warrant.	Warrant	...	Not bailable	...	...	Imprisonment of either description for 20 years, and fine.	
<i>Of Unnatural Offences.</i>									
365	Unnatural offences	May arrest without warrant.	Warrant	...	Not bailable	...	...	Imprisonment of either description for 10 years, and fine.	
<b>CHAPTER XVII.—OFFENCES AGAINST PROPERTY.</b>									
<i>Of Theft.</i>									
367	Theft	May arrest without warrant.	Warrant	...	Not bailable	...	...	Imprisonment of either description for 3 years, or fine, or both.	District court, when value of property stolen does not exceed 100 rupees.

*Criminal Procedure Code.*

368	Theft of cattle, or prædial produce.	Same	...	Same	...	Whipping in addition	...	District court. Police court, if value of property does not exceed 50 rupees.
369	Theft in a dwelling-house, &c.	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	...	District court. Police court, if value of property stolen does not exceed 100 rupees.
370	Theft by clerk or servant, of property in possession of master or employer.	Same	...	Same	...	Same	...	District court. Police court, if value of property stolen does not exceed 100 rupees.
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	...	Rigorous imprisonment for 10 years, and fine.	...	District court. Police court, if value of property stolen does not exceed 100 rupees.

*Of Extortion.*

373	Extortion	...	Shall not arrest without warrant.	Warrant	...	Bailable	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
374	Putting or attempting to put in fear of injury, in order to commit extortion.	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.

## Criminal Procedure Code.

375	Extortion by putting a person in fear of death or grievous hurt.	Same	...	Same	...	Not bailable...	Imprisonment for either description for 10 years, and fine.	District court.
376	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Same	...	Same	...	Same	Imprisonment for either description for 7 years, and fine.	District court.
377	Extortion by threat of accusation of an offence punishable with death or imprisonment for 10 years.	Same	...	Same	...	Same	Imprisonment of either description for 10 years, and fine.	District court.
	If the offence threatened be an unnatural offence.	Same	...	Same	...	Same	Rigorous imprisonment for 20 years, and fine.	
378	Putting a person in fear of accusation of offence punishable with death, or with imprisonment for 10 years, in order to commit extortion.	Same	...	Same	...	Same	Imprisonment of either description for 10 years, and fine.	
	If the offence be an unnatural offence.	Same	...	Same	...	Same	Rigorous imprisonment for 20 years, and fine.	
<i>Of Robbery.</i>								
380	Robbery	May arrest without warrant	...	Warrant	...	Not bailable...	Rigorous imprisonment for 10 years, and fine.	District court.
	If committed on the highway between sunset and sunrise.	Same	...	Same	...	Same	Rigorous imprisonment for 14 years, and fine.	
381	Attempt to commit robbery...	Same	...	Same	...	Same	Rigorous imprisonment for 7 years, and fine.	District court. Police court.



*Criminal Procedure Code.*

382	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Same	...	Same	...	Same	...	Rigorous imprisonment for 20 years, and fine.
383	Robbery, with attempt to cause death or grievous hurt.	Same	...	Same	...	Same	...	Rigorous imprisonment for not less than 7 years.
384	Attempt to commit robbery when armed with deadly weapon.	Same	...	Same	...	Same	...	Same.
385	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Same	...	Same	...	Same	...	Rigorous imprisonment for 7 years, and fine. District court.

*Of Criminal Misappropriation of Property.*

386	Dishonest misappropriation of movable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant	...	Bailable	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
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. If by clerk or person employed by deceased.	Same	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court. Police court.

*Criminal Procedure Code.*

*Of Criminal Breach of Trust.*

389	Criminal breach of trust ...	May arrest without warrant.	Warrant ...	Not bailable...	Imprisonment of either description for 3 years, or fine, or both.	District court, Police court.
390	Criminal breach of trust by a carrier, wharfinger, &c.	Same	Same	Same	Imprisonment of either description for 7 years, and fine.	District court.
391	Criminal breach of trust by a clerk or servant.	Same	Same	Same	Same	District court, Police court.
392	Criminal breach of trust by public servant or by banker, merchant or agent, &c.	Shall not arrest without warrant.	Same	Same	Imprisonment of either description for 10 years, and fine.	District court.

*Of the Receiving of Stolen Property.*

394	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable...	Imprisonment of either description for 3 years, or fine, or both.	District court, Police court, when the value of the stolen property does not exceed 100 rupees.
395	Habitually dealing in stolen property.	Same	Same	Same	Imprisonment of either description for 20 years, and fine.	District court, Police court, if value of stolen property does not exceed 100 rupees.
396	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Same	Same	Same	Imprisonment of either description for 3 years, or fine, or both.	District court, Police court, if value of stolen property does not exceed 100 rupees.
397	Receiving stolen cattle or prædial products.	Same	Same	Same	Whipping, in addition to other punishment.	District court, Police court, if value of stolen property does not exceed 50 rupees.

*Criminal Procedure Code.*

*Of Cheating.*

400	Cheating	...	Shall not arrest without warrant.	Warrant	...	Bailable	...	Imprisonment of either description for 1 year, or fine, or both.	District court. Police court.
401	Cheating a person whose interest the offender was bound, either by law, or by legal contract, to protect.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
402	Cheating by personation	...	Same	...	Same	...	...	Same	District court.
403	Cheating, and thereby dishonestly inducing delivery of property, or the making, alteration, or destruction of a valuable security.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.

*Of Fraudulent Deeds and Dispositions of Property.*

404	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant	...	Bailable	...	Imprisonment of either description for 2 years, or fine, or both.	District court.
405	Fraudulently preventing from being made available for his creditors, a debt or demand due to the offender.	Same	...	Same	...	Same	...	District court.
406	Fraudulent execution of deed of transfer, containing a false statement of consideration.	Same	...	Same	...	Same	...	District court.
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	...	Same	...	District court.

*Criminal Procedure Code.**Of Mischief.*

409	Mischief	...	Shall not arrest without warrant.	Summons	...	Bailable	...	Imprisonment of either description for 3 months, or fine, or both.	Police court.
410	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	...	Same	Warrant	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
411	Mischief, by killing, poisoning, maiming, or rendering useless, any animal of the value of 10 rupees or upwards.	...	May arrest without warrant.	Same	...	Same	...	Same	District court. Police court.
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 50 rupees or upwards.	...	Same	Same	...	Same	...	Imprisonment of either description for 5 years, or fine, or both.	District court.
413	Mischief, by causing diminution of supply of water for agricultural purposes, &c.	...	Same	Same	...	Same	...	Same	District court. Police court, where damage done does not exceed Rs. 50. District court.
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	...	Same	...	Same	District court.
415	Mischief, by causing inundation or obstruction to public drainage, attended with damage.	...	Same	Same	...	Same	...	Same	District court.
416	Mischief, by destroying or moving or rendering less useful a light-house or seamark, or by exhibiting false lights.	...	Same	Same	...	Same	...	Imprisonment of either description for 7 years, or fine, or both.	District court.

*Criminal Procedure Code.*

417	Mischief, by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Same	...	Same	...	Imprisonment of either description for 1 year, or fine, or both.	District court. Police court.
418	Mischief, by fire or explosive substance, with intent to cause damage to the amount of 100 rupees or upwards.	May arrest without warrant.	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	District court.
419	Mischief, by fire or explosive substance, with intent to destroy a house, &c.	Same	Same	...	Not bailable...	...	Imprisonment of either description for 15 years, and fine.	District court.
420	Mischief, with intent to destroy or make unsafe a decked vessel, or a vessel of 20 tons burthen.	Same	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court.
421	The mischief described in the last section, when committed by fire or any explosive substance.	Same	Same	...	Same	...	Imprisonment of either description for 20 years, and fine.	District court.
422	Running vessel ashore, with intent to commit theft, &c.	Same	Same	...	Same	...	Imprisonment of either description for 10 years, & fine.	District court.
423	Impeding the saving of a vessel.	Same	Same	...	Same	...	Imprisonment of either description for 5 years, or fine, or both.	District court.
424	Removing or secreting wreck.	Same	Same	...	Same	...	Imprisonment of either description for 1 year, or fine, or both.	District court. Police court.
425	Taking wreck into foreign port.	Same	Same	...	Same	...	Imprisonment of either description for 5 years, or fine, or both.	District court.
426	Mischief, committed after preparation made for causing death or hurt, &c.	Same	Same	...	Same	...	Imprisonment of either description for 5 years, and fine.	District court.

*Criminal Procedure Code.**Of Criminal Trespass.*

	Criminal trespass	...	May arrest without warrant.	Summons	...	Bailable	...	Imprisonment of either description for 3 months, or fine of 100 rupees, or both.	Police court.
433	Criminal trespass	...	...	...	...	Bailable	...	Imprisonment of either description for 3 months, or fine of 100 rupees, or both.	Police court.
434	House-trespass	...	Same	Warrant	...	Same	...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	District court. Police court.
435	House-trespass, in order to the commission of an offence punishable with death.	...	Same	Same	...	Not bailable	...	Rigorous imprisonment for 20 years, and fine.	
436	House-trespass, in order to the commission of an offence punishable with imprisonment for 10 years.	...	Same	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.	District court.
437	House-trespass, in order to the commission of an offence punishable with imprisonment for less than 10 years. If the offence is theft	...	Same	Same	...	Bailable	...	Imprisonment of either description for 2 years, and fine.	District court.
438	House-trespass, having made preparation for causing hurt, assault, &c.	...	Same	Same	...	Not bailable	...	Imprisonment of either description for 7 years, & fine.	District court.
439	Lurking house-trespass or house-breaking.	...	Same	Same	...	Same	...	Same	District court.
440	Lurking house-trespass or house-breaking, in order to the commission of an offence punishable with imprisonment.	...	Same	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.
	If the offence is theft.	...	Same	Same	...	Same	...	Imprisonment of either description for 10 years and fine.	District court.

*Criminal Procedure Code.*

441	Lurking house-trespass or house-breaking, after preparation made for causing hurt, assault, &c.	Same	...	Same	...	Same	...	Same	...	Same	...	District court.
442	Lurking house-trespass or house-breaking, by night.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, & fine.	...	District court.
443	Lurking house-trespass or house-breaking, by night, in order to the commission of an offence punishable with imprisonment.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 5 years, & fine.	...	District court.
	If the offence is theft	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 14 years, & fine.	...	District court.
444	Lurking house-trespass or house-breaking, by night, after preparation made for causing hurt, &c.	Same	...	Same	...	Same	...	Same	...	Same	...	District court.
445	Grievous hurt, caused whilst committing lurking house-trespass or house-breaking.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 20 years, and fine.	...	District court.
446	Death or grievous hurt, caused by one of several persons jointly concerned in house-breaking by night, &c.	Same	...	Same	...	Same	...	Same	...	Same.	...	District court.
447	Dishonestly breaking open or unfastening any closed receptacle, containing or supposed to contain property.	Same	...	Same	...	Same	...	Bailable	...	Imprisonment of either description for 2 years, or fine, or both.	...	District court. Police court.
448	Being entrusted with any closed receptacle, containing or supposed to contain any property, and fraudulently opening the same.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	...	District court. Police court.
449	Possession of house-breaking implements or offensive weapons.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, and fine.	...	District court. Police court.

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450	Being found in building for unlawful purpose.	Same	...	Same	...	Same	...	Imprisonment of either description for 3 months, or fine of 50 rupees, or both.	Police court.
451	Loitering about, by reputed thief.	Same	...	Same	...	Same	...	Same	Police court.
<b>CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.</b>									
454	Forgery	...	Shall not arrest without warrant.	Warrant	...	Bailable	...	Imprisonment of either description for 5 years, or fine, or both.	
455	Forgery of a record of a court of justice or of a register of births, &c., kept by a public servant.	Same	...	Same	...	Not bailable...	...	Imprisonment of either description for 7 years, and fine.	
456	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, &c.	Same	...	Same	...	Same	...	Imprisonment of either description for 20 years, and fine.	
457	Forgery, for the purpose of cheating.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.	
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	...	Bailable	...	Imprisonment of either description for 3 years, and fine.	
459	Using as genuine a forged document, which is known to be forged.	Same	...	Same	...	Same	...	Punishment for forgery.	



*Criminal Procedure Code.*

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 counterfeited.	Same	...	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.
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 counterfeited.	Same	..	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.
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	...	Same	...	Same.
463	Counterfeiting a device or mark used for authenticating documents described in section 456 of the Ceylon Penal Code, or possessing counterfeited material.	Same	...	Same	...	Same	...	Imprisonment of either description for 10 years, and fine.
464	Counterfeiting a device or mark used for authenticating documents other than those	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.

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465	described in section 456 of the Ceylon Penal Code, or possessing counterfeit marked material.	Same	...	Same	...	Same	...	Imprisonment for 1 year, or fine, or both.	District court. Police court.		
466	Sending false message by telegraph.	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, and fine.			
466	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Same	...	Same	...	Same	...				
<i>Of Trade and Property-marks.</i>											
471	Using a false trade or property-mark, with intent to deceive or injure any person.	Same	...	Same	...	Shall not arrest without warrant.	...	Bailable	...	Imprisonment of either description for 1 year, or fine or both.	District court. Police court.
472	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
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	...	Same	...	Same	...	Imprisonment of either description for 3 years, and fine.	District court.
474	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trade-mark.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 3 years, or fine, or both.	District court.
475	Knowingly selling goods marked with a counterfeit property or trade-mark.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 1 year, or fine, or both.	District court. Police court.

*Criminal Procedure Code.*

CHAPTER XIX.—DEFAMATION.									
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	...	Imprisonment of either description for 3 years, or fine, or both.	District court.		
477	Making use of any such false mark.	Same	...	Same	...	Same	District court.		
478	Removing, destroying, or defacing any property-mark, with intent to cause injury.	Same	...	Same	...	Imprisonment of either description for 1 year, or fine, or both.	District court. Police court.		
CHAPTER XX.—CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.									
480	Defamation ...	Shall not arrest without warrant.	...	Warrant	...	Bailable	...	Simple imprisonment for 2 years, or fine, or both.	
481	Printing or engraving matter, knowing it to be defamatory.	Same	...	Same	...	Same	...	Simple imprisonment for 2 years, or fine, or both.	
482	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Same	...	Same	...	Same	...	Same.	
484	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	...	Warrant	...	Bailable	...	Imprisonment of either description for 2 years, or fine, or both.	District court. Police court.
485	False statement, rumour, &c., circulated with intent to cause injury or offence against the public peace.	Same	...	Same	...	Not bailable	...	Same	District court.

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486	Criminal intimidation	...	Same	...	Same	...	Bailable	...	Same	...	District court. Police court.
	If threat be to cause death or grievous hurt, &c.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 7 years, or fine, or both.	District court.
487	Criminal intimidation by anonymous communication, or having taken precaution to conceal whence the threat comes.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	District court.
488	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Shall not arrest without warrant.	...	Warrant	...	Bailable	...	Same	...	Simple imprisonment for one month, or fine of 100 rupees, or both.	Police court.

CHAPTER XXI.—OF UNLAWFUL OATHS.

489	Administering or taking, or abetting the taking, of an oath to commit an offence punishable with imprisonment for 20 years.	Same	...	Same	...	Same	...	Same	...	Imprisonment of either description for 20 years, or fine, or both.	District court. Police court.
	If offence is punishable with imprisonment for less than 20 years.	Same	...	Same	...	Same	...	Same	...	Same punishment as for offence to which oath relates.	District court. Police court.

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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 contemplated by the offender is bailable 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.
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OFFENCES AGAINST OTHER LAWS.

If punishable with death or imprisonment for 7 years, or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	—	According to the provisions of section 12 of this Code.
If punishable with imprisonment for 3 years and upwards, but less than 7.	Same ...	Same ...	Same ...	—	
If punishable with imprisonment for less than 3 years.	Shall not arrest without warrant.	Summons ...	Bailable ...	—	
If punishable with fine only ...	Same ...	Same ...	Same ...	—	

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**SCHEDULE III.**  
*vide Sec 509*

**FORMS.**

**I.—SUMMONS TO AN ACCUSED PERSON.**

(See section 45.)

To \_\_\_\_\_ of \_\_\_\_\_  
WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (*or by pleader, as the case may be*) before the ( ) of \_\_\_\_\_ on the day of \_\_\_\_\_. Herein fail not.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

(Signature.)

**II.—WARRANT OF ARREST.**

(See section 55.)

To (*name and designation of the person or persons who is or are to execute the warrant.*) \_\_\_\_\_

WHEREAS \_\_\_\_\_ of \_\_\_\_\_ stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said \_\_\_\_\_, and to produce him before me. Herein fail not.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

(Signature.)

(See section 52.)

*This warrant may be endorsed as follows:—*

If the said \_\_\_\_\_ shall give bail, himself in the sum of \_\_\_\_\_ with one surety in the sum of \_\_\_\_\_ (*or two sureties, each in the sum of \_\_\_\_\_*), to attend before me on the \_\_\_\_\_ day of \_\_\_\_\_ and to continue so to attend until otherwise directed by me, he may be released.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

(Signature.)

**III.—BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT.**

(See section 61.)

I (*name*), of \_\_\_\_\_, being brought before the police magistrate of \_\_\_\_\_ (*or as the case may be*), under a warrant issued to compel my appearance to answer to the charge of \_\_\_\_\_, do hereby bind myself to attend in the court of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_ next, to answer to the said charge, and to continue so to attend until otherwise directed by the court; and, in case of my making default herein, I bind myself to forfeit to Her Majesty the Queen, the sum of \_\_\_\_\_ rupees

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

(Signature.)

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I do hereby declare myself surety for the above-named \_\_\_\_\_, of \_\_\_\_\_, that he shall attend before \_\_\_\_\_ in the court of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next, to answer to the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the court; and, in case of his making default therein, I hereby bind myself to forfeit to Her Majesty the Queen the sum of rupees \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature.)

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IV.—PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED.

(See section 62.)

WHEREAS complaint has been made before me that (*name, description, and address*) has committed (*or is suspected to have committed*) the offence of \_\_\_\_\_, punishable under section \_\_\_\_\_ of the Ceylon Penal Code, and it has been returned to a warrant of arrest thereupon issued, that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said \_\_\_\_\_ of \_\_\_\_\_ is required to appear at (*place*) before this court (*or before me*) to answer the said complaint within (*not less than thirty*) days from this date.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature.)

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V.—PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS.

(See section 62.)

WHEREAS complaint has been made before me that (*name, description, and address*) has committed (*or is suspected to have committed*) the offence of (*mention the offence concisely*), and a warrant has been issued to compel the attendance of (*name, description, and address of the witness*) before this court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the court of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ next at \_\_\_\_\_ o'clock, to be examined touching \_\_\_\_\_, the offence complained of.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature.)

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ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED.

(See section 63.)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name, description, and address*) has committed (*or is suspected to have committed*) the offence of \_\_\_\_\_, punishable under section \_\_\_\_\_ of the Ceylon Penal Code, and it has been returned to a

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warrant of arrest thereupon issued that the said (*name*) cannot be found ; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*), and thereupon a Proclamation was duly issued and published requiring the said \_\_\_\_\_ to appear to answer the said charge within \_\_\_\_\_ days ; and whereas the said \_\_\_\_\_ is possessed of the following property other than land paying revenue to Government in the village (*or town*) of \_\_\_\_\_, in the district of \_\_\_\_\_, *viz.*, \_\_\_\_\_, and an order has been made for the attachment thereof ;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

(*Signature.*)

#### VI.—ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS.

(*See section 63.*)

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description, and address*) to testify concerning a complaint pending before this court, and it has been returned to the said warrant that it cannot be served ; and whereas it has been shown to my satisfaction that he has absconded (*or is concealing himself to avoid the service of the said warrant*); and thereupon a Proclamation was duly issued and published requiring the said \_\_\_\_\_ to appear and give evidence at the time and place mentioned therein, and he has failed to appear ;

This is to authorize and require you to attach by seizure the movable property belonging to the said \_\_\_\_\_ to the value of rupees \_\_\_\_\_ which you may find within the jurisdiction of this court, and to hold the said property under attachment pending the further order of this court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 .

(*Signature.*)

#### ORDER AUTHORIZING AN ATTACHMENT BY THE GOVERNMENT AGENT.

(*See section 63.*)

To the Government Agent of the \_\_\_\_\_ Province.

WHEREAS complaint has been made before me that (*name, description, and address*) has committed (*or is suspected to have committed*) the offence of \_\_\_\_\_, punishable under section \_\_\_\_\_ of the Ceylon Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found ; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*), and thereupon a Proclamation was duly issued and published requiring the said \_\_\_\_\_ to appear to answer the said charge within \_\_\_\_\_ days, but he has not appeared ; and whereas the said \_\_\_\_\_ is possessed of certain land paying revenue to Government in the village (*or town*) of \_\_\_\_\_, in the district of \_\_\_\_\_ in your Province ;



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u are hereby authorized and requested to cause the said land to be attached, and held under attachment pending the further order of this court, and to certify out delay what you may have done in pursuance of this order.

Dated this            day of            , 18 .

(Signature.)

VII.—WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS.

(See section 65.)

(name and designation of the Police-officer or other person or persons who is or are to execute the warrant).

HEREAS complaint has been made before me that            of            has (or is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning said complaint; and whereas I have good and sufficient reason to believe that            will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorize and require you to arrest the said (*name*) and on the day of            to bring him before this court, to be examined touching the offence complained of.

Given under my hand this            day of            18 .

(Signature.)

VIII.—WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE.

(See section 71.)

To (*name and designation of the Police-officer or other person or persons who is or are to execute the warrant*).

WHEREAS information has been laid (*or complaint has been made*) before me of the commission (*or suspected commission*) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or about to be made*) into the said offence (*or suspected offence*);

This is to authorize and require you to search for the said (*the thing specified in the (describe the house or place or part thereof to which the search is to be confined)*), and, if found, to produce the same forthwith before this court; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand this            day of            , 18 .

(Signature.)

IX — WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT.

(See section 73.)

To

WHEREAS information has been laid before me, and, on due inquiry thereupon had, I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or sale*) of stolen property (*or, if for either of the other purposes expressed in the section, state the purpose in the words of the section*);

This is to authorize and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for

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that purpose, and to search every part of the said house (*or other place, or, if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or documents, or stamps, or seals, or coins, as the case may be*)—[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, *or counterfeit stamps, or false seals, or counterfeit coin (as the case may be)*] and forthwith to bring before this court such of the said things as may be taken possession of; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand this            day of            , 18            .  
(Signature.)

**X.—BOND TO KEEP THE PEACE.**

(See section 87.)

Whereas I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to keep the peace for the term of            , I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and, in case of my making default therein, I hereby bind myself to forfeit to Her Majesty the Queen the sum of rupees            .

Dated this            day of            , 18            .  
(Signature.)

**XI.—BOND FOR GOOD BEHAVIOUR.**

(See sections 90 and 91.)

Whereas I, (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to Her Majesty the Queen, and to all her subjects for the term of (*state the period*), I hereby bind myself to be of good behaviour to Her Majesty and to all her subjects during the said term; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees            .

Dated this            day of            , 18            .  
(Signature.)

(*Where a bond with sureties is to be executed, add*)—We do hereby declare ourselves sureties for the above-named            that he will be of good behaviour to Her Majesty the Queen, and to all her subjects during the said term; and, in case of his making default therein, we bind ourselves jointly and severally, to forfeit to Her Majesty the sum of rupees            .

Dated this            day of            , 18            .  
(Signature.)

**XII.—SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE.**

(See section 94.)

To            of  
 WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or by which act a breach of the peace will probably be occasioned*), you are hereby required to attend in person (*or by a duly authorized agent*) at the police court of            , on the            day of            , 18            , at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees            [*when sureties are required, add, and also to give security by the bond*]

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of one (or two, as the case may be) surety (or sureties) in the sum of rupees — (each, if more than one)], that you will keep the peace for the term of

Given under my hand this                      day of                      18 .  
(Signature.)

**XIII.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE.**

(See section 103.)

To the Fiscal of the                      Province.

WHEREAS (*name and address*) appeared before me in person (or by his pleader) on the                      day of                      in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees                      with one surety (or a bond with two sureties each in rupees                      ), that he the said (*name*) would keep the peace for the period of                      months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order;

This is to authorize and require you to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in prison for the said period of (*term of imprisonment*) unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the same shall be received, and the said (*name*) released; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand this                      day of                      , 18 .  
(Signature.)

**XIV.—WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.**

(See section 103.)

To the Fiscal of the                      Province.

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the district of                      having no ostensible means of subsistence (or, and that he is unable to give any satisfactory account of himself);

*or*

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded, from which it appears that he is an habitual robber (or house-breaker, &c., as the case may be);

And whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (or two or more sureties, as the case may be), himself for rupees                      , and the said surety (or each of the said sureties) for rupees                      , and the said (*name*) has failed to comply with the said order, and for such default has been adjudged (“*rigorous*” or “*simple*” as the case may be) imprisonment for (*state the term*) unless the said security be sooner furnished;

This is to authorize and require you to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in prison for the said period of (*term of imprisonment*), unless he shall in the meantime comply with the said order by himself and his surety (or sureties) entering into the said bond, in which case the

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same shall be received and the said (*name*) released ; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand this            day of            , 18 .

(*Signature.*)

**XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.**

(*See sections 103 and 106.*)

To the Fiscal of the            Province (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody, under warrant of this court (or of the Supreme Court or district court of            , *as the case may be*), dated the            day of            , and has since duly given security under section 103 of the Criminal Procedure Code, 1883 ;

*or*

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community ;

*or*

the Supreme Court or district court of            , *as the case may be*, has ordered that the said            be released ;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other cause.

Given under my hand this            day of            , 18 .

(*Signature.*)

**XVI.—ORDER FOR THE REMOVAL OF NUISANCES.**

(*See section 115.*)

To (*name, description, and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or nuisance*) to persons using the public roadway (*or other public place*), which, &c. (*describe the road or public place*), by, &c. (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or nuisance*) still exists ;

*or*

WHEREAS it has been made to appear to me that you are carrying on as owner or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or comfort*) by reason (*state briefly in what manner the injurious effects are caused*) and should be suppressed or removed to a different place ;

*or*

WHEREAS it has been made to appear to me that you are the owner (*or are in possession of or have the control over*) a certain tank *or well or excavation*) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or well or excavation*) being without a fence (*or insecurely fenced*) ;

*or*

WHEREAS, &c., &c. (*as the case may be*) ;

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at            in the

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court of                    on the                    day                    next, and to show cause why this order should not be enforced ;

*or*

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, &c. ;

*or*

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*), or to appear, &c. ;

*or*

I do hereby direct and require you, &c., &c. (*as the case may be*).

Given under my hand this                    day of                    , 18                    .

(*Signature.*)

**XVII.—MAGISTRATE'S ORDER CONSTITUTING A JURY.**

(*See section 120.*)

WHEREAS on the                    day of                    , 18                    , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me by a petition bearing date the                    day of                    for an order appointing a jury to try whether the said recited order is reasonable and proper ; I do hereby appoint (*the names, &c., of the five or more jurors*) to the jury to try and decide the said questions, and do require the said jury to report their decision within                    days from the date of this order at my office at

Given under my hand this                    day of                    , 18                    .

(*Signature.*)

**XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.**

(*See section 122.*)

To (*name, description and address*).

I HEREBY give you notice that the jury duly appointed on the petition presented by you on the                    day of                    have found that the order issued on the                    day of                    requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*) on peril of the penalty provided by the Ceylon Penal Code for disobedience thereto.

Given under my hand this                    day of                    , 18                    .

(*Signature.*)

**XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.**

(*See section 125.*)

To (*name, description and address*).

WHEREAS the inquiry by a jury appointed to try whether my order, issued on the                    day of                    , 18                    , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 125 of the Criminal Procedure Code, 1883 , direct and enjoin you forthwith



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[To be substituted for (b):—]

(2) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, with the intention of inducing the Honourable *A. B.*, member of the Executive Council of Ceylon, to refrain from exercising a lawful power as such Member, assaulted such Member, and thereby committed an offence punishable under section 119 of the Ceylon Penal Code.

(3) That you, being a public servant in the \_\_\_\_\_ Department, directly accepted from [state the name], for another party [state the name], a gratification [state the nature], other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 158 of the Ceylon Penal Code.

(4) That you, being a public servant in the \_\_\_\_\_ Department, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, did [or omitted to do, as the case may be] \_\_\_\_\_, such conduct being contrary to the provisions of Ordinance \_\_\_\_\_, section \_\_\_\_\_, and known by you to be prejudicial to \_\_\_\_\_, and thereby committed an offence punishable under section 162 of the Ceylon Penal Code.

(5) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in the course of the trial of \_\_\_\_\_, before \_\_\_\_\_, stated in evidence that \_\_\_\_\_, which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 190 of the Ceylon Penal Code.

(6) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, committed culpable homicide, not amounting to murder, causing the death of \_\_\_\_\_, and thereby committed an offence punishable under section 297 of the Ceylon Penal Code.

(7) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, abetted the commission of suicide by *A. B.*, and thereby committed an offence punishable under section 299 of the Ceylon Penal Code.

(8) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, voluntarily caused grievous hurt to \_\_\_\_\_, and thereby committed an offence punishable under section 316 of the Ceylon Penal Code.

(9) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, robbed [state the name and article stolen], and thereby committed an offence punishable under section 380 of the Ceylon Penal Code.

## (II.)—CHARGES WITH TWO OR MORE HEADS.

(a) I, [name and office of magistrate, &c.], hereby charge you [name of accused person] as follows:—

(b) *First.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, knowing a coin to be counterfeit, delivered the same to another person, by name *A. B.*, as genuine, and thereby committed an offence punishable under section 236 of the Ceylon Penal Code.

*Secondly.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, knowing a coin to be counterfeit, attempted to induce another person, by name *A. B.*, to receive it as genuine, and thereby committed an offence punishable under section 236 of the Ceylon Penal Code.

[Signature of the Magistrate.]

[To be substituted for (b):—]

(2) *First.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, committed murder by causing the death of \_\_\_\_\_, and thereby committed an offence punishable under section 296 of the Ceylon Penal Code.

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*Secondly.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, by causing the death of \_\_\_\_\_, committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 297 of the Ceylon Penal Code.

(3) *First.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, committed theft [*state article stolen*], and thereby committed an offence punishable under section 367 of the Ceylon Penal Code.

*Secondly.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, committed theft [*state article stolen*], having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 371 of the Ceylon Penal Code.

*Thirdly.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, committed theft [*state article stolen*], having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 371 of the Ceylon Penal Code.

*Fourthly.*—That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, committed theft [*state article stolen*], having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 371 of the Ceylon Penal Code.

(4) That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in the \_\_\_\_\_ course of the inquiry into \_\_\_\_\_ before \_\_\_\_\_ stated Alternative charges on section 190. \_\_\_\_\_ in evidence that “ \_\_\_\_\_,” and that you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in the course of the trial of \_\_\_\_\_, before \_\_\_\_\_, stated in evidence that “ \_\_\_\_\_,” one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 190 of the Ceylon Penal Code.

## (III.)—CHARGE FOR THEFT AFTER A PREVIOUS CONVICTION.

I, (*name and office of magistrate, &c.*), hereby charge you (*name of accused person*), as follows :—

That you, on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ committed theft, [*state article stolen*], and thereby committed an offence punishable under section 367 of the Ceylon Penal Code [*as the case may be*].

And you the said (*name of accused*) stand further charged that you, before the committing of the said offence, that is to say, on the \_\_\_\_\_ day of \_\_\_\_\_, had been convicted by the (*state court by which conviction was had*) at \_\_\_\_\_ of an offence punishable under chapter XVII. of the Ceylon Penal Code with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the offender was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 68 of the Ceylon Penal Code.

## XXIII.—INDICTMENT ON COMMITTAL BY A POLICE COURT.

(See sections 263 and 281.)

The Queen v. A. B.

WHEREAS A. B., of \_\_\_\_\_ has been committed for trial by the police court of \_\_\_\_\_, and this court has been duly designated as the court of trial, the said A. B.



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now stands before this court for trial accordingly; and the charges against him are—

- (1)
- (2)
- (3)

The day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature.)

**XXIV.—SAME ON TRANSFER BY ORDER OF SUPREME COURT.**

(See sections 264 and 280.)

Reg. v. A. B.

WHEREAS, after proceedings had against A. B., of \_\_\_\_\_, the police court of \_\_\_\_\_ (or in the district court of \_\_\_\_\_), the case was by order of the Supreme Court, transferred to this court for trial; the said A. B. now stands before this court for trial accordingly; and the charges against him are—

- (1)
- (2)
- (3)

The day of \_\_\_\_\_, 18 \_\_\_\_\_.

(Signature.)

**XXV.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE, IF PASSED BY A MAGISTRATE.**

(See sections 228 and 233.)

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_\_, (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*), prisoner in case No. \_\_\_\_\_, was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (or sections) of the Ceylon Penal Code (or of Ordinance \_\_\_\_\_), and was sentenced to (*state the punishment fully and distinctly*);

This is to authorize and require you to receive the said (*prisoner's name*) into your custody in prison at \_\_\_\_\_, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

(Signature.)

**XXVI.—In cases of jurisdiction by consent, under section 227, after the asterisk, add “who consented that the charge should be tried by me.”**

**XXVII.—WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY DISTRESS.**

(See section 236.)

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*), and the same has been dismissed as frivolous (or vexatious) and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees \_\_\_\_\_ as amends; and whereas the said sum has not been paid and cannot be recovered by distress of the movable property of the said (*name of complainant*) and an order has been made for his simple imprisonment in prison for the period of \_\_\_\_\_ days, unless the aforesaid sum be sooner paid;

This is to authorize and require you to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in said prison for the said period



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homicide amounting to murder, under section        of the Ceylon Penal Code, and sentenced to suffer death, which sentence was, under the provisions of the 374th section of the Criminal Procedure Code, 1883, respited until the        day of        , 18        .

This is to authorize and require you, the said fiscal, to receive the said (*prisoner's name*) into your custody, together with this warrant, and him safely keep; and to carry the said sentence into execution by causing the said        to be hanged by the neck until he be dead. at (*time and place of execution*)—unless the said        shall be pardoned, or the said execution respited, or the said sentence commuted by the Governor—and to return this warrant to the court with an endorsement certifying what you have done hereunder.

Given under my hand this        day of        18        .

(*Signature.*)

**XXXI A.—CERTIFICATE OF MEDICAL OFFICER.**

(*See section 374 d.*)

I, *A. B.*, the medical officer of the prison (*as the case may be*), hereby certify that I have duly examined the body of *C. D.*, on whom judgment of death was this day executed in my presence in the (*describe prison*) and that on such examination I found that the said *C. D.* was dead.

Dated this

(*Signed.*)

**XXXI B.—CERTIFICATE OF FISCAL AND OTHERS.**

(*See section 374 e.*)

We, the undersigned, hereby declare that sentence of death was this day executed in the (*describe prison*) on *C. D.*, in our presence.

Dated this        day of        , 18        .

*Fiscal.*  
*Justice of the Peace.*  
*Jailor.*  
*Minister of Religion.*

**XXXII.—WARRANT TO LEVY A FINE BY DISTRESS AND SALE.**

(*See section 378.*)

To the Fiscal of the        Province.

WHEREAS (*name and description of the offender*) was on the        day of        , 18        , convicted before me of the offence of (*mention the offence concisely*) and sentenced to pay a fine of rupees        , and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to make distress by seizure of any movable property belonging to the said (*name*) which may be found within the district of        ; and, if within (*state the number of days or hours allowed*) next after such distress the said sum shall not be paid (*or forthwith*), to sell the movable property distrained, or so much thereof as shall be sufficient to satisfy the said fine; returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand this        day of        , 18        .

(*Signature.*)

*Criminal Procedure Code.***XXXIII.—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.***(See section 445.)*

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS, at a court holden before me on this day, (*name and description of the offender*) in the presence (*or view*) of the court committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the court to pay a fine of rupees \_\_\_\_\_, or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in prison for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
*(Signature.)*

**XXXIV.—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER.***(See section 449.)*

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS (*name and description*), being summoned (*or brought before this court*) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or certain questions*) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

This is to authorize and require you to take the said (*name*) into custody, and him safely keep in your custody for the space of \_\_\_\_\_ days, unless in the meantime he shall consent to be examined, and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this court to be dealt with according to law; returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
*(Signature.)*

**XXXV.—BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A MAGISTRATE.***(See sections 454 and 457.)*

I, (*name*), of (*place*), being brought before the magistrate of (*as the case may be*) charged with the offence of \_\_\_\_\_, and required to give security for my attendance in the police court and at the \_\_\_\_\_, if required, do bind myself to attend at the court of the said magistrate on every day of the preliminary inquiry into the said charge, and should the case be sent for trial to \_\_\_\_\_, to be, and appear, before the said court when called upon to answer the charge against me; and, in case of my making default therein, I bind myself to forfeit to Her Majesty the sum of rupees \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
*(Signature.)*

I hereby declare myself (*or we jointly and severally declare ourselves and each of us*) surety (*or sureties*) for the said (*name*) that he shall attend at the police court of \_\_\_\_\_ on every day of the preliminary inquiry into the offence charged against

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him, and, should the case be sent for trial to the \_\_\_\_\_, that he shall be, and appear, before the said court to answer the charge against him, and in case of his making default therein, I bind myself (or we bind ourselves) to forfeit to Her Majesty the Queen the sum of rupees \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
(Signature.)

**XXXVI.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.**

(See section 458.)

To the Fiscal of the \_\_\_\_\_ Province (or other officer in whose custody the person is.)

WHEREAS (name and description of prisoner) was committed to your custody under warrant of this court, dated the \_\_\_\_\_ day of \_\_\_\_\_, and has since with his surety (or sureties) duly executed a bond under section 457 of the Criminal Procedure Code, 1883;

This is to authorize and require you forthwith to discharge the said (name) from your custody, unless he is liable to be detained for some other matter.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
(Signature.)

**XXXVII.—WARRANT OF ATTACHMENT TO ENFORCE A BOND.**

(See section 476.)

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS (name, description, and address of person) has failed to appear on (mention the occasion) pursuant to his recognizance, and has by such default forfeited to Her Majesty the Queen the sum of rupees (the penalty in the bond); and whereas the said (name of person) has, on due notice to him, failed to pay the said sum, or show any sufficient cause why payment should not be enforced against him;

This is to authorize and require you to attach any movable property of the said (name) that you may find within the district of \_\_\_\_\_, by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
(Signature.)

**XXXVIII.—NOTICE TO SURETY ON BREACH OF A BOND.**

(See section 476.)

To \_\_\_\_\_ of \_\_\_\_\_

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_, you became surety for (name) of (place) that he should appear before this court on the \_\_\_\_\_ day of \_\_\_\_\_ and bound yourself in default thereof to forfeit the sum of rupees \_\_\_\_\_ to Her Majesty the Queen; and whereas the said (name) has failed to appear before this court, and by reason of such default you have forfeited the aforesaid sum of rupees \_\_\_\_\_;

You are hereby required to pay the said penalty, or show cause, within \_\_\_\_\_ days from this date, why payment of the said sum should not be enforced against you.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_ .  
(Signature.)

*Criminal Procedure Code.***XXXIX.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR.**  
(See section 476.)

To \_\_\_\_\_ of \_\_\_\_\_  
 WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, you became surety by a bond for (name) of (place) that he would be of good behaviour for the period of \_\_\_\_\_, and bound yourself in default thereof to forfeit the sum of rupees \_\_\_\_\_ to Her Majesty the Queen, and whereas the said (name) has been convicted of the offence of (mention the offence concisely) committed since you became such surety, whereby your security-bond has become forfeited ;

You are hereby required to pay the said penalty of rupees \_\_\_\_\_, or to show cause within \_\_\_\_\_ days why it should not be paid.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

(Signature.)

**XL.—WARRANT OF ATTACHMENT AGAINST A SURETY.**  
(See section 476.)

To \_\_\_\_\_  
 WHEREAS (name, description, and address) has bound himself as surety for the appearance of (mention the condition of the bond), and the said (name) has made default, and thereby forfeited to Her Majesty the Queen the sum of rupees \_\_\_\_\_ (the penalty in the bond) ;

This is to authorize and require you to attach any movable property of the said (name) which you may find within the district of \_\_\_\_\_, by seizure and detention ; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant, immediately upon its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

(Signature.)

**XLI.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.**

(See section 476.)

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS (name and description of surety) has bound himself as a surety for the appearance of \_\_\_\_\_ (state the condition of the bond), and the said (name) has therein made default whereby the penalty mentioned in the said bond has been forfeited to Her Majesty the Queen ; and whereas the said (name of surety) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of movable property of his, and an order has been made for his imprisonment in prison for (specify the period) ;

This is to authorize and require you to receive the said (name) into your custody, with this warrant, and him safely to keep in prison for the said (term of imprisonment), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

(Signature.)

*Criminal Procedure Code.***XLII.—NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.***(See section 476.)*To *(name, description and address)*.

WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, you entered into a bond not to commit, &c. *(as in the bond)*, and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of rupees \_\_\_\_\_, or to show cause before me within \_\_\_\_\_ days why payment of the same should not be enforced against you.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

*(Signature.)***XLIII.—WARRANT TO ATTACH THE PROPERTY OF THE PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE.***(See section 476.)*

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS *(name and description)* did on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, enter into a bond for the sum of rupees \_\_\_\_\_, binding himself not to commit a breach of the peace, &c. *(as in the bond)*, and proof of the forfeiture of the said bond has been given before me and duly recorded; and whereas notice has been given to the said *(name)* calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure movable property belonging to the said *(name)* to the value of rupees \_\_\_\_\_ which you may find within the district of \_\_\_\_\_, and, if the said sum be not paid within \_\_\_\_\_, to sell the property so attached, or so much of it as may be sufficient to realize the same; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

*(Signature.)***XLIV.—WARRANT OF IMPRISONMENT ON BREACH OF A BOND TO KEEP THE PEACE.***(See section 476.)*

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS proof has been given before me and duly recorded that *(name and description)* has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to Her Majesty the Queen the sum of rupees \_\_\_\_\_; and whereas the said *(name)* has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said *(name)* in prison for the period of *(term of imprisonment)*;

This is to authorize and require you to receive the said *(name)* into your custody, together with this warrant, and him safely to keep in prison for the said period of *(term of imprisonment)*; and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

*(Signature.)*

*Criminal Procedure Code.***XLV.—WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.***(See section 476.)*

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS (*name, description and address*) did, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, give security by bond in the sum of rupees \_\_\_\_\_ for the good behaviour of (*name, &c., of the principal*), and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of \_\_\_\_\_, whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorize and require you to attach by seizure movable property belonging to the said (*name*) to the value of rupees \_\_\_\_\_ which you may find within the district of \_\_\_\_\_, and if the said sum be not paid within \_\_\_\_\_, to sell the property so attached, or so much of it as may be sufficient to realize the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

*(Signature.)***XLVI.—WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.***(See section 476.)*

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS (*name, description and address*) did, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, give security by bond in the sum of rupees \_\_\_\_\_ for the good behaviour of (*name, &c., of the principal*), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (*name*) has forfeited to Her Majesty the Queen the sum of rupees \_\_\_\_\_; and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said (*name*) in prison for the period of (*term of imprisonment*);

This is to authorize and require you to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in prison for the said period of (*term of imprisonment*); returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand this \_\_\_\_\_ day \_\_\_\_\_, 18\_\_\_\_.

