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EXTRAORDINARY.

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PASSED ORDINANCES.

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

No. 20 of 1896.

An Ordinance to abolish the Local Board and to provide for the Improvement and Sanitation of the Town of Nuwara Eliya.

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to abolish the Local Board of the town of Nuwara Eliya and to make provision for the maintenance of the public health, general conservancy, and improvement thereof: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

I.—Preliminary.

Commencement.

1 This Ordinance may be cited for all purposes as "The Nuwara Eliya Board of Improvement Ordinance, 1896," and shall come into operation on such day as the Governor may, by Proclamation in the *Government Gazette*, appoint.

Interpretation.

2 In this Ordinance, unless the context otherwise requires:

"Annual value" shall mean the gross annual value without any deduction for expenses of repair, maintenance, or upkeep.

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

"Bridge" shall include all bridges, culverts, sluices, dams, and bunds.

"Person" shall include any association of persons whether incorporate or not.

"Board of Improvement" shall mean the Board of Improvement of Nuwara Eliya constituted under this Ordinance.

Local Board of Nuwara Eliya abolished.

3 From and after the date on which this Ordinance comes into operation the Local Board of Nuwara Eliya, established under the provisions of Ordinance No. 21 of 1877, shall be abolished, and all property, movable and immovable, under the provisions of Ordinance No. 7 of 1876, or of Ordinance No. 27 of 1890, heretofore vested in the Local Board of Nuwara Eliya, shall, as and from the date aforesaid, become and be vested in the Board of Improvement, subject to any debts or liabilities which may have been incurred by the Local Board of Nuwara Eliya in respect thereof.

II.—*Constitution of Board of Improvement.*

Rates and taxes to vest in Board of Improvement.

4 All rates, taxes, assessments, fines, recoveries, and incomings, and all moneys which at the time this Ordinance comes into operation shall be standing to the credit of the local fund of the town of Nuwara Eliya, and all moneys levied in the town of Nuwara Eliya under the authority of this Ordinance, or any other Ordinance to be hereafter enacted, or which may be made over at any time from the general revenue, shall form a fund, which shall be and the same is hereby vested in a board consisting of four persons, two of whom shall be the Government Agent of the Province and the Assistant Government Agent of the District, and two to be appointed from time to time by the Governor, who, if need be, shall have power to remove such persons and to appoint others in their place. Such board shall be called the Board of Improvement of Nuwara Eliya.

Constitution of board.

Limits to be defined by Governor.

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

Rates, taxes, &c., due when Ordinance comes into operation to be enforced by board.

6 All rates, taxes, rents, or other payments due to or imposed by, and all assessments made by or for the Local Board of Nuwara Eliya under Ordinance No. 7 of 1876 or Ordinance No. 27 of 1890 at the time this Ordinance comes into operation, shall be enforced, levied, recovered, paid, acted on, and proceeded with by the Board of Improvement in like manner as if the same had been respectively due to, imposed by, or made by the Board of Improvement under the provisions of this Ordinance; and all fines and penalties incurred previously to the coming into operation of this Ordinance shall be enforced, levied, and recovered by the Board of Improvement in like manner as if the same had been incurred under the provisions of this Ordinance; and all executive proceedings commenced by the Local Board of Nuwara Eliya previously to the coming into operation of this Ordinance shall be continued, proceeded with, and completed by the Board of Improvement in like manner as if the same had been commenced by the Board of Improvement under the provisions of this Ordinance.

The executive officer.

7 The Assistant Government Agent of the district shall be the executive officer of the Board of Improvement of Nuwara Eliya, and he shall carry out and give effect to the decisions and resolutions of the board.

May do certain acts.

8 It shall be lawful for such Assistant Government Agent to do, as executive officer of the Board of Improvement, any of the acts he is specially authorized by this Ordinance to do. Provided, however, that in no case shall he spend, apply, or pay moneys out of or belonging to the fund without the authority in writing of the Board of Improvement first had and obtained.

Government agent
to be ex-officio
chairman.
When ex-officio
chairman absent
members to appoint
their own chairman.

