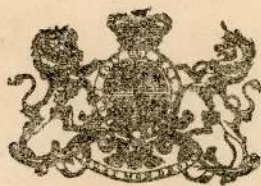


THE
LEGISLATIVE ENACTMENTS
OF
CEYLON.

1875-76.



COLOMBO:
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1878.

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ORDINANCES Nos. 5 AND 6 OF 1870.

Contingent Services.

Railway Sinking Fund.

No. 5.

*An Ordinance for making provision for the
Contingent Services of the year 1870.*

12th January, 1870.

No. 6.

*An Ordinance to amend the Ordinance
No. 9 of 1869.*

WHEREAS by the Ordinance No. 9 of 1869 provision is made for the payment half-yearly to the Trustees of the Sinking Fund appointed under section 6 of the Ordinance No. 7 of 1864, of a sum sufficient to meet the interest and principal of the debt contracted for the construction of the line of railway from Colombo to Kandy, and for the appropriation, by such Trustees, of the said sum to the payment of the interest due on the debentures issued under the Ordinances No. 19 of 1862, and No. 7 of 1864, and to certain other purposes in the said Ordinance No. 9 of 1869 specified: And whereas it is more convenient that the payment of the interest should be made by the Crown Agents for the Colonies, and that nothing should be paid to the Trustees of the Sinking Fund but what really belongs to such fund: **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 shall come into operation on the date of the passing thereof.

Commencement
of Ordinance.

2. THE payment from the general revenue authorized by the Ordinance No. 9 of 1869, to meet the interest and principal of the said debt, shall be made to the Crown Agents for the Colonies not later than the 16th day of May and the 15th day of November in each year, instead of to the Trustees of the said Sinking Fund on the 15th day of May and on the 15th day of November in each year, as is provided in the fourth section of the said Ordinance No. 9 of 1869. Out of the sum so to be paid to the Crown Agents half-yearly, they shall retain in their hands sufficient to meet the half-year's interest then due on outstanding debentures, and the balance thereof, after providing for such interest, shall be by them forthwith paid over to the said Trustees of the said Sinking Fund, who shall apply the same and the other sums specified in section 6 of the said Ordinance No. 9 of 1869, to the redemption of the said debentures as they fall due, and to the payment of the contingent expenses arising out of the administration of the said fund.

Payment half-
yearly to be
made to Crown
Agents.

Crown Agents
to retain
sufficient to pay
interest, and to
pay the balance
to Trustees of
Sinking Fund.

*Railway Sinking Fund.**Carriages for hire.*

This and Ordinance 9 of 1869 to be deemed one.

3. THIS Ordinance and the Ordinance No. 9 of 1869 shall be read and construed as if they formed one Ordinance.

Passed in Council the Nineteenth day of October, One thousand Eight hundred and Seventy.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-first day of October, One thousand Eight hundred and Seventy, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 7.

An Ordinance to extend the provisions of the Ordinance No. 7 of 1848.

Preamble.

WHEREAS the Ordinance No. 7 of 1848, entitled "*An Ordinance for registering Palanqueen or other Carriages let to hire*," is now in operation within the Town and Gravets of Colombo, Kandy, and Galle, among other places, and it is expedient to extend its operation to the limits of the Municipalities created in those places: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Ordinance 7 of 1848 extended to Municipalities of Colombo, Kandy, and Galle.

1. THE provisions of the said Ordinance No. 7 of 1848 are hereby extended to the limits of the Municipalities in Colombo, Kandy, and Galle, as such limits have heretofore been or may hereafter be defined.

This Ordinance and 7 of 1848 & 1 of 1853 to be deemed one.

2. THIS Ordinance and the Ordinances Nos. 7 of 1848 and 1 of 1853 shall be read and construed as if they formed one Ordinance.

Passed in Council, the Twenty-sixth day of October, One thousand Eight hundred and Seventy.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Second day of November, One thousand Eight hundred and Seventy, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Traction Engines.**Kandyan Marriages.***No. 8.***An Ordinance to prolong the duration of the Ordinance No. 12 of 1869.*

WHEREAS the Ordinance No. 12 of 1869, entitled "*An Ordinance to regulate the use of Traction Engines*," will cease to have effect on the 31st December next, and it is expedient to continue the same in force for another year: **IT IS 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. 12 of 1869 shall continue in force after the 31st day of December next, and until the 31st day of December, 1871.

Ordinance 12 of 1869 to continue in force till 31st Dec., 1871.

2. THIS Ordinance and the said Ordinance No. 12 of 1869 shall be read and construed as if they formed one Ordinance.

This Ordinance and Ordinance 12 of 1869 to be deemed one.

Passed in Council, the Fourteenth day of December, One thousand Eight hundred and Seventy.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of December, One thousand Eight hundred and Seventy, and published by his order.

HENRY T. IRVING,

Colonial Secretary.

No. 9.*An Ordinance to amend the Ordinance No. 3 of 1870.*

WHEREAS it is expedient to amend the Ordinance No. 3 of 1870, entitled "*An Ordinance to amend the Laws of Marriage in the Kandyan Provinces*," **IT IS ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. ALL Sinhalese villages in the Mannár District of the Northern Province are hereby added to the places enumerated in Schedule B. to the said Ordinance annexed, and the provisions of the said Ordinance shall apply to those villages as if they were originally inserted in the said Schedule.

Sinhalese villages in Mannar District added to Schedule B. of the Ordinance 3 of 1870.

2. THIS Ordinance and the Ordinance No. 3 of 1870 shall be read and construed as if they formed one Ordinance.

This Ordinance and 3 of 1870 to be deemed one.