*(Signature.)*

Passed in Council the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

W. H. RAVESCROFT,  
Acting Colonial Secretary.



**SUPPLEMENT TO THE CEYLON EXAMINER.**

COLOMBO:—TUESDAY, 13TH MAY, 1884.

**INDEX TO PROCEDURE CODE.**

*(To be bound in between pp. 376 and 377 of Ordinances of 1883.)*

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*Municipal Councils.*

**No. 4.—1883.**

**An Ordinance to amend the Law relating to Municipal Councils in this Island.**

JOHN DOUGLAS.

**W**HEREAS it is expedient to amend the law relating to Municipal Councils in this Island to the extent of relieving, when expedient, the Government Agents from the duties of being Members and Chairmen of the several Municipal Councils of this Island: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Municipal Council Amendment Ordinance, 1883.”

2. On and from the date when this Ordinance shall come into operation, it shall be lawful for the Governor to appoint from time to time a fit and proper person to be Chairman of any Municipal Council of this Island, and upon any such appointment being made and notified as hereinafter provided, the Government Agent who would, were no such appointment made, be in virtue of his office as Government Agent a Member of and Chairman of the Municipal Council to which any Chairman in virtue of this Ordinance may be appointed, shall thereupon cease to be either a member of or Chairman of such Municipal Council.

3. Any person appointed to be a Chairman of a Municipal Council under the last preceding section shall, when so appointed, have and possess all the powers, privileges and authority now vested in and exercised by any Government Agent, as a Chairman and Member of a Municipal Council, under Ordinance No. 17 of 1865, entitled “An Ordinance for establishing Municipal Councils in this Island,” or under any other Ordinance, bye-law, proclamation, regulation, or other enactment relating to Municipal Councils.

4. Whenever the expression “Government Agent” occurs or shall occur in any Ordinance, bye-law, proclamation or other enactment, which relates or may relate to Municipal Councils, as referring to the Chairman of the Municipal Council, such expression shall, unless the contrary appears from the context, be held to refer to, whenever a Chairman to a Municipal Council shall be appointed under this Ordinance, the Chairman so appointed.

5. Any appointment of a Chairman to a Municipal Council under this Ordinance shall be published in the *Government Gazette*; and shall be considered as taking effect from the date of such publication or from such other date as shall be therein specified.

6. Nothing in this Ordinance shall be held to affect the validity of any thing done or act performed by any Government Agent as a Member of or Chairman of any Municipal Council who, by reason of a Chairman to any Municipal Council being appointed

*Approved*  
VII 1887

Preamble.

Short title.

Governor in Executive Council may appoint Chairmen to Municipal Councils.

Powers, &c., of Chairmen of Municipal Councils appointed under this Ordinance.

Expression Government Agent in Ordinances to refer to Chairmen of Municipal Councils under this Ordinance.

Appointments under this Ordinance to be published in *Government Gazette*.

Nothing in this Ordinance to affect acts done by Government Agents as

*Supplementary Supply, 1883. French Mail Steamers.*

Chairmen of Municipal Councils prior to appointments being made under this Ordinance.

under this Ordinance, shall cease in his capacity of Government Agent to be a Chairman and a Member thereof.

Passed in Council the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Twenty-fourth day of October, One thousand Eight hundred and Eighty-three.

W. H. RAVENSCROFT,  
Acting Colonial Secretary.

**No. 5.—1883.**

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1883.—Rs. 314,561-96.

21st December, 1883.

**No. 6.—1883.**

An Ordinance for further continuing the Ordinance No. 7 of 1881, intituled "An Ordinance to make temporary provision for securing the status of French Mail Steamers within the ports of this Colony."

ARTHUR GORDON.

Preamble.

**W**HEREAS the period for which the Ordinance No. 7 of 1881, intituled "An Ordinance to make temporary provision for securing the status of French Mail Steamers within the ports of this Colony," was to be in force was extended by the Ordinance No. 13 of 1882, intituled "An Ordinance for continuing the Ordinance No. 7 of 1881, intituled an Ordinance to make temporary provision for securing the status of French Mail steamers within the ports of this Colony," to the 31st day of December, 1883, on which day the said extended period will expire :

And whereas it is expedient to further extend the period aforesaid for a further period of one year : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

The period during which the said Ordinance No. 7 of 1881 shall be and continue in force is hereby extended to the 31st day of December, 1884, inclusively.

Passed in Council the Twenty-first day of December, One thousand Eight hundred and Eighty-three.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-first day of December, One thousand Eight hundred and Eighty-three.

J. DOUGLAS,  
Colonial Secretary.

Continuance of Ordinance No. 7 of 1881 until the 31st December, 1884.

*Supply, 1884. Coffee Stealing. Merchant Shipping.*

**No. 1.—1884.**

An Ordinance for making provision for the Contingent Services for the year 1884.—Rs. 8,270,885-97.

4th January, 1884.

**No. 2.—1884.**

An Ordinance to continue the Ordinance No. 2 of 1879, intituled "An Ordinance to check Coffee Stealing," for a further term of one year.

Title.

ARTHUR GORDON.

**W**HEREAS by the 18th section of the Ordinance No. 2 of 1879, intituled "An Ordinance to check Coffee Stealing," it was enacted that the said Ordinance should be in force until the expiration of two years from the passing thereof and to the end of the then Session (if any) of the Legislative Council: And whereas by the Ordinance No. 4 of 1881, intituled "An Ordinance to continue the Ordinance No. 2 of 1879, intituled 'An Ordinance to check Coffee Stealing,'" the said Ordinance No. 2 of 1879 was continued in force for a term of two years from the date of the passing of the Ordinance No. 4 of 1881 aforesaid, and thenceforth to the end of the then Session of the Legislative Council: And whereas the said term will expire at the end of the present Session of the Legislative Council, and it is expedient to continue the same for a further period: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. The said Ordinance No. 2 of 1879, intituled "An Ordinance to check Coffee Stealing," shall remain and continue in force until the Thirty-first day of December, 1884, inclusive.

Ordinance No. 2 of 1879 to continue in force for one year.

Passed in Council the Fourth day of January, One thousand Eight hundred and Eighty-four.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

**No. 3.—1884.**

An Ordinance to amend the Ordinance No. 7 of 1863, intituled "An Ordinance relating to Merchant Shipping."

Title.

ARTHUR GORDON.

**W**HEREAS doubts have arisen whether a person who has served as master of a ship belonging to a foreign State or Power, prior to the Ordinance No. 7 of 1863, is not entitled under sub-section 1 of section 12 of the said Ordinance No. 7 of 1863

Preamble.

*Merchant Shipping. Final Supplementary Supply, 1882.*

to a certificate of service as master of a British foreign-going ship: And whereas it is expedient to remove such doubts and at the same time to bring the law of this Colony into unison with the law of the United Kingdom upon this point: It is hereby enacted by the Governor of Ceylon, 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 Merchant Shipping Amendment Ordinance, 1884."

Repeal.

2. Section 12 of the principal Ordinance, No. 7 of 1863, is hereby repealed.

Certificates of service to master and mates who have served as such prior to January 1st, 1851.

3. Certificates of service differing in form from certificates of competency shall be granted as follows; that is to say:—

(1) Every person who, before the 1st of January, 1851, served as master in the British Merchant Service, or who has attained or attains the rank of lieutenant, master, passed mate, or second master or any higher rank in the service of Her Majesty or of the late East India Company shall be entitled to a certificate of service as master.

(2) Every person who, before the 1st of January, 1851, served as mate in the British Merchant Service shall be entitled to a certificate of service as mate.

And each of such certificates of service shall contain particulars of the name, place and time of birth and of the length and nature of the previous service of the person to whom the same is delivered, and the examiners shall deliver such certificates of service to the various persons so respectively entitled thereto upon their proving themselves to have obtained such rank or to have served as aforesaid and upon their giving a full and satisfactory account of the particulars aforesaid.

Ordinance to be construed as one with Ordinance 7 of 1863.

4. This Ordinance and the Ordinance No. 7 of 1863, saving the clause hereby repealed, shall be read as one Ordinance.

Passed in Council the Fourth day of January, One thousand Eight hundred and Eight-four.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

**No. 4.—1884.**

An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1882.—Rs. 7,610-37.

4th February, 1884.



*Customs.***No. 5.—1884.**

**An Ordinance to amend Ordinance No. 17 of 1869, intituled  
“ An Ordinance for the General Regulation of  
Customs in the Island of Ceylon.”**

ARTHUR GORDON.

**W**HEREAS it is expedient to amend the Laws of this Colony as regards the exemption from Customs Duties of Stores supplied for the public use of Her Majesty's Forces in this Colony: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance may be cited as the “ Customs Duties Amendment Ordinance of 1884,” and shall be read as one with the Ordinance No. 17 of 1869, hereinafter called the principal Ordinance.

2. Articles of every description imported or supplied by sea or inland carriage or navigation for the public use of Her Majesty's forces, and all articles sold for the public use of Her Majesty's troops, though not directly imported for that purpose, shall be exempt from duty, and in the event of the duty having been paid thereon, the Collector of Customs shall allow a rebate of such duty upon application being made to him in the manner hereinafter provided ; such rebate shall be paid out of the duties received by the Collector ; anything in the 16th section of the principal Ordinance to the contrary notwithstanding.

3. Whenever articles ordinarily liable to duty are supplied under contract for the use of Her Majesty's troops, the following course shall be pursued :—

- (1) The Senior Commissariat Officer in the Colony shall cause a statement to be prepared, to which his signature shall be attached, detailing the articles to be imported, and specifying the vessel in which they have arrived or are to arrive.
- (2) Such statement shall be forwarded by the Senior Commissariat Officer to the Principal Collector of Customs at Colombo, who shall upon the receipt thereof issue an order under his hand authorizing the admission of the supplies detailed in such statement free of duty, and shall return such statement together with his order thereon to the Senior Commissariat Officer aforesaid.
- (3) The Senior Commissariat Officer shall thereupon transmit such statement, and the Collector of Customs' order thereon to the Commissariat Officer who is to receive the supplies, and who shall deliver the same to the Collector of Customs at the port where the goods are to be landed; such Commissariat Officer shall give a receipt in duplicate for the articles delivered to him under the superintendence of the officers of Customs.

4. No greater quantity of goods than shall be mentioned in such statement shall be landed, unless sanction in writing of the Senior Commissariat Officer shall have been previously obtained therefor.

5. All articles imported for the purpose of being supplied under contract for the use of Her Majesty's troops shall be liable to the same examinations and form of entry as is required by the

Preamble.

Short Title.

All articles imported for public use of Her Majesty's forces to be exempt from duty.

Procedure to obtain exemption for such articles when supplied under contracts.

Excess over quantity stated may be landed on responsibility of Commissariat. Articles supplied under contract to be subject to

*Customs.*

Customs rates in all other respects save payment of duty.

Levy of duty on articles imported for Her Majesty's forces but not used by them.

Procedure in making applications for rebate.

Repeal of certain sections of previous Ordinances.

principal Ordinance for goods imported in the due course of trade, and the same shall be landed only in the usual hours of business and in the presence of an officer of the Customs, except in cases of emergency when the Senior Commissariat Officer shall apply to the Government of this Colony for a special order in that behalf under the hand of the Colonial Secretary.

6. The Heads of the Military Departments concerned shall furnish the Senior Commissariat Officer with quarterly certificates of the articles and quantities imported duty free which have been actually used or retained for army service; and the Senior Commissariat Officer shall forthwith apprise the officers of the Customs of the particular quantities and the description of the articles returned to the contractors or sold or otherwise not used or retained for army service, in order that they may be enabled to levy and claim the duty thereon, and the duties which but for the passing of this Ordinance would have been leviable, shall forthwith become leviable upon the articles so returned, sold or not used or retained as aforesaid.

7. Whenever a rebate of duty is to be applied for under section 2 of this Ordinance, the aforesaid Heads of Departments shall furnish the Senior Commissariat Officer with quarterly certificates of the articles and quantities actually used for army service on which duty is to be repaid; and the Senior Commissariat Officer shall countersign such certificates, and transmit them with an application in writing to the Principal Collector of Customs for a rebate of the duties which had been paid in respect of such articles.

8. Section 6 of Ordinance No. 12 of 1867, intituled "An Ordinance to provide for the Military expenditure of the Colony," is hereby repealed, and sections 16 and 37 of the principal Ordinance shall not apply to articles nor supplies in respect of which the duties have been remitted or rebated under this Ordinance, save such articles as are declared to be liable to duty under section 6 hereof. Provided that nothing in this section shall affect

- (a) the past operation of the principal Ordinance or of any enactment hereby repealed, or anything duly done or suffered under the said Ordinance or under any enactment hereby repealed; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred thereunder; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment thereof or hereby repealed; or
- (d) any legal proceeding or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid.

Passed in Council the Fourth day of January, One thousand Eight hundred and Eighty-four.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

*Wrecks.**Volunteer Corps.***No. 6.—1884.** *repealed 1900*

An Ordinance to amend Ordinance No. 4 of 1863, entitled  
 “An Ordinance to authorize District Courts to  
 institute inquiries into Wrecks.”

ARTHUR GORDON.

**W**HEREAS it is expedient to amend Ordinance No. 4 of 1863, entitled “An Ordinance to authorize District Courts to institute inquiries into Wrecks:” Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as “The Shipping Inquiry and Wrecks Amendment Ordinance, 1884.”

2. In addition to the powers and authority conferred upon District Courts by Ordinance No. 4 of 1863, entitled “An Ordinance to authorize District Courts to institute inquiries into Wrecks,” a District Court is hereby authorized and empowered to make any inquiry, and to exercise any jurisdiction which under the Imperial “Merchant Shipping Colonial Enquiries Act, 1882,” may be made and exercised by a Colonial Court in the manner therein prescribed, and subject to the provisions therein mentioned.

3. Section 6 of Ordinance No. 4 of 1863 is hereby repealed.

4. This Ordinance shall be read and construed together with Ordinance No. 5 of 1861 and Ordinance No. 4 of 1863.

Passed in Council the Fourth day of January, One thousand Eight hundred and Eighty-four.

J. A. SWETTENHAM,  
 Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
 Colonial Secretary.

Preamble.

Short title.

District Courts to have jurisdiction under Imperial “Merchant Shipping Colonial Enquiries Act, 1882.”

Repeal of section 6 of Ordinance No. 4 of 1863. Ordinance to be read with Ordinances No. 5 of 1861, and No. 4 of 1863.

**No. 7.—1884.**

An Ordinance to further amend the Ordinance No. 3 of 1861 intituled “An Ordinance to authorize the formation of Volunteer Corps in this Colony, and to provide for the good order and discipline thereof.”

Title.

ARTHUR GORDON.

**W**HEREAS by the 4th section of Ordinance No. 3 of 1861, intituled “An Ordinance to authorize the formation of Volunteer Corps in this Colony and to provide for the good order and discipline thereof,” the Governor is empowered to call out the Volunteer force or any part thereof whenever occasion may require: And whereas no provision is made by the said Ordinance to subject the members of the Volunteer Corps, enrolled under the said Ordinance, to “The Army Act, 1881,” when so called out by the Governor as aforesaid:

Preamble.

*Volunteer Corps.**Naturalization.*

And whereas it is expedient to amend the said Ordinance in this respect: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Amendment of section 16th of Ordinance No. 3 of 1861.

1. Section 16 of the Ordinance No. 3 of 1861, intituled “An Ordinance to authorize the formation of Volunteer Corps in this Colony, and to provide for the good order and discipline thereof;” is hereby amended, and the said section shall from and after the coming into operation of this Ordinance be construed and read as though the words “or whenever the Volunteer Force or any part thereof has been called out by the Governor under the power in that behalf hereinbefore provided” had been inserted in the said 16th section between the sentence “or of rebellion or insurrection arising or existing within the same” and the sentence “or whilst on actual duty in such cases as aforesaid.”

Ordinance not to affect amendment of Ordinance No. 3 of 1861 by Ordinance No. 8 of 1881.

2. Nothing herein contained shall affect the amendment of the said 16th section of the said Ordinance effected by the Ordinance No. 8 of 1881, intituled “An Ordinance to amend the Ordinance No. 3 of 1861, intituled ‘An Ordinance to authorize the formation of Volunteer Corps in this Colony, and to provide for the good order and discipline thereof.’”

Short Title.

3. This Ordinance may be cited as “The Volunteer Corps Amendment Ordinance, 1884.”

When Ordinance to take effect.

4. This Ordinance shall commence and take effect from and after the date upon which Her Majesty’s assent thereto shall have been proclaimed in the *Government Gazette* of the Colony and not sooner.

Passed in Council the Fourth day of January, One thousand Eight hundred and Eighty-four.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

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**No. 8.—1884.**

**An Ordinance to provide for the Naturalization of George Maggiolini.**

ARTHUR GORDON.

Preamble.

**W**HEREAS George Maggiolini, an alien, presently residing in this Island, is desirous of being made a partaker of the advantages and privileges enjoyed by the natural-born subjects of Our Sovereign Lady Queen Victoria in this Island, and it is expedient that the privileges of naturalization should be imparted to him, to be by him exercised and enjoyed within the limits of this Island: And whereas by the 16th section of the Naturalization Act, 1870, being an Imperial Statute passed in the 33rd year of the reign of Her present Majesty, it is enacted that

*Naturalization.*

all Laws, Statutes and Ordinances which may be duly made by the Legislature of any British possession for imparting to any person the privileges, or any of the privileges of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty in the same manner and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other Laws, Statutes or Ordinances in that possession : It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :

1. So soon as this Ordinance shall come into operation, it shall be lawful for the Governor to issue Letters Patent, in the name of Her Majesty, under the public seal of this Island, granting to the said George Maggiolini, within the limits of this Island, all the rights and privileges of a British subject ; and thereupon the said George Maggiolini shall, within the limits of this Island, enjoy and transmit to his descendants and those claiming by or through him, all the rights and capacities which a natural-born subject of Her Majesty can enjoy or transmit.

Letters Patent may issue granting to George Maggiolini the rights of a British subject in this Island.

2. Such Letters Patent shall be on a stamp of two hundred and fifty rupees, and shall be enrolled for safe custody in the Supreme Court of this Island ; and within sixty days from the date of such Letters Patent, the said George Maggiolini shall take and subscribe the oath in the schedule hereunto annexed before some judge of the Supreme Court. And the Registrar of the said Court shall make, sign, and deliver to the said George Maggiolini, under the seal of the said Court, a certificate of such oath having been duly taken and subscribed ; and such certificate shall be sufficient evidence of the said George Maggiolini having taken and subscribed such oath. Provided that if the said George Maggiolini do not take such oath within the said period of sixty days hereinbefore mentioned, then the said Letters Patent shall be deemed to be and shall be void and of no effect.

Letters Patent to be enrolled, and oath to be taken.

3. This Ordinance shall come into operation and take effect from and after the Proclamation by the Governor in the *Government Gazette* of this Island that the same has been confirmed by Her Majesty.

Ordinance when to come into operation.

SCHEDULE.

I, George Maggiolini, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

SO HELP ME GOD.

Passed in Council the Fourth day of January, One thousand Eight hundred and Eighty-four.

J. A. SWETTENHAM,  
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

*Grain Tax Commutation.***No. 9.—1884.**

**An Ordinance to amend Ordinance No. 11 of 1878, intituled "An Ordinance to make better provision for the due collection of the Tax, Duty or Share due to Government upon Grain grown in this Island."**

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to empower the Crown to purchase lands sold under section 18 of Ordinance No. 11 of 1878, and in that respect to amend the said Ordinance: It is hereby enacted by the Governor of Ceylon, by and with the advice of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as *The Grain Tax Amendment Ordinance, 1884.*

Ordinance to be construed with Ordinance No. 11 of 1878.

2. This Ordinance and *The Grain Tax Ordinance, 1878*, (hereinafter termed the principal Ordinance), shall be construed and read as one Ordinance.

When land sold under Ordinance No. 11 of 1878, same may be purchased by Government Agent on behalf of the Crown.

3. Whenever land is to be sold under section 18 of the principal Ordinance, it shall be lawful for the Government Agent or Assistant Government Agent or person authorized by the Government Agent or Assistant Government Agent in that behalf to bid at the sale for such land, and to purchase such land for and on behalf of the Crown.

Mode of payment for land when purchased by Crown under this Ordinance.

4. Whenever the Crown purchases any such land under the provisions of the 3rd section hereof, the Crown shall not be required to pay the whole of the purchase money of such land, but shall be entitled to take credit for the amount due from the defaulter for annual commutation, crop commutation or grain duty, or for any of them, and shall only be required to pay the balance (if any) to the owner or person entitled to the property sold, after deducting the costs and charges payable under section 20 of the principal Ordinance, which said costs and charges such Government Agent or Assistant Government Agent or person authorized by the Government Agent or Assistant Government Agent is authorized to retain. Provided always that in the event of any land sold under this or the principal Ordinance realizing a less amount than the amount due for annual commutation, crop commutation, or grain duty, nothing herein or in the principal Ordinance contained shall preclude the Crown from instituting any civil action or process against any defaulter for the recovery of the balance of any amount which may be due to the Crown from such defaulter in respect of annual commutation, crop commutation or grain duty and the costs aforementioned after deducting the purchase money realized by the sale of the land in respect of which such annual commutation, crop commutation or grain duty is due.

Certificate of purchase.

5. Whenever immoveable property is purchased by the Crown under the provisions of this Ordinance, a certificate substantially in the form A. in the schedule to this Ordinance signed by the Government Agent or Assistant Government Agent shall vest the property sold absolutely in the Crown, free from all incumbrances; and such certificate shall be received in the courts of justice of this Colony as conclusive evidence of the title of the Crown to such immoveable property.

6. The provisions of section 22 of the principal Ordinance shall not apply to any land or immoveable property purchased by the Crown under the provisions of this Ordinance.

*Grain Tax Commutation.*

7. The principal Ordinance is hereby amended to the extent following:—

- (1) Whenever the word "Government" appears in the said Ordinance, except when followed by the word "Gazette," or by the word "Agent," and except where the word Government is secondly mentioned in the first proviso to section 11 to such Ordinance, the words "the Crown" shall be held to stand and are hereby inserted in lieu thereof.
- (2) Where the word "Government" is secondly mentioned in the first proviso to section 11 of the principal Ordinance, the words the "Government Agent" shall hereafter be construed and read in lieu thereof.

These amendments shall not affect—

- (a) The past operation of the said Ordinance or anything duly done or suffered under it ;
- (b) Nor any right, privilege, obligation, or liability acquired, accrued or incurred under the said Ordinance ;
- (c) Nor any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Ordinance ; nor
- (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

SCHEDULE.

A.

WHEREAS the sum of Rs. \_\_\_\_\_ was due to Our Sovereign Lady the Queen for annual commutation [crop commutation or grain duty, as the case may be] in respect of the produce of the land \_\_\_\_\_ hereinafter more fully mentioned and described, and a further sum of Rs. \_\_\_\_\_ was likewise due for costs, which said sums have not been paid by the person liable therefor: And whereas the said land was seized in conformity with "The Grain Tax Ordinance, 1878," and "The Grain Tax Amendment Ordinance, 1883," and sold also in conformity therewith on the \_\_\_\_\_ day of \_\_\_\_\_, and the same was purchased by \_\_\_\_\_ for and on behalf of Our Sovereign Lady the Queen for the sum of Rs. \_\_\_\_\_ which has been duly credited to Our said Lady the Queen in part satisfaction [or full, as the case may be] of the sum of Rs. \_\_\_\_\_ so due for annual commutation [crop commutation or grain duty, as the case may be] as aforesaid, and Rs. \_\_\_\_\_ for costs: Now know Ye, that I \_\_\_\_\_ [Government Agent or Assistant Government Agent or person authorized by the Government Agent or Assistant Government Agent as the case may be], by virtue and in exercise of the power vested in me in this behalf by the said Ordinances, do hereby certify that the following property, to wit [here describe the property, with special accuracy as to boundaries], has been sold to and purchased by the said \_\_\_\_\_ for and on behalf of Our said Lady the Queen for the sum of Rs. \_\_\_\_\_, which said sum has been duly credited to Our said Lady the Queen, as aforesaid, and that the said premises are and shall henceforward be vested in Our said Lady the Queen, Her Heirs and Successors, free of all incumbrances.

Given under my hand at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

Passed in Council the Fourth day of February, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Eleventh day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

## Tolls.

repealed 3 1896

No. 10.—1884.

## An Ordinance to establish further Tolls, and to discontinue certain Tolls.

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to establish the Tolls herein-after specified, and to discontinue the Tolls hereinafter specified: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

Establishment of certain tolls.

1. From and after the passing of this Ordinance tolls shall be established on and in respect of the following roads and ferries, viz.:—

*Western Province.*

On the road from Colombo to Galle, between the 29th and 30th mile-posts, at or near the village Etagama. Such toll to clear and to be cleared by the toll already established at Nagođa.

On the road from Colombo to Galle, at a point between the 14th and 15th mile-posts.

On the road from Negombo to Giriulla, between the 4th and 6th mile-posts. Such toll to clear and to be cleared by the one already established between the 8th and 9th mile-posts on the same road.

On the road from Pánaduré to Nambapane, between the 30th and 31st mile-posts.

At or near the ferry across the Pánaduré Gaṅga at Henemulla, on the road connecting the old and new roads from Colombo to Galle between the 14th and 15th mile-posts on the new road.

At or near the ferry across the Pánaduré Gaṅga at Gorakapola, on the road connecting the old and new roads from Colombo to Galle between the 14th and 15th mile-posts on the new road. Such toll to clear and to be cleared by the one last mentioned.

At or near the ferry across the Kełani Gaṅga at Púgođa, on the minor road from Púgođa to Kosgama.

At or near the ferry at Seduwa across the Dandugam-oja, on the road from Seduwa to Henaragoda.

At the ferry at Kospalankissa across an arm of the Bolgoda canal, on the road from Morađuwa to Kešbewa. Such ferry toll to clear and to be cleared by the toll at Mámpe.

*North-Western Province.*

On the road from Giriulla to Dankeđuwa, in the village of Etiyawa in the Puttałam District, at or near a garden called Kaduru-gahawatta.

*Eastern Province.*

On the road from Kalmunai to Nintavur, between the 27th and 28th mile-posts, at or near Karatívu.

On the road from Sammanturai to Malkampiddi, between the 30th and 31st mile-posts. Such toll to clear and to be cleared by the one last-mentioned.

Discontinuance of certain tolls.

2. From and after the first day of January, 1884, the levy of tolls hitherto established in respect of the following roads and ferries shall be discontinued, viz.:—

*Western Province.*

On the road from Colombo to Galle, between the 28th and 29th mile-posts.



*Tolls. Governor's Signature to Grants.*

On the road from Colombo to Galle, at the 14½ mile-post.  
 At the ferry at Horakele.  
 At the ferry at Katukurunde.  
 On the road from Moraṭuwa to Keṣbēwa, at the bridge which  
 existed at Kospalankissa.  
 On the road from Seduwa to Henaratgoda, at or near the bridge  
 which existed at Seduwa.

*North-Western Province.*

On the minor road from Giriulla to Daṅkoṭuwa in the Puttalam  
 District, at a place called Heḷambagaha-goḷella in the village of  
 Daṅkoṭuwa.

*Central Province.*

At the ferry across the Una-oya.  
 At the ferry across the Belibul-oya.  
 That established on and in respect of the road from Iriyagama  
 to Aladeniya.  
 On the road from Badulla to Hambantōta, at Eḷla.

Passed in Council the Eleventh day of February, One thousand  
 Eight hundred and Eighty-four.

R. H. SINCLAIR,  
 Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth  
 day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
 Colonial Secretary.

**No. 11.—1884.**

An Ordinance to authorize the Governor's signature to Crown  
 Grants to be attached by a stamp.

ARTHUR GORDON.

**W**HEREAS it is expedient to authorize the Governor's signature to Crown Grants of land in this Colony to be attached by means of a stamp: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. It shall be lawful for the Governor in all Crown grants of land hereafter to be made by him in the name and on behalf of Her Majesty the Queen, or Her successors, to cause his signature thereto to be attached by means of a stamp or fac-simile of his sign-manual, and grants so signed shall be of the same effect, force and validity to all intents and purposes as if the said grants bore the actual autograph or sign-manual of the Governor: Provided always that all such grants shall be countersigned by the Colonial Secretary or other person duly appointed by the Governor in that behalf.

Governor's signature may be attached by stamp or fac-simile.

*Governor's Signature to Grants.*

Penalties for  
using, forging or  
counterfeiting  
stamp, &c.

2. Every person who shall commit any one of the following offences shall be punished with imprisonment with or without hard labour for a term which may extend to ten years and shall not be less than two years, and shall also be liable to a fine not exceeding one thousand rupees :

Every person

- (1) who shall without authority of the Governor obtain possession of, or who shall without the authority of the Governor affix the stamp or fac-simile of the sign-manual of the Governor to any document purporting to be a Crown grant of land ; or
- (2) who shall forge, counterfeit or cause or procure to be forged or counterfeited any die, plate or other instrument or any part of any die, plate or other instrument which has been or shall or may be provided, made or used by or under the direction of the Governor (or by or under the direction of any person or persons legally authorized in that behalf) for the purpose of attaching his signature to Crown grants in manner aforesaid ; or
- (3) who shall forge, counterfeit or imitate or cause or procure to be forged, counterfeited or imitated the stamp, mark or impression of any such die, plate or other instrument which has been or shall or may be provided, made or used as aforesaid upon any parchment, paper or other substance or material whatever ; or
- (4) who shall knowingly and without lawful excuse (the proof whereof shall be on the person accused) have in his possession any false, forged or counterfeit die, plate or other instrument or part of any such die, plate or other instrument resembling or intended to resemble either wholly or in part any die, plate or other instrument which has been or shall or may be provided, made or used as aforesaid ; or
- (5) who shall stamp or mark or cause or procure to be stamped or marked any parchment, paper or other substance or material whatsoever with any such false, forged or counterfeit die, plate or other instrument or part of any such die, plate or other instrument ; or
- (6) who shall knowingly utter, offer, dispose of or put off or shall knowingly and without lawful excuse (the proof whereof shall be on the person accused) have in his possession any parchment, paper or other substance or material having thereon the impression or any part of the impression of any such false, forged or counterfeit die, plate or other instrument or part of any such die, plate or other instrument as aforesaid, or having thereon any false, forged or counterfeit stamp or impression resembling or representing either wholly or in part or intended or liable to pass or be mistaken for any stamp, mark or impression of any such die,

*Governor's Signature to Grants.      Thefts in Wharves.*

plate or other instrument which has been or shall or may be so provided, made or used as aforesaid.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

**No. 12.—1884.**

**An Ordinance to provide against Petty Thefts in the Harbours and Wharves of the Ports of this Colony.**

ARTHUR GORDON.

**W**HEREAS it is expedient to provide against petty thefts and the fraudulent removal and concealment of property during the loading, transit and landing of goods from the ship's side to the wharves and quays of the ports of this Colony: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance shall be read and construed as one with the Ordinance No. 17 of 1869, intituled "An Ordinance for the general regulation of Customs in the Island of Ceylon," hereinafter called 'the principal Ordinance.'

2. Whenever goods not specified in the boat-note mentioned in the 31st section of the principal Ordinance have been concealed in any boat during the loading, transit or unloading of such boat in any harbour or port of this Colony, the discovery of such goods on board such boat shall be received in all courts of this Colony as *prima facie* evidence that the goods have been either stolen by the tindal and boatmen employed in such boat, or that the same have been unlawfully received on board by the tindal and boatmen employed in such boat with knowledge that the same have been stolen; and shall be conclusive thereof unless and until such tindal and boatmen or any of them shall satisfactorily account for the presence of such goods on board such boat.

3. Whenever goods not specified in the boat-note mentioned in the 31st section of the principal Ordinance shall be found in the possession of any tindal or boatman when on board the boat in which he is employed, or when on the quays or wharves of any port or harbour of this Colony, such tindal or boatman, in whose possession such goods are found shall be presumed to have stolen the goods or to have unlawfully received the same knowing them to have been stolen; unless and until such tindal, or boatman, shall satisfactorily account for his possession thereof.

Preamble.

This Ordinance to be read and construed with Ordinance No. 17 of 1869.

Goods not specified in boat-note when found concealed in any boat to be presumed to have been stolen or unlawfully received by tindal and boatmen of such boat.

Goods not mentioned in boat-note when found in possession of any tindal or boatman when on board of boat or on wharves to be presumed to have been stolen.

*Thefts in Wharves.**Police Force.*

Nothing in this Ordinance to affect any forfeiture, &c., incurred by tindal or boatman under Ordinance No. 17 of 1869.

4. Nothing in this Ordinance contained shall affect any forfeiture, penalty or liability incurred by any tindal or boatman or by any other person whomsoever under the principal Ordinance in respect of such goods as are referred to by this Ordinance or in respect of the boat.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,

Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,

Colonial Secretary.

**No. 13.—1884.**

**An Ordinance to amend Ordinance No. 16 of 1865, intituled  
“An Ordinance to provide for the establishment and  
regulation of a Police Force in this Island.”**

ARTHUR GORDON.

Preamble.

WHEREAS doubts have arisen whether a police officer is authorized under the provisions of “The Police Ordinance, 1865,” to execute a warrant in a town, place or district, other than a town, place, or district in which under any of the provisions of the said Police Ordinance, a police force has been established, and whereas it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance to be read with “The Police Ordinance, 1865.”

1. This Ordinance and Ordinance No. 16 of 1865 entitled “An Ordinance to provide for the establishment and regulation of a police force in this Island,” shall be construed and read as one Ordinance.

Police officers to have authority to execute warrants in all parts of the Island.

2. Every police officer to whom any description of warrant shall have been addressed for execution is hereby authorized and empowered to execute any such warrant in any and every part of this Island as well as in any town, rural district, or place other than large towns or rural districts, in which a police force shall under the provisions of the aforesaid Ordinance have been established, anything in the said Ordinance to the contrary notwithstanding. Provided, however, that nothing herein contained shall justify any police officer executing any warrant or process illegally issued or entrusted to him for service, or shall relieve him from any penalty or liability incurred in respect of the execution of any warrant improperly or illegally issued or in respect of any neglect of duty or abuse of the powers hereby conferred.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,

Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,

Colonial Secretary.

*Kerosine Oil.*

*Widows' Pension Fund.*

**No. 14.—1884.** *repealed*

An Ordinance to amend Ordinance No. 18 of 1877, entitled "An Ordinance to amend in certain respects the Ordinances for the general regulation of Customs in the Island of Ceylon," and No. 14 of 1871, entitled "An Ordinance to adjust Customs Duties to the currency of rupees and cents."

ARTHUR GORDON.

**W**HEREAS it is expedient to impose a customs duty on Kerosine oil, and in that respect to amend the schedule to Ordinance No. 18 of 1877, entitled "An Ordinance to amend in certain respects the Ordinances No. 17 of 1869, entitled 'An Ordinance for the general regulation of Customs in the Island of Ceylon,' and No. 14 of 1871, entitled 'An Ordinance to adjust Customs Duties to the currency of rupees and cents.' " Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. From and after the passing of this Ordinance an *ad valorem* duty of five per cent. shall be levied upon all kerosine oil imported into this Colony, anything in the Ordinance No. 18 of 1877 to the contrary notwithstanding.

An *ad valorem* duty of 5 per cent. to be levied on kerosine oil imported into the Colony.

2. This Ordinance and the Ordinances No. 17 of 1869 and No. 14 of 1871 shall be construed and read as one Ordinance.

To be construed with Ordinances No. 17 of 1869 and No. 14 of 1871.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

**No. 15.—1884.** *repealed*

An Ordinance to make provision for granting Pensions to Widows and Children of deceased Public Officers of this Colony.

ARTHUR GORDON.

**W**HEREAS it is desirable to make provision for the granting of pensions to the widows and children of public officers of this Colony : And whereas by a resolution of the Legislative Council, passed on the 17th day of October, 1883, it was resolved that interest at the rate of six per cent. should be allowed on the capital of the Widows and Orphans' Pension Fund for a term of ten years : 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, 1884.*" Short title.

*Widows' Pension Fund.*

Formation of widows and orphans' fund.

2. A fund shall be formed as hereinafter provided for providing pensions for widows and children of public officers of this Colony to be called "The Widows and Orphans' Fund."

Investment of funds.

3. All moneys belonging to the fund, whether arising from contributions, fines, interest, or otherwise, shall be invested with the Government of this Colony, and shall bear interest, to be paid by the Government for ten years from the date at which this Ordinance shall come into operation, at the rate of six per cent. per annum free from any deduction to be made up on the 31st day of December in each year, and to be calculated upon the mean monthly balance standing in the hands of the Treasurer to the credit of such fund during the course of the year.

Abatements from salaries to be made towards fund.

4. From and after the date on which this Ordinance shall come into operation, an abatement of four per cent. shall be made from the salary of every public officer whose appointment shall be subsequent to the passing of this Ordinance, as well as from the salaries of such public officers as shall have been appointed prior to the passing of this Ordinance, but who shall have entered into an agreement to join the fund when established, and whose salaries in either case shall at any time amount to or exceed the rate of two hundred and fifty rupees per annum.

Contributions to the fund by officers appointed prior to passing of this Ordinance.

5. Any public officer whose appointment shall have been made prior to the passing of this Ordinance, and whose salary shall at any time amount to or exceed the rate of two hundred and fifty rupees per annum, may contribute towards the fund, and be entitled to the same privileges and be subject to the same conditions in respect thereof as a public officer with regard to whom it shall be compulsory to join the fund, upon notice being given to the directors of the fund on or before the 31st day of December, 1884, that it is the desire of the public officer to join the fund.

Period for which abatement shall be made.

6. The abatement of four per cent. 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 this fund for thirty-five successive years.

Abatement payable by officer retired on a pension for service.

7. 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 a pension, should he decide on retiring 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 cent. 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 officer at any time intimating his intention in writing to the directors not to so contribute further, he shall be considered as having ceased to have any interest in the fund, and his widow and children shall have no claim thereon.

*Widows' Pension Fund.*

8. A public officer, who may be obliged to retire from the public service on account of ill-health, or who may be deprived of the situation in respect of which he contributed to the fund, by the abolition of his office, before he is entitled to a pension, may select to be dealt with in respect of his contributions to the fund in any one of three modes, namely :—

Manner of dealing with case of retirement • without pension or of abolition of office.

(1) He may claim, from the fund hereby established, repayment of fifty per cent. of his actual contributions to the fund ; in which case his interest in the fund will cease, and his widow and children will have no claim for pensions.

By repayment of half of his contributions.

(2) He may claim to be allowed to continue his contributions to the fund as if he still remained in the public service ; in which case his widow and children will be entitled to the full benefit of the fund ; or

By continuing contributions.

(3) He may claim pensions for his widow and children in respect of his contributions to the fund, the amount of such pensions to be determined by the Governor, with the advice of the Executive Council, as soon as possible after his ceasing to be employed in the public service. In the event of his being dissatisfied with the amount of the pensions so determined, after the same shall have been intimated to him, he can then select to be dealt with under either of the other two modes.

By calculating amount of pension he is entitled to.

Notice of the wish of an officer to adopt one of the said three modes must be given to the directors of the fund within six months from his ceasing to be employed in the public service of the Colony.

9. A public officer who shall be transferred from the service of this Colony to other employment under the Crown may continue to contribute to the fund, if such officer, within six months from the date of his appointment, shall intimate his intention in writing to that effect to the directors, at the rate of the abatement from the salary or income he was receiving from the Colony as at the date of his appointment, or on the amount of such salary or income as he receives in respect of the situation to which he has been promoted ; such officer shall also be allowed to contribute on any increase of his salary or on the amount of such salary as he may receive in respect of any other situations to which he may be promoted, and subject to the same terms and conditions as if he had continued in the public service of the Colony ; any such officer residing out of the Colony and contributing to the fund shall make his return as prescribed by the directors. Should such officer fail or neglect to pay his contribution to the fund and be in arrear for six months, it shall be considered that he has ceased to contribute to the fund, and his widow and children shall have no claim on the fund, but such officer may be again allowed to contribute to the fund on such terms as may seem to the directors proper, and on the approval of the Governor, with the advice of the Executive Council.

Provision for case of officers hereafter promoted elsewhere.

10. Neither the widow nor any child of a public officer who shall have been dismissed from the public service for misconduct shall have any claim to a pension or interest in the fund ; nor shall

Claim to pension to cease on dismissal or resignation.

*Widows' Pension Fund.*

the widow or any child of a public officer who shall have resigned his situation, except on account of ill-health, as hereinbefore provided, without being entitled to a pension, have any claim to pension or interest in the fund.

Payments to be made to Treasurer and carried to credit of fund; allowance of interest on sums at credit.

11. The abatement of four per cent. from the salaries of all public officers, whose salaries shall be subject to abatement, shall be made by the Treasurer in proper proportion upon each occasion of his paying the salary or any portion thereof and placed to the credit of the fund, and all other payments and contributions to the fund shall be made to the Treasurer and placed to the credit of the fund.

Appointment of directors of fund; directors to make annual report.

12. For the due and proper management of the fund, the Governor and Executive Council shall annually appoint five public officers as directors thereof (any three of whom shall be sufficient to form a quorum), who shall be eligible for re-appointment, and whose duty it shall be to superintend and direct the management and administration thereof, and to see that the laws and regulations relating thereto are duly fulfilled and complied with; and it shall further be the duty of the said directors annually, on or before the 31st day of January of each year, to prepare or cause to be prepared, for the information of the Governor and Legislative Council, a detailed statement and account of the fund for the year ending 31st December preceding, with such report on the state and prospect of the fund as such directors may deem necessary.

Provision for cost of management of fund.

13. A sum, not exceeding five per cent., shall be deducted from the annual contributions to the fund for the purpose of defraying all expenses connected with the management and administration of the fund.

Registers of contributors of fund to be kept.

14. A register shall be kept of the age of every public officer contributing to the fund, and if married, of the date of the marriage of such officer, and the age of his wife, and the ages of his children (if any).

Certain information to be furnished by officers.

15. Every public officer, whose salary or income is subject to abatement for the fund, shall, if in the Colony, within three months,—or if abroad, within six months,—from the passing of this Ordinance, be bound to forward to the directors of the fund the dates of his birth, of his marriage (if married), and of the birth of his wife and of his children (if any), duly proved to the satisfaction of the directors by affidavit or otherwise.

Officers hereafter appointed to furnish certain information.

16. Every public officer, whose salary or income is subject to abatement for the fund, and whose appointment shall be subsequent to the passing of this Ordinance, shall be bound, within six months after the date of his appointment, to furnish the directors with the date of his birth, the date of his marriage (if married), the date of his wife's birth, and the date of the birth of any child or children of such marriage, all duly proved to the satisfaction of the directors by affidavit or otherwise.

Officer to notify his marriage.

17. Every public officer, whose salary or income is subject to abatement for the fund, who shall marry after the passing of this Ordinance, or who, being married, shall obtain a divorce from his wife, shall be bound, within six months after his marriage, or



*Widows' Pension Fund.*

divorce, to notify the same to the directors, and in case of marriage, the age of his wife duly proved as aforesaid.

18. Every public officer, whose salary or income is subject to abatement for the fund, shall be bound to notify to the directors the birth of each legitimate child born to him within six months from the date of such child's birth, and the marriage of any female child under the age of 21 within six months from the date of such child's marriage.

Officer to notify birth of child.