9 For the purposes of this Ordinance the Government Agent of the Province shall be ex-officio chairman of the Board of Improvement, and shall, when present, preside at any meeting thereof. If the ex-officio chairman is absent at any meeting, the members present shall appoint their own chairman to preside at such meeting.

Powers of board
to be vested in
the majority.

Quorum.

Chairman to
have a casting
vote.

10 All acts whatsoever authorized or required by virtue of this Ordinance to be done by the Board of Improvement may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, two of whom shall form a quorum. Provided that when the votes of the members present in regard to any question shall be equally divided, the chairman shall, besides his vote as a member, have a casting vote.

III.—Accounts.

Annual accounts
to be prepared
and submitted
to Government
and an abstract
published in the
*Government
Gazette*.

11 In the month of January in every year a true account of all moneys received and paid by virtue of this Ordinance during the preceding year ending the 31st day of December, and a statement of the sums levied and expended under this Ordinance, shall be made in writing by the Board of Improvement, and a copy or duplicate of such account and statement shall be forwarded to the Colonial Secretary to be laid before the Governor in Executive Council; and an abstract thereof shall be published in the *Government Gazette* for general information before the 1st of March following.

IV.—Actions by and against Board.

Board may sue
and be sued.

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

Service of
process to be
made on the
Assistant
Government
Agent.

12 In any suit, action, or legal proceeding which may be brought by or against the Board of Improvement, such board may sue and be sued by the style or description of the Board of Improvement of Nuwara Eliya, and no action or suit shall abate by reason of the death, resignation, retirement, or removal of any member. All costs, charges, and expenses arising from or in respect of any suit, action, or legal proceeding, which the board may become liable to pay or be chargeable with, shall be paid from the fund, and no member shall become personally liable for the payment thereof. The service of all processes in any legal proceeding against the board shall be made upon the Assistant Government Agent of Nuwara Eliya.

V.—Funds of Board.

Application of
moneys vested in
board.

13 All moneys vested in the Board of Improvement of Nuwara Eliya shall be applied by such board to the conservancy and improvement of the town, to the maintenance of the public health therein, the construction and maintenance of waterworks, the lighting of the town by electricity, the payment of the salaries and wages of the officers and servants employed by the board, the payment of interest and sinking fund on loans, and, with the previous sanction of the Governor in Executive Council, to purposes of public recreation, and all other expenses incurred in and about the carrying out of the provisions of this Ordinance.

Other
constituents of
fund.

14 The Board of Improvement shall be entitled to take and receive for the fund the following duties and sums payable under the Ordinances hereinafter cited, or any other Ordinance or Ordinances to be hereafter enacted for the purposes or instead of the said cited Ordinances respectively, or any of them (that is to say):

- (1) All stamp duties payable for or in respect of the licenses of any carts, boats, or coaches registered in the kachchéri of the town of Nuwara Eliya, under or by virtue of "The Carriers' Ordinance, 1865," and all stamp duties payable for or in respect of the licenses of any carriages kept or used within such town, under or by virtue of "The Carriage Ordinance, 1873."

- (2) All the sums paid for fees and stamp duties for licenses by the inhabitants of such town under the 5th and 9th sections of the Ordinance No. 9 of 1893, intituled "An Ordinance to amend the Law relating to Butchers and the Slaughter of Cattle;" under the 4th section of "The Nuisances Ordinance, 1862;" under the Ordinance No. 4 of 1878, intituled "An Ordinance to amend the Law relating to the possession and sale of Opium and Bhang;" under the Ordinance No. 19 of 1869, intituled "To make provision relating to the possession and use of Fire-arms;" under "The Licensing Ordinance, 1891;" and under "The Sale of Poisons Regulation Ordinance, 1876," or under any of the above enactments.
- (3) All such sums as shall be paid by the inhabitants of such town as stamp duties for the certificates of advocates and proctors under Ordinance No. 12 of 1848, intituled "For making provision in certain respects touching the admission of Advocates and Proctors, and for the annual registration of practising Proctors;" for certificates of notaries under the Ordinance No. 2 of 1877, intituled "To amend and consolidate the Law relating to Notaries;" and for articles of clerkship or contract to serve as clerk for admission as a notary under "The Stamp Ordinance, 1890," or under any of the above enactments.
- (4) All fines levied and penalties recovered in the Police Court of Nuwara Eliya in respect of any offence committed within the limits of the town.