19. Every public officer, whose salary or income is subject to abatement for the fund, shall be bound to notify to the directors, within six months from the date of the event, the death of his wife or any of his children.

Officer to notify death of wife or child.

20. Any public officer whom the directors may consider shall have failed or neglected to comply with any of the requirements aforesaid, or who shall, in the opinion of the directors, have given any false information in relation thereto, shall be liable to a fine for each default not exceeding fifty rupees, to be deducted from his salary or income by the Treasurer on an order to that effect by the directors of the fund, and to be placed to the credit of the fund.

Penalty for non-compliance with foregoing.

21. The widows and orphans who will be entitled to pensions from the fund are the widows and orphans of public officers who shall have contributed towards the fund in accordance with the conditions of this Ordinance, save as hereinafter excepted.

Who shall be entitled to pensions under this Ordinance.

22. No child of any public officer born out of wedlock, but who by the laws of this Colony has become or may become legitimate by subsequent marriage of their parents, shall be entitled to any pension or allowance from the fund.

Exceptions from benefits of fund.

23. The allowance or pension to orphans shall cease, in the case of males, at 18 years of age, and, in the case of females, at 21 years of age or on marriage.

When pension to orphans shall cease.

24. The pension or allowance to which a widow or any child of a deceased public officer is entitled shall be computed in accordance with tables to be approved of by the Governor and Executive Council, such tables to be subject to revision and re-adjustment from time to time as the Governor and Executive Council may deem necessary.

Pensions to be computed according to tables approved by Governor and Executive Council.

25. When a public officer, a widower, 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 then living whose ages would entitle them to pension, such pensions shall be as follows:—If three in number or less, each child shall receive one-fourth of the allowance to which the widow of the officer would have been entitled had she survived him or had been in receipt of after his death; if more than three, then the amount which the widow would have received or had been receiving shall be divided equally among the children.

Pensions payable to orphans.

26. The widow of a public officer receiving a pension from the fund, who marries again, shall forfeit all claim to any further pension from the date of her second marriage, and if there are any

Provision in case of widow marrying.

*Widows' Pension Fund.*

children of the first marriage whose ages would entitle them to a pension, such children shall be entitled to the same rate of pension as if both parents were dead.

Provision in case of children by a former marriage.

27. When a public officer dies leaving a widow and also children by a previous marriage whose ages entitle them to pensions from the fund, such children, if three or more in number, shall be entitled to one-half of the pension to which their mother, if she had survived their father, would have been entitled; if two children, to one-third; and if only one child, to one-fourth; and the widow to one-half of the pension to which she would have been entitled had there been no such children, but, if there are no such children, or when they cease to be entitled to pensions, then the widow shall be entitled to her full pension. Should the step-mother of such children die leaving no lawful issue by such officer, such children shall be entitled to pensions as if their father had not married a second time; should the step-mother of such children die leaving lawful children, such children shall have the pension which their mother was entitled to equally divided among them.

What proof to be produced before payment of pensions.

28. Widows and orphans entitled to pensions from the fund and residing out of the Colony must produce proof, to the satisfaction of the directors, of their being alive, and entitled thereto, before their pensions can be paid.

Pensions not to be assigned or levied upon.

29. No pensions payable from the fund shall be assignable or transferable, nor shall any pension payable from the fund be attached, arrested, or levied upon for or in respect of any debt or claim due by the recipient of such pensions.

Questions or disputes to be decided by Executive Council.

30. Should any question or dispute arise as to who is entitled to contribute to the fund, or as to the right of a widow or child to a pension from the fund, or as to the amount of such pension, all such questions and disputes shall be referred by the directors of the fund to the Governor in Executive Council for decision, and such decision shall be final.

Pension to commence upon death of officer.

31. The pension payable to a widow or child or children under this Ordinance shall commence upon the death of the husband or father, or mother or step-mother, as the case may be, shall accrue daily, and shall be paid monthly clear of any deduction until re-marriage or death of the widow or until the cesser of eligibility in the case of children.

Widow not entitled to pension if marriage contracted after husband's completion of 35 years' contribution.

32. No widow of a public officer whose marriage was contracted after her husband had completed his 35 years of contribution, or had attained the age of sixty-five, or had retired on pension, or no issue of such marriage shall be eligible for any pension under this Ordinance.

Pension not to exceed Rs. 3,000.

33. No pension to which a widow or child or children may become entitled under this Ordinance shall exceed the sum of three thousand rupees per annum, provided that no public officer shall be

*Widows' Pension Fund.*

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.

34. No pension, whether payable to a widow or child or children, shall be increased or abated by reason of the person entitled to receive the same residing in a climate less or more healthy than that of Ceylon.

No increase 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 on pension, but not otherwise.

Bachelor's pension to be returned on retirement.

36. Should the official income of a public officer become reduced either by abatement of the ordinary emoluments or by the grant of a permanent superannuation allowance, such public officer may, should he so desire it, and upon his giving notice in writing to the directors of his desire to do so, continue his rate of contribution for the remainder of the thirty-five years, or until he shall attain the age of sixty-five according to the full amount of contribution hitherto paid by him, in which case his widow or child or children shall be entitled to pension accordingly; but if such public officer only continues to contribute at the rate of four per cent. on his retiring allowance any pension to his widow or child or children shall become diminished in the same amount as it would have been increased had such public officer's official income been raised instead of being lowered.

Contributions to continue in full if income reduced.

37. On the 31st day of December of the tenth year following the establishment of the fund (or so soon after as possible), and quinquennially thereafter, an actuary or actuaries to be appointed by the Governor, with the advice of the Executive Council, shall make an investigation of the fund, and report in full as to its working, its results as compared with the estimates upon which it was based, its financial position, and whether any, and if so, what, re-adjustment of the benefits or contributions are considered necessary.

Appointment of actuary.

38. All pensions contemplated by this Ordinance, whether in possession or reversion, shall be from time to time subject to re-adjustment according as the financial condition of the fund may after such investigation and report as is referred to in the next preceding section be found to be necessary and be determined upon by the Governor in Executive Council.

Pensions to be subject to re-adjustment according to finances.

39. It shall be lawful for the directors appointed under this Ordinance to frame rules and regulations not inconsistent therewith for the proper carrying out of the provisions of this Ordinance, provided that all such rules and regulations shall be approved of by the Governor, with the advice of the Executive Council, and shall be published in the *Government Gazette*.

Directors may make rules and regulations.

40. A "public officer" means, for the purposes of this Ordinance, an officer who is in the receipt from the Colonial Treasury of a salary of not less than Rs. 250 per annum : Provided that the provisions of this Ordinance shall not apply to any public officer who is by any law entitled to have more than one wife at any one time, nor to the widow and children of any such officer.

Who is to be considered as a public officer under this Ordinance.

*Widows' Pension Fund.**Labourers' Wages.*

Commencement of Ordinance.

41. This Ordinance shall come into operation on and after the Thirty-first day of March, 1884.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

*revised*  
**No. 16.—1884.**

Title.

An Ordinance to amend Ordinance No. 11 of 1865, intituled "An Ordinance to consolidate and amend the law relating to servants, labourers and journeymen artificers, under contracts for hire and service," and to provide for the speedy recovery of wages due to labourers.

ARTHUR GORDON.

Preamble.

WHEREAS it is expedient to amend Ordinance No. 11 of 1865, intituled "An Ordinance to consolidate and amend the law relating to servants, labourers, and journeymen artificers, under contracts for hire and service," hereinafter called the principal Ordinance, and to provide for the speedy recovery of wages due to labourers: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Interpretation clause.

1. The following words in this Ordinance shall have the meaning hereby assigned to them:—

"Estate" in this Ordinance means any estate on which immigrant labourers are employed, having ten acres of land actually cultivated with coffee, tea, cacao, cinchona, or any of the said products.

"Labourer" means every labourer male or female, and every kankani employed on an estate, and every contractor for weeding or other agricultural labour performed in working an estate.

"Wages" includes all sums which may be due on any contract for hire or service, and all sums due to any contractor for weeding or other agricultural labour performed in working an estate.

Wages to be first charge on estate recoverable by suit against proprietor. Proviso.

2. All wages due to any labourer shall be a first charge against the estate on which such labourer shall have been employed, and shall be recoverable by suit against the proprietor of such estate. Provided that such charge shall be limited to three months' wages only, and may be enforced by suit, or by claim, if instituted or preferred within three months of the last day of the period for which such wages are claimed.

*Labourers' Wages.*

3. In any suit instituted for recovery of wages due it shall be competent for the party sued or his representative, or for any other person allowed by the court to intervene in such suit, to prove that the party or parties suing for wages did receive in part payment thereof money, food, clothes or other materials which the employer was not liable under the principal Ordinance to supply at his own expense, and at fair and reasonable prices.

Party sued may prove part payment of wages in money, food, &c.

4. All claims for wages may, whatever shall be the amount claimed, be sued for and recovered before a Court of Requests having in other respects jurisdiction in that behalf, and a claim for wages so due may in any case where the proprietor of an estate has been adjudged insolvent, or in any case where the estate shall have been taken in execution by the Fiscal, or in any case where for more than three months there has been no settlement with the labourer of the amount of wages due to him, or in any case where three months' wages remain unpaid to any labourer, be made in one suit in the name of one or more labourers duly authorized in that behalf for and on behalf of themselves and of others to whom wages have become due from the same estate, provided that the person or persons who shall in his or their names sue for such wages satisfy the court before which the claim is made that he or they is or are authorized to sue for and on behalf of the other or others whose name or names may appear in the plaint.

Wages recoverable without limit in Courts of Requests.

In certain cases one or more labourers may, being authorized, sue in the name of others for wages.

5. In any suit to be instituted under this Ordinance it shall be sufficient to designate the party sued as the "proprietor of the ——— estate," specifying the name of the estate on which the labourer had been employed, without specifying the name or names of the proprietor or proprietors.

Designation of defendant as proprietor of estate.

6. The rules and orders in schedule A. annexed hereto shall apply to suits and proceedings instituted under this Ordinance; and upon any matter not specially provided therein the general rules and orders for Courts of Requests shall be followed in so far as the same are applicable.

Rules regulating procedure.

7. It shall be lawful for a mortgagee of an estate to pay and discharge the preferential claims of the labourers for three months' wages, and upon such payment he shall be entitled to add the amount thereof to the sum due upon his mortgage, and the amount so added shall be secured by the mortgage held by him.

Mortgagee may pay labourers' wages and add same to mortgage.

8. Every superintendent of an estate shall, in addition to the particulars required to be mentioned in the return to be made under section 2 of Ordinance 17 of 1862, intituled "An Ordinance to ascertain the proportion of mortality amongst the natives of India employed in agricultural and other labour in Ceylon," declare, according to the form provided in the schedule B. hereto annexed, the date (prior to the last day of the quarter to which the return relates) up to which the labourers have been paid their wages in full.

Declaration by superintendent of last date of payment of wages in full.

9. The provisions of the said Ordinance 17 of 1862 shall, in so far as they are applicable, apply to the declaration required to be made under the next preceding section save and except that any penalty to be inflicted in regard to the same shall be extended in the case of any person who shall omit to furnish such a declaration to

Provisions of 17 of 1862 to apply to declaration.

*Labourers' Wages.*

Penalties.

a fine not exceeding one hundred rupees. And in the case of any person who shall wilfully neglect or refuse to make such declaration, or who shall make any false declaration, to a fine not exceeding three hundred rupees, or to imprisonment with or without hard labour for a term not exceeding three months.

Right of Attorney-General to sue for labourers in his own name.

10. In any case where the Colonial Secretary shall, after inquiry made, have informed the Attorney-General that good reason exists for the interference of Government to protect the labourers on an estate from the possible loss of arrears of wages due to them, it shall be lawful for the Attorney-General, should he see fit to do so, in his own name to enter, or cause to be entered by some person authorized by him in writing in the name of him, the Attorney-General, a plaint for the recovery of such sums as may be due to such labourers in any Court of Requests having in other respects jurisdiction in the matter, and the proceeding to be had therein shall be in manner in this Ordinance prescribed.

Part repeal of section 18 of Ordinance No. 11 of 1865.

11. Section 18 of the principal Ordinance is hereby repealed in so far as the provisions thereof are inconsistent with the provisions herein contained, provided that nothing in this section shall affect

- (a) The past operation of the principal Ordinance or anything done or suffered under the said Ordinance ; or
- (b) Any right, privilege, obligation or liability acquired, accrued or incurred thereunder ; or
- (c) Any penalty, forfeiture, or punishment incurred thereunder ; or
- (d) Any legal proceeding, or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid.

Ordinance 11 of 1865 to be read as one with this Ordinance.

12. This Ordinance shall be read and construed as one with "the principal Ordinance," except in so far as the provisions of "the principal Ordinance" are inconsistent herewith.

13. This Ordinance shall come into operation on the First day of April, 1884.

## SCHEDULES.

## A. [Section 6.]

## RULES AND ORDERS.

Commencement of suit by filing plaint.

1. The suit shall commence by the filing of a plaint setting out the amount of wages due to each plaintiff, and thereupon the chief clerk shall issue a summons directed to the defendant requiring him to appear before the court on a day therein named to answer the claim of the plaintiff, and shall at the same time issue a subpoena to the superintendent of the estate for the same day as that named in the summons to attend and bring with him the check-rolls and any other documents which may be specified in such subpoena, and shall at the same time cause a notice in form hereunto annexed to be published in the "Government Gazette" of the two following weeks.

Issue of summons to defendant and subpoena to superintendent.

*Labourers' Wages.*

2. The summons directed as aforesaid shall be served upon the superintendent of the estate for the time being, or, if the commissioner shall so direct, shall be affixed to a conspicuous part of the estate, and such service shall be deemed to be good and sufficient service on the defendant, and it shall be competent for such superintendent to appear for and represent the defendant in the said suit, and to adduce evidence therein.

Service of  
summons  
prescribed.

Superintendent  
may represent  
proprietor.

3. On the day named in such summons or on any other day to which the commissioner may adjourn or postpone the enquiry, he shall summarily hear and determine the several claims of the plaintiffs and give judgment thereon, and in determining the same the commissioner shall apply any payments, whether in money or in food, clothes or other materials alleged to have been made in partial discharge of wages, towards the payment of the antecedent wages in the order of time in which the same became due, and the commissioner shall by decree to be pronounced in the case specify the extent to which the first charge shall apply, and shall declare the estate bound and executable as a first charge for such judgment.

Investigation.

4. Upon judgment being entered it shall be lawful for the commissioner to order that the amount thereof be forthwith paid into court for the use of the plaintiff, and on non-payment to issue a single writ for the aggregate amount of the judgment, and to cause the said estate declared bound and executable to be sold in satisfaction thereof. Provided, however, that if the commissioner be satisfied that the sale of any definite portion of the said estate shall be sufficient to satisfy the judgment, he may, in the first instance, order accordingly.

Amount of  
judgment to be  
paid into court  
or single writ may  
issue for aggregate  
amount.

5. The judgment in the suit shall not be declared satisfied or discharged save by payment into court of the amount decreed, or by deposit in court of the amount thereof by levy in execution.

Discharge of  
judgment.

6. The fiscal shall execute a conveyance of the said estate or part thereof on sale in execution in favour of the purchaser in the form hereto annexed, and the same shall be sufficient to vest title in the purchaser.

Conveyance by  
fiscal.

7. Upon the payment into or deposit in court of the amount decreed or levied, the commissioner shall distribute the same among the parties adjudged to be entitled thereto, and make a record thereof.

Distribution of  
sum deposited.

8. It shall be competent for any mortgagee or any other person interested in the suit to intervene therein, if allowed by the court to do so.

Intervention by  
mortgagee.

## NOTICE.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of  
 \_\_\_\_\_ by the labourers (or Attorney-General, as the case may be) of \_\_\_\_\_ estate

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against the proprietor or proprietors thereof to recover the sum of Rs. \_\_\_\_\_ due to them as wages.

This \_\_\_\_\_ day of \_\_\_\_\_ 188 .

[Chief Clerk.]

## FORM OF CONVEYANCE BY FISCAL.

WHEREAS by a decree pronounced by the Commissioner of the Court of Requests of \_\_\_\_\_ in case No. \_\_\_\_\_, it was ordered and decreed that the proprietor of the \_\_\_\_\_ estate do deposit in Court, for the use of the plaintiffs in the said suit, the sum of Rs. \_\_\_\_\_, and that the said estate (hereinafter described) be declared bound and executable as a first charge for the amount of such judgment. And whereas the proprietor of the \_\_\_\_\_ estate hath made default in the deposit of the said amount, and by writ of execution issued from the said Court bearing date \_\_\_\_\_, directed to the Fiscal for the \_\_\_\_\_ Province, he was directed to levy the said amount by the sale of the said estate [or part thereof, as the case may be]. And whereas the said estate [or part thereof] was seized in execution under the said writ, and after due notice was exposed to public sale on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ by \_\_\_\_\_, acting under the authority of the said Fiscal, and sold to \_\_\_\_\_ as the highest bidder, for the sum of Rs. \_\_\_\_\_, and the said \_\_\_\_\_ has paid the said sum to the said Fiscal: Now these presents witness that \_\_\_\_\_ the said Fiscal for the \_\_\_\_\_ Province, in consideration of the said sum of \_\_\_\_\_ paid by the said \_\_\_\_\_ the receipt whereof the said Fiscal doth hereby acknowledge, hath sold and assigned, and doth by these presents sell and assign unto the said \_\_\_\_\_ his heirs, executors, administrators and assigns, the \_\_\_\_\_ estate, bounded or reputed to be bounded on the north by \_\_\_\_\_, east by \_\_\_\_\_, south by \_\_\_\_\_, and on the west by \_\_\_\_\_, containing in extent \_\_\_\_\_ acres, and described in the map or diagram annexed, to have and to hold the said estate with their and every of their appurtenance by him the said \_\_\_\_\_ his heirs, executors, administrators and assigns for ever.

In witness whereof the said Fiscal (or Deputy Fiscal) hath hereunto inscribed his name at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, One thousand Eight hundred and Eighty \_\_\_\_\_.

Witnesses.

[Signature of Fiscal.]

## B. [Section 8.]

*Declaration to be added to the return required by Ordinance 17 of 1862.*

I, "William Jones," hereby declare, as required by Ordinance \_\_\_\_\_ of 1884, that on or before the last day of the quarter to which the above return relates the monthly wages of the labourers employed on the abovenamed estate had been settled and paid in full up to the \_\_\_\_\_ day of the month of \_\_\_\_\_ and that the value of food, clothes, or other necessaries supplied to the labourers subsequent to the date abovementioned has not been deducted in whole or in part from the wages declared as paid and settled up to that date.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.



*Wharf and Warehouse Company.***No. 17.—1884.** *repealed*

An Ordinance to amend and continue in force 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."

ARTHUR GORDON.

**W**HEREAS by the 3rd section of 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," it is enacted that the said Ordinance should continue in force until the 30th day of June, 1880 : And whereas by the Ordinance No. 15 of 1879, intituled "An Ordinance for continuing 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,'" the said Ordinance No. 10 of 1876 was continued in force until the end of the sessions of the Legislative Council of the year 1880 : And whereas by the Ordinance No. 11 of 1880, intituled "An Ordinance to amend and continue 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,'" the said Ordinance No. 10 of 1876 was continued in force for a period of five years from the passing of the said Ordinance No. 11 of 1880, and whereas it is expedient to amend and continue the said Ordinance No. 10 of 1876 in the manner hereinafter appearing and to repeal the said Ordinance No. 11 of 1880 : 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 Wharf and Warehouse Amendment Ordinance, 1884.*

Short title.

2. Ordinance No. 11 of 1880 is hereby repealed, provided that this repeal shall not affect the repeal of schedule A. to the Ordinance No. 10 of 1876, nor any right, privilege, obligation, or liability acquired, accrued, or incurred under the Ordinance No. 11 of 1880.

Repeal of Ordinance No. 11 of 1880.

3. The schedule A. hereto shall be the schedule of the maximum rates, rents and charges to be enforced under the Ordinance No. 10 of 1876 in lieu and instead of schedule to the Ordinance No. 11 of 1880.

Schedule to this Ordinance to be schedule under Ordinance No. 10 of 1876.

4. The said 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," shall remain and continue in force for a period of five years from the passing of this Ordinance, and from thence to the end of the then next session of the Legislative Council.

Ordinance No. 10 of 1876 to be continued for five years from passing of this Ordinance.

## Wharf and Warehouse Company.

## SCHEDULE.

## A.

## IMPORTS.

			Rate for Goods removed to and from Bond.		Wharf & Warehouse Co's revised rates for Goods removed from Transit Warehouse.
			Rs.	cts.	Nett.
Asphalt	...	—	₹ ton	1 75	1 20
Cement	...	—	₹ barrel	0 40	0 28
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....	₹ cwt.	0 8	0 7
Flour	...	{ In barrels ...	each	0 45	0 28
		{ In bags of 200 lbs. ...	do.	0 20	0 12
Glassware	...	In crates or casks	each	1 25	1 0
Gunny Bags	...	Manufactured jute and such like			
		goods in bales ...	each	0 45	0 30
Hardware	...	{ In casks or cases of ordinary size ...	each	0 75	0 50
		{ Of large size ...	each	1 25	0 75
Iron	...	In bars, bundles, hoops, plates, pig, or packages not exceeding one ton in weight			
			₹ ton	1 50	1 25
Manure	...	—	do.	1 50	1 0
Nails, &c.	...	In kegs or drums of 1 cwt.	each	0 20	0 11
Oil, turpentine, &c...	...	In drums of 5 gallons	do.	0 30	0 20
		According to size :			
Oilmanstores	...	{ Packages of 1 dozen size ...	do.	0 20	0 10
		{ do. 2 do. ...	do.	0 40	0 20
		{ do. 3 do. ...	do.	0 50	0 25
Parcels	...	And small packages, not over 25 lbs. in weight (not containing valuables)	do.	0 20	0 20
Rice and Grain	...	Per bag of 164 lbs.	do.	0 9	0 7
Sugar	...	Per bag of 164 lbs.	each	0 10	0 10
Staves	...	{ Hogsheads, per 100 bundles ...	₹ 100 bds.	9 50	7 50
		{ Puncheons, per 100 bundles ...	do.	11 0	8 50
Do.	...	Pipes	do.	12 0	10 50
Tar	...	In barrels	each	0 40	0 28
		{ Such as potatoes, onions, ginger, pepper, saffron, arrow-root and such like. If in baskets or Robbins not exceeding 1 cwt.	do.	0 8	0 7
Vegetables and miscellaneous articles.	...	{ Or if in larger packages at	₹ cwt.	0 8	0 7
		{ In butts and pipes	—	1 50	1 12
Wines, Spirits, and Malt Liquor.	...	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 dozens	—	0 50	0 30
		Do. of 2 dozens	—	0 40	0 20
		Do. 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.

*Wharf and Warehouse Company.*

**EXPORTS.**

*Rates for receiving and shipping Goods.*

Rs. 5-25 per	}	18 casks	not exceeding 10 cwts. each	}	Coffee.
		30 tierces or hogsheads	do. 6 do.		
		40 barrels	do. 4 do.		
		120 bags	do. 1½ do.		
Rs. 5-25 per	}	12 pipes	do. 18 do.	}	Cocoanut oil.
		20 puncheons	do. 10 do.		
		30 hogsheads	do. 5 do.		
Rs. 5-25 per	}	60 bales Cinnamon of 100 lbs. each ; larger or smaller bales in proportion.			
		160 bags Cinnamon chips.			
		40 bales Cinchona of 336 lbs. each ; larger or smaller bales in proportion.			
		40 cases Cinchona of 336 lbs. each ; larger or smaller cases in proportion.			
		160 bags Cinchona (not pressed).			
		50 bales Cotton wool of 300 lbs. each ; larger or smaller bales in proportion.			
		120 bags Cacao not exceeding 1½ cwt. each.			
		40 barrels Plumbago not exceeding 5 cwts. each.			
		100 cases or chests of Tea of 100 lbs. each ; larger or smaller cases or chests in proportion.			
		50 bales Jute of 300 lbs. each ; larger or smaller bales in proportion.			
40 bales Gunnies of 300 lbs. each ; larger or smaller bales in proportion.					
Rs. 6 per		2,000 dholls, or 800 ballots or 40 bales, Coir yarn, fibres, &c.			
" 6 "		120 cwts. Deer Horns in bundles.			
" 6 "		100 " Deer Horns, loose.			
" 6 "		160 " Ebony.			
" 7 "		5,000 (in number) Cocoanuts.			
" 6 "		100 cwts. Sapanwood.			

N.B.—No quantity, however small, shall be charged less than one-fourth of the above rates.

**RATES FOR WAREHOUSE RENT.**

**I.—IMPORTS.**

Transit Warehouse, single rates, as provided for under the terms of the Lease.

					cts.
For each	butt, pipe, or puncheon	...	...	For a week	...
"	half pipe or hogshead	...	...	"	...
"	barrel or quarter-cask	...	...	"	...
"	cask or keg of smaller size	...	...	"	...
"	crate, cask or case of hardware, earthenware or ironmongery	...	...	"	...
"	bale, case, or box measuring 60 cubic feet or upwards	...	...	"	...
"	" " " 40 cub. ft. & under 60 cub. ft.	...	...	"	...
"	" " " 25 " 40 "	...	...	"	...
"	" " " 15 " 25 "	...	...	"	...
"	" " " 10 " 15 "	...	...	"	...
"	" " " 5 " 10 "	...	...	"	...
"	small box or package	...	...	"	...
"	bag of rice or sugar	...	...	"	...
For	beer, wine, or spirits, in bottle, per dozen quarts	...	...	"	...
"	coir yarn or rope, in ballots or bundles, per cwt.	...	...	"	...
Heavy	goods, such as metal or timber, per ton	...	...	"	...

1. Other goods of like size or weight to be charged in proportion to these rates.

2. Goods left on the Quay, half the above rates ; but Manure will be charged full rates.

3. 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.

*Wharf and Warehouse Company.*

## 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.

					cts.
For each butt, pipe or puncheon	...	...	For a week	...	40
„ half pipe or hogshead	...	...	„	...	20
„ barrel or quarter cask	...	...	„	...	12
„ octave, or cask like of size	...	...	„	...	8
„ crate, cask, or case of hardware, earthenware, or ironmongery	...	...	„	...	20
„ bale, case, or package measuring 60 cubic feet or upwards	...	...	„	...	20
„ „ „ „ 40 cub. ft. & under 60 cub. ft.	...	...	„	...	16
„ „ „ „ 25 „ 40 „ „	...	...	„	...	12
„ „ „ „ 15 „ 25 „ „	...	...	„	...	8
„ „ „ „ 10 „ 15 „ „	...	...	„	...	6
„ „ „ „ 5 „ 10 „ „	...	...	„	...	4
„ smaller box or package	...	...	„	...	2
„ 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.

					cts.
For each leaguer, pipe, or cask of like size	...	...	For a day	...	25
„ hogshead, or cask of like size	...	...	„	...	12
„ cask or barrel of coffee, not weighing more than 3 cwts. gross	...	...	„	...	6
„ „ „ weighing more than 3 and not exceeding 7 cwts.	...	...	„	...	8
„ „ „ weighing more than 7 cwts.	...	...	„	...	12
„ barrel of plumbago	...	...	„	...	7
„ bale, case, or package measuring 60 cubic feet and upwards	...	...	„	...	25
„ „ „ „ 40 cub. ft. & under 60 cub. ft.	...	...	„	...	20
„ „ „ „ 25 „ 40 „ „	...	...	„	...	15
„ „ „ „ 15 „ 25 „ „	...	...	„	...	12
„ „ „ „ 10 „ 15 „ „	...	...	„	...	8
„ „ „ „ 5 „ 10 „ „	...	...	„	...	6
„ smaller box or package	...	...	„	...	2
„ 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.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

*Kandy Waterworks.***No. 18.—1884.**

An Ordinance to authorize a loan of Rs. 250,000 to the Municipality of Kandy for the purpose of paying off a Loan advanced under the authority of Ordinance No. 13 of 1874 and Ordinance No. 1 of 1879 for the construction of Waterworks.

ARTHUR GORDON.

**W**HEREAS by the 3rd section of the Ordinance No. 13 of 1874, intituled "An Ordinance for making provision for the advance of a sum of money, by way of loan, for the construction of waterworks for the Municipalities of Galle and Kandy," the Governor, with the advice of the Executive Council, was empowered from time to time to advance to the Municipality of Kandy any sum or sums not exceeding in the whole Two hundred and twenty thousand rupees, to be applied exclusively in the construction of waterworks for the said Municipality: And whereas by Ordinance No. 1 of 1879, intituled "An Ordinance for making provision for the advance of a sum of money by way of supplementary loan for the construction of waterworks for the Municipality of Kandy," the Governor, with the advice of the Executive Council, was empowered to advance a further sum not exceeding Rs. 30,000: And whereas a sum of Rs. 250,000 has been advanced by the Government of this Colony to the Municipality of Kandy in pursuance of the aforesaid powers: And whereas provision was made by the said Ordinances for liquidating the principal and interest on every sum so advanced by means of an annual charge of seven and a-half per cent. on the total sum advanced, which annual charge of seven and a-half per cent. was declared to be applicable to the payment of interest at five per cent. on the balance at the time outstanding, and the remainder towards the extinction of the debt: And whereas the amount at present outstanding upon the said loan for principal is Two hundred and fifty thousand rupees: And whereas difficulties have arisen in the due payment of the interest and sinking fund aforesaid, and it has become expedient to reduce the rate of interest and sinking fund payable in respect of the said sum of Two hundred and fifty thousand rupees, and for that purpose to pay off the old loan and to raise a new loan in lieu thereof: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as *The Kandy Waterworks Loan Ordinance, 1884.*

2. Ordinance No. 13 of 1874, in so far as it relates to the Municipality of Kandy, and Ordinance No. 1 of 1879, are hereby repealed: Provided that this repeal shall not affect—

- (1) The past operation of the said Ordinances nor anything duly done or effected under them:
- (2) Nor any right, privilege, obligation or liability acquired, accrued, or incurred under the said Ordinances:
- (3) Nor any legal proceeding or remedy in respect of such right, privilege, obligation or liability as aforesaid.

Preamble.

Short title.

Repeal of Ordinance No. 13 of 1874, in so far as it relates to the Municipality of Kandy, and Ordinance No. 1 of 1879, Repeal not to affect past operation of Ordinance.

*Kandy Waterworks.*

Interpretation clause.

Power of Governor and Executive Council to advance Rs. 250,000 to Municipality of Kandy.

Municipality of Kandy authorized to impose water-rate for paying off loan.

*amended VIII 1895*  
§ 4

Rate to be levied on houses within Municipality.

§ 5

Rate to be a first charge on house property, and to be paid quarterly in advance.

*amended VIII 1895*  
§ 6

Proceeds of rate to be applied in repayment of loan.

Loan to bear interest at five per cent. per annum.

Government to retain as interest four per cent. per annum on amount due, and to apply balance towards liquidation of debt.

3. The term "house" includes houses, boutiques, huts, sheds and every inhabitable tenement or building.

4. The Governor, with the advice of the Executive Council, is hereby empowered to advance to the Municipality of Kandy a loan not exceeding Two hundred and fifty thousand rupees to be applied exclusively in the liquidation of the principal of the loans from time to time advanced under the Ordinances No. 13 of 1874 and No. 1 of 1879.

5. For the purpose of liquidating the principal and interest on the loan advanced to the Municipality of Kandy, under the powers contained in the fourth section of this Ordinance, the said Municipality are 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.

6. Such water-rate shall be leviable upon every house whatsoever within the Municipality, 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.

7. 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 Municipal limits, 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.

8. The proceeds of the rate so levied (after payment of the expenses annually incurred in the supply of water and in the collection of the rate) shall be applied in the liquidation of the principal and interest of the loan hereby authorized, and to no other purpose whatsoever, and in the event of there being in any one year any surplus after due payment of the interest and sinking fund of the said loan in the manner hereinafter mentioned, such surplus shall be carried by the Municipal Council to the credit of the water-rate account, and shall not form part of the Municipal fund, anything in the Ordinance No. 17 of 1865 to the contrary notwithstanding.

9. The loan shall bear interest (including the amount required for a sinking fund as hereinafter provided) at the rate of five per cent. amounting to Rs. 12,500 per annum, which sum shall be paid in equal half-yearly instalments to the Treasurer of this Colony by the Municipality of Kandy on the 30th day of June and the 31st day of December in each and every year until the principal and interest due on the loan hereby authorized has been fully liquidated.

10. Out of this sum of Rs. 12,500, the Government of this Colony shall be entitled to retain as interest four per cent. per annum upon the amount from time to time due to the Government in respect of the loan, and the balance of the said sum of Rs. 12,500 shall be annually applied to the liquidation of the principal sum of Rs. 250,000 until the same be extinguished.

*Kandy Waterworks.*

11. In the event of the Municipality failing to collect and pay into the Colonial Treasury any of the instalments declared to be payable under the 9th section of this Ordinance, within thirty days of the same becoming due, it shall be lawful for the Governor in Executive Council to empower the Government Agent of the Central Province to collect the water-rate independently of the Municipal Council. Provided, however, that no person who shall have paid his water-rate in respect of any quarter to the Municipal collectors shall be required to pay such rate in respect of the same quarter to the Government Agent; nor shall any person who has paid his quarter's water-rate to the Government Agent be required to pay such rate in respect of the same quarter to the Municipality.

12. The loan hereby authorized is hereby declared to be a first charge on the rates and taxes, rents, and all other income and property whatsoever of the Municipality of Kandy, and such charge and hypothecation shall take effect from the date at which this Ordinance shall come into operation.

13. This Ordinance shall come into operation on the 1st day of April, 1884.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of February, One thousand Eight hundred and Eighty-four.

J. DOUGLAS,  
Colonial Secretary.

If Municipality fail to pay instalments under sec. 9, Governor in Executive Council may authorize Government Agent to collect water-rate.

Loan to be a first charge on the rates, taxes, &c., of the Municipality.

Date of Ordinance coming into operation.

*Schedule 8 1893*





*Loans and Inscribed Stock.*

**No. 19.—1884.**

**An Ordinance to declare the terms and conditions applicable to Loans authorized to be raised by the Government of Ceylon, and to provide for the creation of Ceylon Inscribed Stock.**

ARTHUR GORDON.

**W**HEREAS it is expedient to define in one Ordinance the terms and conditions applicable to Loans hereafter authorized to be raised by the Legislature of Ceylon :

Preamble.

And whereas it is expedient to provide for the creation of Inscribed Stock, and to enable this Colony to take advantage of the provisions of an Act of the Imperial Parliament intituled "The Colonial Stock Act, 1877 :"

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

1. In this Ordinance unless the context otherwise requires—

Definition clause.

The expression "Governor" means the person for the time being administering the Government of this Colony; the expression "Crown Agents" means the persons for the time being acting as Crown Agents for the Colonies in England.

2. As often as by any Ordinance passed during the present or any other Session, authority shall be given to raise any sum of money for the purposes mentioned in such Ordinance, the Governor may from time to time, as he may deem expedient, raise such sum either by debentures or by Ceylon Inscribed Stock, or partly by debentures and partly by inscribed stock.

Loans to be raised by debentures, or Ceylon Inscribed Stock.

3. The principal moneys and interest secured by the debentures or inscribed stock issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Ceylon.

Loans to be a charge upon general revenues.

4. When the borrowing shall be upon debentures, such debentures shall be issued in London on behalf of the Government of Ceylon by the Crown Agents, upon the best and most favourable terms that can be obtained, and shall be signed by any two of them on that behalf.

Borrowing upon debentures.

5. Every debenture issued under the provisions of this Ordinance shall be for a sum of not less than one hundred pounds sterling, and shall bear interest at a rate not exceeding five per cent. per annum.

Amount of each debenture.

6. Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office in London of the Crown Agents.

Registry of debentures.

7. There shall be attached to every debenture coupons for the dayment of the interest to become due in each half-year upon the principal secured by the debenture. The coupons shall be sufficient in number to provide for the payment of the interest, either

Interest coupons.

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*Loans and Inscribed Stock.*

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during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the Government of Ceylon, may determine.

Form of debentures and coupons.

8. The debentures, and the coupons thereto, may be in such form as the Governor, or the Crown Agents acting on his behalf, may direct or approve.

Debentures and coupons transferable by delivery.

9. Every debenture and coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.

Mode of providing for payment of interest and principal of debentures.

10. So long as any of the debentures remain outstanding, the Governor shall in each half-year ending with the day on which the interest on the debentures falls due, appropriate out of the general revenues and assets of this Colony a sum equal to one half-year's interest on the whole of the debentures previously issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due. After the date specified in the Ordinance authorizing the loan as that on which the contributions to the Sinking Fund shall commence, the Governor shall, in each half-year ending as aforesaid, appropriate out of the said revenues and assets of this Colony an additional sum equal to ten shillings sterling per centum on the total nominal amount of all the debentures issued on or before the first day of that half-year, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Application of moneys remitted to Crown Agents.

11. The Crown Agents shall, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, on deposit at interest in their names with some Bank or Banks in London or Westminster, and shall hold all such moneys and the accumulations thereon in trust, to apply them, in the first place in payment of the interest for the current half-year upon the debentures for the time being outstanding, and, in the next place in the formation of a Sinking Fund.

Payment of interest.

12. The interest upon the principal secured by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture, at the office in London of the Crown Agents.

Application of Sinking Fund.

13. The Sinking Fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of debentures, including the charges of the notary public attending at any drawing thereof, and the costs and expenses of all notices required by this Ordinance to be given, and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being secured by the debentures.

*Loans and Inscribed Stock.*

14. The debentures shall, at the option of the Crown Agents, subject to the approval of Her Majesty's Principal Secretary of State for the Colonies for the time being, be redeemed either by purchase in the open market or by annual drawings, and, subject to the aforesaid payments, the sum to be applied annually to such redemption shall correspond as nearly as may be to, but not exceed, the amount for the time being standing to the credit of the Sinking Fund.
15. After the date specified in the Ordinance authorizing a loan as that on which the contributions to the Sinking Fund shall commence in respect of that loan, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.
16. If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the London 'Times' newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place, and the nominal amount of the debentures to be redeemed at that drawing.
17. On the day and at the hour and place so specified, the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he think fit, be present, and shall then in the presence of such debenture-holders (if any) as may attend, and of a notary public, draw by lot out of the whole number of debentures for the time being outstanding debentures of the specified nominal amount.
18. The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall as soon as may be, by advertisement in the London 'Times' newspaper, specify those numbers and appoint a day (not being later as to each debenture than the day on which the then current half-year's interest thereon is payable) on which the principal moneys secured by the debentures so distinguished will be repaid.
19. On the day so appointed, the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment, the principal moneys secured by those debentures, with all interest payable thereon up to that day.
20. From and after the day appointed for the repayment of any debenture, all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal shall have been demanded or not.
21. Upon the repayment of the principal moneys secured by any debenture, the debenture with all the coupons thereunto belonging shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of Ceylon. Any debenture redeemed by purchase shall likewise be so cancelled and forwarded.

Debentures to be redeemed by purchase or by annual drawings.

Appointment of day for drawing of debentures.

Notice of time and place appointed for drawing.

Mode of drawing.

Notice of debentures drawn for redemption.

Payment of drawn debentures.

Cesser of interest from day appointed for payment of principal.

Redeemed debentures to be cancelled.

*Loans and Inscribed Stock.*

**Borrowing upon inscribed stock.**

22. When borrowing shall be upon inscribed stock, such stock shall be issued in England by the Crown Agents under the provisions of the Act of the Imperial Parliament intitled "The Colonial Stock Act, 1877," upon the best and most favourable terms that can be obtained, and on such other conditions, subject to the provisions of this Ordinance, as the Governor may before the issue thereof from time to time direct, provided that the interest on such inscribed stock shall not exceed four per cent. per annum.

**When the principal is to be repaid.**

23. All the inscribed stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than fifty years from the date of issue. From and after which date all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal shall have been demanded or not.

**Mode of providing for payment of interest and principal of inscribed stock.**

24. So long as any of the inscribed stock shall remain unredeemed, the Governor shall in each half-year ending with the day on which the interest on such inscribed stock falls due, appropriate out of the general revenues and assets of this Colony a sum equal to one half-year's interest on the whole of such inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due. The Governor shall further appropriate out of the said revenues and assets in each half-year ending as foresaid, an additional sum for the formation of a Sinking Fund equal to ten shillings per centum on the total nominal amount of such inscribed stock, except in the following cases:—

- (a) In the case of that portion of inscribed stock created and exchanged for debentures, which debentures were subject to repayment by annual drawings, the said further appropriation shall commence at the date at which the Sinking Fund on the debentures so exchanged would have commenced had the debentures remained outstanding.
- (b) In case of loans raised by the issue of inscribed stock after the date of this Ordinance, the said further appropriation shall commence at the date specified in the Ordinances authorizing such loans for the commencement of the Sinking Fund respectively.

**Sinking Fund to be invested.**

25. The amount so remitted for the formation of a Sinking Fund for the redemption of inscribed stock shall be invested in the names of trustees to be appointed by the Secretary of State for the Colonies, the trustees shall also from time to time invest the dividends, interest or produce arising from such investment, so that the same may accumulate by way of compound interest and be applied by the Crown Agents towards the final extinction of the debt.

**Securities in which Sinking Fund is to be invested.**

26. All sums paid to the account of such Sinking Fund and the interest thereof shall be invested in Imperial or Colonial Government securities at the discretion of the trustees.

*Loans and Inscribed Stock.*

27. In case the said Sinking Fund shall be insufficient to provide the necessary funds for the redemption of the inscribed stock when it shall have become due, the deficiency shall be made good out of the general revenues and assets of the Colony.

Any deficiency in Sinking Fund to be made good out of general revenues and assets.

28. All expenses of or incidental to the management of the Sinking Fund or to the repayment of the principal moneys borrowed, shall be paid out of the Sinking Fund.

Expenses to be paid out of Sinking Fund.

29. The Governor shall also have and may exercise the following powers and authorities, or any of them :—

Governor may order or authorize :  
Conversion of debentures into inscribed stock.

(a) He may from time to time declare all or any of the existing debenture loans of this Colony to be convertible into inscribed stock of such denominations and on such conditions as he may before the creation thereof from time to time determine.

Creation and issue of inscribed stock in exchange for other securities

(b) He may authorize the creation and issue of such an amount of inscribed stock in exchange for the securities held for such loans as may be necessary.

Creation and sale of inscribed stock to raise loans and for other purposes.

(c) He may authorize the creation and sale of any such inscribed stock for the purpose of raising money, for redeeming any outstanding loans, and in paying any expenses in the creation of inscribed stock, and otherwise carrying out the provisions of this Ordinance, on such conditions as he may determine..

(d) Any conversion so authorized may be effected either by arrangement with the holders of existing securities, or by purchase thereof out of moneys raised by the sale of inscribed stock, or partly in one way and partly in the other.

Arrangements for conversion.

(e) Any power of this section conferred on the Governor may be exercised from time to time, and he may alter any conditions as often as occasion shall require, provided that no contract or engagement previously entered into shall be prejudicially affected thereby.

Governor may exercise powers at any time.

30. Nothing in this Ordinance contained shall authorize an increase of the capital or of the annual charge on any loan, except :

Exchange of securities for inscribed stock.

(a) When securities exchanged for inscribed stock bear a higher rate of interest than the inscribed stock, an additional amount of inscribed stock may be created and issued to make up the difference in saleable value between the securities and the inscribed stock.

(b) In the case of the conversion of securities into inscribed stock, the Crown Agents shall issue such an amount of inscribed stock as may be required to defray the stamp duties and all other expenses incidental to the conversion.

31. The Crown Agents may from time to time, at the request of the Governor, make arrangements for all or any of the following things :—

Creation, inscription, issue, conversion, and transfer of inscribed stock.

(1) For inscribing stock in their books.

*Loans and Inscribed Stock.**Cemeteries.*

- (2) For managing the creation, inscription, and issue of inscribed stock.
- (3) For effecting the conversion of loans into inscribed stock.
- (4) For paying interest on inscribed stock, and managing transfers thereof.
- (5) For issuing inscribed stock certificates to bearer, and as often as occasion shall require, re-issuing or re-inscribing stock, and re-issuing inscribed stock certificates.

Converted debentures to be cancelled.

32. The debentures issued under any of the Ordinances enumerated in the schedule to this Ordinance annexed, and exchanged or otherwise converted into inscribed stock, shall be forthwith cancelled by the Crown Agents, and transmitted to the Government of Ceylon.

Short title.

33. This Ordinance may be cited as "The General Loan and Inscribed Stock Ordinance, 1884," and shall commence and take effect from and after the passing thereof.

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SCHEDULE.

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Ordinance No. 1 of 1876	} Harbour Works,	4½ per cent.,	£200,000.
" No. 1 of 1881		" "	4 " " £200,000.
" No. 8 of 1877	} Railway,	4 per cent.,	£1,275,000.
" No. 12 of 1877			
" No. 9 of 1878			
" No. 7 of 1879			

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

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No. 20.—1884.

An Ordinance to amend Ordinance No. 12 of 1862, entitled "An Ordinance for the establishment of General Cemeteries."

ARTHUR GORDON.

Preamble.

WHEREAS it is expedient to amend Ordinance No. 12 of 1862, entitled "An Ordinance for the establishment of General Cemeteries": Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Short title.

1. This Ordinance may be cited as "The Cemeteries Amendment Ordinance, 1884."

*Cemeteries. (Notary L. F. Meerwald.)*

2. Notwithstanding the provisions of section 11 of "The Cemeteries Ordinance, 1862," which obliges every cemetery to be enclosed by substantial walls or iron railings, the Governor may exempt either wholly or in part any existing cemetery or any cemetery which may hereafter come into existence from the operation of such section, and may in like manner from time to time withdraw or renew such exemption, and the granting, withdrawal, or renewal of any such exemption shall be published in the *Government Gazette*.

Governor may exempt any cemetery from the provisions of section 11 of Ordinance No. 12 of 1862.

3. This Ordinance, except in so far as it is inconsistent therewith, shall be read and construed as one with Ordinance No. 12 of 1862, entitled "An Ordinance for the establishment of General Cemeteries."

Ordinance to be read as one with Ordinance No. 12 of 1862.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

## No. 21.—1884.

An Ordinance to authorize the Governor to appoint Leonard Frederick Meerwald to the Office of Notary in this Island.

ARTHUR GORDON.

**W**HEREAS one Leonard Frederick Meerwald, now of Kandy, in this Island, was duly appointed a Notary Public on the 7th day of June, 1855; and whereas the said Leonard Frederick Meerwald practised as a Notary at Trincomalee for several years subsequent to such date; and whereas the said Leonard Frederick Meerwald was in the year 1869 appointed Secretary to the District Court of Batticaloa; and whereas the said Leonard Frederick Meerwald was in the year 1875 appointed Secretary to the District Court of Kurunégala; and whereas the said Leonard Frederick Meerwald was in the year 1878 appointed Secretary to the District Court of Kandy; and whereas the said Leonard Frederick Meerwald retired from such last-mentioned post on or about the 15th day of October, 1883; and whereas during the time that the said Leonard Frederick Meerwald was Secretary to the said District Courts he was unable to procure a transfer of his warrant to practise as a Notary; and whereas the said Leonard Frederick Meerwald is anxious to now permanently reside in the District of Kandy and there to practise as a Notary, without going through the formalities prescribed by Ordinance No. 2 of 1877, entitled "An Ordinance to amend and consolidate the Law relating to Notaries"; and whereas the said Leonard Frederick Meerwald has petitioned the Governor to be allowed to

Preamble.

*Notary (L. F. Meerwald.)**Emigration.*

so practise as a Notary ; and whereas it is expedient to grant the prayer of the said Leonard Frederick Meerwald : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Governor may appoint Leonard Frederick Meerwald to the office of Notary.

1. The Governor may, notwithstanding the said Leonard Frederick Meerwald shall not have qualified to practise as a Notary under sections 7, 8, 9 and 10 of Ordinance No. 2 of 1877, entitled "An Ordinance to amend and consolidate the Law relating to Notaries," grant a warrant under his hand and seal in virtue of section 11 of such Ordinance to the said Leonard Frederick Meerwald for his appointment to the office of Notary, and the said Leonard Frederick Meerwald shall thereupon be entitled to practise as a Notary in the terms of the warrant so granted, but the said Leonard Frederick Meerwald shall nevertheless when so appointed be subject to such provisions of Ordinance No. 2 of 1877, and of any other law as apply to Notaries.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

## No. 22.—1884.

An Ordinance to amend Ordinance No. 4 of 1882, entitled  
"An Ordinance relating to the emigration of Native  
Labourers from this Island under Contract  
of Service."

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to amend Ordinance No. 4 of 1882, entitled "An Ordinance relating to the emigration of Native Labourers from this Island under contract of Service" : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Amendment of section 4 of Ordinance No. 4 of 1882.

1. Section 4 of Ordinance No. 4 of 1882, entitled "An Ordinance relating to the emigration of Native Labourers from this Island under contract of Service," is hereby amended, and the said section shall, from and after the passing of this Ordinance, be construed and read as if the words "in any place" had been inserted therein in lieu of the words "in any British or foreign colony," and as if after the words "for the purpose of being employed under contract as a labourer" in such section, the words "except to a place to which emigration shall have been declared lawful" had been inserted.



*Emigration. Power of Governor in Executive Council.*

2. This Ordinance and Ordinance No. 4 of 1882, entitled "An Ordinance relating to the emigration of Native Labourers from this Island under contract of Service," shall be construed and read as one Ordinance.

Ordinance to be read and construed with Ordinance No. 4 of 1882.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

**No. 23.—1884.**

An Ordinance to remove doubts as to the Power of the Governor in or with the advice of the Executive Council to alter or repeal Rules or Regulations made under certain Ordinances.

ARTHUR GORDON.

**W**HEREAS by certain Ordinances passed in this colony power is given to the Governor "in Executive Council," or "to the Governor with the advice of the Executive Council," or "to the Governor with the advice and consent of the Executive Council," to make rules or regulations: And whereas doubts have arisen as to whether such power confers also the power to alter, amend, add to, or repeal any rules or regulations when so made: And whereas it is expedient to remove such doubts: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. Whenever by any Law or Ordinance of this colony power is given to "the Governor in Executive Council," or to "the Governor with the advice of the Executive Council," or to "the Governor with the advice and consent of the Executive Council," to make any rules or regulations under such Law or Ordinance, such power shall be deemed to include the power of altering, amending, adding to, or repealing any rules or regulations so made: Provided always that no alteration or amendment of, nor addition to, any such rules or regulations shall be contrary to the terms of the Law or Ordinance under which any rule or regulation so altered, amended, or added to shall have been made.

Governor in or with the advice Executive Council may alter or repeal rules and regulations made under Ordinances.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

*Insolvent Estates.***No. 24.—1884.**

**An Ordinance to amend Ordinance No. 7 of 1853, entitled “ An Ordinance for regulating the due collection, administration and distribution of Insolvent Estates.”**

ARTHUR GORDON.

**Preamble.**

**W**HEREAS it is expedient to amend Ordinance No. 7 of 1853, entitled “ An Ordinance for regulating the due collection, administration and distribution of Insolvent Estates,” and to limit the period during which, in certain cases, insolvent debtors may be imprisoned: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

**Short title.**

1. This Ordinance may be cited as “ The Insolvent Estates Amendment Ordinance, 1884.”

**Construction of Ordinance.**

2. This Ordinance shall, except in so far as it is inconsistent therewith, be construed as one with Ordinance No. 7 of 1853, entitled “ An Ordinance for regulating the due collection, administration and distribution of Insolvent Estates,” and which in this Ordinance is referred to as “ the principal Ordinance.”

**Court may order release of insolvent, if in custody for debt contracted by fraud, &c., when detained for more than one year.**

3. After the first proviso to section 36 of the principal Ordinance the following shall be held to be, and is hereby inserted, “ unless it shall appear to the satisfaction of the court that the insolvent shall at the time of this Ordinance coming into operation, or at any time thereafter, have been in prison or custody under or by reason of any such judgment, order, commitment or sentence as aforesaid for a period of or exceeding one year.”

**Repeal of section 164 of the principal Ordinance.**

4. Section 164 of the principal Ordinance is hereby repealed.

**Persons not to be arrested in actions for debt when debt does not exceed Rs. 100.**

5. From and after the passing of this Ordinance, no person shall be arrested on mesne process, where the sum claimed shall not exceed one hundred rupees, and no person shall be taken or charged in execution upon any judgment obtained in any court of this Colony in any action for the recovery of any debt contracted subsequently to the passing of the principal Ordinance wherein the sum recovered shall not exceed the sum of one hundred rupees, exclusive of interest and of the costs recovered by such judgment.

6. The provisions of the said section 36 of the principal Ordinance as by this Ordinance amended, and of section 37 of such Ordinance, shall hereafter be taken to apply and extend to Crown debtors, as if the Crown had been specially mentioned in such provisions of the said Ordinance.

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

R. H. SINCLAIR,  
Acting Clerk to the Council

Assented to by His Excellency the Governor the Twenty-fifth day of November, One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,  
Acting Colonial Secretary.

*French Mail Steamers. Redemption of O. B. C. Notes.*

No. 25.—1884.

An Ordinance for further continuing the Ordinance No. 7 of 1881, intituled "An Ordinance to make temporary provision for securing the status of French Mail Steamers within the ports of this Colony."

ARTHUR GORDON.

**W**HEREAS the period for which the Ordinance No. 7 of 1881, intituled "An Ordinance to make temporary provision for securing the status of French Mail Steamers within the ports of this Colony," was to be in force, was extended by the Ordinance No. 13 of 1882, intituled "An Ordinance for continuing the Ordinance No. 7 of 1881, intituled 'An Ordinance to make temporary provision for securing the status of French Mail steamers within the ports of this Colony,'" to the 31st day of December, 1884, on which day the said extended period will expire :

Preamble.

And whereas it is expedient to further extend the period aforesaid for a further period of six months : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

The period during which the said Ordinance No. 7 of 1881 shall be and continue in force is hereby extended to the 30th day of June, 1885, inclusively.

Continuance of Ordinance No. 7 of 1881 until the 30th June, 1885.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fourth day of November One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,  
Acting Colonial Secretary.

No. 26.—1884.

An Ordinance for the raising by Debentures or Ceylon Inscribed Stock of a sum not exceeding One hundred and Sixty thousand Pounds Sterling to be applied to the redemption of such Oriental Bank Notes as were guaranteed by the Government of this Colony.

ARTHUR GORDON.

**W**HEREAS it is expedient to authorize the raising of a loan of One hundred and Sixty thousand pounds sterling British money to enable the Ceylon Government to redeem its guarantee of the Oriental Bank Corporation Notes in circulation at the date of the suspension of the said Bank: Be it therefore

Preamble.

*Redemption of O. B. C. Notes.      Wells and Pits.*

enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Ordinance to be read as one with Ordinance No. 19 of 1884.

1. This Ordinance and Ordinance No. 19 of 1884, intituled “An Ordinance to declare the terms and conditions applicable to Loans authorized to be raised by the Government of Ceylon, and to provide for the creation of Ceylon Inscribed Stock,” shall be construed and read as one Ordinance.

Authority to Governor to borrow £160,000 sterling by sale of debentures, &c.

2. The Governor is hereby authorized to borrow, at any time within twelve months from the passing of this Ordinance, a sum not exceeding One hundred and Sixty thousand pounds (£160,000) sterling British money by the sale of debentures or by the sale of inscribed stock, or partly by the sale of debentures and partly by the sale of inscribed stock, under the provisions of “The General Loan and Inscribed Stock Ordinance, 1884.”

Proceeds arising from loan to be applied to the redemption of Government guarantee of Oriental Bank notes.

3. The proceeds arising from such loan shall be applied to the redemption by the Ceylon Government of their guarantee of the Oriental Bank Corporation notes in circulation at the date of the suspension of the Bank aforesaid.

Contributions to Sinking Fund to commence from the date of the issue of debentures or inscribed stock.

4. The contributions to the Sinking Fund as contemplated in sections 10 and 24 of “The General Loan and Inscribed Stock Ordinance, 1884,” for the repayment of the said sum not exceeding One hundred and Sixty thousand pounds sterling British money, hereby authorized to be borrowed, shall commence from the date of the first issue of the debentures or inscribed stock to be created under this Ordinance.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fourth day of November, One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,  
Acting Colonial Secretary.

### No. 27.—1884.

An Ordinance to provide for the due protection of Wells and Artificial Pits in this Colony.

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to provide against accidents arising by reason of wells and artificial pits in this Colony being insufficiently fenced round or otherwise protected: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as “The Wells and Pits Protection Ordinance, 1884.”

*Wells and Pits.*

2. The expression "occupier" means the person in the actual occupation of the land on which any well or artificial pit may be, whether such person is or is not the proprietor of the land, and if there be no one in actual occupation of such land, then the proprietor of such land if in the Colony, and if absent from the Colony, then the duly authorized agent or attorney of such proprietor.

Interpretation clause.

3. The occupier of any land within this Colony on which there may now or at any time hereafter be any well or artificial pit shall, whether he shall have received any such notice as is provided for in section 9 of this Ordinance or not, and whether the said well or artificial pit be in use or abandoned, cause the said well or artificial pit to be securely fenced to the height of two and a-half feet above the level of the ground, unless any such well or artificial pit shall be so securely fenced already.

Wells and pits to be fenced.

6 N 177

4. All such fencing shall be maintained in an efficient state by the occupier of the premises for the time being.

Fences to be efficiently maintained.

5. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make any rule or rules for each of the purposes hereinafter mentioned, and from time to time to add to, alter, amend or abolish any rule or rules so made.

Governor and Executive Council may make rules under this Ordinance.

6. Any rule or rules so made, added to, altered, or amended, shall be published, or if abolished notice thereof shall be given in the *Government Gazette*, and any such rule or rules shall come into operation, or shall stand abolished, as the case may be, on or from such date as shall be fixed by the Governor, with the advice of the Executive Council.

Rules made by Governor and Executive Council may be altered or amended.

7. The purposes for which rules may be made as provided by sections 5 and 6 of this Ordinance are the following:—

Purposes for which rules may be made.

- (a) The nature of the fencing to be erected round any well or artificial pit.
- (b) The nature and extent of any repairs which may at any time be required to be made to such fencings.
- (c) The time within which any such fencing or repairs is or are respectively to be erected or carried out.

8. The Governor may appoint one or more persons to be inspectors of wells and pits, and such persons when so appointed shall have authority at all times to proceed to and inspect any well or pit wherever such well or pit may be situate; and every such inspector shall be deemed a public officer within the meaning of that term in the Ceylon Penal Code.

Governor may appoint inspectors of pits and wells.

9. Should any such inspector at any time find that in his opinion any such well or pit is likely to be dangerous to life or limb, he shall in the first instance report such fact to the Government Agent or Assistant Government Agent of the district wherein such well or pit may be, and if such Government Agent or Assistant Government Agent shall after enquiry concur in the opinion of the inspector and notify his concurrence to the inspector, the inspector shall thereupon give notice in writing to the occupier of the land on which such well or pit may be to duly fence it within

Inspector may order pits and wells to be fenced and fences repaired.

*Wells and Pits.*

such time as such inspector may deem reasonable ; and if in the opinion of such inspector any repairs are required to the fencing of any such well or pit, he shall give a similar notice to have such repairs completed by or before a certain date.

Occupiers failing to fence or repair when required to be subject to costs of the same being carried out.

10. Should any occupier upon whom any such notice shall have been served (and the posting of a notice to the usual place of abode of such occupier shall be *prima facie* evidence that such notice reached such occupier) fail to erect such fencing or to make such repairs as shall be required by such notice, the same may be ordered to be done by the inspector, and the costs thereof and in connection therewith shall be recoverable from the occupier who was called upon to carry out the same, and who shall, whether called upon to pay any such costs or not, be nevertheless liable to such penalty as may be prescribed for the breach of any provision of, or any rule made under, this Ordinance.

When no proprietor found, fencing or repairs to be made and land sold after notice to pay costs.

11. Should it not be possible to ascertain who is the proprietor of any land whereon a well or artificial pit may be required to be fenced, or the fencing thereof may be required to be repaired, it shall be lawful for an inspector under this Ordinance to cause the necessary fencing or repairs to be made, or to cause the well or artificial pit to be filled in, and by a notice to be published not less than three times in one of the English newspapers of this colony, with an interval of one week at least between each publication, to declare that unless the costs of such fencing or repairs or filling in be paid within a certain time by the proprietor of such land, which time shall be specified in such written notice, that the land on which such well or artificial pit may be will be seized, and such portion thereof as it may be necessary to sell to cover such costs together with the costs of such seizure and of the sale hereinafter mentioned, shall be sold by public auction by the Government Agent or Assistant Government Agent of the district in which such land is situated, who is hereby authorized to seize and sell the same. Provided that should any balance remain in the hands of the Government Agent or Assistant Government Agent after such expenses are satisfied, such balance may be paid to the late proprietor of the land on which such well or artificial pit may be, if claimed within two years from the time of the sale thereof.

Crown may purchase land sold under this Ordinance.

12. Whenever any immoveable property is purchased under the provisions of this Ordinance, it shall be lawful for the Government Agent or Assistant Government Agent selling any such property under this Ordinance to bid for and purchase the same on behalf of the Crown. A certificate substantially in the form A. or B. in the schedule to this Ordinance, as the case may be, signed by the Government Agent or Assistant Government Agent, shall vest the property sold absolutely in the purchaser, or in the Crown if purchased on behalf of the Crown, free from all incumbrances, and such certificate shall be received in the courts of justice of this colony as conclusive evidence of the title of the purchaser to such immoveable property.

Penalties for breaches of Ordinance or

13. Every occupier who shall commit a breach of any obligation imposed by this Ordinance, or a breach of any rule proclaimed under the provisions of this Ordinance, shall be deemed guilty of

*Wells and Pits.*

an offence punishable by a fine which may extend to Rs. 50, or by imprisonment with or without hard labour which may extend to three months.

14. Any occupier who feels aggrieved with any requisition made upon him to fence or repair the fencing of any pit or well under this Ordinance may, within fourteen days of receiving such notice, appeal to the Governor in Executive Council, who shall determine whether such fencing or repairs should or should not be carried out.

rules framed under it.

Occupiers feeling aggrieved at being required to erect or repair fence may appeal to the Governor in Executive Council.

15. The cost of erecting any such fencing or carrying out any such repairs as is or are referred to in this Ordinance shall be borne in the first instance by the occupier, who shall be entitled to deduct the same from any rent that may be due from him to the proprietor of the land whereon such fencing or repairs is or are carried out, or to sue such proprietor for the same as money paid to his use.

Occupier may deduct cost of fence or repair thereof from rent, if due to proprietor, or may sue proprietor for amount.

16. "Regulation No. 26 of 1822, for obliging possessors of wells to raise the walls to a sufficient height to secure persons from danger of accidentally falling in" is hereby repealed: Provided that this repeal shall not affect the past operation of the said regulation, nor any penalty, forfeiture, or punishment incurred thereunder.

Regulation No. 26 of 1822 repealed.

17. Nothing in this Ordinance shall affect the provisions of section 80 of "The Police Ordinance, 1865," and any prosecution under that section may take place as if this Ordinance had not been passed: Provided that no person shall be convicted under such section and under this Ordinance on the same facts.

This Ordinance not to affect section 80 of "The Police Ordinance, 1865."

## SCHEDULE A.

WHEREAS the sum of Rs. — was due to our Sovereign Lady the Queen for the costs of fencing [or repairs to fencing or the filling in] of the [wells or pits as the case may be], on the land hereinafter more particularly mentioned and described, and a further sum of Rs. — was likewise due for costs in connection with the same, which said sums have not been paid by the person liable therefor: And whereas the said land was seized in conformity with "The Wells and Pits Protection Ordinance, 1884," and sold also in conformity therewith on the — day of — and the same was purchased by [here insert name of purchaser] for the sum of Rs. —, which have been duly paid by the said —:

Now know ye that I, — [Government Agent or Assistant Government Agent, as the case may be], by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit, [here describe the property with special accuracy as to boundaries] has been sold to and purchased by the said — for the sum of Rs. —, which said sum has been duly paid as aforesaid, and that the said premises are and shall henceforward be vested in the said purchaser, his heirs, executors, administrators and assigns free of all encumbrances.

Given under my hand at — this — day of —, 188 —.

(Signed) —  
Government Agent,  
[or Assistant Government Agent.]

*Wells and Pits.**Supply, 1885.*

## SCHEDULE B.

WHEREAS the sum of Rs. — was due to Our Sovereign Lady the Queen for the costs of fencing [or repairs to fencing or the filling in] of the [wells or pits, as the case may be], on the land — hereinafter more particularly mentioned and described, and a further sum of Rs. — was likewise due for costs incurred in the seizure and sale of the said land, and whereas the said sums have not been paid by the person liable therefor, and whereas the aforesaid land was seized in conformity with "The Wells and Pits Protection Ordinance, 1884," and sold also in conformity therewith on the — day of — and the same was purchased by — for and on behalf of Our Sovereign Lady the Queen for the sum of Rs. —, which has been duly credited to Our said Lady the Queen in [part or full, as the case may be] satisfaction of the costs of [fencing or repairs to fencing or of the filling in] of the [wells or pits, as the case may be] aforesaid, and of the seizure and sale of the said land:

Now know ye that I, —, Government Agent, [or Assistant Government Agent, as the case may be] by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit, [here describe the property with special accuracy as to boundaries], has been sold to and purchased by the said — for and on behalf of Our said Lady the Queen for the sum of Rs. —, which said sum has been duly credited to Our said Lady the Queen as aforesaid, and that the said premises are and shall henceforward be vested in Our said Lady the Queen, Her Heirs and Successors, free of all encumbrances.

Given under my hand at — — this — day of — 188 —.

(Signed) —  
*Government Agent.*  
 [or Assistant Government Agent.]

Passed in Council the Twenty-sixth<sup>th</sup> day of November, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,  
 Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-ninth day of November, One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,  
 Acting Colonial Secretary.

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**No. 28.—1884.**

**An Ordinance for making provision for the Contingent Services for the year 1885.**

[9th December, 1884.]

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*Kandy Waterworks.***No. 29.—1884.** *repealed 8 1895***An Ordinance to amend "The Kandy Waterworks Loan Ordinance, 1884."**

ARTHUR GORDON.

**W**HEREAS it is expedient to amend "The Kandy Waterworks Loan Ordinance, 1884;" Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

Ordinance to be read as one with "The Kandy Waterworks Loan Ordinance, 1884."

Amendment of sections 5, 6, and 7 of "The Kandy Waterworks Loan Ordinance, 1884."

1. This Ordinance, so far as is consistent with the tenor thereof, shall be read and construed as one with "The Kandy Waterworks Loan Ordinance, 1884," and in this Ordinance referred to as "the principal Ordinance."

2. From and after the passing of this Ordinance

(a) Section 5 of the principal Ordinance shall be read as if the words "within the limits of the Municipality of Kandy as set forth and defined in the schedule to this Ordinance" were therein contained in lieu of the words "within the limits of the Municipality of Kandy."

(b) Section 6 of the principal Ordinance shall be read as if the words "within the limits of the Municipality of Kandy as set forth and defined in the schedule to this Ordinance" were therein contained in lieu of the words "within the Municipality."

(c) Section 7 of the principal Ordinance shall be read as if the words "within the limits of the Municipality of Kandy as set forth and defined in the schedule to this Ordinance" were therein contained in lieu of the words "within the Municipal limits ;"

and such sections are hereby amended accordingly.

**SCHEDULE.**

*North-East.*—A straight line from the first mile-post on the Kaṭugastota road to the old watch-hut at the junction of the road to Mr. Peiris's property and Malabar-street.

*East.*—From the old watch-hut on Malabar-street along Lady Longden's Drive to the Ukureṣsapitiya bridge.

*South.*—From the Ukureṣsapitiya bridge along the Municipal limits, as fixed prior to the Proclamation of 27th March, 1877, up to the crossing over the railway of the path to Falmouth Lodge.

*West.*—From the said railway crossing along the said path up to the Péradeniya 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 said gap on the Haloluwa road to the Western Redoubt, and thence to the first mile-stone on the Kaṭugastota road.

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

R. H. SINGLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

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*Governor's Signature to Crown Grants. Public Thoroughfares.*

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### No. 30.—1884.

An Ordinance to amend Ordinance No. 11 of 1884, entitled "An Ordinance to authorize the Governor's signature to Crown Grants to be attached by a Stamp."

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to amend Ordinance No. 11 of 1884, entitled "An Ordinance to authorize the Governor's signature to Crown Grants to be attached by a stamp: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Governor's signature to Crown Grants when attached by stamp to be attested by Private Secretary or other officer.

1. Whenever the Governor shall, in virtue of the powers conferred upon him by section 1 of Ordinance No. 11 of 1884, cause his signature to be attached to any Crown grant of land by means of a stamp or fac-simile of his sign manual, every such signature shall be so attached in the presence of the Private Secretary to the Governor, or of some other officer duly authorized by the Governor on that behalf, who shall certify on the face of such Crown grant that the Governor's signature was so attached in his presence.

Ordinance to be read as one with Ordinance No. 11 of 1884.

2. This Ordinance and Ordinance No. 11 of 1884 shall be read and construed as one Ordinance.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

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### No. 31.—1884.

An Ordinance to amend Ordinance No. 10 of 1861, entitled "An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony."

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to amend Ordinance No. 10 of 1861, entitled "An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony:" Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance to be construed as one with Ordinance No. 10 of 1861.

1. This Ordinance, so far as is consistent with the tenor thereof, shall be construed as one with Ordinance No. 10 of 1861, entitled "An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony," and in this Ordinance referred to as the principal Ordinance.

*Public Thoroughfares.*

2. This Ordinance may be cited as "The Road Ordinance, 1861, Amendment Ordinance, 1884."

Short title.

3. Every division officer shall, from the lists mentioned in the 42nd section of the principal Ordinance, as well as from such other information as he may possess, compile and prepare in duplicate a return showing the name and age of every person in his division liable to perform labour on the roads. Provided that it shall not be necessary for the division officer to ask the persons mentioned in such list who are liable to perform labour whether or not they elect to commute the same, anything in section 42 of the principal Ordinance to the contrary notwithstanding.

Division officer to prepare lists of those liable to labour on the roads.

4. Such return shall be prepared not later than the 21st day of December in each year, and shall be published in each district on or before the 31st day of January in the following year, by affixing one of the duplicates or a copy thereof to such conspicuous place in the division as the Chairman of the District Road Committee shall appoint.

Returns to be prepared not later than 21st day of December in each year.

5. The other duplicate shall be furnished to and be retained by the Chairman of the District Road Committee.

Duplicate of return to be retained by Chairman of District Road Committee.

6. The return so prepared shall be signed by the division officer who shall have prepared the same, and, as soon as published in the manner provided for by section 4 of this Ordinance, shall constitute notice to every person named therein of his liability to perform labour; and the production of either of the duplicates shall be conclusive proof of such notice.

Publication of returns to constitute notice of liability to labour.

7. It shall be lawful for the Chairman of the District Road Committee, upon proof to his satisfaction that any person resident within the district and liable to the performance of labour is either from disease or bodily infirmity incapable of performing labour, to exempt such person from the performance thereof either for life or for such period as the Chairman of the District Road Committee may think fit.

Chairman of District Road Committee may exempt from labour on ground of disease or bodily infirmity.

8. Every person whose name is inscribed in the returns referred to in section 4 of this Ordinance, and which shall not have been struck off therefrom by the Chairman of the District Road Committee, shall be liable to labour on the roads, and the returns either before or after amendment, should any amendment to them be made, or any copy thereof, certified to be a copy by the Chairman, shall be final and conclusive evidence of the liability to labour of any person whose name shall appear thereon, unless, in case of a copy, it shall be proved to the District Road Committee that such list was not a true copy of the original.

Every person whose name appears on the returns liable to labour.

9. A supplemental return, should such be found necessary, may be prepared in the same manner as the return mentioned in section 4 of this Ordinance: Provided that any such supplemental return shall be published not later than the 30th day of April in any year, and provided that such supplemental return shall not include any person who was not an inhabitant on the 31st March of that year.

Supplemental returns may be prepared.

10. Upon any supplemental return being so published, all the provisions of this and the principal Ordinance relating to returns shall apply, so far as may be practicable, to any such supplemental

Provisions of this or principal Ordinance relating to returns.

*Public Thoroughfares.*

to apply to supplemental returns.

Performance of labour not to be required on Sundays, nor except during customary hours.

Persons not to be required to perform labour at greater distances from their residences than that fixed by Governor and Executive Council.

Notice of when and where to labour to be given to those who are liable to perform labour.

Persons failing to attend to perform labour liable to work for double the number of days such persons were originally liable.

Persons guilty of misconduct while at labour liable to increased labour not exceeding three days for each offence.

return in the same manner as if such return had been prepared and published under section 4 of this Ordinance.

11. No person liable to perform labour shall be required to attend for the performance thereof on a Sunday, nor except during the customary hours of labour.

12. No person, except as hereinafter provided, shall be required to attend for the performance of labour on any principal thoroughfare nor on any minor thoroughfare which shall be at a greater distance from his residence than ten miles: Provided that the Governor, with the advice of the Executive Council, may from time to time vary the distance within the limit hereinbefore prescribed.

13. Every division officer, on being directed so to do by the Chairman of the District Committee, shall give notice to the inhabitants of his division liable to perform labour, who shall not in the manner hereafter provided have commuted the same, to attend and perform such labour at the time and place appointed by the Chairman of the District Road Committee, and such notice shall be given by publication by beat of tom-tom not less than seven days before the day appointed for the attendance of such inhabitants, and in such other way, if any, as the Chairman of the District Road Committee shall direct. Provided that no such notice shall be given until the time during which a person is, under section 26 of this Ordinance, allowed to commute, shall have elapsed.

14. Any person liable to perform labour, and who has not commuted in the manner hereinafter provided, who shall, without lawful excuse, the proof of which excuse shall lie on such person, fail to attend to perform labour at the time and place appointed for that purpose, or who shall fail to pay the amount of commutation money due by him as hereinafter provided, shall be liable, on receiving notice so to do, to labour on the thoroughfares or public tanks of the district in which such person's liability to work arose, for double the number of days for which such person was originally liable: Provided that the limitation as to distance prescribed by section 12 of this Ordinance shall not apply to persons required to perform double labour under this section, but if the distance of the place where such person is called upon to work under this section is greater than that mentioned in section 12 of this Ordinance, such person shall be provided with lodgings by the District Road Committee, and provided that any person who shall have become liable to the performance of the double labour under this section may commute such double labour in the manner hereinafter provided.

15. If any person attending to perform labour due by him, whether it be labour for which he was originally liable, or the increased labour by reason of his having failed to attend in the first instance, shall, without lawful excuse, the proof of which excuse shall lie on such person, neglect or refuse to remain in attendance during the working hours, or who shall be guilty of

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any drunkenness, wilful neglect, or disobedience of the orders of the officer in charge of the work in which such person shall be employed, or of not taking due care of the tools and implements entrusted to him, or of any other misconduct in the performance of the labour required of him, every such person shall, after enquiry and on adjudication, be liable to be condemned by the Chairman of the District Road Committee to work for an extra number of days, not exceeding three days for any one of the above offences: Provided that the aggregate amount of punishment imposed upon any one person under the provisions of this section shall not exceed six days' labour.

16. Whenever any person fails after receiving notice to attend, or neglects or refuses to perform or abandons the performance of double labour under section 14, or additional labour under section 15 of this Ordinance, he shall be guilty of an offence, and be liable to the punishment provided by section 18 of this Ordinance, and the Chairman of the Road Committee of the district in which such person is bound to labour is hereby empowered and required, unless such person be otherwise before him, to issue his warrant for the arrest of such person, which warrant shall be substantially in the form A. of the schedule hereunto annexed.

Persons neglecting or refusing to perform double or additional labour to be arrested on warrant of Chairman of District Road Committee.

17. Every such warrant of arrest may be executed by the person or persons to whom it is addressed, or by any police officer, headman, fiscal, or fiscal's officer, and every such warrant shall be executable throughout the Island without any endorsement, anything in the Ordinance No. 3 of 1883, entitled "An Ordinance for regulating the procedure of the Courts of Criminal Judicature," to the contrary notwithstanding.

Persons by whom any such warrant may be executed.

18. Any person arrested under the provisions of this Ordinance shall be taken without delay before the Chairman of the District Road Committee, according to the terms of the warrant, and the Chairman before whom such person shall be brought, shall enquire into the charge on which such person was arrested, and upon being satisfied that the party arrested is the person against whom the warrant was issued, and that the offence mentioned in such warrant was committed by such person, shall, and is hereby required, by warrant substantially in the form B. of the schedule to this Ordinance, to commit such person to prison, there to be detained at hard labour for the period of one month: Provided that the Chairman before whom any such person shall be brought may, in his discretion, in lieu of committing such person to prison, adjudge him to pay a penalty of ten rupees, and if such sum be paid forthwith, or within such time as the Chairman may allow, such person shall not be committed to prison, but otherwise he shall, and the Chairman may, if such person shall have been released prior to the payment of such fine when inflicted, issue, if necessary, a warrant for his arrest: (1) Provided that from any decision of the Chairman under this section there shall be no appeal.

Person arrested to be taken before Chairman of the District Road Committee, and, if found guilty, to be sentenced to imprisonment or to pay penalty.

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19. Any penalty so recovered shall forthwith be credited to Government, and be deemed and taken to be a payment to Her Majesty.

Penalty to be credited to Government.

(1) Power as to discharge on payment of penalty, 10/1902 6

*Public Thoroughfares.*

Warrant of arrest to be issued without any previous summons.

20. The warrant of arrest mentioned in the 16th section of this Ordinance shall be issued as a warrant of first instance, and it shall not be lawful for the Chairman of the Road Committee of a Province or the Chairman of a District Road Committee to issue a summons or any other description of notice before issuing such warrant of arrest.

Register to be kept of warrants issued, &c.

21. A register shall be kept by the Chairman of the District Road Committee in which shall be entered a list of all warrants issued under this Ordinance, the reasons for which such warrants were issued, and the punishment inflicted upon the offenders brought up in virtue of such warrants.

Persons condemned under this Ordinance to be sent to prison as ordinary prisoners.

22. Any person sentenced to imprisonment under the provisions of this Ordinance may be imprisoned in the prison of the district wherein he is condemned, in the same way as if he had been condemned under the authority of a Court, Justice of the Peace, Coroner or Deputy Coroner, anything in the Ordinance No. 16 of 1877 to the contrary notwithstanding.

District Road Committee may pay subsistence money or provide food to persons performing labour under sections 14 or 15.

23. The District Road Committee shall, upon the application of any person performing double labour under section 14. or increased labour under section 15 of this Ordinance, or whenever such committee may consider it necessary to do so, provide such person for every day that he may labour with either subsistence money equal to one half of the ordinary rate of a cooly's wages, as paid in the district in which such work shall be performed, or with food, according as such committee may deem best; and any person who shall receive subsistence money or food in virtue of this section shall, in addition to the labour for which he was otherwise liable, labour on such works as are mentioned in section 14 of this Ordinance for an extra number of days, exclusive of Sundays, equal to the number of days for which he was liable to double labour or increased labour: Provided that any person shall, during the time that he may be so at labour, be subject to the provisions of sections 14, 15, and 16 of this Ordinance in respect of any of the offences therein mentioned.

District Road Committee to determine questions of age, or rate of commutation, or distance.

24. If any person shall claim to be exempted from the performance of labour by reason that his age is less than eighteen years or exceeds fifty-five, or if at any time complaint shall be made that any person has been unduly exempted from labour on a like plea, or if any question shall be raised as to the rate of commutation which ought to be paid by any person for the labour due by him, or if any person shall refuse to labour upon any work upon the plea that the same is situated at a greater distance from the place where he resides than that prescribed, it shall be lawful for the Chairman of the District Road Committee of the district to which any such person may belong, to make such enquiry as he shall deem necessary, and to determine any such question; and the decision of such Chairman shall be final.

*Commutation.*

Permission to commute.

25. It shall be lawful for any inhabitant to commute the performance of the labour due by him for any one year, except any double or increased labour to which he may have become liable

*Public Thoroughfares.*

under sections 14 and 15 of this Ordinance, by a money payment of such sum not exceeding two rupees, as the Governor, with the advice of the Executive Council, may from time to time fix in respect of the province or district in which such inhabitant resides: Provided that the rates of commutation hitherto paid under the principal Ordinance shall be levied until altered by Proclamation. And it shall be lawful for any person who shall have become liable to the performance of double labour under section 14 of this Ordinance to commute such double labour by the payment of double the amount of the rate of commutation leviable in that district at any time previous to the day on which such person shall have been notified to perform double labour.

26. Any person desiring to commute the performance of labour by a money payment shall pay the amount due by him on or before the 28th day of February in each year, and up to such date a person shall not be liable to the penalties provided by section 14 of this Ordinance. 10 1900 : 10 1902 7

Persons desiring to commute when to pay 31/June L. commutation money.

27. The amount due by any person as commutation money shall be paid to a division officer of the district to which the person liable to pay may belong, or to the Chairman of the Road Committee of the said district, who shall grant a receipt therefor, and any money paid as such commutation money shall be deemed and taken to be a payment to Her Majesty.

Commutation money to be paid to division officer or to Chairman of District Road Committee and to be deemed a payment to Her Majesty.

28. Every division officer shall grant a receipt upon a form issued by and bearing the stamp of the District Road Committee, and shall pay over all such sums received by him as division officer to the District Committee, at such times and in such manner as such Committee shall direct, and all such sums shall forthwith be deposited in the Kachchéri and shall be placed to the credit of the Chairman of the District Road Committee, and the order of such Chairman for the payment of any commutation money, together with the receipt of the party to whom the same is paid in pursuance thereof, shall be a full and sufficient authority and discharge for any such payment, and all such receipts and orders for payment as are mentioned in this or in the next preceding section shall be free of stamp duty.

Division officer to grant receipts for commutation moneys, and to deposit the same according to the instructions of the District Road Committee.

29. If any person, who shall have paid the amount due by him as commutation money under this or the principal Ordinance, shall deliver any receipt given to him by the division officer or by the Chairman of the District Road Committee to any other person, in order that such last-mentioned person may make use of the same in proof of his having paid any sum of money due by him, or for any other fraudulent purpose; or if any person shall deceitfully make use of any receipt given to any other person by a division officer or a Chairman of a District Road Committee as a receipt given to him, such persons, or either of them, shall be guilty of an offence, and be liable to such punishments as the court before which they or either of them may be tried shall impose.

Persons fraudulently making use of commutation receipts to be prosecuted.

30. Every Provincial Committee shall, on or before the 1st day of August in every year, forward to the Colonial Secretary for transmission to the Governor, a statement exhibiting the amount

Provincial Committee to forward yearly statements of

*Public Thoroughfares.*

Accounts and recommendations for expenditure.

Governor may amend or alter such statements.

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If no statement sent in by Provincial Committee, Governor may prepare statements and submit same to Legislative Council. Amount of labour required for the performance of work, &c., to be stated in Ordinance to be passed for the purpose.

Repealing clause.

Ordinance not to operate within limits of Municipalities or towns having Local Boards.

which the Committee recommend should be expended during the ensuing year, together with a list of the roads, rivers, lakes, canals, rest-houses or other works on which the Committee desire the said amount to be expended.

31. Subject to the enactment contained in section 32 of this Ordinance, the Governor may from time to time make any alteration or amendment in any such statement or list which may appear to him necessary, and propose such statements and lists or such amended statements and amended lists to the Legislative Council in the Ordinance providing for the contingent expenditure of the Colony for the ensuing year.

32. In the event of any Provincial Committee failing to transmit such statement and list as hereinbefore mentioned on or before the 1st day of August, the Governor may, subject to the enactment contained in the next following section, make such statement and list as he shall consider necessary, and propose the same to the Legislative Council in the manner provided in the next preceding section of this Ordinance.

33. Whenever such statements and lists have been proposed by the Governor and approved by the Legislative Council, the amount of labour to be supplied for the performance of any works contained in such approved statements and lists shall be distinctly stated in the Ordinance enacted for the same, and shall in no case exceed two-thirds of the whole amount of labour due from the district or districts within which it may be required to be performed, less two-thirds of the necessary expenditure to be incurred in carrying out the provisions of this and the principal Ordinance.

34. Section 18 and sections 51 to 65, both inclusive, of the principal Ordinance, and the provisions of Ordinance No. 5 of 1866, entitled "An Ordinance to facilitate the recovery of moneys due as commutation of the Paddy Tax and of the performance of Labour," in so far as they relate to the recovery of any amount due as commutation under the principal Ordinance or under this Ordinance, are hereby repealed; provided that such repeal shall not affect—

- (a) The past operation of anything 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 investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid.

35. This Ordinance shall not apply to nor operate within the limits of any town in which a Municipality or a Local Board shall have been or may be hereafter established.



*Public Thoroughfares.**Government Paper Currency.*

## SCHEDULE A.

WARRANT OF ARREST UNDER SECTION 16 OF ORDINANCE No. 31 OF 1884.

To [name and designation of person or persons who is or are to execute the Warrant.]

WHEREAS \_\_\_\_\_ of \_\_\_\_\_ is charged with the offence [here state the offence in terms of sections 14 or 15, according to the facts, as the case may be] in breach of section 16 of Ordinance No. \_\_\_\_\_ of 1884; you are hereby directed to arrest the said \_\_\_\_\_ and to produce him before me at \_\_\_\_\_.

Dated the \_\_\_\_\_ day of \_\_\_\_\_.

(Signed) \_\_\_\_\_

Chairman of the Road Committee of the  
\_\_\_\_\_ Province,  
or Chairman, District Road Committee.

## SCHEDULE B.

WARRANT OF COMMITMENT ON A SENTENCE UNDER SECTION 18 OF ORDINANCE No. 31 OF 1884.

To the Fiscal of the \_\_\_\_\_ Province.

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ 188 [name of prisoner] was convicted before me [name, Chairman of the Road Committee of the \_\_\_\_\_ Province, or Chairman of the District Road Committee for the District of \_\_\_\_\_, as the case may be] of the offence of [mention concisely the offence] under section \_\_\_\_\_ of Ordinance No. \_\_\_\_\_ of 1884, and was sentenced to one month's imprisonment with hard labour.

This is to authorize and require you to receive the said [prisoner's name] into your custody in prison at \_\_\_\_\_, together with this Warrant, and there to carry the aforesaid sentence into execution according to law.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 188 \_\_\_\_\_.

[Signature and Official Designation.]