Board may assess rates on property.

Such rates not to exceed six per cent. per annum.

Value of police assessment to be adopted in any town in which a police force is established.

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

Board may levy road tax.

15 It shall be lawful for the Board of Improvement, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to make and assess, with the sanction of the Governor in Executive Council, any rate or rates on the annual value of all houses and buildings of every description, and all lands and tenements whatsoever within the town, for which such board is constituted; such rate or rates to endure for any period not exceeding twelve months. Provided that such rates shall not exceed the sum of six per centum per annum on such annual value over and above the sum necessary for the maintenance of the police and the water-rate for the said town of Nuwara Eliya. Provided also that all buildings appropriated to religious or educational purposes or in charge of military sentries shall be exempted from the payment of such rates. Provided also that it shall be lawful for the board to exempt from payment, on the ground of poverty, the owner of any house, land, or building rateable under this Ordinance.

16 The valuation of lands, houses, and tenements which shall have been made, and shall hereafter from time to time be made for the purpose of police assessment tax under the Ordinances No. 16 of 1865 and No. 7 of 1866, shall be taken as the valuation for the purposes of assessment under this Ordinance.

17 The assessment rate imposed under this Ordinance shall be paid and recovered in the same manner and at such times as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said last mentioned Ordinances relating to the payment and recovery of such police tax. The Assistant Government Agent of Nuwara Eliya shall collect and recover the assessment rate payable under this Ordinance, and shall pay such rate into the fund.

18 From and after the day on which this Ordinance comes into force, it shall be lawful for the Board of Improvement, acting under the authority of this Ordinance, to impose and enforce an annual tax payable in six days' labour, or in such sum of money not exceeding two rupees and fifty cents as the board by resolution may determine

in commutation of such labour, upon all persons residing within the limits of the town who would have been liable under the provisions of the Ordinance No. 10 of 1861 to the performance of labour for the maintenance of the roads or other public means of communication by land or by water, if this Ordinance had not been passed.

Taxes on carriages, &c., not plying for hire.

19 It shall be lawful to the Board of Improvement, and they are hereby authorized and empowered, with the sanction of the Governor in Executive Council, to levy an annual tax on all carriages, carts, hackeries, horses, ponies, mules, bullocks, asses, and dogs kept or used within the town of Nuwara Eliya, and which are not (as respects carts, carriages, and coaches) the carts, carriages other than hackeries and coaches referred to in section 14, at the rates not exceeding those specified in the Schedule A hereto, and such tax shall be payable at such times as the Assistant Government Agent shall direct, and shall be assessed and levied in the manner hereinafter mentioned.

Proviso.

Provided that such tax shall not apply to or include the vehicles and animals kept or used by the Governor and his personal staff, gun-carriages or ordnance carts or wagons, artillery and cavalry horses, or horses of the mounted orderlies or police, or the respectively authorized number of horses belonging to military officers doing staff, regimental, or other public duty in the town, or vehicles kept for sale by *bonâ fide* dealers in such vehicles.

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

20 (1) The tax leviable under section 19 shall be payable half-yearly in advance for each half of the year: the amount payable for each half year shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found so soon as it has been for sixty days kept or used within the town of Nuwara Eliya. But no person shall be liable under this section for any vehicle or animal which has been in his possession for less than sixty days in any half year.

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

Transferee not liable.

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

Tax how recoverable.

(3) If any person liable to pay the tax leviable under section 19 fails to pay the same within seven days after demand, the Assistant Government Agent shall report such failure to the police court, which shall proceed to recover such sum as if it were a fine imposed by that court.

Assistant Government Agent may compound with livery stable-keepers and others
List of persons liable to the tax to be entered in a book.

21 The Assistant Government Agent may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping or using carriages and horses for hire for a certain sum to be paid for the horses so kept by such persons in lieu of the tax specified in the Schedule A hereto.

22 The Assistant Government Agent shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the kachchéri, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax under section 19 a description of the vehicles and animals in respect of which they are liable, and the amount of the tax assessed thereon.

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

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

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

24 It shall be lawful for the Assistant Government Agent or any person appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house, or any place wherein he may have reason to believe that there is any vehicle or animal liable to taxation under section 19. And the Assistant Government Agent may summon any person whom he has reason to believe to be liable to the payment of such tax, or any other person, and may examine any such person as to the number and description of the horses, carriages, and dogs in respect of which such person is liable to be taxed.

Penalty for
disobeying
summons or
hindering the
Assistant
Government
Agent.

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

VI.—*Property vested in Board.*

Certain lands
to be vested in
the board.

26 All waste ground or land situate within the town of Nuwara Eliya, and all stone, cabook, or gravel quarries therein situate, which may be handed over to the Board of Improvement with the sanction of the Governor (and of which handing over a record in writing shall be made, signed by the persons authorized to hand the same over and by the chairman of the said Board of Improvement), and all right, title, and interest in such ground, land, and quarries shall be and the same are hereby vested in the said board, to be administered and the revenue thereof employed and made use of for the benefit of the town and for the purposes of this Ordinance. Provided that nothing in this section contained shall be deemed to affect or prejudice any right or title of the Crown to any such land or quarries, which Her Majesty may at any time resume or dispose of for public purposes. Provided also that nothing herein contained shall affect or be construed to affect any right or title which Her Majesty's Board of Ordinance has or may have in the property hereinbefore mentioned or in any part thereof.

Proviso.

Further proviso.

Other property
vested in board.

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

Public streets
and bridges to
be vested in
board.

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

VII.—*Powers, Duties, and Functions of the Board of Improvement and of the Assistant Government Agent.*

Powers given
to boards of
health under
Ordinances No.
15 of 1862 and
No. 8 of 1866
to be vested in
the Board of
Improvement.

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

Power to
make by-laws.

30 In addition to the power of enacting by-laws expressed to be conferred upon the board of health by the 5th section of "The Nuisances Ordinance, 1862," it shall be lawful for the Board of Improvement of Nuwara Eliya from time to time to make such by-laws as it may deem expedient, and the same from time to time to add to, cancel, alter, or amend for any of the following purposes :

- (1) For regulating the time and place of its own meetings, and the order to be observed thereat.
- (2) For making, repairing, cleaning, watering, and lighting the streets, roads, canals, and bridges of the town.
- (3) For regulating weights and measures.
- (4) For the assize of bread.
- (5) For the establishment, management, and regulation of markets.
- (6) For the imposition and recovery of rents for the use of stalls or spaces in any market, and for the issue of permits with or without conditions to occupy the same, or the imposition and recovery of an annual fee therefor.
- (7) For regulating the use of firearms within the town.
- (8) For the regulation of dangerous and offensive trades.
- (9) For the seizure and forfeiture of unwholesome flesh, fish, or other provisions introduced into the town or exposed for sale therein.
- (10) For the suppression of cruelty to animals.
- (11) For regulating the mode and times of fishing.
- (12) For taking care of waste or public lands.
- (13) For the putting up and preservation of boundaries and fences of lands, whether public or private.
- (14) For the setting apart and regulation of bathing-places.
- (15) For—
 - (a) Enforcing the recovery of the amount to be paid in commutation of labour due under section 18 ;
 - (b) Calling out and compelling the performance of such labour ; and
 - (c) Enforcing in case of default the performance of increased or double labour, or the payment of increased or double commutation, and costs.

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

Provided further that until such by-laws are made by the Board of Improvement under this sub-section, the provisions of the Ordinance No. 10 of 1861 and of the Ordinance No. 31 of 1884 shall, so far as the same may be made applicable, be acted upon and deemed of force as if the same were inserted herein, and that all the powers and authorities vested under the said Ordinances in the chairman of any district or provincial road committee shall, so far as respects the town of Nuwara Eliya, be vested in and exercised by the Assistant Government Agent.