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

## No. 32.—1884.

An Ordinance to provide for the issue of Government Paper  
Currency.

ARTHUR GORDON.

WHEREAS it is expedient to provide for the issue of Government Paper Currency in this Colony: Be it therefore enacted by the Governor of Ceylon, by and with the advice of the Legislative Council thereof, as follows:—

Preamble.

1. This Ordinance may be called "The Ceylon Paper Currency Ordinance, 1884," and it shall extend to the whole of the Colony of Ceylon.

Short title.

*Government Paper Currency.*

Interpretation clause.

2. The expressions "Colonial Secretary," "Treasurer," and "Auditor-General" mean the persons for the time being lawfully discharging the functions of such officers, and the expression "the Commissioners" means the Commissioners of Currency hereinafter created.

Commissioners of Currency.

3. A Board of Commissioners of Currency for the Colony shall be established for the purposes of this Ordinance, and shall consist of the Colonial Secretary, the Treasurer, and the Auditor-General, ~~or persons to be nominated by the Governor temporarily instead of any of them.~~

*amended*  
12 1886

Commissioners may issue Government notes.

4. There shall be transferred by the Colonial Treasurer to the Commissioners coin legally current, or coin and securities as hereafter provided, and thereupon it shall be lawful for the Commissioners from time to time to provide, issue, and re-issue promissory notes of the Government of Ceylon payable to bearer on demand equal to the whole amount of coin and securities in the hands of the Commissioners. Such notes shall be for the respective sums following; viz. :—

Five rupees.  
Ten rupees.  
Fifty rupees.  
One hundred rupees.  
Five hundred rupees.  
One thousand rupees.

Notes to be signed by two Commissioners.

5. Every such note shall bear the signatures or facsimiles of the signatures of any two of the Commissioners holding office at the date borne on the note.

Notes to be called "currency notes," and holders may demand rupees for them. 13 1901

6. Such notes shall be called "currency notes" and shall be payable only at the office of the Commissioners, Colombo. The holders of currency notes shall be entitled to obtain on demand at the said office silver rupees of India in exchange for such notes, but no other coin.

Notes to be legal tender.

7. Every currency note shall be legal tender for the amount expressed thereon in payment or on account of—

- (a) Any revenue or other claim to the amount of five rupees and multiples of five rupees, due to the Government of Ceylon;
- (b) Any sum of five rupees and multiples of five rupees, due by the Government of Ceylon or by any body corporate or person in Ceylon.

Oriental Bank notes not to be received after the 31st day of March, 1885.

8. From and after the thirty-first day of March, 1885, the Oriental Bank Corporation note issue for this Colony which was in circulation on the morning of the 3rd day of May, 1884, and which was guaranteed by the Government of this Colony, shall cease to be recognized as equivalent to money by the Government of this Colony, and the guarantee given by the Government as aforesaid shall at such period absolutely cease and determine, and any loss in respect of the said notes shall thereafter fall absolutely on the holder or holders of such note or notes; Provided, however, that nothing herein contained shall affect any

*Government Paper Currency.*

claim to set-off which any debtor of the Oriental Bank Corporation may be entitled to in respect of any of the said notes.

9. At any time after the fifteenth day of February, 1885, and until the aforesaid thirty-first day of March, 1885, the Commissioners shall, on the demand of any body corporate or person other than the Liquidator of the Oriental Bank Corporation or his agents, issue currency notes in exchange for the amount thereof in notes of the Oriental Bank Corporation : Provided, however, that no currency notes shall be so issued in respect of any note of the Oriental Bank Corporation that was not in circulation on the 3rd day of May, 1884, and guaranteed as aforesaid. All payments made by the Liquidator of the Oriental Bank Corporation on account of the guaranteed notes of the said Corporation shall form part of the ordinary revenues of the Colony, and such payments shall be devoted solely to the satisfaction and discharge of the notes guaranteed by the Government, or to the reduction of the loan raised for the redemption of these notes, or to a sinking fund for the repayment of the loan.

After the 15th day of February, 1885, Commissioners to exchange Oriental Bank notes for Government notes.

10. It shall be the duty of the Commissioners to hand over all notes of the Oriental Bank Corporation received under the provisions of the preceding section to the proper authorities for verification and payment of dividends due thereon.

Oriental Bank notes received under last section to be deposited in Treasury.

11. From and after the first day of April, 1885, the Commissioners shall, on the demand of any person, issue currency notes in exchange for the amount thereof in silver rupees of India. (✓)

Commissioners to issue Government notes in exchange for silver coin.

12. The Commissioners shall retain a reserve in silver coin of one-half at the least of the amount of currency notes in circulation. The said reserve shall be from time to time, at such times as the Governor shall appoint, verified by a Board of Survey. (✓)

Commissioners to retain a reserve of one-half in silver coin of the notes in circulation.

13. The Governor, with the advice of the Executive Council shall also cause a sum, not exceeding the value of one-half of the currency notes in circulation, to be invested in Indian Government securities, and such securities of the Government of the United Kingdom or of the Government of any British Colony other than Ceylon, as may from time to time be approved of by the Secretary of State for the Colonies : Provided that not more than one-half of such sum shall be invested in Indian Government securities, except by the express sanction of the Secretary of State.

Governor and Executive Council to direct investment of one-half of the value of notes in circulation.

14. The said reserve in ~~silver~~ coin and securities shall be appropriated and set apart to provide for the satisfaction and discharge of the said currency notes ; and the said currency notes shall be held to have been issued on the security of the said coin and securities as well as on the general credit of the Government of Ceylon.

Reserve in silver to be set apart to satisfy notes.

15. All such investments shall, if made in England, be made in the joint names of the Crown Agents for the Colonies and of such other officers or persons as Her Majesty's Secretary of State aforesaid shall appoint as Trustees on behalf of the Commissioners. Investments made in India in Indian Government securities shall be made in the names of the Commissioners.

How investments to be made.

*Government Paper Currency.*

Investments may be sold or varied if directed by the Governor.

16. Any portion of the aforesaid investments may, if directed by the Governor, be sold by the persons in whose names they have been made, and the proceeds of such sale applied to keep up the aforesaid reserve of ~~silver~~ coin, or in the purchase of other securities authorized by this Ordinance.

When Commissioners will be authorized to sell out securities.

17. If at any time the specie held by the Commissioners as mentioned in section 12 should be reduced below one-half of the notes in circulation, it shall not be necessary for the Commissioners (except by the special directions of the Governor) to sell and realize any of the said securities, unless and until the amount of specie in their hands shall be less than one-third of the notes in circulation at the time. Provided that no further investment in the said securities shall be made until the reserve mentioned in section 12 shall amount to one-half at the least of the amount of currency notes in circulation.

How dividends and interest to be dealt with. Depreciation fund.

18. All dividends, interest, or other revenue to be derived from the said investments shall be paid to such person as shall be nominated in that behalf, and the said dividends, interest, or revenue shall form part of the ordinary revenues of the Colony, excepting the sum of one per centum which shall be appropriated annually on the whole amount of such investments, and shall form a fund to cover any eventual risk of depreciation in value of the investments aforesaid, and which for all the purposes of this Ordinance shall be termed a "Depreciation Fund;" and such fund shall be payable to the Commissioners, to be by them invested in such manner as the Governor shall, with the sanction of the said Secretary of State, approve: Provided always that the Governor may, with the sanction of the said Secretary of State, direct that the annual appropriations of one per centum aforesaid shall be wholly or partially discontinued at any time or so long as it shall appear that the reason for such annual appropriation no longer exists.

Accounts showing expenses to be published annually in *Government Gazette*.

19. An account showing the amount of the profits of the note circulation and of the charges and expenses incidental thereto shall be made and published annually in the *Government Gazette*.

Account showing amount of notes in circulation, &c., to be published monthly in *Government Gazette*.

20. An abstract of the accounts of the Commissioners showing—

- (a) The whole amount of currency notes in circulation ;
- (b) The amount of silver coin reserved ; and
- (c) The nominal value as well as the latest known market price of, and the price paid for, the Government securities held by the Commissioners—

shall be made up on the tenth day of each month by the Commissioners, and published as soon as may be in the *Government Gazette*.

Penalty for counterfeiting notes.

21. Whosoever shall forge or counterfeit or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or counterfeited or altered, any currency note or any word, figures, mark, sign, signature, or facsimile upon or attached to any such note,

*Maintenance of Schools by Municipal Councils, &c.*

shall be held guilty of an offence, and shall on conviction be liable to imprisonment with or without hard labour for any period not exceeding twenty years, anything in the Ceylon Penal Code to the contrary notwithstanding.

22. Whosoever without lawful authority or excuse (the proof whereof shall lie on the person accused) shall have in his possession any such forged, counterfeited, or altered note, or any unfinished or incomplete note purporting to be issued by the Commissioners, shall be guilty of an offence, and be liable to imprisonment with or without hard labour for any period not exceeding five years, anything in the Ceylon Penal Code to the contrary notwithstanding.

*1 Rnc 527*  
Penalty for possession of incomplete notes.  
*Rnc 385 391*

23. Whosoever without lawful authority or excuse (the proof whereof shall lie on the person accused) shall make, use, or knowingly have in his possession, any paper with any word, figure, device, or distinction peculiar to and appearing in the substance of the paper used for currency notes, or any frame, mould, or instrument for making such paper, or any material upon which the whole or any part of any note purporting to resemble a currency note shall have been engraved or made, or any facsimile of the signature of any of the Commissioners, shall be guilty of an offence, and shall be liable on conviction to imprisonment with or without hard labour for any period not exceeding five years, anything in the Ceylon Penal Code to the contrary notwithstanding.

Penalty for possession of paper for notes.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

**No. 33.—1884.**

**An Ordinance to authorize Municipal Councils and Local Boards of Health to provide for the maintenance of Schools in which the English language is taught.**

ARTHUR GORDON.

WHEREAS it is expedient to authorize Municipal Councils and Local Boards of Health to pay from their funds the salaries of the teachers and such other expenses as may be necessary of the schools in which the English language is taught, specified in the schedule hereto annexed, and which a Municipal Council or Local Board of Health may consider it advisable to maintain: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. The provisions of this Ordinance, so far as they are consistent with the tenor thereof, shall be construed and read with the Ordinances No. 17 of 1865, intituled "An Ordinance for establishing

Ordinance to be read together with Ordinances Nos. 17 of 1865, 7 of 1876, and 16 of 1881.

*Maintenance of Schools by Municipal Councils, &c.*

Municipal Councils in this Island," No. 7 of 1876, intituled "An Ordinance to provide for the establishment of Local Boards of Health and Improvement in certain localities," and Ordinance No. 16 of 1881, intituled "An Ordinance to amend the 'Municipal Councils Ordinance, 1865,' and for other purposes."

Municipal Council or Local Board to defray expenses of schools.

2. Should any Municipal Council or Local Board of Health consider it advisable to maintain any such school as is referred to in the Preamble to this Ordinance, it shall be lawful for such Municipal Council or Local Board of Health to pay the salaries of the teachers and the other necessary expenses of any such school, so long as such Municipal Council or Local Board shall deem it expedient to maintain such school, provided that such school be within the limits of the jurisdiction of such Municipal Council or Local Board of Health, anything in the Ordinance No. 17 of 1865, the Ordinance No. 7 of 1876, or the Ordinance No. 16 of 1881, to the contrary notwithstanding.

Such expenses to be defrayed from local rates.

3. The expenses so to be paid by a Municipal Council or Local Board, whenever any school under this Ordinance is to be maintained by any Municipal Council or Local Board, shall be chargeable to the fund specified in cap. XII., § 52, of Ordinance No. 17 of 1865, or to Local Board funds.

Power to raise rates for such purpose.

4. It shall only be lawful for a Municipality or Local Board to maintain any school mentioned in the schedule to this Ordinance so long as such school is subject to the rules which may from time to time be in force for Grant-in-aid Schools, and so long only as a Government Inspector shall certify to the Colonial Secretary that the school is under the immediate control of the Municipality or Local Board, and is being efficiently and economically conducted. Provided that should a Government Inspector certify to the contrary or should any such school cease to be subject to the rules from time to time in force for Grant-in-aid Schools, such fact shall be communicated by the Colonial Secretary to the Municipality or Local Board when the school with regard to which such information is given shall cease to be maintained from Municipal or Local Board Funds.

SCHEDULE.

Colombo Boys'	Pettah Infant	Gampola Boys'
Grandpass Boys'	Kalutara Boys'	Badulla Boys'
Maradana Boys'	Galle Central	Badulla Girls'
Female Seminary	Galle Lower Central	Puttalam Boys'
Do. . . (Infant School)	Galle Girls'	Puttalam Girls'
Colombo Girls'		

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

*Village Tribunals.***No. 34.—1884.****An Ordinance to amend the Laws relating to Village Communities and Village Tribunals.**

ARTHUR GORDON.

**W**HEREAS it is expedient to amend the Laws relating to Village Communities and Village Tribunals: 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, so far as is consistent with the tenor thereof, shall be read and construed as one with Ordinance No. 26 of 1871, in this Ordinance referred to as "The Principal Ordinance," and with Ordinance No. 12 of 1880, and Ordinance No. 8 of 1882, and this Ordinance may be cited as "The Village Communities Ordinances Amendment Ordinance, 1884."

Construction and short title of Ordinance.

2. It shall be lawful for the Governor, with the advice of the Executive Council, to limit the powers of any Village Tribunal, established under section 20 of the principal Ordinance, to the exercise of civil and criminal jurisdiction referred to in section 21 of such Ordinance, and section 8 of Ordinance No. 12 of 1880, or to the exercise of either the civil or the criminal jurisdiction referred to in the said Ordinances, or to limit the jurisdiction of such Tribunals to breaches of any rules made by the inhabitants of the subdivision under the authority of this Ordinance, or of the principal Ordinance, or of Ordinance No. 12 of 1880, or of Ordinance No. 8 of 1882, or to the breaches of such rules together with the exercise of civil jurisdiction abovementioned, or to the breaches of such rules together with the exercise of criminal jurisdiction abovementioned, anything in such Ordinances to the contrary notwithstanding.

Governor and Executive Council may limit jurisdiction of Village Tribunal to certain matters.

3. Whenever any rules shall have been duly prepared by the inhabitants of any sub-division in virtue of the powers conferred upon them, and it shall not seem advisable to establish a Village Tribunal in the sub-division in which such rules may have been made, it shall be lawful for the Village Committee for the time being to try breaches of any rules so made and duly approved by the Governor, with the advice of the Executive Council, and to impose such penalties as may be lawfully inflicted for the breach of such rules.

Village Committee may try breaches of rules when no Village Tribunal is established in the sub-division.

4. The chief headman shall be ex-officio chairman of every Village Committee in his division: Provided that if he shall be absent at any meeting of such committee, the members of the committee who shall be present, not being less than four, may select and appoint a chairman for such meeting.

Chief headman to be chairman of Village Committees.

5. The question as to whether a person charged with the breach of any such rule has or has not committed a breach thereof, shall be determined by the majority of the Village Committee, and in case the members of the committee be equally divided, the Chairman shall decide.

Majority of Village Committee to determine whether there has been breach of rule.

*Village Tribunals.*

Village Committees to have exclusive jurisdiction in matters connected with breach of rules, and may punish for breach thereof.

Provisions of Ordinances No. 4 of 1867 and No. 16 of 1877 to apply to warrants of commitments issued by Village Committees.

Governor and Executive Council may make rules to be observed by Village Committees for trial of breaches of rules.

President of Village Tribunal or Chairman of Village Committee to report all cases tried before them, and to forward proceedings to Government Agent, and Government Agent may take action in any case, or Governor and Executive Council may interfere on due application being made.

6. The Village Committee shall have the same exclusive jurisdiction with regard to all matters connected with the breach of any such rules as have the President and Councillors of a Village Tribunal under section 21 of the principal Ordinance, and if a fine imposed for the breach of any such rule by the Village Committee be not paid forthwith, the Village Committee may sentence the offender to imprisonment with or without hard labour for any period not exceeding fourteen days.

7. The provisions of the 19th section of Ordinance No. 4 of 1867, and of the 5th, 8th and 81st sections of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by Village Committees under the authority of this Ordinance.

8. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make rules and to repeal, alter or amend the same to be observed by Village Committees for the trial of breaches of rules under this Ordinance in the same manner and to the same extent as the Governor is empowered to make rules under section 30 of the principal Ordinance; and such rules when made, altered, or amended, shall be published as provided in such section, and, subject to any such rules, the proceedings of a Village Committee shall be in accordance with the provisions of such section.

9. It shall be the duty of the President of any Village Tribunal or of the Chairman of any Village Committee to report weekly all cases tried before the Village Tribunal or the Village Committee, as the case may be, to the Kachchéri of the subdivision to which such Village Tribunal or Village Committee belongs, and to forward the journals of proceedings taken by such President or Chairman to the Government Agent to be filed of record in his Kachchéri. The Government Agent shall be empowered to sit with the President and Councillors, or with the Chairman and Village Committee, and observe their proceedings, and generally from time to time to report on such proceedings to the Governor. And it shall be lawful for the Government Agent to take action in any case in which either party thereto may apply to him for relief, and to direct further enquiry thereof, or to order a new trial, or that further evidence be taken, or to order a non-suit, or to alter, amend, modify or reverse the decision therein, and it shall be lawful for the Government Agent, at any time, of his own motion to call for and examine the record of any case, whether already tried by or pending trial before any Village Tribunal or Village Committee, for the purpose of satisfying himself as to the propriety of any decision, order, or sentence passed therein, or as to the propriety of the proceedings of such tribunal or committee, and upon consideration of any case so brought before him, to pass any decision, order, or sentence, which he might have passed had the case come before him in due course of appeal. Nothing in this section shall be deemed to authorize the Government Agent to increase any sentence passed or to interfere with any acquittal by any such tribunal or committee. Provided that nothing herein contained shall be deemed to affect the



*Village Tribunals.*

right of any person feeling aggrieved by the decision of a Village Tribunal or Village Committee, or the decision come to by the Government Agent, to apply to the Governor by petition after application for relief shall have been in the first instance made by either party to the Government Agent, and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further enquiry, or to order a new trial, or that further evidence be taken, or to order a non-suit, or to alter or amend, modify or reverse the decision of the Village Tribunal or Village Committee, or that of the Government Agent.

10. The provisions of section 35 of the principal Ordinance shall apply to any fine paid to or recovered by a Village Committee under the provisions of this Ordinance in the same manner as if inflicted by the President and Councillors of a Village Tribunal.

11. Should the term of office of any Village Committee elected in pursuance of sections 15 and 16 of the principal Ordinance have been allowed to expire before the election of a subsequent committee, it shall nevertheless be lawful for the Government Agent to fix a day for the election of committeemen for the three years next succeeding, which three years shall be reckoned from the 1st day of April next following the day of such election, anything in sections 15 and 16 of such Ordinance to the contrary notwithstanding.

12. In addition to the powers of making rules conferred by the principal Ordinance, the inhabitants of any sub-division shall have power from time to time to make rules for the encouragement of the cultivation of industrial products and for regulating the sale and removal of cattle; and any rules made in pursuance of such authority, when duly approved, shall have the same effect as if they had been made under the powers conferred by the said Ordinance.

13. The inhabitants of any sub-division duly proclaimed under section 5 of the principal Ordinance may at any public meeting held under section 11 thereof impose an annual tax upon the inhabitants of such sub-division for the payment of such number of police headmen as may be considered necessary for the protection of such sub-division, and prescribe in what manner such tax shall be recovered. Provided that such tax shall be submitted for the approval of the Governor, with the advice of the Executive Council, who may, either as regards the tax or the means proposed for the recovery thereof, allow or disallow the same, or make any change or amendment with regard thereto, except any increase of the tax, as may be deemed expedient.

14. Section 32 of the principal Ordinance is hereby repealed, provided that such repeal shall not affect—

- (a) the past operation of such section, nor anything done or suffered under it, nor
- (b) any right, privilege, obligation, or liability acquired, accrued, or incurred under it, nor

Provisions of Ordinance No. 26 of 1871 to apply to fines paid to or recovered by a Village Committee. If term of office of Village Committees expires before election of a subsequent Committee, Government Agent may nevertheless fix a day for such election.

The inhabitants of any sub-division may make rules to encourage the cultivation of industrial products, and for the sale and removal of cattle.

Inhabitants of any sub-division may, with approval of Governor and Executive Council, impose a tax for payment of police headmen.

Repeal of section 32 of Ordinance No. 26 of 1871.

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*Final Supplementary Supply, 1883. Criminal Procedure.*

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- (c) any penalty, forfeiture, or punishment incurred in respect of any offence committed against such section, nor
- (d) any legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

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**No. 35.—1884.**

**An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1883.**

[19th December, 1884.]

*Repealed 159,205* **No. 36.—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.**

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to make further provision for the trial of certain offences subsequent to the time at which "The Criminal Procedure Code, 1883," hereinafter called "The Principal Ordinance," shall come into operation: Be it therefore enacted by the Governor of Ceylon, by and with the advice of the Legislative Council thereof, as follows:—

Repeal of laws, &c., by Criminal Procedure Code, 1883, not to affect offences committed under them.

1. The repeal of any Law, Ordinance, or Rule of Court by the principal Ordinance shall not affect—

- (a) The past operation of any enactment, Law, Ordinance, or Rule of Court thereby repealed, nor anything duly done or suffered under any Law, Ordinance, or Rule of Court thereby repealed; nor
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Law, Ordinance, or Rule of Court thereby repealed; nor
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any Law, Ordinance, or Rule of Court thereby repealed; nor

*Criminal Procedure. Widows' Pension Fund.*

(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 any such Law, Ordinance, or Rule of Court had not been repealed, anything in section 511 of the said principal Ordinance to the contrary notwithstanding.

2. In trials before the Supreme Court, when it appears to the Supreme Court at any time before the commencement of the trial of the person charged that any charge or any portion thereof is clearly unsustainable, the judge may make on the charge an entry to that effect. Such entry shall have the effect of staying proceedings upon the charge or portion of the charge, as the case may be.

Entry on unsustainable charge.

Effect of entry.

3. This Ordinance and the principal Ordinance shall be construed and read as one Ordinance, and this Ordinance shall come into operation together with the principal Ordinance.

This Ordinance and Ordinance No. 3 of 1883 to be read as one Ordinance.

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

Commencement of Ordinance.

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

No. 37.—1884. *repealed*

An Ordinance to amend Ordinance No. 15 of 1884, entitled "An Ordinance to make provision for granting pensions to Widows and Children of deceased Public Officers in this Colony."

ARTHUR GORDON.

WHEREAS it is expedient to amend Ordinance No. 15 of 1884, entitled "An Ordinance to make provision for granting Pensions to Widows and Children of deceased Public Officers in 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, in so far as it is consistent therewith, shall be construed and read as one with Ordinance No. 15 of 1884, entitled "An Ordinance to make provision for granting Pensions to Widows and Orphans of deceased Public Officers of this Colony," and hereinafter referred to as "The Principal Ordinance," and this Ordinance may be cited as "The Widows' and Orphans' Pension Fund Amendment Ordinance, 1884."

Construction and short title of Ordinance.

*Supplementary Supply, 1884.      Customs Duties.*

Repeal of proviso to section 7 and of sections 8 and 9 of Ordinance No. 15 of 1884.  
Public officer before becoming entitled to a pension on the ground of ill-health or by reason of abolition of office may claim half his contributions.

Exception from benefits of fund.

Payment of pension.

**2.** The proviso to section 7, and the whole of sections 8, 9, and 31 of the principal Ordinance are hereby repealed.

**3.** A public officer who may be obliged to retire from the Public Service on account of ill-health, or who may be deprived of the situation in respect of which he contributed to the fund by the abolition of his office before he is entitled to a pension, shall cease to have any interest in the fund, but such public officer may claim from the fund repayment of fifty per cent. of his actual contributions to the fund. Provided that any such claim be made to the Directors of the Fund within six months from the public officer ceasing to be employed in the Public Service of this Colony.

**4.** No widow of a public officer who dies within one year from the date of marriage shall be entitled to a pension under the principal Ordinance, unless a lawful child is born of such marriage.

**5.** The pension payable to a widow, or child, or children under this Ordinance shall (except where the public officer dies within one year from the date of marriage, and there shall be no lawful child born of such marriage either before or after the death of such officer) commence upon the death of the husband or father, or mother or step-mother, as the case may be, shall accrue daily, and shall be paid monthly, clear of any deduction, until re-marriage or death of the widow, or until the cesser of eligibility in the case of children.

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

**R. H. SINCLAIR,**  
Acting Clerk to the Council.

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

**JOHN F. DICKSON,**  
Acting Colonial Secretary.

**No. 38.—1884.**

**An Ordinance for making provision for the Supplementary Contingent Charges for the year 1884.**

[19th December, 1884.]

**No. 39.—1884.**

**An Ordinance to re-adjust the Customs Duties leviable under Ordinances No. 17 of 1869 and No. 14 of 1871.**

**ARTHUR GORDON.**

Preamble.

**W**HEREAS it is expedient to re-adjust the Customs Duties leviable under Ordinances No. 17 of 1869 and No. 14 of 1871, and to levy duties on certain articles heretofore exempted

*Customs Duties.*

from duty : Be it therefore enacted by the Governor of Ceylon, by and with the advice of the Legislative Council thereof, as follows :—

1. This Ordinance and the schedule A. hereunto annexed, in so far as they are consistent therewith, shall be construed and read as one Ordinance with the Ordinances No. 17 of 1869 and No. 14 of 1871, and this Ordinance and the schedule B. hereunto annexed, in so far as they are consistent therewith, shall be construed and read as one Ordinance with Ordinance No. 22 of 1873.

Ordinance and schedule A. to be read with Ordinances No. 17 of 1869 and No. 14 of 1871, and schedule B. with Ordinance No. 22 of 1873.

2. From and after the time when this Ordinance shall come into operation, the several duties of Customs, as the same are respectively inserted, described, and set forth in the schedule A. hereunto annexed, shall be levied and paid upon all the goods, wares, and merchandize in the said schedule mentioned when imported into this Colony, anything in the aforesaid Ordinances No. 17 of 1869 and No. 14 of 1871 to the contrary notwithstanding, subject nevertheless to the exemption in the said schedule appearing.

Customs duties on goods, &c., to be levied according to schedule A. to this Ordinance.

3. From and after the time when this Ordinance shall have come into operation the Customs duties upon all spirits, liqueurs, and cordials imported into this Colony (save and except upon methylated spirits) shall be as set forth in the schedule B. hereunto annexed, anything in the Ordinance No. 22 of 1873 to the contrary notwithstanding.

Duties on spirits to be levied according to schedule B. to this Ordinance.

4. From and after the passing of this Ordinance all methylated spirits imported into this Island shall be subject and liable to *ad valorem* duty, anything in the Ordinances No. 17 of 1869, No. 14 of 1871, and No. 22 of 1873, to the contrary notwithstanding.

Methylated spirits to pay an *ad valorem* duty.

5. Section 12 of Ordinance No. 22 of 1873 and the schedule to such Ordinance, Ordinance No. 18 of 1877, Ordinance No. 12 of 1879, and Ordinance No. 14 of 1884, are hereby repealed : Provided that such repeal shall not affect any duties or arrears of duties which shall be due or payable at the date when this Ordinance shall have come into operation.

Repeal of Ordinances.

6. Nothing in this Ordinance contained shall affect any articles declared to be exempt from duty by Ordinance No. 5 of 1884.

Ordinances not to affect articles free from duty under Ordinance No. 5 of 1884.

7. This Ordinance shall come into operation on the First day of January, 1885.

Date of Ordinance coming into operation.

SCHEDULE A.

Arms and Ammunition—

	Rs.	cts.	
Fowling-pieces, guns and rifles, single-barrelled ... ..	3	75	each.
Do. do. double-barrelled, and revolvers ... ..	7	50	„
Gunpowder for guns ... ..	0	25	per lb.
Do. for blasting ... ..	0	8	„

*Customs Duties.*

		Rs. cts.
<b>Arms and Ammunition—contd.</b>		
Pistols, single-barrelled	...	... 2 25 each.
Do., double-barrelled, and revolvers	...	... 4 50 "
Shot	...	... 0 75 per cwt.
<del>Opium</del> <i>repealed by 1297</i>	...	... 1 0 per lb.
Poonac	...	... 0 25 per cwt.
<b>Sugar—</b>		
Candy and refined	...	... 3 0 per cwt.
Unrefined	...	... 1 75 "
Palm and jaggery	...	... 0 75 "
<b>Tobacco—</b>		
Cigars and snuff	...	... 1 0 per lb.
Manufactured	...	... 0 25 "
Unmanufactured and hookah	...	... 0 12 "
Wines in bottles, except Claret and Ginger, sparkling	...	... 2 50 per gallon
Other wines	...	... 1 50 "
Wines in wood, except Claret	...	... 1 0 "

Goods, including methylated spirits and kerosine oil, at present paying 5 per cent. *ad valorem* duty, shall pay 6½ per cent., except cotton goods, the duty on which shall remain untouched.

An *ad valorem* duty of 6½ per cent. shall be charged on the following articles :—

Acid	Ground nuts
Beeswax	Images and statuettes
Blacking	Musical instruments
Boats and canoes	Mats
Bran	Palmyrah, rush and rattan matting
Brimstone	Oils, linseed and vegetable
Brushes	Pitch and tar
Candles	Sago
Cutch	Stationery, excluding paper and envelopes.
Fuller's earth	

*Exemption :—Tea, Lead.*

SCHEDULE B.

		Rs. cts.
All spirits, liqueurs and cordials under proof		4 0 per Imperial gallon.
Proof and under 10° over	...	4 50 "
10° over proof and under 20°	...	5 0 "
20 do. 30	...	5 50 "
30 do. 40	...	6 0 "
40 do. 50	...	6 50 "
50 do. 60	...	7 0 "
60 do. 70	...	7 50 "
70 do. 80	...	8 0 "
80 do. 90	...	8 50 "

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

B. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

*Postal Regulations and Rates.***No. 40.—1884.****An Ordinance to amend the Postal Ordinance, 1878.**

ARTHUR GORDON.

**W**HEREAS it is expedient to amend the Law relating to the Post Office and the Rates of Postage: 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, so far as is consistent with the tenor thereof, shall be construed and read as one with Ordinance No. 2 of 1878, intituled "An Ordinance to amend and consolidate the Law relating to the Post Office and the Rates of Postage," and in this Ordinance referred to as "the principal Ordinance," and this Ordinance and the principal Ordinance may be cited together as the "Postal Ordinances, 1878 and 1884," and this Ordinance may be cited separately as "The Postal Ordinance, 1884."

Construction of Ordinance and short title.

2. The ninth paragraph of section 3 of the principal Ordinance, which defines a "postal packet," and sections 38 and 83 of such Ordinance, are hereby repealed. Provided that such repeal shall be without prejudice to anything previously done or suffered, or to any right or objection previously acquired, incurred or accrued, and any legal proceeding or remedy in respect of any such right or obligation may be had in like manner as if such repeal had not been made.

Repealing clause.

3. The expression "postal packet" in this Ordinance and in the principal Ordinance means a letter, post card, newspaper, book packet, pattern or sample packet, circular, legal and commercial document, packet of photographs, and every packet or article which is not for the time being prohibited by this or the principal Ordinance from being sent by post.

Interpretation clause.

The expression "unstamped" shall include "insufficiently stamped."

4. If any question arises whether any postal packet is a letter, post card, newspaper, supplement, book packet, circular or other description of postal packet, within the meaning of this Ordinance, the decision thereon of the Postmaster-General shall be final, save that the Governor, with the advice of the Executive Council, may, on the application of any person interested, reverse or modify the decision, and order accordingly.

Decision as to postal packets.

5. The rate of postage on inland letters and post cards shall be as follows :—

Postal rates.

On every letter not exceeding  $\frac{1}{2}$  oz. in weight ... 5 cents

On every letter exceeding  $\frac{1}{2}$  oz. and not exceeding 1 oz. 10 "

Do. 1 oz. do.  $1\frac{1}{2}$  oz. 15 "

and so on, an additional 5 cents being charged for every additional  $\frac{1}{2}$  oz. or part of  $\frac{1}{2}$  oz.

On every post card ... .. 2 $\frac{1}{2}$  cents

6. Section 32 of the principal Ordinance is hereby amended by substituting the words "fifteen cents" for the words "sixteen cents."

Amendment of section 32 of principal Ordinance.

*Postal Regulations and Rates.*

Amendment of section 33 of principal Ordinance.

7. Section 33 of the principal Ordinance is hereby amended by substituting the words "thirty cents" for the words "thirty-two cents."

Amendment of section 42 of principal Ordinance.

8. Section 42 of the principal Ordinance is hereby amended by substituting the words "five cents" for the words "six cents."

Amendment of section 46 of principal Ordinance.

9. Sub-section *b* of section 46 of the principal Ordinance is hereby amended by substituting the words "five cents" for the words "four cents."

10. Section 64 of the principal Ordinance is hereby repealed, and instead thereof it is enacted that no letter or letters shall be conveyed by any railway train, stage coach, conveyance, vehicle, or vessel regularly performing trips at stated periods, otherwise than as part of the mail, except such letter or letters relate to some part of the cargo of such vessel or to some article carried at the same time by such train, stage coach, conveyance or vehicle, unless the person conveying such letter or letters be expressly authorized in writing by the Postmaster-General to convey the same, and every person who shall knowingly take part or be concerned in the conveying of any letter or letters contrary to the provisions of this section, shall be guilty of an offence and liable to a fine not exceeding two hundred rupees.

Power to compel senders to pay postage of packets which addressee refuses to accept or where addressee cannot be found.

11. In all cases in which the proper postage of any unstamped postal packet has not been paid by the sender thereof, and such postal packet has been refused by the addressee, or the addressee be dead or cannot be found, it shall be lawful for the Postmaster-General to charge double the postage due in respect of such unstamped postal packet to the sender thereof, and in every such case the sender of such unstamped postal packet shall pay such double postage.

Post Office stamps to be evidence of postal packets being refused or rejected.

12. Upon any trial or hearing of any action or proceeding for the recovery of any postage under this or the principal Ordinance, the production of any postal packet in respect of which such postage shall be sought to be recovered, having thereupon a post office stamp denoting that such postal packet had been refused or rejected, or that the party to whom any such postal packet had been addressed was dead or could not be found, shall be *prima facie* evidence of the refusal or rejection of such postal packet, or that such person was dead or could not be found according to the import and meaning of the said post office stamp thereon.

In suit for postage the apparent writer to be deemed the sender.

13. In any suit or other proceeding for the recovery of any postage payable under or by virtue of this or the principal Ordinance, the person from whom any postal packet, in respect of which any postage shall be sought to be recovered, shall purport to have come, shall be deemed to be the sender thereof, and the onus shall lie upon the party proceeded against to prove that such postal packet did not come from and was not sent by him.

Official mark of any sum on postal packet to be evidence of

14. The official mark of any sum on any postal packet as due to the post office in respect of that packet shall be received as evidence of the liability of such packet to the sum so marked,



*Postal Regulations and Rates. Tolls.*

and such sum shall be recoverable as postage due to Her Majesty in the manner prescribed by section 84 of the principal Ordinance.

liability of packet to the sum so marked.

15. Whenever a postal packet is tendered at any post office after the hour fixed for the closing of any particular mail, but before the actual despatch of such mail, and the sender desires such postal packet to be forwarded by such mail, it shall be lawful for the postmaster in charge of such office, after stamping on such postal packet the words "after mail closed," to charge in addition to the ordinary rate of postage an extra rate, which rate shall be as follows in respect of the postal packets herein enumerated :—

Extra rate to be charged on packets posted after closing of mail.

Inland letters, an additional rate of ...	...	cts.
India letters ...	...	5
Foreign ...	...	10
		25

16. This Ordinance shall come into operation on and from the first day of January, 1885.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

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

JOHN F. DICKSON,  
Acting Colonial Secretary.

No. 41.—1884. *repealed 3 1896*

An Ordinance to establish further Tolls, and to discontinue certain Tolls.

ARTHUR GORDON.

WHEREAS it is expedient to establish the Tolls hereinafter specified, and to discontinue the Tolls hereinafter specified: 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. From and after the first day of January, 1885, tolls shall be established on and in respect of the following roads, viz. :—

Establishment of certain tolls.

*Western Province.*

On the road from Warakapola to Ruwanwella at Meyadandupola.

*Central Province.*

On the Dimbula road at or near the gap between Kotmalé and Dimbula.

On the road from Náwalapitiya to Kandy, within one mile of the Náwalapitiya railway station.

*Tolls.*

*Paddy Cultivation.*

Discontinuance of certain tolls.

2. From and after the first day of January, 1885, the levy of tolls hitherto established in respect of the following roads shall be discontinued, viz. :—

*Eastern Province.*

On the road from Kalmunai to Nindúr between the 27th and 28th mile-posts.

On the road from Samanturai to Malkampetti between the 30th and 31st mile-posts.

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

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-second day of December, One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,  
Acting Colonial Secretary.

*repealed*

No. 42.—1884.

An Ordinance to amend "The Paddy Cultivation Ordinance, 1867."

ARTHUR GORDON.

Preamble.

WHEREAS "The Paddy Cultivation Ordinance, 1867," provided amongst other things for the recovery of the cost of the construction, repair, and improvement of Irrigation Works, but omits to provide for the recovery of the cost of the maintenance of such works when once constructed : And whereas it is expedient to amend the said Ordinance in this respect, and to provide for the recovery of the cost of the maintenance of works constructed under the provisions of Ordinance No. 21 of 1867 and of Ordinance No. 2 of 1873 : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

This Ordinance and Ordinances Nos. 21 of 1873 and 2 of 1873 to be read as one Ordinance.

1. This Ordinance, the Ordinance No. 21 of 1867, hereinafter called "the principal Ordinance," and Ordinance No. 2 of 1873, shall be construed and read as one Ordinance.

Means to provide for the upkeep and maintenance of irrigation works.

2. Whenever any irrigation work has been, or shall hereafter be constructed under the principal Ordinance, and the cost thereof has been or shall hereafter be repaid by ten annual instalments either in money or in kind, under the provisions of the principal Ordinance, or under the provisions of Ordinance No. 2 of 1873, the lands benefited by such irrigation work and the proprietors thereof shall forthwith, upon the expiration of such period of ten

*Paddy Cultivation.*

years as aforesaid, become and be severally bound and liable to an annual charge or rate not exceeding seventy-five cents per acre for the annual upkeep and maintenance of such constructed irrigation work. The said rate shall be assessed in the manner hereinafter provided, and shall be a first charge upon the several lands benefited as aforesaid, and shall take precedence over all mortgages, hypothecations, and encumbrances whatsoever.

3. The Government Agent of the Province in which any such irrigation work has been constructed shall, within one year from the expiry of the period of ten years in the previous section mentioned, assess the rate which each land (including Crown lands) benefited by such work shall contribute annually for the maintenance of such work, and shall revise such assessment once at least in every five years, and a copy of every such assessment and revised assessment shall be served on each of the proprietors, and every such assessment and revised assessment shall be published in the village in the manner prescribed by section 31 of the principal Ordinance.

Government Agent to assess rate to be contributed by lands benefited by irrigation works for maintenance of same.

4. The rate so assessed shall be due and payable in respect of each land on the 1st day of April in every year; and the recovery of the rate shall be made under and be subject to the provisions contained in Part VI., sections 35 to 39, both inclusive, of the principal Ordinance.

Recovery of rates imposed under this Ordinance.

5. The moneys received from all rates levied under the provisions of this Ordinance shall be applied to the maintenance of the irrigation work in respect of which such rate has been levied, and to no other purpose whatsoever.

Moneys levied under the provisions of this Ordinance to be applied to the maintenance of irrigation works.

6. Whenever any land is being sold under the provisions of the 4th section of this Ordinance or the 35th section of the principal Ordinance, it shall be lawful for the Government Agent or any person authorized by him under his hand to bid for and purchase such land on behalf of the Crown, and the certificate of the Government Agent, substantially in the form given in the schedule hereto, shall vest the land so purchased absolutely in the Crown; and such certificate shall not require any stamp.

Government Agent may purchase on behalf of the Crown land sold under this Ordinance.

## SCHEDULE.

WHEREAS the sum of Rs. — was due to Our Sovereign Lady the Queen for the Irrigation rate in respect of the land — hereinafter more fully mentioned and described, and a further sum of Rs. — was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof; and whereas the said land was seized in conformity with the Ordinance No. — of —, and sold also in conformity therewith on the — day of —, and the same was purchased for and on behalf of Our Sovereign Lady the Queen by [the Government Agent] for the sum of Rs. —, which has been duly credited to our said Lady the Queen in part satisfaction [or full, as the case may be] of the sum due for irrigation rate as aforesaid and Rs. — for costs:

Now know Ye that I, the said [Government Agent], by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit, [here describe the property with special accuracy by metes and bounds] has been sold and purchased by the said — for and on behalf of Our

*Paddy Cultivation.**Stamp Duties.*

said Lady the Queen for the sum of Rs. ———, and that the said premises are and shall henceforward be absolutely vested in Our said Lady the Queen, her heirs and successors.

Given under my hand this — day of: ———.

(Signed)

*Government Agent.*

Passed in Council the Twenty-second day of December, One thousand Eight hundred and Eighty-four.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-third day of December, One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,  
Acting Colonial Secretary.

*repealed* No. 43.—1884.

An Ordinance to consolidate the Stamp Duties leviable in this Colony.

ARTHUR GORDON.

**W**HEREAS it is expedient to consolidate the Stamp Duties chargeable under Ordinances No. 6 of 1847 ; No. 12 of 1848 ; No. 2 of 1861 ; No. 13 of 1863 ; No. 8 of 1865 ; No. 4 of 1867 ; No. 10 of 1867 ; No. 18 of 1867 ; No. 19 of 1869 ; No. 1 of 1871 ; No. 23 of 1871 ; No. 28 of 1871 ; No. 6 of 1872 ; No. 12 of 1873 ; No. 1 of 1875 ; No. 10 of 1876 ; No. 11 of 1876 ; No. 15 of 1876 ; No. 2 of 1877 ; No. 8 of 1880 ; No. 2 of 1882 ; and No. 7 of 1882 : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Short title.

1. This Ordinance may be cited as “ The Stamp Duties Ordinance, 1884.”

2. The provisions of the Ordinances in Schedule A. hereunto annexed, in so far as they are inconsistent with the provisions of this Ordinance, are hereby repealed : Provided that this repeal shall not affect—

- (1) The past operation of the said enactments nor anything duly done or suffered thereunder ; nor
- (2) Any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments or any of them ; nor
- (3) Any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments or any of them ; nor
- (4) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, forfeiture or punishment aforesaid.

Provided that the stamp duties on any legal proceedings shall, subsequent to this Ordinance coming into operation, be such as are fixed by this Ordinance.

*Stamp Duties.*

3. This Ordinance and the Schedule B. hereunto annexed shall be construed and read as one with the several Ordinances appearing in Schedule A. hereunto annexed, except as regards any provisions of the said several Ordinances which are by this Ordinance repealed.

Ordinance to be read as one with Ordinances in Schedule A.

4. From and after the commencement of this Ordinance, and subject to the exemptions contained in Schedule B. hereto, and in any other Ordinances for the time being in force, there shall be charged for the use of Her Majesty, her heirs and successors, upon the several instruments specified in Schedule B. hereto, the several duties in the said schedule specified, and no other duties.

Stamp duties to be levied as specified in Schedule B.

5. Schedule B. and everything therein contained is to be read and construed as part of this Ordinance.

Schedule B. to be part of Ordinance.

6. Every person who shall write, or sign, or cause to be written or signed, any instrument or document which under this Ordinance is liable to stamp duty, but which is not so liable under any other Ordinance, without such instrument being duly stamped, shall forfeit and pay a sum not exceeding Fifty rupees.

Penalty for not duly stamping instruments.

7. This Ordinance shall come into operation on the First day of January, 1885.

Operation of Ordinance.

SCHEDULE A.

No. 6 of 1847	No. 28 of 1871
„ 12 of 1848	„ 6 of 1872
„ 2 of 1861	„ 12 of 1873
„ 13 of 1863	„ 1 of 1875
„ 8 of 1865	„ 10 of 1876
„ 4 of 1867	„ 11 of 1876
„ 10 of 1867	„ 15 of 1876
„ 18 of 1867	„ 2 of 1877
„ 19 of 1869 -	„ 8 of 1880
„ 1 of 1871 -	„ 2 of 1882
„ 23 of 1871	„ 7 of 1882

SCHEDULE B.

PART I.

Containing the Duties on instruments of Conveyance, Contract, Obligation, and Security for money; on Deeds in general; and on other instruments, matters and things, not falling under any of the following heads.

PART II.

Containing the Duties on Law Proceedings, and in the Supreme Court, District Courts, Courts of Requests and Police Courts, respectively.

PART III.

Containing the Duties in Testamentary Proceedings, on Probates of Wills, and Letters of Administration.

PART IV.—Miscellaneous.

*Stamp Duties.*

**PART I.**

**Containing the Duties on Instruments of Conveyance, Contract, Obligation, and Security for Money; on Deeds in general; and on other instruments, matters and things.**

<b>ACKNOWLEDGMENT</b> of a debt exceeding Twenty rupees in amount or value, written or signed by or on behalf of a debtor in order to supply evidence of such debt in any book (other than a Banker's Pass Book) or on a separate piece of paper, when such book or paper is left in the creditor's possession ... ..	<i>Duty.</i> Rs. cts.
<b>AFFIDAVIT</b> or affirmation not made for the immediate purpose of being filed, read, or used in any court of justice in this Island ... ..	0 5 1 0

*Exemptions from the preceding and all other Stamp Duties.*

Affidavits or affirmations required or authorized by law to be made in criminal matters; affidavits or affirmations on the assumption of any office under Government, or for the verification of any public accounts, or to be made pursuant to this Ordinance in regard to exchange of spoiled stamps, or for the sole purpose of enabling any person to receive any pensions or charitable allowance.

**AGREEMENT** or contract or any minute or memorandum of an agreement made in this Island (and not otherwise charged nor expressly exempted from all stamp duty), whether the same shall be only evidence of a contract, or obligatory upon the parties, from its being a written instrument, where the matter thereof shall be of value—

Over Rupees	and	Not over Rupees	Duty Rs. cts.
0	...	100	0 25
100	...	200	0 50
200	...	300	0 75
300	...	400	1 0
400	...	500	1 25
500	...	1000	2 50
Every further 500 or part thereof			1 25

Where the value of the agreement or of such minute or memorandum does not appear on the face thereof, such instrument shall bear a stamp of ... 2 50

Provided always that where divers letters shall be offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be duly stamped with a duty of 2 50

*Exemptions from the preceding and all other Stamp Duties.*

Agreement or covenant secured by a mortgage contained in the same instrument therewith, such instrument being duly stamped as a mortgage.

Memorandum or agreement for the hire of any labourer, artificer, manufacturer, or menial servant.

Memorandum, letters, or agreement for or relating to the sale of any goods, wares or merchandize.

Memorandum, letters, or agreement made with any common carrier or other person, for the carriage of goods, wares, or merchandize in this Island, if stamped as a cart or boat note.

Letters containing any agreement (not before exempted) in respect of any merchandize or evidence of such an agreement which shall pass by the post between merchants or other persons carrying on trade or commerce in this Island, and residing and actually being at the time of sending such letters at the distance of 20 miles from each other.

Memorandum or agreement made between the master and mariners of any vessel or boat for wages.

Agreement made in compliance with or under the provisions of the Mercantile Shipping Acts.

*Stamp Duties.*

	<i>Duty.</i>		
	Rs.	cts.	
Agreement to marry, not containing any settlement or transfer of property.			
Memorandum or agreement made by or with Her Majesty, or any Government officer in the execution of his office.			
APPOINTMENT in execution of a power, whether of trustees or of any property, or of any use or interest therein, when made by writing, not a will ...	15	0	
APPRAISEMENT of valuation of any estate or effects, moveable or immoveable; or of any interest therein, or of the annual value thereof; or of any dilapidations; or of any repairs wanted; or of the materials and labour used or to be used in any buildings; or of any artificer's work whatsoever; Where the amount of such appraisal or valuation shall be			
	Over Rupees	and Not over Rupees	Duty. Rs. cts.
	0	... 100	... 0 25
	100	... 200	... 0 50
	200	... 300	... 0 75
	300	... 400	... 1 0
	400	... 500	... 1 25
	500	... 1000	... 2 50
	Every further 500 or part thereof		1 25

Provided that the duty on any one appraisal shall not exceed Rs. 10.

*Exemption.*

Appraisements or valuations of any property made by or at the instance of any Government officer in the execution of his office.

Appraisements or valuations of any property made for purposes of ascertaining the duty payable on probates or letters of administration.

ARTICLES OF CLERKSHIP or contract, whereby any person shall first become bound to serve as a clerk in order to his admission as an Advocate or Proctor	250	0
Do. do. Notary or Apothecary ...	100	0

ARTICLES OF CLERKSHIP or contract, whereby any person shall become bound to serve as a clerk in order to such admission as aforesaid, for the residue of the term for which he was originally bound, in consequence of the death of his former master, or of the contract between them being vacated by consent, or by rule of Court, or in any other event ...	10	0
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ASSIGNMENT.—See Transfer or Assignment.

AWARD.—Other than that made in any cause ...	10	0
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BILL OF EXCHANGE, Promissory Note, Draft, Cheque or Order, viz. :—

Inland Bill, Draft, Cheque, Promissory Note, or Order for the payment on demand of any sum of money to the party named therein, or to the bearer, or to order ...	0	5
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Inland Bill of Exchange, Promissory Note, Draft, or Order for the payment at any time otherwise than on demand to the party named therein, or the bearer, or to order, of any sum of money—

Over Rupees	and	Not over Rupees	Duty. Rs. cts.
0	...	50	... 0 5
50	...	100	... 0 10
100	...	250	... 0 15
250	...	500	... 0 25
500	...	1000	... 0 50
Every further 1000 or part thereof			0 50

Inland Bill, draft or order for the payment of any sum of money, though not made payable to the bearer or to order, if the same shall be delivered to the payee or some person on his behalf. } The same duty as on a bill of exchange for the like some payable to bearer or order.

*Stamp Duties.*

Inland Bill, draft or order for the payment of any sum of money weekly, monthly, or at any other stated periods, if made payable to the bearer or to order, or if delivered to the payee, or some person on his behalf, where the total amount thereby made payable shall be specified therein or can be ascertained therefrom. { The same duty as on a bill payable to bearer or order otherwise than on demand, for a sum equal to such total amount.

And where the total amount of the money thereby made payable shall be indefinite { The same duty as on a bill otherwise than on demand for the sum therein expressed only.

And the following instruments shall be deemed and taken to be inland bills, drafts or orders for the payment of money, within the intent and meaning of this Schedule, viz. :—

All drafts or orders for the payment of any sum of money by a bill or promissory note, or for the delivery of any such bill or note in payment or satisfaction of any sum of money, where such drafts or orders shall require the payment or delivery to be made to the bearer, or to order, or shall be delivered to the payee or some person on his behalf.

All receipts given for money received, which shall entitle, or be intended to entitle, the person or persons paying the money, or the bearer of such receipts, to receive the like sum from any third person or persons.

And all bills, drafts, or orders for the payment of any sum of money out of any particular fund, which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, if the same shall be made payable to the bearer or to order, or if the same shall be delivered to the payee or some person on his behalf.

And all instruments usually termed letters of credit, made and to be used in Ceylon, or whereby any person to whom any such document or writing is or is intended to be delivered or sent, shall be entitled or be intended to be entitled to have credit with or in account with, or to draw upon any other person for, or to receive from such other person, any sum of money therein-mentioned.

*Exemptions from the Duties on Drafts or Orders.*

All drafts, receipts, cheques, orders, bills of exchange, and promissory notes, drawn by the Treasurer of the Colony or any other Government officer in the execution of his office.

All letters of credit, whether in sets or not, sent by persons in this Colony to persons out of the same, authorizing drafts on the British Territories in India, or in Ceylon, or any other of Her Majesty's Colonies or Foreign Possessions.

And the following instruments are to be deemed and taken to be promissory notes, within the intent and meaning of this Schedule :—

All notes promising the payment of any sum or sums of money out of any particular fund which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, if the same shall be made payable to the bearer or to order, and if the same shall be definite and certain, and not amount in the whole to 200 rupees.

*Exemptions from the Duties on Promissory Notes.*

All notes promising the payment of any sum or sums of money out of any particular fund, which may or may not be available, or upon any condition or contingency which may or may not be performed or happen, where the same shall not be made payable to the bearer or to order, and also where the same shall be made payable to the bearer or to order, if the same shall amount to 200 rupees or be indefinite.

And all other instruments bearing in any degree the form or style of promissory notes, but which in law shall be deemed special agreements, except those hereby expressly directed to be deemed promissory notes.



*Stamp Duties.*

But such of the notes and instruments here exempted from the duty on promissory notes shall nevertheless be liable to the duty which may attach thereto as agreements or otherwise. Duty.  
Rs. cts.

**BROKER'S NOTES**, each copy ... .. 0 5

**FOREIGN BILLS OF EXCHANGE** drawn in, but payable out of this Colony :—

If drawn singly, or otherwise than in a set of three or more, the same duty as on an inland bill of the same amount and tenor.

If drawn in sets of three or more, for every bill of each set, where the sum payable thereby shall be—

Over	Not over	Duty.
Rupees	and Rupees	Rs. cts.
0	... 250	0 5
250	... 500	0 10
500	... 1,000	0 20
Every further 1,000 or part thereof		0 20

**FOREIGN BILL OF EXCHANGE** drawn out of this Colony and payable within this Colony, the same duty as on an inland bill of the same amount and tenor.

**FOREIGN BILL OF EXCHANGE** drawn out of this Colony, and payable out of this Colony, but negotiated within this Colony, the same duty as on a Foreign Bill drawn within this Colony and payable out of this Colony.

*Exemptions from the preceding and all other Stamp Duties.*

All Bills of Exchange, Drafts or Orders drawn by the Treasurer of this Island, or any other Government officer in the execution of his office.

**BILL OF LADING** of or for any goods, merchandise, or effects exported or carried coastwise, for each part of every set ... .. 0 25

**BOND** given as a security for the payment of any definite and certain sum of money; mortgage for any definite and certain sum of money, and of or affecting any property, where the sum shall be

Over	Not over	Duty.
Rupees	and Rupees	Rs. cts.
0	... 100	0 25
100	... 200	0 50
200	... 300	0 75
300	... 400	1 0
400	... 500	1 25
500	... 1,000	2 50
Every further 500 or part thereof		1 25

**BOND** given in acknowledgment of advances made or to be made on a forthcoming crop, such advances being secured by hypothecation of the crop, with or without personal security, and made payable on the realization of such crop, but within a year from the date of such Bond. Where the sum to be lent shall be

Over	Not over	Duty.
Rupees	and Rupees	Rs. cts.
0	... 1,000	1 0
1,000	... 2,500	2 50
2,500	... 5,000	5 0
5,000	... 7,500	7 50
7,500	... 10,000	10 0
For every additional 1000 rupees or part thereof		1 0

**BOND** or Mortgage to secure the repayment of money to be thereafter lent, advanced or paid, or which may become due upon an account current together with any sum already advanced or due, or without, as the case may be :—

If the total amount of the money secured or to be ultimately recoverable thereupon shall be uncertain, and without any limit ... .. 50 0

But if the total amount of the money secured or to be ultimately recoverable thereupon shall be limited not to exceed a given sum, the same duty as on a bond or mortgage for such limited sum.

*Stamp Duties.*

When a bond and mortgage shall be contained in the same instrument, and be given to secure the same moneys, the bond only shall be chargeable with stamp duty.	<i>Duty.</i> Rs. cts.
Bond for indemnifying any person who shall have become bound as surety for the payment of any sum of money or the performance of any act ...	10 0
Bond for further securing the repayment of any sum already secured by a bond or mortgage for which an <i>ad valorem</i> duty had been previously paid ...	10 0
Bond of any kind whatever not otherwise charged in this Schedule nor expressly exempted from all stamp-duty ...	10 0

*Exemptions from the preceding and all other Stamp Duties.*

Bond or mortgage made in pursuance of covenants, or other agreements on that behalf, contained in some other instrument, and without additional money consideration, if such other instrument has been stamped with an *ad valorem* stamp duty on the amount of the consideration for such bond or mortgage.

Bonds and mortgages given by any Government officer, or his sureties, for the due execution of his office.

Bonds and mortgages given by any person to Her Majesty, or to any public officer, for the use of Her Majesty, for any debt or sum of any money due, or to become due to the Crown, or to the Government of this Island.

Bonds and mortgages of indemnity given to Fiscals or their Deputies or officers in the execution of their duty.

Bonds and mortgages given to any officer of Customs in his official capacity.

CART or Boat Note for the conveyance of goods for hire by cart or boat along any road, river, or canal, when the distance to be traversed by such cart or boat shall exceed one mile outside the limits of any Municipality or Local Board, on the original and each copy thereof ...	0 5
CERTIFICATE or other document evidencing the right or title of the holder thereof, or any other person, either to any share, scrip, or stock in or of any Company or Association, or to become proprietor of any share, scrip, or stock in or of any Company or Association ...	0 5
CHARTER-PARTY or any agreement or contract for the charter of any vessel ...	10 0
CLAIM to property seized or objection made under Ordinance No. 4 of 1867, Chapter XI. ...	1 0

*Exemption.*

Charter-party made by or with any Government officer in the execution of his office.

COMPOSITION, deed, or other instrument of composition between a debtor or debtors, and his or their creditors ...	10 0
CONDITIONS OF SALE of immoveable property ...	5 0

*Exemption.*

All Sales by Public Officers, including Fiscals or their Deputies.

CONVEYANCE or transfer of any property for any consideration—

Where the purchase or consideration money therein or thereupon expressed, or, if the consideration be other than a pecuniary one, or partly pecuniary and partly other than pecuniary, the value of the property shall be

Over Rupees	and	Not over Rupees	Duty.
			Rs. cts.
0	...	50	0 25
50	...	100	0 50
100	...	200	1 0
200	...	300	1 50
300	...	400	2 0
400	...	500	2 50
500	...	1000	5 0
Every further 500 or part thereof			2 50

*Stamp Duties.*

	<i>Duty.</i>	
	Rs.	cts.
CONVEYANCE or transfer of property by an executor, administrator or trustee, without consideration to the person beneficially entitled to such property, or when made by order of Court in cases of divorce <i>a vinculo matrimonii</i> ...	10	0
CONVEYANCE or transfer of property without consideration by a trustee or trustees, or the executors or administrators of a deceased trustee or trustees to a surviving trustee or trustees or to a new trustee or trustees, or to a surviving trustee or trustees and a new trustee or trustees ...	10	0
CONVEYANCE or transfer of property of any kind whatsoever, not charged in this Schedule nor expressly exempted from stamp duty ...	10	0

*Exemptions from the preceding Stamp Duties.*

All conveyances and transfers to Her Majesty, or to any person for or on behalf of Her Majesty.

All leases and mortgages and all transfers or assignments thereof.

Transfers of bills of exchange and promissory notes by indorsement.

DECLARATION of any use or trust of or concerning any property when made by any writing not being a will or an instrument chargeable with <i>ad valorem</i> duty as a settlement ...	15	0
DEEDS or instruments of confirmation, release, revocation, substitution, surrogation, disclaimer, and renunciation ...	10	0
DEED for the exchange of land, without other consideration, between co-heirs or part-owners ...	10	0
DEED or instrument not otherwise charged in this Schedule, nor expressly exempted from stamp duty ...	10	0
DELIVERY ORDER in respect of goods: that is to say, any instrument entitling any person therein named to the delivery of any goods lying in any dock or port, or in any warehouse in which goods are stored or deposited on rent or hire, or upon any wharf, such instrument being signed by or on behalf of the owner of such goods, upon the sale or transfer of the property therein, when such goods exceed in value twenty rupees ...	0	5
GIFT or Deed of Gift of any property.—The same duty and conditions as to calculation of duty as on a conveyance of property of the same value.		
LEASE of any Property.—The same duty and conditions as to calculation of duty as on a bond, or mortgage of property, for the same amount as the aggregate rent payable for the whole term comprised in the lease: Provided that the duty shall not exceed that on a lease for seven years, and provided that the lease does not contain a mortgage of property, in which case the mortgage shall be chargeable as a separate instrument.		
LETTER or Power of Attorney ...	5	0
Substitution or surrogation under any letter of attorney ...	2	50

*Exemptions from the preceding Stamp Duties.*

Power of attorney made by any petty officer, seaman, or soldier, or by the executors or administrators of any such person, for pay or prize money, or by any Government officer in the execution of his duty.

LETTERS of <i>Venia Aetatis</i> ...	100	0
LETTER of license from creditor to debtor ...	10	0
MORTGAGE—See BOND.		
NOTARIAL copy of, or extract from, any instrument ...	1	0
PARTITION—any deed of, when the value of the land partitioned is below Rs. 1,000	2	50
When the value of the land partitioned is Rs. 1,000 and upwards, or where no value is given ...	10	0
POLICY OF INSURANCE :		
In the case of sea insurance ...	0	25
In the case of insurance against risks by fire ...	0	25
In the case of any other insurance, when the amount insured does not exceed Rs. 1,000 ...	0	50
For every further Rs. 1,000 or part thereof ...	0	50

*Stamp Duties.*

	<i>Duty.</i>	
	Rs.	cts.
<b>PROMISSORY NOTE.</b> — See Bill of Exchange, Inland.		
<b>PROTEST</b> of any bill of exchange or promissory note for any sum of money not exceeding Rs. 200	...	1 0
Exceeding Rs. 200 and not exceeding Rs. 1,000	...	1 50
"    1,000                    "    5,000	...	2 50
"    5,000                    "    ...	...	5 0
<b>Protest of any other kind</b>	...	2 50
<b>RECEIPT</b> or discharge given for or upon the payment of money amounting to Rs. 20 or upwards	...	0 5

*Exemptions.*

Receipts given for money deposited in any Bank or in the hands of any Banker, to be accounted for, whether with interest or not.

Receipts or discharges written upon promissory notes, bills of exchange, drafts, cheques or orders for the payment of money duly stamped according to the laws in force at the date thereof; or upon bills of exchange drawn out of but payable in this Island.

Receipts or discharges endorsed or otherwise written upon or contained in any bond, mortgage, or other security, or any conveyance, deed or instrument whatever, duly stamped according to the laws in force at the date thereof, acknowledging the receipt of the consideration money therein expressed, or the receipt of any principal money, interest or annuity thereby received.

Releases or discharges for money by deed duly stamped according to the laws in force at the date thereof.

Receipts given for the return of any duties of Customs.

Receipts given for value of goods taken by the Crown for undervaluation.

Receipts or discharges given by the Treasurer, any Government Agent, Fiscal, or his deputy or officer, or other public officer, in the execution of his office. Provided that this exemption shall not include a receipt given by any public officer to the Treasurer for the payment of the salary or travelling allowance of such public officer.

Receipts or discharges given by officers and soldiers of Her Majesty's forces for the time being stationed in this Colony.

**SETTLEMENT.**—Any deed or instrument, whether voluntary or gratuitous, or upon good or valuable consideration other than a *bonâ fide* pecuniary consideration, whereby any definite and certain principal sum or sums of money, or any other property, movable or immoveable shall be settled or agreed to be settled upon or for the benefit of any person or persons, either in possession or reversion, either absolutely, or conditionally, or contingently, or for life or other partial interest, or in any other manner whatsoever.

The same duty as on a conveyance of property of the like value or for the like consideration.

	<i>Duty.</i>	
	Rs.	cts.
<b>SHIPPING ORDER</b> for the conveyance of goods on board of any vessel	...	5
<b>STAMP-VENDORS</b> —Annual license to sell stamps	...	10 0
<b>TRANSFER</b> or Assignment of Bond, Mortgage or Lease.—The same duty as on a Bond for the same amount as that of the money secured, consideration paid, or security assigned.	...	...
<b>WARRANT</b> to act as a Notary Public	...	50 0

*Proviso.*

Where any person duly admitted a Notary in any district of this Island shall be afterwards admitted a Notary in any other district, the subsequent Warrant shall be subject to Rs. 25.

*Exemptions from the preceding and all other Stamp Duties.*

All instruments to or on behalf of Her Majesty, or any Government officer, in his official capacity.

All wills, testaments, and codicils, whether Notarial or otherwise.

*Stamp Duties.*

	<i>Duty.</i>
	Rs.    cts.
All instruments for the sale, transfer, other disposition, either absolutely or by way of mortgage or otherwise, of any ship or vessel, or any part, share, or property of or in any ship or vessel.	
Provided that where any grant of land shall be made by Her Majesty or Her successors, and where any instrument hereinbefore specified (not being a draft, order, or promissory note for the payment of money, or a receipt or discharge for or upon the payment of money) shall be executed or acknowledged before a Notary Public, or shall be executed before some public officer, under the authority of the Ordinance No. 17 of 1852, entitled " <i>An Ordinance to make further provision touching the execution of certain Deeds and Instruments,</i> " or by any Fiscal or Deputy Fiscal in the execution of his office, the stamp duty hereby chargeable on such instrument shall be chargeable on the duplicate or counterpart thereof, instead of on the original instrument, and in such case, if the duty exceed the sum of 2 rupees and 50 cents, the original instrument shall bear a stamp of	1    0

**PART II.****Containing the Duties on Law Proceedings.****IN THE SUPREME COURT.***In Civil Proceedings.*

Every affidavit or affirmation.—Petition for review preparatory to appeal to the Queen in Council.—Bill of costs.—Bond of security in appeal to the Queen in Council or other bond or recognizance.—Certificate in appeal to the Queen in Council.—Copy (office copy) of any decree, deposition, document, or other matter of record.—Decree of judgment, or order having the effect of a decree or judgment, interlocutory or final.—Exemplification under the Seal of Court of any record or proceedings therein.—Exhibit of each unstamped document.—Injunction.—Mandate, or writ of Mandamus Procedendo and Prohibition.—Order of transference.—Petition to the Queen in Council.—Proxy.—Rule Nisi or Absolute.—Summons.—Translation of any exhibit.

In cases of Rs 500 and under a duty of Rs. 2-50; and a further Rs. 2-50 for every additional Rs. 500 or fraction thereof up to Rs. 2,500; and a further Rs. 2-50 for every additional Rs. 2,500 or fraction thereof up to Rs. 10,000; and a further Rs. 2-50 for every additional Rs. 5,000 up to Rs. 50,000; after which no additional duty shall be leviable.

*Exemptions.*

All affidavits or affirmations for verifying service of Process.

All mandates in the nature of writs of Habeas Corpus, and all Rules relating thereto.

Provided also that no Attorney-General, Solicitor-General, Crown Counsel or other Government Officer, suing or being sued or intervening in any suit *virtute officii*, and no person duly admitted to sue or intervene or defend, as a pauper, shall be required to use any stamps in civil proceedings in the Supreme Court. But if judgment for costs shall be given in favour of such Attorney-General, Solicitor-General, Crown Counsel, or other Government Officer, or such pauper, the value of such stamps as would have been used by him if he had not been allowed to proceed without using stamps, or the value of such part thereof as shall be mentioned in the said judgment, shall be paid by the party against whom such judgment shall have been given, to the Commissioner of Stamps or to the Secretary or Clerk of the Court in which the case shall have been instituted, for and on behalf of such Commissioner; and in failure thereof the said Court shall proceed to recover the same in the manner directed in section 62 of Ordinance No. 23 of 1871 in regard to pauper suits.

All matrimonial proceedings shall be charged as of the value of Rs. 2,000.

Stamp Duties.

Testamentary proceedings shall be charged according to the value of the estate, which must be set out by affidavit when the application for probate or letters of administration is made.

IN THE DISTRICT COURTS.

Classes.....	1	2	3	4	5	6	
	Rs. 250 and under	Rs. 500 and under	Rs. 1,000 and under	Rs. 5,000 and under	Rs. 10,000 and under	Over Rs. 10,000, in addition to the duties in Class 5 for every additional Rs. 5,000 or part thereof up to Rs. 500,000, after which no additional duty shall be leviable.	
	Rs. cts.	Rs. cts.	Rs. cts.	Rs. cts.	Rs. cts.	Rs.	cts.
<i>In Civil Proceedings.</i>							
Every affidavit or affirmation.—Bill of costs.—Certificate in appeal—Copy (office copy) of the decree or judgment.—Libel.—Answer.—Replication, written admission, or other pleading.—List of witnesses.—Notice of trial or argument.—To hear judgment of the District Court or the Supreme Court.—Petition of appeal.—Proxy.—Rule Nisi or absolute.—Summons to defendant or defendants.—Summons to intervenient or intervenients.—Commission to survey.—Warrant of attachment.—Writ of execution against person or property... }	1 50	3 0	5 0	7 50	10 0	1	25
Every award.—Bail bond or other bond or recognizance.—Certificate of quiet possession.—Commission to examine witnesses.—Edictile Citation for certificate of quiet possession.—Injunction.—Set of interrogatories.—Sequestration.—Warrant of arrest in Mesne Process.—Commission of reference, and all other Commissions except to survey.—Commitment in Mesne Process or execution ... }	5 0	8 0	15 0	20 0	25 0	2	50
Every Exhibit of each unstamped document.—Office copy, duly certified, of all matters of record, per sheet of 120 words.—Subpœna to each witness.—Translation of each document ... }	0 75	1 50	2 50	3 0	4 0	0	25

Provided that every exhibit in excess of ten in number shall be liable only to a duty of ten cents. And for the service of process in District Courts in lieu of those fixed by Schedule G. of Ordinance No. 4 of 1867, and such schedule is amended accordingly as follows:—

In cases of	Rs.		Rs. cts.
Rs. 250 and under	...	Not exceeding	0 35
500	...		0 50
1,000	...		0 75
5,000	...		1 0
10,000	...		1 50
over 10,000	...		2 0

*Stamp Duties.*

No oral pleading shall be received, except the party wishing to plead orally shall furnish a blank sheet of paper on which to write the pleading; and which paper shall bear a stamp of the same value as if it were a written pleading in a case of the like class. And any party failing to furnish such paper shall be taken to be in default.

Poundage shall be recovered at the rate of one per centum on all moneys levied in execution either by sale or by payment of the debtor to the Fiscal or his Deputy, although the creditor becomes purchaser of the property sold in execution, and obtains credit for the purchase money in reduction of the writ. The order for credit or for payment should be written on a stamp or stamps answering in value to such one per centum. Provided that five cents shall be payable for any fractional part of one per centum less than 5 cents.

No party shall be allowed to take any proceedings on or by virtue of any decree or judgment without first taking a copy thereof.

Provided also that no Attorney-General, Solicitor-General, Crown Counsel or other Government Officer, suing or being sued or intervening in any suit *virtute officii*, and no person duly admitted to sue, defend or intervene as a pauper, shall be required to use any stamps in civil proceedings in the District Court. But if judgment for costs shall be given in favour of such Attorney-General, Solicitor-General, Crown Counsel, or other Government Officer, or such pauper, the value of such stamps as would have been used by him if he had not been allowed to proceed without using stamps, or the value of such part thereof as shall be decreed by the said judgment, shall be paid by the party against whom such judgment shall have been given, to the Commissioner of Stamps, or to the Secretary, for and on behalf of such Commissioner; and in failure of payment the said Court shall proceed to recover the same in the manner directed in section 62 of Ordinance No. 23 of 1871, in regard to pauper suits.

And no summons, subpoena, warrant of arrest, or in execution, nor any other citation or writ whatsoever, which has once been issued out of the Court and returned by the officer to whom it was directed, shall, on any pretext whatever, be re-issued, unless any such process has been returned not served or executed, by reason the party could not be found, or has left the jurisdiction of the Court, or by reason that no property of the debtor or none sufficient to satisfy the exigency of any writ of execution could be found. Provided further that in respect of any subpoena or subpoenas, the same may be re-issued at the discretion of the Court although served, in case a cause before any District Court be postponed at the instance of the Court.

Provided also, that in appeals to the Supreme Court the appellant shall deliver to the Secretary of the District Court, together with his petition of appeal, the proper stamp for the decree or order of the Supreme Court and certificate in appeal which may be required for such appeal.

Matrimonial suits shall be charged as of the value of Rs. 2,000.

Testamentary proceedings shall be charged in the class corresponding with the value of the estate, which must be set out by affidavit when the application for probate or letters of administration is made.

*Exemption*

All affidavits or affirmations for verifying service of process;—all orders for the release or discharge of civil prisoners;—all warrants of attachment for non-attendance or contempt, issued by the Court at its own instance.

## IN THE COURTS OF REQUESTS.

Every affidavit or affirmation.—Bail bond or other bond or recognizance.—Commission to survey, or for any other purpose.—Commitment.—Copy of decree or judgment.—Notice or rule.—Proxy.—Plaint or answer.—Petition of appeal.—Summons to defendants or intervenients without number.—Warrant of attachment or execution.—Every office copy of any matter of record.—Every subpoena to each witness.—Every exhibit of each unstamped document.—Every translation of document.

In cases under Rs. 50, 50 cts.; in cases of Rs. 50 and upwards, Rs. 1.

*Stamp Duties.*

Provided that the above rates shall include all fees leviable for service of process under clauses 14 and 16 of Ordinance No. 4 of 1867, which fees shall no longer be leviable for Courts of Requests, and any returns thereof as regards such Courts shall not be required, anything in Ordinance No. 4 of 1867 to the contrary notwithstanding.

Poundage shall be recovered at the rate of one per centum on all moneys levied in execution, either by sale or by payment by the debtor to the Fiscal or his deputy; although the creditor becomes purchaser of the property sold in execution, and obtains credit for the purchase money in reduction of the amount of the writ. The order for credit or for payment should be written on a stamp or stamps answering in value to such one per centum. Provided that five cents shall be payable for any fractional part of one per centum less than 5 cents.

Provided also that no Government officer suing or being sued, or intervening in his official capacity, shall be required to use any stamps in any Court of Requests. But if judgment for costs shall be given in favour of such Government officer, the value of such stamps as would have been used by him if he had not been allowed to proceed without using stamps, or the value of such part thereof as shall be decreed by the said judgment, shall be paid by the party against whom such judgment shall have been given, to the Commissioner of Stamps, or to the Clerk of the Court in which the case shall have been instituted, for and on behalf of such Commissioner; and in failure of such payment the said Court shall proceed to recover the same in the manner directed for District Courts, in section 62 of Ordinance No. 23 of 1871 in regard to pauper suits.

And no summons, subpoena, warrant of arrest, or in execution, nor any other citation or writ whatsoever, which has once been issued out of the Court and returned by the officer to whom it was directed, shall on any pretext whatever be re-issued, unless any such process has been returned not served or executed by reason that the party could not be found, or had left the jurisdiction of the Court, or by reason that no property of the debtor could be found, or none sufficient to satisfy the exigency of any writ of execution could be found. Provided further that in respect of any subpoena or subpoenas, the same may be re-issued at the discretion of the Court, although served, in case a cause before any District Court be postponed at the instance of the Court.

Provided also that in appeals to the Supreme Court the appellant shall furnish to the Clerk of the Court with the petition of appeal the proper stamp for the decree or order of the Supreme Court, and the certificate in appeal which may be required for such appeal.

No party shall be allowed to take any proceedings on or by virtue of any judgment or decree without first taking a copy thereof.

*Exemption.*

All affidavits or affirmations for verifying service of process; all warrants of attachment issued by the Court at its own instance.

**IN THE POLICE COURTS.**

Complaint or charge of any offence other than an offence for which Police Officers may, under the Criminal Procedure Code, arrest without warrant	Rs.	cts.
	0	25

For every summons to a defendant or witness on a	do.	...	...	0	15
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Provided that when a complaint is made orally the stamp shall be supplied for the purpose of being affixed to the written plaint or record of the complaint.

Provided that when the complaint or charge is made by an officer of Government or by a Police or Municipal Officer in the execution of his duty or by a Government renter in matters relating to his rent, no stamp duty shall be payable: and provided that it shall be lawful for the Magistrate, on being satisfied that complainant has a fair ground of complaint but is unable to supply stamps for the plaint and summons or subpoenas, or that the defendant is unable to supply stamps for subpoenas, to allow such plaint to be filed, and such summons and subpoenas to be issued, without stamps.



*Stamp Duties.*

**PART III.**

**Containing the Duties in Testamentary Proceedings on Probate of Wills, and Letters of Administration.**

	<i>Duty.</i>
	Rs. cts.
Every account, provisional or final ... ..	
„ Bond ... ..	
„ Copy (office copy) of any will, or codicil, or extract therefrom, or of any document mentioned in this part of the Schedule ...	} 2 50
PROBATE of a Will or Letters of Administration, where the property and estate for or in respect of which such probate or letters of administration shall be granted, exclusive of what the deceased shall have been possessed of or entitled to as trustee for any other person or persons, and not beneficially, and exclusive also of the debts due by the deceased on mortgage or other Notarial bonds, shall be—	} None under Rs. 500; Rs. 500 & upwards, one and a-half per centum on every Rs. 100 or fraction thereof.

Provided that where the Common Estate of a husband and wife, shall be administered to after the death of one of them, duty shall be paid as for the half Estate.

**PART IV.—Miscellaneous.**

Composition on unstamped bank notes and bills of the Chartered Mercantile Bank of India London, and China in circulation, payable every half year, to the Commissioner of Stamps, the sum of Five rupees for every Rs. 1,000.

Each Warehouse Warrant or Duplicate thereof, issued under the Ordinance No. 1 of 1871, whether issued by a Collector of Customs or by the keeper of a Bonded Warehouse ... ..	Rs. cts. 0 50
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*On the following Certificates issued under Ordinances Nos. 12 of 1848 and 2 of 1877.*

Certificate of admission of any person to act as an Advocate in the Island ...	250 0
Certificate of admission of any person to act as a Proctor in any Court of this Island ... ..	50 0
Certificate to be taken out yearly by every person practising as a Proctor in any Court of this Island :—	
If he shall practise in Colombo, Kandy, Galle, Jaffna, or Trincomalee, and shall have been admitted for the space of three years or upwards ...	30 0
Or if he shall not have been admitted so long ... ..	15 0
If he shall practise elsewhere in this Island, and shall have been admitted for the space of three years or upwards ... ..	20 0
Or if he shall not have been admitted so long ... ..	10 0
Annual Certificate of a Notary ... ..	5 0

*Stamp Duties under the Ordinances relating to Marriages, Births, and Deaths.*

**MARRIAGES.**

Certificate of registry of building for solemnization of marriages under Ordinance No. 13 of 1863, section 5 ... ..	30 0
Certificate of registry of building substituted for disused building, under section 6 ... ..	20 0
Marriage License, under section 10 ... ..	30 0
Extract under Ordinance No. 6 of 1847, section 11 ... ..	0 75

**BIRTHS AND DEATHS.**

Certificate of Declaration of every Birth, under section 13 ... ..	1 0
Application to search Register, under section 26 ... ..	0 25
Application to search for any one given year, section 25 ... ..	0 50
Application for a general search ... ..	2 50
Certified copy of entry, sections 25 and 26 ... ..	0 50

*Stamp Duties.**Stamp Fees under Ordinance No. 19 of 1869.*

For every license for a gun, pistol or other description of firearms	...	1	25
Do. do. do. on transfer	...	0	50
License to sell firearms	...	10	0

*Stamp Fees under Domestic Servants' Registration Ordinance, No. 28 of 1871.*

The following fees are to be paid by masters or servants or intending servants, by stamps, to be attached to the Pocket register —

Fee payable by master on causing an existing servant to be registered	...	0	25
" " on engaging a new servant	...	0	25
" by intending servant on provisional registration	...	0	25
" " " on registration being confirmed	...	0	25
" by servant for the registration of previous service or antecedent	...	0	25
" " for a duplicate Pocket Register	...	1	0

*Stamp Fees under the Game Ordinance No. 6 of 1872.*

Annual License to kill game	...	10	0
Special License for killing buffaloes for a period not exceeding one month	...	5	0

*Stamp Fees under Ordinance No. 12 of 1873.*

For every license to sell gunpowder	...	5	0
Such license shall be valid only up to the end of the year in which it shall have been issued.			

*Stamp Fee under the Entail and Settlement Ordinance, 1876.*

Petition to Court for permission to lease or sell entailed property	...	10	0
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*Stamp Fee under the Matrimonial Rights Ordinance, 1876.*

Application by wife to deal with property	...	10	0
Motion by spouse for adjudication of separate property	...	10	0

*Stamp Fee under Ordinance No. 7 of 1882 (Gemming).*

For a Gemmer's license	...	1	0
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Passed in Council the Twenty-Second day of December, One thousand Eight hundred and Eighty-Four.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-third day of December, One thousand Eight hundred and Eighty-four.

JOHN F. DICKSON,  
Acting Colonial Secretary.

*Registration of Books.***No. 1.—1885.****An Ordinance to provide for the preservation of copies of Books printed in Ceylon, and for the registration of such Books.**

ARTHUR GORDON.

**W**HEREAS it is expedient to provide for the preservation of three copies of every book printed or lithographed in Ceylon, and for the registration of such books: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. In this Ordinance, unless the context otherwise requires, the term "book" includes every volume, part or division of a volume, and pamphlet in any language, and every sheet of music, map, chart or plan separately printed or lithographed; but shall not include any publication which consists merely of a price list, sale catalogue, annual report, trade circular or trade advertisement.

Interpretation clause.

2. Three printed or lithographed copies of the whole of every book which shall be printed or lithographed in this colony after this Ordinance shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same shall be produced, and also of any second or subsequent edition which shall be so produced with any additions or alterations, whether the same shall be in letter-press or in the maps, prints or other engravings belonging thereto, and whether the first edition of such book shall have been produced before or after this Ordinance shall come into force, shall, within one calendar month after the day in which any such book shall first be delivered out of the press, and notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered free of any charge, claim or demand whatsoever by the printer, bound, sewed, or stitched together, and upon the best paper on which the same shall be printed or lithographed, at such place and to such officer as the Governor, with the advice of the Executive Council, shall, by notification in the *Government Gazette*, from time to time direct. The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps, prints and engravings, finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

Three copies of books printed after this Ordinance comes into force and of all subsequent editions to be delivered to Government within a month of being printed.

3. Such officer shall thereupon give a receipt in writing for the copies so received.

Receipt and payment for copies.

4. One of such copies shall be transmitted to the Secretary of State for the Colonies, another copy shall be disposed of as the Governor with the advice of the Executive Council shall from time to time, by general or special order, direct, and the remaining copy shall, after a memorandum containing the particulars hereinafter mentioned respecting the book shall have been registered as hereinafter provided, be deposited in such public library, or be otherwise disposed of, as the Governor shall from time to time determine.

Disposal of the three copies.

*Registration of Books.*

Registration of  
memoranda of  
books.

5. There shall be kept at such office, and by such officer, as the Governor with the advice of the Executive Council shall appoint in this behalf, a book to be called "A Catalogue of Books printed in Ceylon," wherein shall be registered a memorandum of every book which shall have been delivered pursuant to section 2 of this Ordinance, such memorandum shall (so far as may be practicable) contain the following particulars; (that is to say):—

- (1) The title of the book and the contents of the title page, with a translation into English of such title and contents, when the same are not in the English language :
- (2) The language in which the book is written :
- (3) The name of the author, translator, or editor of the book or any part thereof :
- (4) The subject :
- (5) The place of printing and the place of publication :
- (6) The name or firm of the printer and the name or firm of the publisher :
- (7) The date of issue from the press or of the publication :
- (8) The number of sheets, leaves, or pages :
- (9) The size :
- (10) The first, second or other number of the edition :
- (11) The number of copies of which the edition consists :
- (12) Whether the book is printed or lithographed :
- (13) The price at which the book is sold to the public ; and
- (14) The name and residence of the proprietor of the copyright or of any portion of such copyright.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of the copies thereof in manner aforesaid.

Publication of  
memoranda  
registered.

6. The memoranda registered during each quarter in the said catalogue shall be published in the *Government Gazette*, as soon as may be after the end of such quarter, and a copy of the memoranda so published shall be sent to the said Secretary of State for the Colonies.

Penalty for non-  
delivery of books  
by printer.

7. Every printer who neglects to deliver three copies of any such book as is referred to in section 2 of this Ordinance, or of any second or subsequent edition of any such book, to the officer and in the manner hereinbefore prescribed, commits an offence punishable by a fine not exceeding fifty rupees.

Penalty for non-  
supply of books  
by publisher.

8. Every publisher or other person, employing any such printer, who neglects to supply him in manner aforesaid with maps, prints or engravings finished and coloured as aforesaid, which may be necessary to enable such printer to comply with the provisions of the said section, commits an offence punishable by a fine not exceeding fifty rupees.

Mode of recovering  
penalties.

9. All pecuniary penalties imposed under this Ordinance may be recovered in the manner prescribed by "The Criminal Procedure Code, 1883."

Power of Governor  
in Executive

10. The Governor, with the advice of the Executive Council, shall have power to make such rules as may be necessary or

*Registration of Books. General Cemetery.*

desirable for carrying out the objects of this Ordinance, and from time to time to repeal, alter and add to such rules. All such rules and all repeals and alterations thereof and additions thereto shall be published in the *Government Gazette*.

Council to make rules

11. The Governor, with the advice of the Executive Council, may by notification in the *Government Gazette*, exclude any class of books from the operation of the whole or any part or parts of this Ordinance.

Power of Governor in Executive to exclude any class of books from operation of this Ordinance.

12. This Ordinance shall come into operation on the First day of April, 1885.

Commencement of Ordinance.

Passed in Council the Twenty-first day of January, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-seventh day of January, One thousand Eight hundred and Eighty five.

JOHN F. DICKSON,  
Acting Colonial Secretary.

No. 2. - 1885.

An Ordinance to empower the Governor and Executive Council to add to, reduce, or alter the limits of any established General Cemetery.

amendment 1895

ARTHUR GORDON, 12 1862

WHEREAS under the provisions of "The Cemeteries Ordinance, 1862," the Governor, with the advice and consent of the Executive Council, is empowered by proclamation to establish a General Cemetery within such limits as shall be specified and defined in such Proclamation :

Preamble.

And whereas no express authority has been given by the said Ordinance to the Governor, with the like advice and consent, to add to or reduce or alter the limits of a General Cemetery when so established, and doubts have arisen how far authority exists for such purposes, and it is desirable and expedient that such doubts should be removed : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

1. This Ordinance and "The Cemeteries Ordinance, 1862," hereinafter called "The principal Ordinance," and Ordinance No. 20 of 1884 shall be construed and read as one Ordinance, and this Ordinance may be cited as "The Cemeteries Ordinance Amendment Ordinance, 1885."