- (16) For fixing and levying charges for the occupation of pounds for stray cattle, and the cost of the keep of the animals impounded.
- (17) For regulating the dimensions and ventilation of huts and houses constructed within the town of Nuwara Eliya.
- (18) For levying fees for and regulating the grazing of cattle on waste and other lands not being private property.

- (19) For protecting fish, game, and wild birds.
- (20) For preventing waste, misuse, undue consumption, or contamination of the water supplied under the provisions of this Ordinance, and for every other purpose relating to the due preservation and maintenance of waterworks.
- (21) For every other purpose which may be necessary or expedient for the due conservancy of the town, the preservation of the public health therein, and the promotion of the comfort and convenience of the people thereof.

Rules to be confirmed by the Governor and published in the *Gazette*.

Provided that such by-laws shall not be contrary to any of the provisions of this Ordinance. Provided also that such by-laws, and every added, altered, and amended by-law, shall not be of any force or effect until they have been submitted to and confirmed by the Governor, acting with the advice of the Executive Council, who is hereby empowered, with such advice, to confirm or disallow the same. The by-laws, when allowed, shall be published in the *Government Gazette* in the English, Sinhalese, and Tamil languages respectively, and shall thereupon become as legal, valid, and effectual as if they had been enacted in this Ordinance; and all courts, judges, and magistrates shall take judicial notice thereof.

Board may appoint secretary and other officers.

31 It shall be lawful for the Board of Improvement to appoint a secretary and such other officers or servants as may be necessary for carrying out the purposes of this Ordinance, and to pay such secretary, officers, and servants out of the fund such salary or wages as to such board may seem fit.

Power of the board to improve streets and levy and sell lands and buildings.

32 It shall be lawful for the Board of Improvement, with the sanction of the Governor in Executive Council, to do any of the things following:

To purchase and sell lands.

- (1) To build and construct bridges and tunnels, and to turn, divert, discontinue, stop up, widen, open, enlarge, or otherwise improve any street, making due compensation out of the fund to the owners or occupiers of any property required for such purposes, or injured by the carrying out thereof.
- (2) To purchase or take on lease land or buildings for the purposes of this Ordinance and pay for the same out of the fund, and sell the same or any other property vested in the board.

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

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

Other powers of the board.

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

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

Electric light.

35 The Board of Improvement may, with the sanction of the Governor in Executive Council, light the town with the electric light, and for that purpose may from time to time contract with any person whomsoever, or purchase,

take upon lease, hire, or construct and maintain all machinery and apparatus required for such purpose, and do and execute all such works, matters, and things as shall be necessary in that behalf.

Cost of electric light.

36 The cost of providing and maintaining the electric light shall be paid from the fund, and the Governor in Executive Council shall from time to time fix the proportion of the assessment rate that shall be applied to this purpose.

Waterworks.

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

Water-rate.

38 (1) To provide for the cost and maintenance of such waterworks, it shall be lawful for the Board of Improvement to levy within the town or defined portion thereof a water-rate on such annual value of all houses, buildings, lands, and tenements as shall be determined for the purpose of the assessment rate levied under this Ordinance.

(2) Such water-rate shall be fixed from time to time by the Governor in Executive Council, but shall in no case exceed five per centum on such annual value as aforesaid, and shall be collected, recovered, and paid over to the Board of Improvement by the Assistant Government Agent in the same manner as the assessment rate levied under this Ordinance.

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

Ratepayer entitled to water free of charge from public standpipes. For domestic purposes.

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

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

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

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

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

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

The board of improvement may borrow on security of rates and taxes.

42 It shall be lawful for the Board of Improvement, with the sanction of the Governor in Executive Council, to borrow from the Ceylon Government or from any person or body of persons, whether incorporated or not, such sum or sums of

money as may be necessary for carrying out any improvements, any waterworks, the lighting of the town of Nuwara Eliya by electricity, or any work of a permanent character. Every such loan shall be subject to such rate of interest and to such conditions for the repayment thereof as the Governor in Executive Council may sanction. And for the purpose of securing the repayment of the sum or sums so borrowed, and the interest accruing thereon, the Board of Improvement may mortgage and assign over to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, the rates and taxes imposed and levied under this Ordinance, or any portion thereof.

Mortgages to be
by deed.

43 Every mortgage of rates or taxes authorized to be made under the provisions of this Ordinance shall be by deed, free from stamp duty, in which the consideration shall be truly stated, and every such deed shall be signed by the Assistant Government Agent of Nuwara Eliya, and shall be in the form in the Schedule B to this Ordinance annexed, or to the like effect.

When and how
board may pay
off mortgages.

44 If the Board of Improvement can at any time borrow or take up any sum of money at a lower rate of interest than secured by any previous mortgage given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and taxes which they are authorized to mortgage under this Ordinance or any part thereof with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are hereinbefore contained.

Sinking fund
for payment of
debts.

45 In order to discharge the principal money borrowed as aforesaid on security of any rates or taxes, the Board of Improvement shall every year appropriate and set apart out of such rates and taxes a sum equal to at least one-hundredth part of the sums so borrowed respectively as a sinking fund, to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Imperial, Indian, or Colonial Government securities, to be approved by the Governor in Executive Council, and to be increased by accumulation in the way of compound interest or otherwise, and which interest shall, when it amounts to a sufficient sum, in like manner be invested until the principal sum and interest respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the Board of Improvement shall think ought then to be paid off, when the same shall be so applied in paying off the said principal debts or part thereof in manner herein-after mentioned.

Order of
payment of
mortgages may
in certain cases
be decided by lot.

46 Whenever the Board of Improvement shall be enabled to pay off one or more of the mortgages which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order of payment by lot among the class to which such one or more of the mortgages belong, and shall cause a notice signed by the chairman to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified, at the expiration of six months from the date of giving such notice.

Proper
authority.

47 (1) The Board of Improvement shall, for the purposes of section 23 of the Ordinance No. 9 of 1893, be the "proper authority" for the town of Nuwara Eliya, anything in the said Ordinance to the contrary notwithstanding, and shall and may make, alter, amend, or revoke rules and regulations in reference to public slaughter-houses, and to places appointed for the slaughtering of cattle in Nuwara Eliya in manner and for the purposes provided in that section.

Sale of opium
licenses.

(2) The provisions of the Ordinance No. 2 of 1893 shall continue to be in operation in the town of Nuwara Eliya, and all powers and duties vested in a local board and the chairman thereof shall be exercised and performed by the Board of Improvement or the chairman thereof as the case may be.

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

48 It shall be the duty of the Board of Improvement to abate all nuisances in the town, to cleanse and keep and maintain in proper cleanliness, order, and repair all public streets and bridges (except such as shall be exempted by the Governor under section 28), and all public wells and tanks within the limits of the town.

Any person
bathing or
washing animals
or clothes in any
public place not
set apart for that
purpose liable to
a fine not
exceeding fifty
rupees.

49 (1) The Board of Improvement may set apart suitable public places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable public places for washing animals or clothes, or for any other purpose connected with the health, cleanliness, or comfort of the inhabitants of the town of Nuwara Eliya.

(2) The Assistant Government Agent may by public notice prohibit bathing or washing animals or clothes in any public place not so set apart, or at times or by persons other than those specified, and all other acts which may render water in public places foul or unfit for use, or may cause inconvenience or annoyance to persons using the bathing or washing places. Such notice shall be published in the English, Sinhalese, and Tamil languages in the *Government Gazette* and in two at least of the local newspapers.

(3) Any person who bathes, washes, or does any act contrary to such prohibition as aforesaid shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees.

The Assistant
Government
Agent may
regulate
processions
and music in
the streets.

50 It shall be lawful for the Assistant Government Agent of Nuwara Eliya to grant permission for any religious or public procession or the performance of any music in the streets of the town, and to regulate and restrict such processions and music in such manner as he may think fit, regard being had to the comfort and convenience of the inhabitants.