Construction and short title of Ordinance.

2. It shall be lawful for the Governor, with the advice and consent of the Executive Council, from time to time to add to or to reduce or otherwise alter the limits of any General Cemetery

Governor and Executive Council may add to, reduce or alter

*General Cemetery.**Colombo Harbour Works.*

limits of General  
Cemeteries  
established under  
Ordinance No. 12  
of 1862.

established under the principal Ordinance, provided that any such additions, reductions, or alterations, as the case may be, shall be proclaimed, specified, and defined, and in all respects dealt with in the same manner as is directed to be done by the principal Ordinance as regards the original limits of any General Cemetery established under it.

Passed in Council the Twenty-seventh day of January, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of January, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,  
Acting Colonial Secretary.

### No. 3.—1885.

An Ordinance to raise a loan of £60,000 sterling for the completion of the Colombo Harbour Works.

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient to raise a loan not exceeding £60,000 sterling, British currency, for the completion of the Colombo Harbour Works: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance to be read as one with Ordinance No. 19 of 1884.

1. This Ordinance and Ordinance No. 19 of 1884, intituled “An Ordinance to declare the terms and conditions applicable to loans authorized to be raised by the Government of Ceylon, and to provide for the creation of Ceylon Inscribed Stock,” shall be construed and read as one Ordinance.

Authority to Governor to borrow £60,000 sterling by sale of debentures, &c.

2. The Governor is hereby authorized to borrow, at any time within twelve months from the passing of this Ordinance, a sum not exceeding sixty thousand pounds sterling British money, by the sale of debentures or by the sale of inscribed stock, or partly by the sale of debentures and partly by the sale of Inscribed Stock, under the provisions of “The General Loan and Inscribed Stock Ordinance, 1884.”

Proceeds arising from loan to be applied to the completion of Breakwater. Contributions of Sinking Fund to commence from the date on which interest on

3. The proceeds arising from such loan shall be applied to the construction and completion of the Colombo Harbour Works.

4. The contributions to the Sinking Fund as contemplated in sections 10 and 24 of “The General Loan and Inscribed Stock Ordinance, 1884,” for the repayment of the said sum of £60,000 sterling British money, hereby authorized to be borrowed, shall

*Colombo Harbour Works. Colombo Waterworks.*

commence from the date on which the interest on the debentures or inscribed stock to be created under this Ordinance shall run.

Passed in Council the Twenty-seventh day of January, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of January, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,  
Acting Colonial Secretary.

debentures or  
inscribed stock  
shall run.

**No. 4.—1885.**

An Ordinance to raise a loan of £40,000 sterling for the completion of the Colombo Waterworks.

ARTHUR GORDON.

**W**HEREAS it is expedient to raise a loan not exceeding £40,000 sterling, British currency, for the completion of the Colombo Waterworks: 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 and Ordinance No. 19 of 1884, intituled "An Ordinance to declare the terms and conditions applicable to loans authorized to be raised by the Government of Ceylon, and to provide for the creation of Ceylon Inscribed Stock," shall be construed and read as one Ordinance.

2. The Governor is hereby authorized to borrow, at any time within twelve months from the passing of this Ordinance, a sum not exceeding Forty thousand pounds sterling British money, by the sale of debentures or by the sale of inscribed stock, or partly by the sale of debentures and partly by the sale of inscribed stock, under the provisions of "The General Loan and Inscribed Stock Ordinance, 1884."

3. The proceeds arising from such loan shall be applied to the construction and completion of the Colombo Waterworks.

4. The contributions to the Sinking Fund as contemplated in sections 10 and 24 of "The General Loan and Inscribed Stock Ordinance, 1884," for the repayment of the said sum of Forty thousand pounds sterling British money, hereby authorized to be borrowed, shall commence from the First day of November, One thousand Eight hundred and Eighty-eight.

Passed in Council the Twenty-seventh day of January, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of January, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,  
Acting Colonial Secretary.

Preamble.

Ordinance to be read as one with Ordinance No. 19 of 1884.

Authority to Governor to borrow £40,000 sterling by sale of debentures, &c.

Proceeds arising from loan to be applied to the completion of the Colombo Waterworks. Contributions to Sinking Fund to commence from the first day of November, 1888.

*Transit of Merchandize.**repealed***No. 5.—1885.**

**An Ordinance to ensure the supervision and safe transit of Goods, Produce, and Merchandize from one part of this Island to another.**

ARTHUR GORDON.

**Preamble.**

**W**HEREAS it is expedient to make further provision for the supervision and safe transit of goods, produce, and merchandize from one part of this Island to another: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

To provide for security of goods, &c., in transit, Governor and Executive Council may authorize fees to be levied at certain places.

1. Whenever it shall be deemed advisable by the Governor, with the advice of the Executive Council, that along any particular public road, river, or canal of this Island, goods, produce, or merchandize conveyed in carts or boats should be supervised and protected, the Governor, with the advice of such Council may by Proclamation authorize at any particular place or places along such road, river, or canal, the levy of a fee for the purposes of defraying the expenses of the protection and supervision of goods, produce, and merchandize as aforesaid, and may fix the amount of the fee to be so levied; provided that the same shall not exceed 50 cents for each cart, and provided that whenever a fee shall be authorized to be so levied, the same shall be notified in the *Government Gazette* not less than 14 days previously to the date on which such fee shall become leviable.

Fees so paid to be expended on cost of supervision on road, &c., where levied.

2. All moneys which may be collected under this Ordinance shall be expended in defraying the cost of the police and other incidental expenses along the road, river, or canal on which such fee or fees may be levied, but for no other purpose whatsoever.

Term "cart" only to include carts plying for hire, and not coaches, carriages, and hackeries.

3. The term "cart" in this Ordinance means a cart conveying goods, produce or merchandize, but shall not include a carriage, coach, or hackery.

4. This Ordinance shall continue in force until the 31st day of December inclusively, 1886, or, if the Legislative Council be then in session, then until the end of such session.

Passed in Council the Twenty-seventh day of January, One thousand Eight hundred and Eighty-five.

**R. H. SINCLAIR,**  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-eighth day of January, One thousand Eight hundred and Eighty-five.

**JOHN F. DICKSON,**  
Acting Colonial Secretary.



*Church of England in Ceylon.***No. 6.—1885.**

An Ordinance to enable the Bishop, Clergy, and Laity of the Church of England in Ceylon to provide for the regulation of the affairs of the said Church.

ARTHUR GORDON.

**W**HEREAS by the Ordinance No. 14 of 1881, intituled "An Ordinance to amend the Ordinance No. 1 of 1870, intituled 'An Ordinance relating to the Fixed Civil Establishments of this Colony,'" the salaries and allowances payable to the Bishop and other ecclesiastical persons of the Church of England, out of the Colonial Treasury, have been prospectively abolished, and provision has been made for payment from time to time to trustees for the use of the said Church until the 1st day of July, 1886, of the salaries and allowances payable in respect of offices which may become vacant before that date :

Preamble.

And whereas, in consequence of the prospective withdrawal of all State grants to the said Church it has been decided that all the right, title, interest, powers and control of the Government held and exercised in and over all churches, the salaries and allowances in respect of which have been prospectively withdrawn, shall be transferred to trustees, save and except the right, title and interest in the two Churches hereinafter mentioned, subject, nevertheless, in all respects to the same uses, conditions and limitations and for the same purposes as the same are now held and exercised by the said Government :

And whereas by Ordinance No. 15 of 1881, entitled "An Ordinance for the appointment of Incorporated Trustees of the Church of England in Ceylon," all the right, title, interest, powers and control held and exercised by the Government in and over all churches, the salaries and allowances in respect of which had been prospectively withdrawn,—save and except as regards the Church of St. Peter, Colombo, and St. Paul, Kandy,—were transferred to certain trustees and their successors as a body corporate, pending the appointment of a governing body, to represent the said churches : And whereas it is expedient to repeal the said Ordinance No. 15 of 1881, and to make other provisions in lieu thereof, and to enable the Bishop, Clergy, and the Laity of the Church of England to make such arrangements for the management of their ecclesiastical property and affairs as they may think fit and necessary : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

1. Ordinance No. 15 of 1881, entitled "An Ordinance for the appointment of Incorporated Trustees of the Church of England in Ceylon," is hereby repealed.

Repeal of Ordinance No. 15 of 1881.

2. From and after the time when this Ordinance shall come into operation, it shall be lawful for the Bishop, Clergy, and Laity, being members of the Church of England in the Diocese of Colombo, to hold Synods, Assemblies or Conventions at such places, in such manner, and for such purposes in connection with their ecclesiastical affairs as to them shall seem fit, and to make and enforce regulations in connection therewith, which shall be binding

Authorization for Bishop, Clergy, and Laity of Church of England to hold Synods.

*Church of England in Ceylon.*

upon such persons as have either directly or indirectly assented thereto: Provided that nothing herein contained shall authorize the imposition of any rate or tax upon any person or persons whomsoever, whether belonging to the said church or not, nor the infliction of any temporal punishment, fine, or penalty upon any person other than his suspension or removal from an office or privilege in or under the control of the said Synod, Assembly, or Convention, or the making of any rule or regulation contrary to the law of the Colony. Provided that nothing be done at variance with the doctrine and discipline of the Church of England, or that will sever this Diocese of Colombo from the said Church, and that any alteration which shall by mistake or otherwise effect such severance as aforesaid shall be null and void.

Bishop to fix time and place of first Synod.

3. It shall be lawful for the Bishop of Colombo, or his representative duly constituted, to fix the time and place for holding the first Synod, Assembly, or Convention.

Synod, Assembly or Convention to consist of Bishop, licensed Priests, and representatives of the laity.

4. The first Synod, Assembly, or Convention shall consist of the Bishop, the Clergy of the Church of England being in priests' orders and the representatives of the laity.

Baptized laymen of 21 years of age and subscribing to declaration to vote for representatives of laity.

5. All baptized laymen of twenty-one years of age and upwards, who shall subscribe to a declaration substantially in the form given in the schedule A. hereto annexed, shall, subject to the provisions of section 6 of this Ordinance, have the right of voting at the election of representatives to the first Synod, Assembly, or Convention upon being registered so to vote by the proper authority accordingly.

How laity to be represented.

6. At the first Synod, Assembly or Convention the laity shall be represented by one representative for every congregation or group of congregations according to the number of members thereof, there being one representative where the persons of over fifteen years of age forming a congregation or group of congregations number over 50 and under 150; two, where they number over 150 and under 300; three, where they number over 300 and under 600; four, where the number is above 600: Provided that no congregation or group of congregations shall have more than four representatives. Every representative shall, before performing the duties of such, subscribe to a declaration according to the form contained in schedule B. to this Ordinance.

After first meeting Synod, &c., to give time and place of subsequent meetings.

7. And after the first meeting, the Synod, Assembly, or Convention shall have the power of determining the time when and place where, its subsequent meetings shall be held, and the qualifications necessary to entitle the clerical and lay members of the Church of England to vote thereat.

Synod, &c., may alter its constitution.

8. It shall be in the power of such Synod, Assembly, or Convention, having met as described above, afterwards to alter its constitution in any way, provided that no such change be made except with the consent of the Bishop of Colombo for the time being, and also of two-thirds of the whole order of clergy, and two-thirds of the whole order of lay representatives as above described, and provided that nothing be done at variance with the doctrine and discipline of the Church of England, or that will

*Church of England in Ceylon.*

sever this Diocese of Colombo from the said Church; and that any alteration which shall by mistake or otherwise effect such severance as aforesaid shall be null and void.

9. It shall be lawful for the first or any subsequent Synod, Assembly, or Convention, held under the authority of this Ordinance, by any Statute, Ordinance, or resolution to be passed for such purpose, to nominate any number of persons, being members of the Church of England, to act as a corporation for the purposes hereinafter mentioned, and upon such Statute, Ordinance, or resolution being recorded in the Registry of the Supreme Court, such persons and their successors, to be appointed as hereinafter provided for, shall become a corporation, with continuance for ever under the style of "The Incorporated Trustees of the Church of England in Ceylon," with full power and authority to have and use a common seal, and as trustees for the said Church to receive, take, hold, or otherwise dispose of all description of property, both real and personal, and shall and may be able and capable in the law to sue and be sued, answer and be answered in any court or courts or elsewhere in all actions or causes whatsoever, touching or concerning the same: Provided always that the change, succession and removal of the members of the said corporation and the constitution and government thereof, and the beneficial uses and disposal of the property to be held in trust by them as aforesaid, shall be regulated, decided, and declared from time to time by the said Synod, Assembly, or Convention, and shall be made subject to such regulations as may from time to time be made thereby in virtue of the powers conferred by this Ordinance.

First Synod to  
appoint  
Incorporated  
Trustees.

10. All the right, title, interest, powers and control in and over all churches with their appurtenances (save and except the churches of St. Peter, Colombo, and St. Paul, Kundy,) which by Ordinance No. 15 of 1881 were proposed to be transferred to "The Incorporated Trustees of the Church of England," as referred to in that Ordinance, shall, upon such a Body Corporate as is referred to in this Ordinance coming into existence, forthwith become absolutely vested in such Body Corporate, as well as any other property which may in any manner or at any time hereafter devolve upon the said Trustees in their capacity of the Incorporated Trustees of the Church of England.

Right, title,  
interest, power and  
control over all  
churches with  
appurtenances to  
be absolutely  
vested in  
Incorporated  
Trustees of the  
Church of  
England.

11. Until the first of such Synods, Assemblies or Conventions, as are referred to in the previous provisions of this Ordinance, shall have appointed the Incorporated Trustees of the Church of England in Ceylon in terms of section 9 of this Ordinance, the properties, rights, and powers to be vested in the said Incorporated Trustees of the Church of England in Ceylon as hereinbefore provided shall, in the meantime, be vested as follows:—

Provisions for  
vesting of property  
of Church of  
England pending  
appointment of  
Incorporated  
Trustees.

- (a) Relating to churches or congregations having trustees lawfully appointed thereto: in such trustees;
- (b) Relating to the churches of Kelaniya and Kohilawatta: in the Trustees of St. Thomas' College, Colombo;
- (c) Relating to the churches of Mannár and Kalpiṭiya: in the Bishop of Colombo; and
- (d) Relating to any other churches than those mentioned in sub-sections (a), (b) and (c): in the Bishop of Colombo.

*Church of England in Ceylon.*

Provided, however, that nothing herein contained shall prevent or delay such properties, rights and powers vesting in the Incorporated Trustees of the Church of England in Ceylon so soon as they shall have been appointed. And provided that no right, title, interest, power, and control which by Ordinance No. 12 of 1846 is or may hereafter be vested in Trustees appointed thereunder save and except such right, title, interest, power, and control as by Ordinance 15 of 1881, it was purported to convey to the Incorporated Trustees as therein bound, nor any right, title, interest, power, and control which by any deed or other instrument is or may hereafter be vested in the Bishop of Colombo, or his successors, or in any other Trustees, for the benefit of the said Church, shall vest in such Incorporated Trustees of the Church of England in Ceylon.

Death, retirement,  
or removal.

12. It shall be lawful for the said Synod, Assembly or Convention to make provision for the appointment and resignation of Bishops, and to admit any persons to be Bishops of Colombo, and when vacancies in the See occur, generally to regulate their tenure of office and their retirement or removal therefrom, and the persons so admitted shall be Bishops of Colombo for the purpose of this Ordinance, Ordinance 11 of 1842, Ordinance 14 of 1881, and of Ordinance 12 of 1846, and shall be successors of the present Bishop of Colombo in all trusts now vested in the Bishop of Colombo and his successors, provided always, that nothing be done at variance with the rights of the Bishop of Calcutta, and provided that nothing be done at variance with the faith, doctrine and discipline of the Church of England.

Ordinance not to  
come into  
operation until  
potified by  
Proclamation.

13. This Ordinance shall not come into operation unless and until the Governor notifies by Proclamation that it is Her Majesty's pleasure not to disallow the same, and thereafter it shall come into operation upon such day as the Governor shall notify by the same or any other Proclamation.

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SCHEDULE A.

I, \_\_\_\_\_, do hereby solemnly declare that I am a Member of the Church of England, and that I have for three calendar months last past been an accustomed member of the congregation of \_\_\_\_\_, and that I am not registered as an elector of any other congregation.

SCHEDULE B.

I, \_\_\_\_\_, of \_\_\_\_\_, do solemnly declare that I am a Member of the Church of England and a communicant of the said Church.

Passed in Council the Twelfth day of February, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Fourteenth day of February, One thousand Eight hundred and Eighty-five.

*Proclaimed on 28 Sept '85 to take  
effect on 1 Nov 85*

JOHN F. DICKSON,  
Acting Colonial Secretary.

*Unclaimed Balances.***No. 7.—1885.**

An Ordinance to provide for the further appropriation of certain unclaimed Balances from the Loan Board.

ARTHUR GORDON.

**W**HEREAS by the Ordinance No. 4 of 1865, intituled "An Ordinance for the better regulation of the Loan Board," provision has been made for the transfer to the Treasury of certain unclaimed balances to be appropriated to purposes cognate to, or connected with the administration of justice: And whereas it is expedient to appropriate a portion of such balances for such purposes: Be it therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. A sum not exceeding Sixty thousand rupees shall be issued and applied to the purposes hereinafter mentioned:—

**Improvement of Jails and Jail**

Hospitals:	Rs.	Rs.
Mahara	... 10,000	
Hulstsdorp	... 4,500	
Hambantota	... 2,200	
Bogambra	... 3,380	
Kegalla	... 2,000	
Nuwara Eliya	... 750	
Trincomalee	... 3,100	
Prison Hospitals	... 4,725	
	-----	30,655
Village Tribunals	... ..	1,500
Improvement of Record-rooms of Courts, and providing for the better security of Court Records	... ..	27,845
	Rs. ...	60,000

2. The Treasurer of the Island shall, from such balances as aforesaid, issue and pay the said several sums for the purposes hereinbefore mentioned, in such proportions as the Governor by any warrant or order in writing to be signed by him shall, from time to time, order and direct; and the payments so to be made shall be chargeable upon and be payable out of the said balances.

3. The Treasurer shall from time to time be allowed credit in his accounts for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned, and he shall receive credit for the same accordingly.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,

Acting Clerk to the Council

Assented to by His Excellency the Governor the Nineteenth day of February, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,

Acting Colonial Secretary.

Preamble.

A sum not exceeding Rs. 60,000 from unclaimed balances in Loan Board may be applied for certain public purposes.

Treasurer to pay such moneys as Governor may direct.

Treasurer to receive credit for such payments.

*Customs Duties.***No. 8.—1885.****An Ordinance to exempt certain articles from the levy of Customs Duties.**

ARTHUR GORDON.

Preamble.

**W**HEREAS it is expedient in certain respects, the Ordinances No. 17 of 1869, intituled "An Ordinance for the General Regulation of Customs in the Island of Ceylon," No. 14 of 1871 intituled "An Ordinance to adjust Customs Duties to the currency of Rupees and Cents," and No. 39 of 1884 intituled "An Ordinance to re-adjust the Customs Duties leviable under Ordinances No. 17 of 1869 and No. 14 of 1871:" Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

Exemption from duties on goods mentioned in schedule.

1. From and after the time when this Ordinance shall come into operation, the goods, wares, and merchandize mentioned in the schedule hereto annexed shall, when imported into this Island, be exempt from all duties of Customs now payable or chargeable in respect thereof under or by virtue of the said Ordinance No. 17 of 1869, the said Ordinance No. 14 of 1871, and the said Ordinance No. 39 of 1884: Provided, however, that nothing herein contained shall affect any duties or arrears of duties which shall be due or payable at the date when this Ordinance shall come into operation.

Ordinance to be read as one with No. 17 of 1869, No. 14 of 1871, and No. 39 of 1884.

2. This Ordinance and the said Ordinances No. 17 of 1869 No. 14 of 1871, and No. 39 of 1884 shall be read as one Ordinance.

**SCHEDULE.**

Bricks and Tiles	Seeds:—
Drawing Materials	Rape
Felt	Poppy
Gunnies	Niger
Hoop Iron	Musard
Instruments, Surgical &c.	Bird
Lime and Clay	Senna Leaves
Orchilla Weed	Stones of Sorts
Printing Materials	Tallow and Grease
Prints and Pictures	Timber
Rattan	Woods:—
Resin	Dye
Seeds:—	Sandal and
Cotton	Of sorts
Castor	

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Nineteenth day of February, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,  
Acting Colonial Secretary.

*Protection of certain Produce.***No. 9. - 1885.**

An Ordinance to further provide for the protection of certain descriptions of Produce.

ARTHUR GORDON.

**W**HEREAS it is expedient to make further provision for the protection of certain descriptions of produce which are especially liable to theft : Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. For the purposes of this Ordinance the following terms shall have the meaning hereby assigned to them—

Interpretation clause.

“Labourer” shall include all persons excepting superintendents and assistant superintendents, temporarily or permanently employed on any plantation, in any capacity, whether agricultural, menial or otherwise howsoever.

“Plantation” shall include any land on which coffee, tea, cacao, cardamoms, or cinchona are growing as also cocoanut estates of over twenty-five acres in extent.

“Produce” shall include the fruit, leaf, bark, and roots of any plant cultivated in a plantation.

2. Every person found loitering or lurking about any plantation shall, unless he can give satisfactory reason to the Police Magistrate before whom he is tried for such loitering or lurking, be deemed guilty of an offence, and shall be liable on conviction before such Police Magistrate, who is hereby authorized and empowered to entertain and adjudicate upon such offence, to rigorous or simple imprisonment for any term not exceeding six weeks, or to a fine not exceeding Twenty-five rupees.

Loitering or lurking on plantation to be an offence.

3. Whenever the unripe produce of the coffee or cacao trees or of the cardamom plant or the arecanut palm shall be found in the possession of any person, such person shall be presumed to have stolen unripe produce or to have unlawfully received it knowing it to have been stolen, unless such person shall satisfactorily account for his possession thereof, and such person shall on conviction be liable to the punishments provided for the theft of prædial products under section 368 of “The Ceylon Penal Code.” Provided that should the offence be one for which a person may be convicted before a Police Magistrate, such Police Magistrate may, in addition to any term of imprisonment to which the offender may be sentenced by him for such offence, order such offender to be whipped in the manner prescribed by sections 55 and 56 of “The Ceylon Penal Code,” anything in such Code or in “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.

Possessor of unripe produce to be deemed guilty of theft until contrary be shown.

4. It shall not be lawful for any one to purchase or take in barter or exchange or receive any produce from any labourer employed on any plantation.

Restriction on purchase of produce.

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*Protection of certain Produce.*

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Penalties for offences under section 4 of Ordinance.

5. Any person committing any breach of any of the provision contained in the 4th section of this Ordinance shall be deemed guilty of an offence, and shall be liable on conviction before a Police Magistrate, who is hereby authorized and empowered to entertain and adjudicate upon any such offence to rigorous or simple imprisonment for any term not exceeding six months or to a fine not exceeding one hundred rupees, or to whipping as prescribed by section 3 of this Ordinance, or any two of those punishments.

6. This Ordinance shall come into operation on such day as shall be hereafter fixed by the Governor in a Proclamation to be published in the *Government Gazette*.

Passed in Council the Thirteenth day of February, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Nineteenth day of February, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,  
Acting Colonial Secretary.

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*Forest and Waste Lands.*

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

**No. 10.—1885.**

An Ordinance relating to Forests and Waste Lands, and to  
the felling and transport of Timber.

ARTHUR GORDON.

**B**E it enacted by the Governor of Ceylon, with the advice and  
consent of the Legislative Council thereof, as follows:—

**CHAPTER I.****PRELIMINARY.**

- |  |                        |
|--|------------------------|
| 1. This Ordinance may be called "The Forest Ordinance, 1885":  | Short title            |
| 2. Ordinance No. 6 of 1878, entitled "An Ordinance to amend the Law relating to the felling, destruction, and removal of Timber grown on Crown Lands," is hereby repealed; provided that this 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 this Ordinance, and in all rules made hereunder, unless there is something repugnant in the subject or context,—   | Interpretation clause. |
| "forest-officer" means all persons appointed by name or as holding an office by or under the orders of the Governor to be conservators, deputy-conservators, assistant conservators, or foresters, or to discharge any function of a forest-officer under this Ordinance or any regulation or rule made hereunder: | "forest-officer;"      |
| "forest-ranger" means all headmen not forest-officers and all forest-guards or forest-watchers or peons.   |                        |
| "headmen" means all persons holding appointments as territorial headmen by warrant or act under the hand of the Governor or of the Government Agent, excepting headmen appointed for irrigation purposes or for the purposes of the Village Communities Ordinances:  | "headmen;"             |
| "tree" includes bamboos, stumps, and brushwood, palms, and trees in all stages of their growth:  | "tree;"                |
| "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:   | "timber;"              |

*Forest and Waste Lands.*

- “forest:” “forest” means all land at the disposal of the Crown :
- “forest-produce:” “forest-produce” includes the following things when found in, or brought from, a forest (that is to say) :  
 minerals (including limestone and laterite), surface-soil, trees timber, plants, grass, peat, canes, creepers, reeds, leaves, moss, flowers, fruits, seeds, roots, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey, wax, stone, ruins, clay, gravel, and earth :
- “forest-offence:” “forest-offence” means an offence punishable under this Ordinance or any regulation or rule made hereunder :
- “cattle:” “cattle” includes elephants, buffaloes, horses, geldings, ponies, colts, mules, asses, pigs, sheep, lambs, goats, kids, and calves
- “river:” “river” includes streams, canals, creeks, reservoirs, lakes, and other channels, natural or artificial :
- “reserved-forest” includes stream reservations and reservations on the banks of rivers :
- “forest-plantation” means any plantation made in any reserved or village forest :
- 1892  
 “land at the disposal of the Crown:” “land at the disposal of the Crown” means all land :  
 (a) which, under Ordinance No. 12 of 1840, is presumed to be the property of the Crown until the contrary be proved, saving any rights acquired under section 8 of the said Ordinance ; and saving all rights to paddy lands on which taxes have been paid for thirty years or upwards :  
 (b) in respect of which no person has acquired any right, by written grant or lease made by or on behalf of the British, Dutch or Native Governments, and duly registered as required by law ;  
 (c) in respect of which no person has acquired a right as against the Crown by the issue to him of any certificate of no claim by the Crown under Ordinances No. 12 of 1840 or No. 1 of 1844 ;  
 (d) not registered as Temple Lands under Ordinance No. 10 of 1856.
- “police officer” includes police headmen, police vidhans, and constables :
- “Government Agent” means the Government Agent of the Province :
- “Assistant Government Agent” means the Assistant Government Agent of the District.
- “imprisonment:” “imprisonment” means either rigorous or simple imprisonment as the Court adjudging the same may impose.
4. If in any prosecution or proceeding under this Ordinance any question shall arise as to the title to the land in respect of which any such prosecution or proceeding shall be taken, the court or officer having jurisdiction to entertain and adjudicate upon any such prosecution or proceeding shall, for the purposes of the said prosecution or proceeding, have jurisdiction to try and determine any such question of title. Provided that the judgment or decision of such court or officer on any such question shall not be

*Forest and Waste Lands.*

received as evidence of title or pleaded in bar in any civil suit or proceeding in which the title to the land in question may be put in issue. 1-1892

## CHAPTER II.

## OF RESERVED FORESTS.

5. The Governor may constitute any land at the disposal of the Crown a reserved forest in manner hereinafter provided.

Power to reserve forests.

6. Whenever it is proposed to constitute any land a reserved forest, notice thereof shall be published in the *Government Gazette*—

Notice in Gazette.

- (a) specifying as nearly as possible the situation and limits of such land ;
- (b) declaring that it is proposed to constitute such land a reserved forest ;
- (c) naming an officer (hereinafter called "the forest-settlement-officer") who shall be appointed by the Governor to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, and any claims relating to the practice within such limits of chena cultivation, and to deal with the same as provided in this chapter.

7. When a notice has been published under section six, the forest-settlement-officer shall publish in the language of the district in every chief headman's division in which any portion of the land comprised in such notice is situate, and in every town and village in the immediate neighbourhood of such land, a notification—

Notification by forest-settlement-officer.

- (a) specifying as nearly as possible the situation and limits of the proposed forest ;
- (b) setting forth the substance of the provisions of section eight ;
- (c) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest ; and
- (d) fixing a period of not less than three months from the date of publishing such notification, and requiring every person claiming any right or making any claim referred to or mentioned in section six either to present to such officer within such period a written statement specifying, or to appear before him within such period and state, the nature of such right or claim.

8. During the interval between the publication of such notification and the date fixed by the proclamation declaring the forest to be reserved as provided in section 19, no right shall be acquired in or over the land comprised in such proclamation, except by inheritance or succession or under a grant or contract in writing made or entered into by, or on behalf of, the Crown or some person in whom such right, or power to create the same, was vested when the notification was published ; and, on such land, no new house

Bar of accrual of forest-rights.

*Forest and Waste Lands.*

Prohibition of building, clearing, &c.

shall be built or plantation formed, no fresh clearings for cultivation or for any other purpose shall be made, and no trees shall be cut for the purpose of trade or manufacture, except with the permission, in writing, of the Government Agent or Assistant Government Agent.

Inquiry by forest-settlement-officer.

9. The forest-settlement-officer shall take down in writing all statements made under section seven, and shall inquire into all claims made under that section, and the existence of any right or practice mentioned in section six in respect of which no claim is made. The forest-settlement-officer shall at the same time consider and record any objection which a forest-officer may make to any such claim or to the existence of any such right or practice.

10. The record of all evidence, whether oral or documentary, taken by the forest-settlement-officer at the investigation of each claim shall be made up in a separate file, and the finding or decision thereon, and his reasons therefor, and all orders of the forest-settlement-officer in relation thereto, shall be duly entered on the said record. The record so made up shall be open at all reasonable times, upon application in writing being first made to the forest-settlement-officer, to the inspection of any party interested in such claim, who shall be entitled to copies of such record or any part thereof, to be made at the expense of the party applying for the same.

Powers of forest-settlement-officer.

11. For the purposes of such inquiry, the forest-settlement-officer 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, provided that the requirements of the proviso to section 2 of such Ordinance shall not be necessary for the purposes of this Ordinance.

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Claims relating to practice of chena cultivation now dealt with.

12. In the case of a claim relating to the practice of chena cultivation, the forest-settlement-officer shall pass an order specifying the particulars of such claim and permitting, or refusing to permit, such practice wholly or in part.

If such practice is permitted wholly or in part, the forest-settlement-officer may—

- (a) alter the limits of the proposed reserved forest so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimants; or
- (b) cause certain portions of the reserved forest to be separately demarcated, and give permission to the claimants to practice chena cultivation therein under such rules and conditions as he may prescribe.

No right, further than permission, to practice chena cultivation shall be deemed to be conferred by an order under this section permitting such practice, and, except with the sanction of the Government Agent or Assistant Government Agent such cultivation shall only be practised by the person or community to whom such permission is granted.

*Forest and Waste Lands*

**13.** In the case of a claim to a right in or over any land other than the following rights :—

- (a) a right of way,
- (b) a right to use of water,
- (c) a right of pasture, or to forest produce,

Power to acquire land over which right is claimed.

the forest-settlement-officer shall pass an order specifying the particulars of such claim, and admitting or rejecting the same wholly or in part.

If such claim is admitted wholly or in part, the forest-settlement-officer may (1) come to an agreement with the claimant for the surrender of the right ; or (2) exclude the land from the limits of the proposed forest ; or such land may be acquired in the manner provided by " The Land Acquisition Ordinance, 1876," and Ordinance No. 6 of 1877. *h 1892*

**14.** In the case of a claim to rights of the kind specified in clauses (a), (b) and (c) of section thirteen, the forest-settlement-officer shall pass an order specifying the particulars of such claim, and admitting or rejecting the same wholly or in part.

Order on claims to rights of way water-course, pasture, and to forest-produce.

When a claim to any such right is admitted, if the right is for the beneficial enjoyment of any land or buildings, he shall record the designation, position and area of such land, and the designation and position of such buildings.

Where the right is a right to forest-produce, he shall also record whether the forest-produce obtained by the exercise of such right may be sold or bartered, and such other particulars as may be necessary in order to define the nature, incidents and extent of the right.

**15.** When the forest-settlement-officer has admitted wholly or in part, and recorded under section fourteen, a claim to a right of pasture or to forest-produce, he shall as far as possible provide for the exercise of such right—

Provision for rights of pasture or to forest-produce admitted.

- (a) by altering the limits of the proposed reserved forest so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimant ;
- (b) by recording an order continuing to the claimant a right of pasture or to forest-produce (as the case may be), subject to such rules as may from time to time be prescribed on that behalf by the Government Agent.

The order passed under clause (b) shall record, as far as practicable, the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the seasons during which, such pasture is permitted ; or

the quantity of timber or other forest-produce which the claimant is authorized to take or receive, the local limits within which, the season during which, and the mode in which, the taking of such produce is permitted ; and

such other particulars as may be required in order to define the extent of the right which is continued, and the mode in which it may be exercised.

*Forests and Waste Lands.*

Commutation of such rights.

16. Whenever any right of pasture or to forest-produce admitted under section fourteen is not provided for in one of the ways prescribed in section fifteen, the forest-settlement-officer shall, subject to such regulations as the Governor may from time to time prescribe in this behalf, commute such right by paying a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of land, or in such other manner as such officer thinks fit.

Appeal from order passed under foregoing sections.

17. Any person who has made a claim under this chapter may within three weeks from the date of any order passed on such claim by the forest-settlement-officer under section twelve, thirteen, fourteen, fifteen or sixteen, present an appeal from such order to the Government Agent.

Appeal under section 17.

18. Every appeal under section seventeen shall be made by petition in writing, and may be delivered to the forest-settlement-officer, who shall forward it without delay to the Government Agent.

Notification declaring forest reserved.

19. When the following events have occurred, namely:—

(a) the period fixed under section seven for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the forest-settlement-officer, and

(b) If such claims have been made, the periods fixed for appealing from the orders passed on such claims have elapsed, and all appeals (if any) presented within such period have been disposed of by ~~the appellate officer,~~ <sup>the Supreme Court,</sup> and

(c) all lands (if any) to be included in the proposed forest, which may be acquired under section thirteen, have become vested in the Crown,

the Governor shall by proclamation to be published in the *Government Gazette*, specify the limits of the forest which it is intended to reserve, and declare the same to be reserved from a date fixed by such proclamation.

From the date so fixed, such forest shall be deemed to be a reserved forest.

Extinction of rights not claimed.

20. Rights in respect of which no claim has been preferred under section seven, and of the existence of which no knowledge has been acquired by enquiry under section nine, shall thereupon be extinguished, unless before the publication of such proclamation, the person claiming them has satisfied the forest-settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section seven.

Provided however, that the rights of any person who was absent from the Island when the enquiry by the forest-settlement-officer was held, may be enquired into at any time during the twelve months succeeding the institution of such enquiry. Provided further, that this reservation of the rights of an absentee claimant shall not in any way stay the publication of the proclamation aforesaid.

Publication of translation of

21. The Government Agent of the province in which the forest so reserved is situate shall, before the date fixed by such

*Forest and Waste Lands*

proclamation, cause a translation thereof in the language of the district to be published in the manner prescribed under section seven.

such notification in neighbourhood of forest.

22. The Governor with the advice of the Executive Council, may, within five years from the publication of any proclamation under section nineteen, revise any arrangement made under section twelve, fourteen, or fifteen, and may rescind or modify any order made under this chapter, and direct that any one of the proceedings specified in section fifteen be taken in lieu of any other of such proceedings, or that the permission granted under section twelve, or rights admitted under section fourteen, be commuted under section sixteen.

Power to revise arrangement made under section 12, 15, or 18.

23. No right of any description shall be acquired in or over a reserved forest, except by inheritance or succession, or under a grant or contract in writing made by, or on behalf of the Crown, or some person in whom such right, or the power to create such right, was vested when the proclamation under section nineteen was published.

No right acquired over reserved forest except as here provided.

24. Notwithstanding anything herein contained, no right continued under section fifteen shall be alienated by way of grant, sale, lease, mortgage or otherwise, without notice thereof to the Government Agent: provided that when any such right is continued for the beneficial enjoyment of any land or house, it may be sold or otherwise alienated with such land or house, without such sanction.

Rights not to be alienated without sanction.

No timber or other forest-produce obtained in exercise of any right so continued shall be sold or bartered, except to the extent defined by the order recorded under section fifteen.

25. Any forest-officer may, from time to time, with the previous sanction of the Government Agent, stop any public or private way or water-course in a reserved forest: provided that for the way or water-course so stopped another way or water-course, which in the opinion of the Government Agent is equally convenient, already exists or has been provided or constructed by such forest officer.

Power to stop ways and water-courses in reserved forest.

Provided further, that it shall be lawful for the Government Agent to determine the amount of compensation to be paid in case he is of opinion that the substituted way or water-course injuriously affects the interests of one or more individuals to whom on that account compensation should be paid.

26. A person who in a reserved forest—

- (a) trespasses, or pastures cattle, or wilfully causes cattle to trespass,
- (b) causes any damage by negligence in felling any tree, or cutting or dragging any timber,
- (c) wilfully strips off the bark or leaves from, or otherwise damages any tree,
- (d) in contravention of any rules made by the Government Agent of the province on that behalf, hunts, shoots, fishes, poisons water, or sets traps or snares, or guns, or uses any explosive substance,

Penalties for trespass or damage in reserved forests.

*Forest and Waste Lands.*

shall be guilty of an offence and be liable on conviction to a fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in such forests.

**27. Any person who—**

- (a) makes any fresh clearing prohibited by section eight, or
  - (b) sets fire to a reserved forest, or in contravention of any rules made by the Government Agent, kindles any fire, or leaves any fire burning in such manner as to endanger the reserved forest, or any part thereof,
- or who, in a reserved forest
- (c) kindles, keeps or carries any fire except at such seasons and in such manners as a forest-officer, specially empowered in this behalf, may from time to time notify,
  - (d) fells, girdles, lops, taps or burns any tree,
  - (e) quarries stone, burns lime or charcoal, or collects, subjects to any manufacturing process, or removes, any forest-produce,
  - (f) clears or breaks up any land for cultivation or any other purpose,

shall be guilty of an offence and be liable to be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, in addition to such compensation for damage done to the forest as the convicting court may direct to be paid.

Such compensation when awarded shall be treated in all respects as a fine, shall be recoverable as such, and shall not exceed the amount of fine which such court has power to impose.

Acts excepted from prohibition contained in sections 26 and 27

**28.** Nothing in section twenty-six or section twenty-seven shall be deemed to prohibit (a) any act done in accordance with any regulation made by the Governor or with the permission in writing of a forest-officer empowered to grant such permission; or (b) any practice of chena cultivation permitted under section eleven; or (c) the exercise of any right continued under section fifteen or created by grant or contract in the manner described in section twenty-three.

Penalty for offences committed by persons having rights in reserved forests.

**29.** Whenever fire is caused wilfully or by gross negligence in a reserved forest by any person having rights in such forest, or having permission to practise chena cultivation therein, or by any person in his employment, or whenever any person having rights in such forest contravenes the provisions of section twenty-four, the Governor may (notwithstanding that a penalty has been inflicted under section twenty-seven in respect of such fire) direct that in such forest or any specified portion thereof the exercise of all or any of the rights of pasture or to forest-produce shall be extinguished or suspended for such period as he thinks fit, and may withdraw any permission to practise chena cultivation in such forest or portion.



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30. The Governor may, by proclamation in the *Gazette*, direct that from a date fixed by such proclamation, any forest or any portion thereof reserved under this Ordinance shall cease to be reserved.

Power to declare forest no longer reserved.

From the date so fixed, such forest or portion shall cease to be reserved; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

31. Any forest which has been declared a reserved forest under any law in force, previous to the day on which this Ordinance comes into force, shall be deemed to have been reserved hereunder; and all questions decided, orders issued and records prepared in connection with the reservation of such forest, shall be deemed to have been decided, issued and prepared hereunder, and all provisions of this Ordinance relating to reserved forests shall apply to such forest.

Forests reserved under former law.

32. In the event of any claim being preferred, within five years from the date of the passing of this Ordinance, to rights in any forest which under section 31 has been continued as a reserved forest, enquiry shall be made into such claim, and it shall be dealt with in the same manner as if it had been made under sections twelve, thirteen, and fourteen.

Claims made under section 31 within five years to be dealt with as claims made under sections 12, 13, and 14.

33. Any person who considers himself aggrieved by the decision or order of a Government Agent in respect of any claim made under section 13 or section 14 may further appeal to the Supreme Court, provided such person swear an affidavit to the effect that the value of the right with regard to which the order or decision has been given against him is Rs. 250 or upwards, and provided that such affidavit be sworn to and that notice of any such appeal be given in writing and delivered to the Government Agent within three weeks from the date of the order appealed against. The Government Agent on receiving such affidavit and notice of appeal shall transmit the same together with the record of the proceeding in question 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. Stamp duty shall be charged upon every such petition of appeal and upon every such affidavit at the rates specified in the schedule to "The Stamp Duties' Ordinance, 1884" for similar instruments in the District Courts, and upon the 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 interlocutory orders of District Courts are dealt with and disposed of.

Appeal to Supreme Court from decisions on claims made under sections 13, 14, or 32.

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CHAPTER III.

OF VILLAGE FORESTS.

34. The Governor may, by proclamation in the *Gazette*, constitute any portion of forest a village-forest for the benefit of any village-community or group of village-communities, and may in like manner vary or cancel any such proclamation.

Constitution of village-forests.

*Forests and Waste Lands.*

Every such proclamation shall specify the limits of such village-forest.

Trees in schedule A. village-forest the property of Government.

35. All trees enumerated in schedule A. hereto in a village-forest shall be deemed to be the property of the Crown; and no person shall cut, mark, lop, girdle, or injure by fire or otherwise, any such trees without the permission of a forest-officer empowered to grant such permission.

Power to make rules for village-forests.

36. The Governor with the advice of the Executive Council may make regulations for the management of village-forests, prescribing the conditions under which the community or group of communities, for the benefit of which any such forest is constituted, may be provided with timber or other forest-produce or with pasture, and their duties in respect of the protection and improvement of such forest.

The Governor with the advice of the Executive Council may, by such regulations, declare any of the provisions of chapter II. of this Ordinance to be applicable to village-forests.

Saving of private rights.  
Power to inquire into and deal with such rights.

37. Nothing in this chapter shall be deemed to affect any existing rights of any person in or over any village-forest.

The Governor may in any case direct that all claims to any such rights, other than the rights of the village-community or group of village communities for the benefit of which such village-forest is constituted, shall be inquired into, recorded and provided for in the manner prescribed by chapter II. of this Ordinance.

Penalty for breach of sections 34 and 35.

38. Every person who shall do any of the acts prohibited by section thirty-five, and every person who commits a breach of any of the regulations made under section thirty-six, shall be guilty of an offence punishable by a fine not exceeding one hundred rupees, or by imprisonment which may extend to six months.

CHAPTER IV.

OF THE PROTECTION OF FORESTS AND FOREST-PRODUCE.

Reserved trees.

39. All trees enumerated in schedule B. hereto standing in any forest shall be deemed reserved trees, and the Governor may by notification in the *Gazette*—

(a) declare that any other trees or any specified class of other trees standing in any forest land shall, from a date to be fixed by such notification, be reserved trees;

(b) vary or cancel any such notification.