Powers of
provincial and
district com-
mittees vested
in board.

51 All powers, duties, and responsibilities vested or expressed to be vested in provincial and district committees respectively or in the chairman or secretary thereof under or by virtue of "The Road Ordinance, 1861," so far as respects the town of Nuwara Eliya shall be vested in the Board of Improvement, except so far as such powers, duties, and responsibilities are inconsistent with any of the provisions of this Ordinance.

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

52 It shall not be lawful for any person to erect any range or block of huts or sheds or buildings, whether to be used as dwellings or stables or for any other purposes, on any plot or parcel of ground not previously built upon, or on which no buildings are standing, or to add any hut, shed, or building to any range or block of huts, sheds, or buildings already existing when this Ordinance comes into operation, without previous notice to the Board of Improvement; and the board may require such huts, sheds, or buildings to be built so that they may stand in regular lines, with a free passage or way in front of each line of such width as the board may think proper for salutary ventilation, and for facilitating scavenging, and at such a level as will admit of sufficient drainage and may require such huts, sheds, or buildings to be provided with latrine or latrines, which must be maintained in proper order. And if any such huts, sheds, or buildings be built without giving such notice to the Board of Improvement or otherwise than as required by the board, the board may give notice to the builder or builders thereof to take down and remove the same within one month; and if such huts or buildings be not taken down or removed according to such notice, the board may cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the said builder or builders, and shall be recoverable as hereinafter provided.

Powers of the
board as to
existing huts.

53 Whenever the Board of Improvement is satisfied that any huts, sheds, or buildings, whether used as dwellings or stables, or for any other purposes, and whether existing at the time when this Ordinance comes into operation or subsequently erected, are by reason of the manner in which they are crowded together, or of the want of drainage and the impracticability of scavenging attended with risk of disease to the inhabitants of the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such huts, sheds, or buildings requiring the owners or occupiers thereof, or at its option, the owner of the land on which such huts, sheds, or buildings are constructed, within such reasonable time as may be fixed by the board for that purpose, to execute such operations as the board may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, any person appointed by the board in that behalf may cause the said huts, sheds, or buildings to be taken down, or such operations to be performed in respect thereof as the board may deem necessary to prevent such risk. If such huts, sheds, or buildings be pulled down, the said person shall cause the materials of each hut, shed, or building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut, shed, or building, or if the owner be unknown, or the title disputed, shall be held in deposit by the board until the person interested therein shall obtain the order of a competent court for the payment of the same.

Proviso.

Provided always that in case any huts, sheds, or buildings existing at the time when this Ordinance comes into operation should be pulled down under this section by order of the Board of Improvement, or in pursuance of its notice, compensation shall further be made to the owner thereof.

Houses in a
ruinous and
dangerous state.

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

Sale of materials
of ruinous
houses.

55 If any such house, building, or wall, or any part of the same be pulled down by virtue of the powers aforesaid, the Board of Improvement may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such house, building, or wall.

Proviso.

Provided always that in case no demand for such overplus as aforesaid shall within twelve months be made by any person entitled to call for the same, the Board of Improvement shall be at liberty to pay the amount of such overplus to the credit of the fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The Board of Improvement, although it sells such materials for the purposes aforesaid, shall have a right to recover so much of the said expenses as may remain due after the application of the proceeds of such sale.

Overcrowding
of houses.

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

Power of board
to inspect and
limewash
houses.

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

Penalty for
making
unauthorized
drains into
public sewers.

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

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

59 No building shall be newly erected over any public sewer, drain, culvert, gutter, or water-course without the written consent of the Board of Improvement; and if any building be so erected, the board may cause the same to be pulled down or otherwise dealt with as it may think fit; and the expenses thereby incurred shall be paid by the person offending, and be recoverable from such person.

Board may order
or cause
additional
latrines to be
constructed.

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

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

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

Neglect to
enclose private
latrine.

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

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

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

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

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

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

Inspection of drains and latrines.

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

Power to fill up unwholesome tanks on private premises.

66 When any private tank or low marshy ground or any waste or stagnant water, being within any private land, appears to the Board of Improvement to be injurious to health or to be offensive to the neighbourhood, the board shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if the said owner shall refuse or neglect to comply with such requisition during seven days from the service thereof, the board or any person appointed by it and its workmen may enter into the said premises and do all necessary acts for all or any of the

purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable from him.

Place of deposit
for filth. §

67 The Board of Improvement from time to time shall provide places, or may use places already provided, convenient for the deposit of the night soil, dung, and other filth, and for dust, dirt, ashes, and rubbish.

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

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

VIII.—Miscellaneous.

Assistant
Government
Agent may enter
into contracts.

69 It shall be lawful for the Assistant Government Agent of Nuwara Eliya from time to time to enter into any contract with any person for any work to be done or materials to be furnished for carrying out any of the purposes of this Ordinance. Such contracts shall be signed by the Assistant Government Agent and by the other party contracting.

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

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

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

71 When any notice is required by this Ordinance to be given to the owner or occupier of any house, building, or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such house, building, or land, or left with some adult member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such house, building, or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that when the owner and his residence are known to the Assistant Government Agent, it shall be his duty, if such owner be residing within the town of Nuwara Eliya, to cause every such notice to be given to the owner; and if he be not resident within such town, to send every such notice by the post addressed to the residence of such person.

Proviso.

Assistant
Government
Agent, in
default of
owner or
occupier, may
execute works
and recover
expenses.

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

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

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

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

Proviso.

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

Proceedings if an occupier opposes the execution of the Ordinance.

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

Right of entry in houses.

Board may direct prosecution.

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

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

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

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

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

79 The Board of Improvement or the Assistant Government Agent may direct any prosecution for any nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Ordinance, and may order the expenses of such prosecution or other proceedings to be paid out of the fund.

No action to be instituted against board until after one month's notice or three months after cause of action.

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

Board may make compensation out of fund.

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

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

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

Recovery of damages.

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

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

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

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

85 If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Ordinance, any damage to the property of the Board of Improvement shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of such damage shall in case of dispute be determined by the court by which the party incurring such penalty shall have been convicted, and the amount of such damage shall be recovered as if it were a fine imposed by the court.

Recovery of expenses on account of work done.

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

Punishment for
breach of by-
laws.

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

Punishment for
obstructing
officers of board.

88 Whoever shall wilfully obstruct any person in the performance of any duty, or the exercise of any authority vested in or conferred upon him under or by virtue of any of the provisions of this Ordinance, shall be guilty of an offence, and shall be liable upon conviction to a fine not exceeding fifty rupees, or to imprisonment, rigorous or simple, for any term not exceeding three months.

Penalty for
misuse of
powers by
officers.

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

SCHEDULE A.

	Rs.	c.
For every carriage of whatever description other than a cart, hackery, or jinricksha ...	5	0
For every cart or hackery of whatever description...	3	0
For every jinricksha ...	2	50
For every horse, pony, or mule ...	2	50
For every dog ...	1	50
For every bullock or ass ...	1	0

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

SCHEDULE B.

No— Form of Mortgage.

By virtue of "The Board of Improvement of Nuwara Eliya Ordinance, 1896," the Board of Improvement of Nuwara Eliya, in consideration of the sum of — rupees paid to the credit of the funds of the said board by A. B., of —, for the purposes of the said Ordinance, grant and assign unto the said A. B., his heirs, executors, administrators, and assigns, such portions of the rates and taxes arising or accruing by virtue of the said Ordinance, from (*here describe the rates or taxes proposed to be mortgaged*) as the said sum of — rupees doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes, to hold to the said A. B., his heirs, executors, administrators, and assigns from this day until the said sum of — rupees, with interest at — per cent. per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of — years from the date hereof, and in the meantime interest thereon to be payable half-yearly) (*in case any period be agreed upon for that purpose*).

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

C. D.,

Assistant Government Agent.

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

J. J. THORBURN,
Acting Clerk to the Council.

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

W. T. TAYLOR,
Acting Colonial Secretary.