Protection of reserved trees.

40. No person shall cut, mark, lop, girdle, tap, or injure by fire or otherwise, any reserved tree, <sup>or any tree in any forest</sup> except as provided by rules made by the Government Agent on this behalf, or with the permission in writing of a forest-officer empowered by the Government Agent to grant such permission.

Whoever cuts, marks, lops, girdles, taps, or injures by fire or otherwise, any reserved tree in contravention of this section, shall be punished with a fine which may extend to twenty rupees, or, when the damage resulting from his offence amounts to more than ten rupees, to double the amount of such damage.

1.15.92-11

(1) Sample cutting, not cutting done 2.C.L.R. 162

Southern Province Rules Gazette 28 January 1887

Amraathupura " " 14 "

Western Province " 11 July "

North Western " " 7 January "

Rules under § 40 don't require sanction & have not the force  
of law by being Gazette § 5 CC 60

Copy Rules to be proved 1 SCR 247

Recap for notes

1 land not within reserved or village forest 2 CLR 149

2 at disposal of Govt a b c d § 3

3 chase

4 boundaries to be shown

5 Govt classes it

1 NLR 73 & 102 + cases in copy Ordinance at house

cut § 5 CC 137 : 2 CLR 162 : 7 SCL 167

forest provisions don't apply to timber cut impounded land § 5 CC 38

timbercut to be proved 2 CLR 149 3 SCR 95

40(06) + 42, 7500.167 : 9 45360

1. Inconsistent in presentation to show the forest-land is not included in either class & C.R. 149 & 25 C.R. 98

*Forests and Waste Lands.*

41. No person shall clear, set fire to, or break up the soil of, or make use of the pasturage or of the forest-produce of any forest, and not included in a reserved or village-forest, except in accordance with rules which may be prescribed by the Government Agent, subject to the approval of the Governor, with the advice of the Executive Council. Such rules may, with respect to such land—

Power to make rules generally.

- (a) regulate or prohibit the cutting of, or setting fire to chenas, or the issue of grants or leases by Government with respect to land on which trees enumerated in schedule B. hereto are growing ;
- (b) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires ;
- (c) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber, and the collection and removal of forest produce ;
- (d) regulate or prohibit the building of houses or huts, the quarrying of stone or coral, or the digging for plum-bago or gems, or the burning of lime or charcoal ;
- (e) regulate or prohibit the cutting of grass and the pasturing of cattle, and regulate the payments (if any) to be made for such cutting or pasturing ;
- (f) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares or guns; or the use of explosives ;
- (g) regulate the sale or free grant of timber or other forest produce ; and
- (h) prescribe, or authorize any forest-officer to prescribe, subject to the sanction of the Governor, the fees, royalties or other payments for such timber or other forest produce, and the manner in which such fees, royalties or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

200 R 169

Nothing in this section shall be deemed to affect any existing rights of any person in or over pasturage. V. 30 11072 12

42. The breach of any of the provisions of, or regulations or rules made under this chapter, shall constitute an offence punishable by a fine not exceeding one hundred rupees or by imprisonment which may extend to six months.

Penalties for acts in contravention of rules.

43. No act shall be deemed to be an infringement of any rule made under this chapter if done with the permission in writing of the Government Agent or Assistant Government Agent.

Nothing in this chapter to prohibit acts done in certain cases.

43a Nothing which shall apply to reserved forests

CHAPTER V.

OF THE CONTROL OF TIMBER AND FOREST-PRODUCE IN TRANSIT.

44. The Governor, with the advice of the Executive Council, may make regulations respecting the transit of all forest-produce by land or water.

"Forest produce" & "timber" include timber cut on any land or property or value & property of the Crown or any private individual T. 1892 §14

land not made had 2 CLR 99  
Plan was then given or was filed

Forests and Waste Lands.

Power to make rules to regulate transit of timber.

Such regulations may among other matters—

2 CLR 158  
950038

Forest land

- (a) prescribe the places at and the routes by which alone forest-produce may be exported from, or removed within, the Colony ;
- (b) prohibit the import and export or moving of such forest-produce without a pass from an officer duly authorized to issue the same, or otherwise than in accordance with the conditions of such pass ;
- (c) provide for the issue, production and return of such passes ;
- (d) fix the fees payable for such passes; 1892 14(2)
- (e) in the case of timber formed into a raft or fastened to the shore, prohibit the loosening or the setting adrift of such timber by any person not the owner thereof, or not acting on behalf of such owner or of the Crown ;
- (f) provide for the stoppage, reporting, examination and marking of timber in transit, in respect of which there is reason to believe that any money is payable to the Crown, or to which it is desirable, for the purposes of this Ordinance, to affix a mark ;
- (g) establish, or authorize any forest-officer to establish, subject to the control of the Governor, stations to which such timber shall be taken by those in charge of it for examination, or for the realization of such money, or in order that such mark may be affixed to it ; and the conditions under which such timber shall be brought to, stored at, and removed from, such station ;
- (h) provide for the management and control of such stations, and for regulating the appointment and duties of persons employed thereat ;
- (i) authorize the transport of timber the property of the Crown across any land, and regulate the compensation to be paid for any damage done by the transport of such timber ;
- (j) prohibit the closing-up or obstruction of the channel or banks of any river lagoon or backwater used for the transit of timber, and the throwing of grass, brushwood, branches and leaves into any such river, lagoon or backwater, or any other act which tends to cause the obstruction of such channel ;
- (k) provide for the prevention and removal of any obstruction in the channel or on the banks of any such river, lagoon or backwater and for recovering the cost of such prevention or removal from the person, or by the sale of any timber, causing such obstruction ;
- (l) prohibit absolutely, or subject to conditions within specified local limits, the establishment of sawpits, the converting, cutting, burning, concealing, marking or supermarking of timber, the altering or effacing of any marks on the same, and possession or carrying

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of marking-hammers or other implements used for marking timber ;

(m) regulate the use of property-marks for timber, and the registration of such marks ; declare the circumstances in which the registration of any property-marks may be refused or cancelled ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person, and provide for the levy of fees for such registration.

45. The breach of any of the provisions of, or regulations made under, this chapter shall constitute an offence punishable by a fine not exceeding one hundred rupees or by imprisonment which may extend to six months. Provided that any such regulation may, within the above limits, prescribe any punishment, or maximum or minimum punishment, for the breach of all or any of the provisions thereof.

Penalties

46. No timber shall be removed from any land without a pass from the Government Agent, or from some person authorized by the Government Agent in that behalf. Such pass shall specify the description, marks, and dimensions of the timber, the place from which and the place to which it is to be removed, the time within which it is to be removed, and the name of the person or persons authorized to remove it, and the name of the forest officer or headman by whom it is to be stamped.

Timber not to be removed without a pass from the Government Agent.

1892 27

47. The Government Agent, in case there is reasonable ground for supposing that any timber for the removal of which a permit is desired has been felled on land which is not private property, may require the person claiming to be the owner of the land on which the timber has been felled, to mark the boundaries of the said land, and to call upon the Surveyor-General to inspect such boundaries as provided by the 12th section of Ordinance 1 of 1844 ; and the Government Agent may defer the issue of the pass to remove the timber until the certificate of the Surveyor-General has been produced.

Government Agent may require person claiming land to mark boundaries.

48. The forest-officer or any other officer thereto authorized shall have power to stop and examine any timber during transit, and to detain it, if it is in his opinion being removed contrary to the provisions of this Ordinance, and deal with it as provided in chapter VII.

Forest-officer, &c., may stop timber in transit.

1892 27

49. Such forest-officer or other officer shall also have power to enter any private depôt or timber yard, and to inspect the timber therein lying, and to collect and remove all unstamped or unmarked usawn logs as provided in chapter VI.

Forest-officer, &c. may enter private depôt.

50. In case of any accident or emergency involving danger to any property at any such station, every person employed at such station, whether by the Crown or by any private person, shall render assistance to any forest-officer, forest-ranger, or police officer demanding his aid, in averting such danger and securing such property from damage or loss.

All persons bound to aid in case of accident at station.

*Forests and Waste Lands.*

## CHAPTER VI.

## OF THE COLLECTION OF DRIFT, STRANDED, AND OTHER TIMBER.

Certain kinds of timber to be deemed property of Government until title thereto proved.

51. All timber found adrift, beached, stranded or sunk in or <sup>unless</sup> on the banks of any river.

All timber bearing marks which have not been registered under regulations made under section forty-four,

All timber which has been supermarked, or on which the marks have been obliterated, altered or defaced by fire or otherwise, and

In such areas as the Governor directs, all unmarked or unstamped timber,

shall be deemed to be the property of the Crown unless and until any person establishes his right thereto, as provided in this chapter.

Power to collect the same.

Such timber may be collected by any forest-officer or any head-man authorized by the Government Agent, and may be brought to such stations as a forest-officer empowered in this behalf may from time to time notify.

Governor may exempt timber from these provisions.

The Governor may, by notification in the *Gazette*, exempt any class of timber from the provisions of this section, and withdraw such exemption.

Notice to claimants of drift-timber.

52. Public notice shall from time to time, as occasion may require, be given by a forest-officer empowered in this behalf of timber collected under section fifty-one. Such notice shall contain a description of the timber, and shall require any person claiming the same to present to such officer, within a period not less than one month from the date on which such notice is given, a written statement of such claim.

Procedure on claim preferred to such timber.

53. When any such statement is presented as aforesaid, the forest-officer may, after making such inquiry as he thinks fit, either reject the claim after recording his reasons for so doing, or deliver the timber to the claimant.

If such timber is claimed by more than one person, the forest-officer may either deliver the same to any of such persons whom he deems entitled thereto, or may refer the claimants to the civil court and retain the timber pending the receipt of an order from such court for its disposal.

On rejection of claim to such timber, claimant may institute suit.

Any person whose claim has been rejected under this section may, within one month from the date of such rejection, institute a suit to recover possession of the timber claimed by him; but no person shall recover any compensation against the Crown or against any forest-officer on account of such rejection, or the detention or removal of any timber, or the delivery thereof to any other person under this section.

No such timber shall be subject to process of any civil court until it has been delivered, or a suit brought under this section has been decided.

Disposal of unclaimed timber.

54. If no statement is presented in the manner and within the period prescribed by the notice issued under section fifty-two,



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or, where such statement having been so presented and, the claim having been rejected, the claimant omits to institute a suit to recover possession of such timber within the further period mentioned in section fifty-three, the ownership of such timber shall vest in the Crown free from all incumbrances; or, when such timber has been delivered to another person under section fifty-three, in such other person, free from all incumbrances not created by him.

55. No person shall be entitled to recover possession of any timber collected or delivered as aforesaid until he has paid to the forest-officer, or other person entitled to receive it, such sum on account thereof as may be due for collecting, moving, storing and disposing of the same.

Payments to be made by claimant before timber is delivered to him.

56. The Governor, with the advice of the Executive Council, may make regulations respecting the following matters (namely):—

Power to make rules and prescribe penalties.

- (a) The collection and disposal of all timber mentioned in section fifty-one;
- (b) The amount to be paid for salving, collecting, moving, storing and disposing of such timber; and
- (c) The use and registration of branding irons and other instruments to be used for marking such timber.

The breach of any of the provisions of, or regulations made under this chapter, shall constitute an offence punishable by a fine not exceeding one hundred rupees or by imprisonment which may extend to six months.

CHAPTER VII.

PENALTIES AND PROCEDURE.

57. When there is reason to believe that a forest-offence has been committed in respect of any timber or forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing any such offence, may be seized by any forest-officer, forest-ranger, or police-officer.

Seizure of property liable to confiscation.

Every officer seizing any property under this section shall place on such property, or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the magistrate having jurisdiction to try the offence on account of which the seizure has been made: ] 1882. 17

Report to magistrate.

Provided that when the timber or forest-produce with respect to which such offence is believed to have been committed is the property of the Crown, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to the Government Agent or Assistant Government Agent. 1882 18

58. Upon the receipt of any such report the magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Procedure thereupon.

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Timber, forest-produce, tools, &c., when liable to confiscation.

59. When any person is convicted of a forest-offence, all timber or forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting magistrate, to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest offence, of produce in respect of which it was committed.

60. When the trial of any forest offence is concluded, any timber or forest-produce in respect of which such offence has been committed shall, if it is the property of the Crown, or has been confiscated, be taken possession of by a forest-officer empowered in this behalf; and in any other case may be disposed of in such manner as the court may order.

Procedure when offender not known or cannot be found.

61. When the offender is not known or cannot be found, the magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a forest-officer specially empowered in this behalf, or to be made over to such forest-officer or other person as the magistrate considers entitled to the same:

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

The magistrate shall either cause a notice of any application under this section to be served upon any person who he has reason to believe is interested in the property seized, or shall publish such notice in any way which he thinks fit.

Procedure as to perishable property seized under section 57.

62. The magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section fifty-seven and subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with such property if it had not been sold.

Appeal from orders under sections 57, 59, 60, and 61.

63. Any person claiming to be interested in property seized under section fifty-seven may, within ~~five~~<sup>five</sup> days from the date of any order passed under section fifty-nine, ~~section sixty, or section sixty-one,~~ present an appeal therefrom to the Supreme Court, and such court shall deal with the case in the same way as if it were an appeal from a Police Court in its ordinary jurisdiction.

Property when vested in Government.

64. When an order for the confiscation of any property has been passed under section fifty-nine ~~or sixty-one,~~ and the period limited by section sixty-three for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when, on such an appeal being presented, the appellate court confirms such order in respect of the whole or a portion of such property, such property or portion, as the case may be, shall vest in the Crown free from all incumbrances.

Saving of power to release property seized.

65. Nothing hereinbefore contained shall be deemed to prevent any officer empowered in this behalf by the Government Agent from directing at any time the immediate release of any

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property seized under section fifty-seven and the withdrawal of any charge made in respect of such property.

66. Any forest-officer, ~~forest-ranger~~, or police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Ordinance, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Punishment for wrongful seizure.

Any fine so imposed, or any portion thereof, shall, if the convicting magistrate so direct, be given as compensation to the person aggrieved by such seizure.

67. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Ceylon Penal Code—

Penalty for counterfeiting or defacing marks in trees and timber, and for altering boundary-marks.

- (a) knowingly counterfeits upon any timber or standing tree a mark used by forest-officers to indicate that such timber or tree is the property of the Crown or of some person, or that it may lawfully be cut or removed by some person, or
- (b) unlawfully affixes to any timber or standing tree a mark used by forest-officers, or
- (c) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a forest-officer, or
- (d) alters, moves, destroys or defaces any boundary-mark of any forest to which any provisions of this Ordinance apply,

shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

68. Any forest-officer, ~~forest-ranger~~, or police-officer may, without orders from a magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence punishable with imprisonment for one month or upwards, if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

Power to arrest without warrant.

Every officer making an arrest under this section shall, without unnecessary delay, take or send the person arrested before a magistrate having jurisdiction in the case, together with a statement showing the offence with which the accused is charged.

69. Every forest-officer, ~~forest-ranger~~, and police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Power to prevent commission of offence.

70. Nothing in this Ordinance shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Ordinance or the regulations or rules made hereunder :

Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

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Power to compound offences.

71. Any forest-officer empowered by the Government Agent in this behalf may accept from any person, reasonably suspected of having committed any forest-offence other than an offence under section sixty-six or section sixty-seven, a sum of money by way of compensation for the offence which may have been committed; and where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Presumption that timber or forest-produce belongs to Government.

72. When in any proceedings taken under this Ordinance, or in consequence of anything done under this Ordinance, a question arises as to whether any timber or forest-produce is the property of the Crown, such timber or produce shall be presumed to be the property of the Crown until the contrary is proved.

CHAPTER VIII.

CATTLE-TRESPASS.

73. Cattle trespassing in a forest plantation may be seized and impounded by any forest-officer or police-officer.

74. The Governor may, by notification in the *Gazette*, direct that there shall be levied for each head of cattle impounded under section seventy-three of this Ordinance, such fines as he thinks fit but not exceeding the following (that is to say):

	Rs.	cts.
(a) For each elephant or buffalo ... ..	10	0
(b) For each calf, ass, pig, sheep, lamb, goat or kid ... ..	2	50
(c) For every head of cattle other than the above ..	5	0

Cattle-trespass Ordinance to apply.  
Power to alter fines.

Procedure if fine not paid.

75. If the amount of the fine be not paid within seven days from the time of impounding of any such head of cattle, together with the costs of its agistment, it shall be lawful for the forest-officer to sell such head of cattle by public auction, and after deducting from the proceeds of such sale the amount of the fine, the costs of the agistment, and of such sale, such forest-officer shall pay the surplus (if any) to the owner of the cattle.

CHAPTER IX.

OF FOREST-OFFICERS.

Appointment of Chief Conservator of Forests, &c.

76. It shall be lawful for the Governor from time to time to appoint a Chief Conservator of Forests, and such other officers as are required for the purposes of this Ordinance, and there shall be paid to such Chief Conservator and officers such salaries as the Governor with the advice and consent of the Legislative Council may from time to time determine.

Powers of Government Agent, &c.

Every Government Agent and Assistant Government Agent and every Conservator of Forests and every forest-officer authorized in writing under the hand of the Governor on that behalf

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shall possess, for the purposes of this Ordinance, the following powers (that is to say):—

- (a) the powers of Commissioners appointed under the provisions of Ordinance No. 9 of 1872, to compel the attendance of witnesses and the production of documents; provided that the requirements of the proviso to section 2 of such Ordinance shall not be necessary for the purposes of this Ordinance.
- (b) power to issue search-warrants under the Code of Criminal Procedure;
- (c) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;
- (d) power to notify seasons and manner in which fire may be kindled, kept or carried in a reserved forest;
- (e) power to grant any permission referred to in section twenty-eight, thirty-five, forty, or forty-four.
- (f) power to give public notice of timber collected under section fifty-one;
- (g) power to take possession of property under this Ordinance;
- (h) power to direct the release of property or withdrawal of charges;
- (i) power to accept compensation for forest-offences;

and the Governor may withdraw any powers so conferred by him.

Any evidence recorded under clause (c) of this section shall be admissible in any subsequent trial before a magistrate of the alleged offender: Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by law.

77. All forest-officers shall be deemed to be public servants within the meaning of the Ceylon Penal Code.

78. No suit or criminal prosecution shall lie against any public servant for anything done in good faith or omitted by him in good faith under this Ordinance.

79. Except with the permission in writing of the Governor, no forest-officer shall, as principal or agent, trade in timber or forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest.

Forest-officers deemed public servants.  
Indemnity for acts done in good faith.

Forest-officers not to trade.

## CHAPTER X.

## MISCELLANEOUS.

80. The Governor may make regulations consistent with this Ordinance—

- (a) to declare by what forest-officer or class of forest-officers the powers or duties conferred or imposed by or under this Ordinance on a forest-officer shall be exercised or performed;
- (b) to regulate the procedure of forest-settlement-officers;
- (c) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Ordinance or from the public treasury; and
- (d) generally to carry out the provisions of this Ordinance.

Additional powers to make rules.

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Rules when to have force of law.

81. All regulations or rules made or approved by the Governor, with the advice of the Executive Council, under this Ordinance shall be published in the *Gazette*, and shall thereupon have the force of law. *Amendment to Regulation 40 of 1886*

Powers of Chief Commissioner exercisable from time to time. Persons bound to assist forest-officer and police-officer.

All powers conferred by this Ordinance on the Governor may be exercised from time to time as occasion requires.

82. Every person who exercises any right in a reserved-forest or a village-forest, or who is permitted to take any forest-produce from, or to cut and remove timber, or to pasture cattle, or to practise chena cultivation in, such forest, and

every person who is employed by any such person in such forest, and every person in any village contiguous to such forest who is employed by the Crown, or who receives emoluments from the Crown for services to be performed to the community, shall be bound to furnish without unnecessary delay to the nearest forest-officer ~~or forest-ranger~~ or police-officer any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence; and shall assist any forest-officer, forest-ranger, or police-officer demanding his aid—

- (a) in extinguishing any fire occurring in such forest ;
- (b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest ;
- (c) in preventing the commission in such forest of any forest-offence ; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Recovery of money due to the Crown.

83. All money, other than fines, payable to the Crown under this Ordinance, or under any regulation or rule made hereunder, or on account of the price of any timber or forest-produce, or of expenses incurred in the execution of this Ordinance in respect of timber or forest-produce, shall, if not paid when due, become a debt due to the Crown and be recovered under the provisions contained in the 88th, 89th 90th 91st and 92nd sections of this Ordinance.

Lien on forest-produce for such money.

84. When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce ; and such produce may be taken possession of by a forest-officer empowered by the Government Agent in this behalf, and may be retained by him until such amount has been paid.

Power to sell such produce.

If such amount is not paid when due, such forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to the Crown.

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85. The Crown shall not be responsible for any loss or damage which may occur in respect of any timber while at a station established under a regulation made under section forty-four, or while detained elsewhere for the purposes of this Ordinance, or in respect of any timber collected under section fifty-one; and no forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

The Crown not liable for loss or damage in respect of certain timber.

86. Whenever any Government Agent shall decide that a certificate against the right of the Crown may properly be granted, it shall be lawful for him to require the occupant or claimant of the land, unless he shall produce to such Government Agent a title plan of such land duly authenticated by the Surveyor-General, to pay the cost of survey of such land and the fees for copy of title plan; and if the costs of such survey and the fees for copy of title plan be not forthwith paid to the Government Agent by such occupier or claimant, such costs and fees shall thereupon become a debt due to the Crown from such occupier or claimant, and shall be recovered under the provisions contained in the 88th, 89th, 90th, 91st, and 92nd sections of this Ordinance.

Owner to pay for survey and title plan.

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87. It shall be lawful for the Government Agent or Assistant Government Agent or forest-officer to sell by public auction any forest-produce or property seized under the provisions of this Ordinance, and, except where express provision for the application of the proceeds of sale has been made in this or any other Ordinance, the proceeds of such sale shall be paid into the Kachchéri and form part of the public revenue of the Colony.

Property seized may be sold.

88. It shall be lawful for the Government Agent to seize any property whatsoever belonging to the person by whom any debt is due to the Crown, under the provisions of sections 83 and 86 of this Ordinance, wheresoever the same may be found within the province of such Government Agent, and if the amount due in respect of such debt and the costs and charges of seizure be not sooner paid or tendered, to sell the property so seized by public auction at any time not less than ten or more than thirty days from the time of such seizure.

Property of Crown debtors under §§ 83 and 86 may be sold.

89. In the event of a sale of property seized, the Government Agent at whose instance such seizure was made shall, after deducting the amount due by the debtor and also the costs and charges attending the seizure and sale (which said costs and charges such Government Agent is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Overplus to be restored to owner.

90. If land or other immoveable property be sold under the provisions of this Ordinance, a certificate substantially in the form given in schedule C. hereto annexed signed by the Government Agent shall vest such property absolutely in the purchaser free from all encumbrances. Such certificate shall be liable to the stamp duty for the time being fixed on conveyances of immoveable property and to registration fees, such duty and charges being payable by the purchaser.

Certificate of sale of immoveable property.

91. If the land so sold be purchased by the Government Agent, who is hereby authorized to bid for and purchase the same on behalf of the Crown, a certificate substantially in the form

Certificate of sale in case of purchase by Crown.

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given in schedule D. hereto annexed, signed by the Government Agent, shall vest the property absolutely in the Crown free from all incumbrances. Provided that such certificate shall not be liable to stamp duty nor other fees.

Crown may take credit for amount due from defaulter.

92. Whenever the Crown purchases any land under the provisions of the last preceding section, the Crown shall not be required to pay the whole of the purchase money of such land, but shall be entitled to take credit for the amount due from the defaulter under this Ordinance. Provided that in the event of the land sold realizing a less sum than the amount due, nothing herein contained shall preclude the Crown from instituting any civil action or process against the defaulter for the recovery of the balance due by him after deducting the purchase money realized by the sale of the land.

Regulations and rules to be laid before Legislative Council.

93. All regulations and rules under this Ordinance made and approved 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 regulations or approval of such rules, and shall cease to have any force or effect, if disapproved by the Council within two months of being so laid on the table.

SCHEDULE A. (*Vide* § 35.)

<i>Sinhalese Name.</i>	<i>Tamil Name.</i>	<i>Botanical Name.</i>
Buruta (Satinwood) ...	Mutirai	... Chloroxylon Swietenia, DC.
Halmilla ...	Savandalai	... Berrya Ammonilla, Roxb.
Kaluwara (Ebony) ...	Karuykáli	... Diospyros Ebenum, Koen.
Kalumędiriya (Calamander) ...	Pú-karuykáli	... Diospyros quęsita, Thw., and D. oppositifolia, Thw.
Kína (of the hill-country) ...	None	... Calophyllum Walkeri, Wight.
„ (of the low-country) ...	Tommakodđai	... C. tomentosum, Wight.
Lunumidella ...	Malai-vęmpu or Pátiri	... Melia dubia, Cav.
Međđóra ...	None	... Vatica Roxburghiana, Bl.
Míla ...	Káđđá-manákku, or Mililla	... Vitex altissima, L. f.
Neđun ...	None	... Pericopsis Mooniana, Thw.
Palu ...	Pálai	... Mimusops hexandra, Thw.
Tala ...	Kaudapanna	... Corypha Umbraulifera.
Tammána ...	Tammána	... Miscodon zeylanicus, Thw.
Tékka (Teak) ...	Tékku	... Tectona grandis, L.
Wal-sapu or Wal-buruta ...	None	... Michelia nilagirica, Zenk.
Yávarana or Wávarana ...	Ránai	... Persea semecarpifolia, Nees.

SCHEDULE B. (*Vide* § 39.)

<i>Sinhalese Name.</i>	<i>Tamil Name.</i>	<i>Botanical Name.</i>
Arađu ...	Kadukkái	... Terminalia chebula, Retz.
Bakmí ...	Vammi	... Sarcoccephalus cordatus, Miq.
Bómbu ...	Elumpurukki	... Symplocos spicata, Roxb.
Bo-mí ...	—	... Litscea Roxburghii, N. ab E.
Buruta or Malburuta ...	Mutirai or Púmutirai or Tęmal-mutirai	... Chloroxylon Swietenia, DC.
Dawađa ...	—	... Carallia integerrima, DC.
Del ...	A'sanippilá or Angili maram	... Artocarpus nobilis, Thw.
Dođankaha ...	Manchavarná	... Memecylon capitellatum, E.
Domba or Bađa Domba ...	Punna or Tommakodđai	... Calophyllum Inophyllum, L.



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Sinhalese Name.	Tamil Name.	Botanical Name.
Dúna (of moist districts)	—	... <i>Doona zeylanica</i> , <i>Thw.</i>
Dúna (of dry districts)	... Tumpálai	... <i>Vatica</i> , sp.
Èheļa	... Tirukkondal or Tirukkondai or Kovani	... <i>Cassia Fistula</i> , <i>L.</i>
Ètheraliya or Palap	... Kondai or Sarakondai	... <i>Kurrimia zeylanica</i> <i>Arn.</i>
Galmora (of low-country)	... Morai or Káddumurai or Nurai	... <i>Cryptocarya Wightiana</i> , <i>Thw.*</i>
Galsiyambalá	... Kádlupulı	... <i>Dialium ovoideum</i> , <i>Thw.</i>
Godakaduru	... Káncúrui or Vedđi	... <i>Strychnos Nux-vomica</i> .
Godapara	... Pásu or Punalai	... <i>Dillenia retusa</i> , <i>Thunb.</i>
Hal	... Sal	... <i>Vateria acuminata</i> , <i>Heyne.</i>
Halmılla or Halmıllıa†	... Savandalai Kaddamaakkku or Tirikkunámalai	... <i>Berrya Ammonilla</i> , <i>Thunb.</i>
Heđawaka	... Palakuna or Sadaivékkku	... <i>Chaetocarpus castanocarpus</i> , <i>Thw.</i>
Homędiriya	... Veļļai Karuńkáli	... <i>Diospyros Thwaitesii</i> , <i>Bedd.</i>
Hora	... Suraimaram	... <i>Dipterocarpus zeylanicus</i> , <i>Thw.</i>
Hulanhıķ	... Aglai or Kulodi	... <i>Chikrassia tabularis</i> , <i>Juss.</i>
Kađubberiya	... Wekkandai	... <i>Diospyros Gardneri</i> , <i>Thw.</i>
Kalumędiriya	... Púkaruńkáli	{ <i>Diospyros qucesita</i> , <i>Thw.</i> , and <i>D. oppositifolia</i> , <i>Thw.</i>
Kaluwara	... Kúruńkali or 'Fay	... <i>Diospyros Ebenum</i> , <i>Koen.</i>
Karawu	...	... <i>Phyllanthus indica</i> , <i>Dalz.</i>
Keđakála	... Perunkasaddai or Mulluvénkai	... <i>Briedelia retusa</i> , <i>Spr.</i>
Kirikúı†	... Né Koddai or Walsurai	... <i>Walsura piscidia</i> , <i>Rozb.</i>
Kırihımbıliya	...	... <i>Dichopsis grandis</i> , <i>Benth.</i>
Kına (of low-country)	... Tommakkodđai	... <i>Calophyllum tomentosum</i> , <i>Wight.</i>
„ (of hill-country)	... None	... <i>C. Walkeri</i> , <i>Wight.</i>
Kohomba or Margosa	... Vémpu	... <i>Azadirachta indica</i> , <i>A. Juss.</i>
Kóp	... Kulá or Puvá	... <i>Schleichera trijuga</i> , <i>Willd.</i>
Kos	... Pilá	... <i>Artocarpus integrifolia</i> , <i>L.</i>
Kumbuk	... Marutu	... <i>Terminalia glabra</i> , <i>W. et A.</i>
Liyađ	...	... <i>Homalium zeylanicum</i> , <i>Benth.</i>
Lunumıdella or Dunu-mađala	... Malaivémpu or Pátiri	... <i>Melia dubia</i> , <i>Cav.</i>
Máđap	... Perunával or Nával	... <i>Eugenia Jambolava</i> , <i>Lam.</i>
Márá	... Uyil or Kona or Manchádi	... <i>Albizia Lebbek</i> , <i>Benth.</i>
Meńđóra	...	... <i>Vatica Roxburghiana</i> , <i>Wight.</i>
Mıllıa or Mılla	... Malaıámanakkku or Vinilai	... <i>Vitex altissima</i> , <i>L. f.</i>
Mı	... Iluppai	... <i>Bassia longifolia</i> , <i>L.</i>
Mora	... Nurai or Murali or Puvutti	... <i>Nephelium Longana</i> , <i>Camb.</i>
Múnamal	... Machala	... <i>Mimusops Elenzi</i> , <i>L.</i>
Muruta	... Kadalipuva	... <i>Lagerstromia Regınæ</i> , <i>Rozb.</i>
Ná	... Náka or Irul	... <i>Mesua ferrea</i> , <i>L.</i>
Neđun	...	... <i>Pericopsis Mooniana</i> , <i>Thw.</i>
Neđada or Nabada	... Maimaram or Minachchi	... <i>Vitex Lencoxylon</i> , <i>L. f.</i>
Palu	... Pálai	... <i>Mimusops hexandra</i> , <i>Rozb.</i>
Pamburu	... Kuruntu	... <i>Limonia Missionis</i> , <i>Wall.</i>
Pandıkasa or Deduwa	... Pandıkáyán	... <i>Engenia bra-teata</i> , <i>Rozb.</i>
Ruk	...	... <i>Myristica Horsefeldia</i> , <i>Bl.</i>
Sapu	... Senpakam, Makıla or Vakulu or Kanankay	... <i>Michelia Champaca</i> , <i>L.</i>
Siyambalá	... Puļi	... <i>Tamarindus indica</i> , <i>L.</i>
Súriya	... Pávarasu	... <i>Thespesia populnea</i> , <i>Corr.</i>
Súriyamárá	... Vákai	... <i>Albizia odoratissima</i> , <i>Benth.</i>
Tal (Palmyra)	... Papai	... <i>Borassus flabelliformis</i> , <i>L.</i>
Tala	... Kandapanna	... <i>Corypha Umbraculifera</i> .
Tammaņa	... Tammaņa	... <i>Mischodbn zeylanicus</i> .
Tékka	... Tékkku	... <i>Tectona grandis</i> , <i>L. f.</i>

\* Two other trees are called "Galmora" in the Kandyan and hill districts respectively.

*Forests and Waste Lands.*

<i>Sinhalese Name.</i>	<i>Tamil Name.</i>	<i>Botanical Name.</i>
Timbiri	... Panichchai	... Diospyros Embryopteris, <i>Pers</i>
Ubbériya	...	... <i>Carallia calycina</i> , <i>Thw</i>
Vadukunari or Kunamella	Vedukkuñari	... Diospyros ovalifolia, <i>Wight</i> .
Walamba	... Má	... <i>Mangifera zeylanica</i> , <i>Hk. f.</i>
Walukina	...	... <i>Calophyllum spec. abile</i> , <i>Wight</i> .
Wanamí	... Malai Illuppai or Káddiluppai	<i>Bassia fulva</i> , <i>Bedd.</i>
Wáwarapa	... Ránai	... <i>Persea semecarpifolia</i> , <i>N. ab E.</i>
Wá	... Yevákai or Vákai	... <i>Cassia siamea</i> , <i>Lam.</i>
Wēlikaha	... Manchavarná	... <i>Memecylon capitellatum</i> , <i>L.</i>
Welanga	... Vinnanku or Taddi	... <i>Pterospermum suberifolium</i> , <i>Lam.</i>

SCHEDULE C. (*Vide* § 90)

WHEREAS the sum of Rs. — was due to the Crown under the provisions of the — section of Ordinance No. of 1885 from — of —, which said sum has not been paid by the said —: And whereas the land — being the property of the said — was seized in conformity with the said Ordinance and sold also in conformity therewith on the — day of —, and the same was purchased by — of — for the sum of Rs. —, which has been duly paid by the said —: Now know ye that I, —, Government Agent, by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit, [here describe the property with special accuracy as to boundaries] has been sold to and purchased by the said — for the sum of Rs. — which he has duly paid, and that the said premises are and shall henceforward be vested in the said —, his heirs, executors, administrators, and assigns, free of all incumbrances.

Given under my hand this — day of —.

(*Signature*) \_\_\_\_\_

Government Agent.

SCHEDULE D. (*Vide* § 91.)

WHEREAS the sum of Rs — was due to the Crown under the provisions of Ordinance No. — of 1885 from — of —, which said sum has not been paid by the said —: And whereas the land — being the property of the said — was seized in conformity with the said Ordinance and sold also in conformity therewith on the — day of —, and the same was purchased by —, Government Agent, for and on behalf of our Sovereign Lady the Queen, for the sum of Rs. —, which has been credited to our said Lady the Queen in part satisfaction (or full as the case may be) of the sum of Rs. — due to our said Lady the Queen: Now know ye that I, —, Government Agent, by virtue and in exercise of the power vested in me in this behalf by the said Ordinance, do hereby certify that the following property, to wit, [here describe the property with special accuracy as to boundaries] has been sold to and purchased by the said —, Government Agent, for and on behalf of our said Lady the Queen, for the sum of Rs —, which said sum has been duly credited to our said Lady the Queen as aforesaid, and that the said premises are and shall henceforward be vested in our said Lady the Queen, her heirs and successors, free of all incumbrances.

Given under my hand this — day of —.

(*Signature*) \_\_\_\_\_

Government Agent.

Passed in Council the Twenty-first day of February, One thousand Eight hundred and Eighty-five.

R. H. S:NCCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-first day of February, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,  
Acting Colonial Secretary.

*Sudden Deaths.*

## No. 11.—1885.

repealed 11900

## An Ordinance to amend the Law relating to Enquiries into sudden or unnatural Deaths.

ARTHUR GORDON.

**W**HEREAS it is expedient to amend the law relating to enquiries into sudden or unnatural deaths: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:—

1. Whenever an enquiry shall be made by a person appointed by the Governor under section 195 of "The Criminal Procedure Code, 1883," it shall be lawful for the person holding such enquiry to receive and record the evidence which may be given thereat, in the English, the Sinhalese, or the Tamil language, as he may, in the interests of justice, deem best.

Evidence taken in enquiries under section 195 of the Criminal Procedure Code, may be taken down in the English, Sinhalese or Tamil language.

2. The record and detailed report of such enquiry when made shall be forwarded by the person who shall have held the enquiry to the Police Magistrate of the district in which such enquiry shall have taken place, anything in section 192 of "The Criminal Procedure Code, 1883," to the contrary notwithstanding, and such Police Magistrate shall, if necessary, cause a translation of the report to be made in the English language, and shall forward the record together with the translation thereof (if any) to the Attorney-General.

Record of enquiry to be sent in first instance to Police Magistrate.

3. Any person holding an enquiry as aforesaid may exercise any of the powers conferred upon a Police Magistrate under sections 161, 162, 163, 164, 165, 166, 167, and the first paragraph of section 168 of the "Criminal Procedure Code, 1883," as well as any of the powers so conferred under sections 187, 188, 189, 190, and 191 of the said Code. Provided that if the person holding the enquiry is of opinion at the conclusion thereof that there are sufficient grounds for further proceedings against an accused party, he shall cause such accused party to be taken before the Police Magistrate, to whom shall be forwarded the report of the proceedings of the enquiry.

Person holding enquiry may issue warrant for arrest of suspected party.

4. The three respectable householders of the district who are to be associated with the person holding enquiry, shall attend for such purpose upon receiving notice from the person appointed to hold such enquiries, that their attendance is required, and they shall at the conclusion of the enquiry record their opinion on the evidence given, provided that the person holding the enquiry, shall not be bound by such opinions.

Householders to attend on notice.

5. The Police Magistrate to whom the report of any investigation held under this Ordinance may be sent, or before whom a suspected party may be brought, shall, if he is of opinion that no further evidence is necessary, remand the party arrested, and transmit the report to the Attorney-General, who may exercise in respect thereof any of the powers conferred on him by chapters XVI. and XX. of "The Criminal Procedure Code, 1883."

Police Magistrate to transmit report to Attorney-General, if he considers no further evidence necessary.

*Sudden Deaths.*

Police Magistrate may hold enquiry under Chapter XVII. of Criminal Procedure Code in addition to previous enquiry, or proceed at once to hold enquiry under Chapter XVI.

Persons appointed under section 195 of "Criminal Procedure Code" to be deemed public officers.

Ordinance to be read with "The Criminal Procedure Code, 1883."

6. Should the Police Magistrate on receiving such report consider further enquiry necessary, he may hold an enquiry into the cause of the death in question in addition to the investigation held by the person appointed under section 195 of "The Criminal Procedure Code," and, if he does so, he shall do so in accordance with the provisions of chapter XVII. of "The Criminal Procedure Code, 1883," or, if the Police Magistrate on receipt of such report shall have reason to believe that any person has committed an offence cognizable before a superior Court, such Police Magistrate may at once deal with such person under the provisions of chapter XVI. of the said Code.

7. Persons appointed to hold inquiries under section 195 of "The Criminal Procedure Code, 1883," shall be deemed public servants within the meaning of that term as defined in the "Ceylon Penal Code."

8. This Ordinance shall be read and construed as one Ordinance with "The Criminal Procedure Code, 1883," except in so far as the provisions of the said Code are inconsistent herewith.

Passed in Council the Twenty-first day of February, One thousand Eight hundred and Eighty-five.

R. H. SINCLAIR,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-first day of February, One thousand Eight hundred and Eighty-five.

JOHN F. DICKSON,  
Acting Colonial Secretary.







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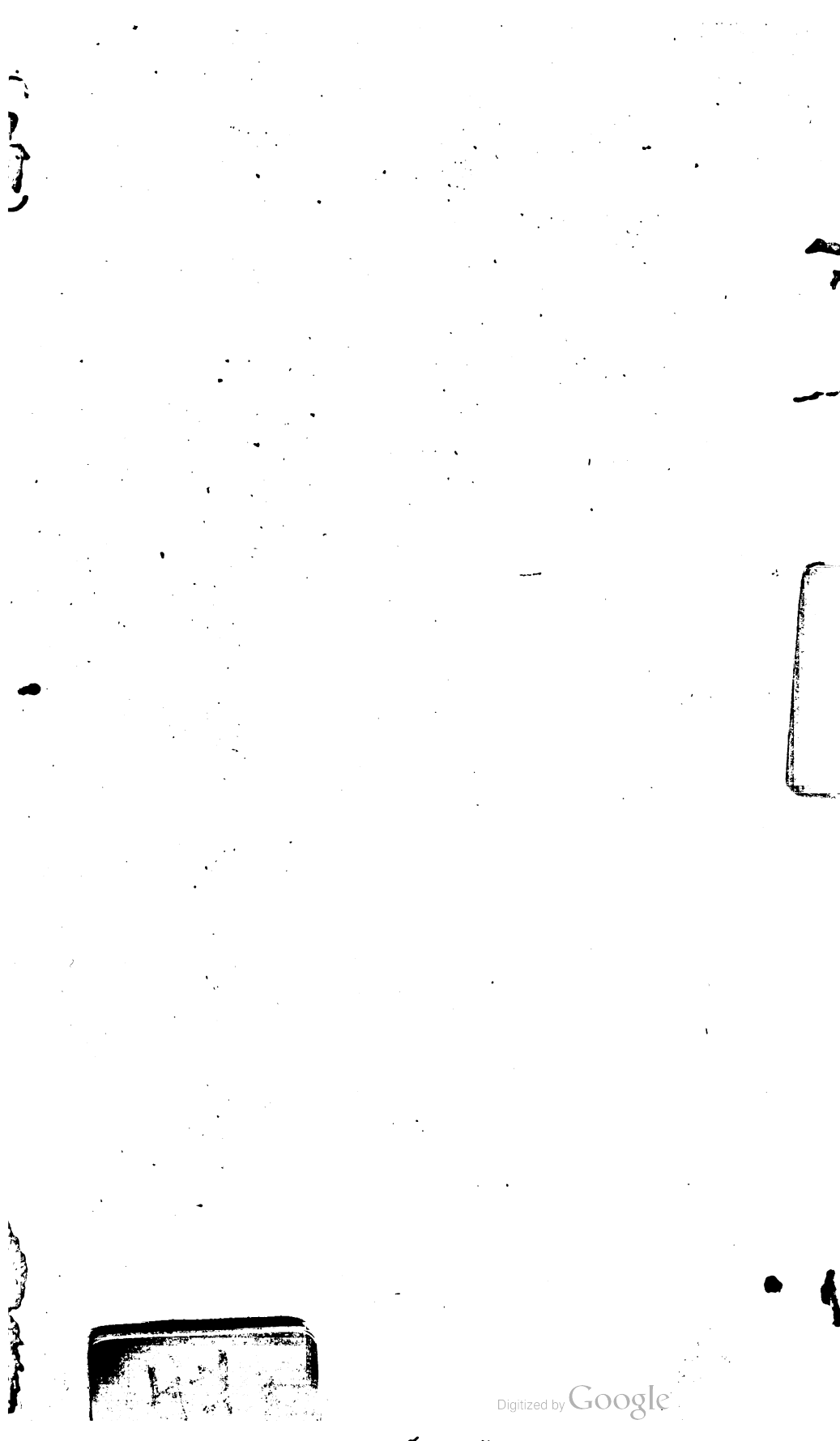




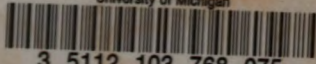








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