4 ORDINANCES Nos. 9 AND 10 OF 1870, AND 1 OF 1871.

Supplementary Supply. Warehouse Warrants.

Commencement
of Ordinance.

3. THIS Ordinance shall come into operation on the 1st day of January, 1871.

Passed in Council, the Fourteenth day of December, One thousand Eight hundred and Seventy.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor the Twentieth day of December, One thousand Eight hundred and Seventy, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 10.

*An Ordinance for making provision for the
Supplementary Contingent Charges
for the year 1870.*

14th December, 1870.

No. 1.—1871.

*An Ordinance to amend the Customs Ordinance
No. 17 of 1869, and to provide for the issue
of Warehouse Warrants.*

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 17 of 1869, entitled "*An Ordinance for the general regulation of Customs in the Island of Ceylon*," and to provide for the issue of Warehouse Warrants: IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:

Collector may
issue warrants.

1. THE Collector of Customs may, upon an application in writing by the owner, importer, or consignee of any goods duly warehoused in any Queen's warehouse, or other place of deposit provided by Government, issue to such owner, importer, or consignee, warrants under his hand substantially in the form to this Ordinance annexed.

Goods transfer-
able by endorse-
ment & deliver-
able to the
holders of war-
rants.

2. SUCH warrants shall be transferable once or oftener by the endorsement of the owner, importer, or consignee of the goods or of the holders of the said warrants, and the right and title to the goods enumerated in such warrants shall vest in the possessors thereof without any endorsement save that of the original grantee.

Warehouse Warrants.

The Collector shall, upon production and surrender of such warrants, but not otherwise, deliver the goods to the holders of the warrants on due entry of the goods for home consumption or exportation, and upon payment of all duties and charges due on the said goods.

3 IT shall be lawful for the keeper of any bonded warehouse to issue to the owner, importer, or consignee of any goods duly warehoused in his bonded warehouse, warrants substantially in the form to this Ordinance annexed. Such warrants shall be transferable, once or oftener, by the endorsement of the owner, importer, or consignee of the goods, or of the holders of the said warrants; and the right and title to the goods enumerated in such warrants shall vest in the possessors thereof without any endorsement save that of the original grantee. The keeper of such warehouse shall, upon production and surrender of such warrants, but not otherwise, deliver the goods to the holders of the warrants on due entry of the goods for home consumption or exportation, and upon payment of all duties and charges due on the said goods. Provided that it shall not be lawful for the keeper of any bonded warehouse to issue warrants for goods in which he has any share or interest as owner, importer, or consignee.

Warrants by
private ware-
house keepers.

4. EACH warrant or duplicate thereof, whether issued by a Collector of Customs or by the keeper of a bonded warehouse, shall bear a stamp duty of one shilling, and such duty shall be denoted by adhesive stamps to be provided by the Commissioner of Stamps for that purpose and to be affixed on such warrants. And such warrants shall be liable in all matters relating to stamp duty to the provisions of the Ordinances relating to stamp duties, so far as the same shall be applicable thereto.

Stamp duty on
warrants.

5. PROVIDED that the holder of any warrant issued by the Collector of Customs shall have no claim on the Crown to compensation for loss of any goods by fire, theft, damage, or other cause, except such loss be caused by the wilful embezzlement, waste, spoil, or destruction on the part of any officer of Customs, and such officer shall have been prosecuted to conviction within one year from the date of such wilful embezzlement, waste, spoil or destruction. The holder of a warrant issued by a bonded warehouse keeper shall have no claim on the Crown to compensation on any ground or pretext whatsoever.

Crown when
liable to make
compensation
for loss in any
Queen's ware-
house.

Crown not lia-
ble for loss in
any bonded
warehouse.

6. PROVIDED further that the Collector of Customs shall be in no way answerable for the correctness of the particulars of the contents or value of the goods specified in any warrant issued as aforesaid, and that the said goods shall be in every respect liable to the provisions of the laws and regulations relating to the Customs in force at the time such goods shall be in deposit at the Queen's warehouse or other place of deposit provided by Government.

Goods other-
wise liable to
Customs laws
and regula-
tions.

*Warehouse Warrants.***Penalties.**

7. ANY keeper of a bonded warehouse who shall fraudulently issue a warrant for goods not in his warehouse, or who shall fraudulently issue two or more warrants for the same goods, or who shall fraudulently issue warrants for goods in which he has any share or interest as owner, importer, or consignee, or who shall aid and assist any other person to do so, and any keeper of such warehouse or other person who shall in any way use any warrant granted under the provisions of this Ordinance for the purposes of defrauding or injuring any person, company, or corporation, shall be guilty of an offence, and be liable to imprisonment with or without hard labour not exceeding Three years and in addition thereto, at the discretion of the Judge, to a fine not exceeding One Hundred Pounds.

Governor to
make regula-
tions for certain
purposes.

8. IT shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make regulations as to him shall appear expedient for any of the following purposes :

- (1.) For preventing accidents by fire, and as to the lighting or using of candles, fires, and lamps, and as to the smoking of tobacco or herbs within the Customs premises ;
- (2.) For governing and regulating porters, coolies, cartmen and others carrying goods or using or driving horses, mules, bullocks, trucks, carts, sledges, or other carriages within the Customs premises ;
- (3.) For preventing damage being done to any goods,

And such regulations shall be published in the *Government Gazette*, and shall have the force of law. Any person who shall disobey the same shall be guilty of an offence, and be liable to a fine not exceeding Five pounds.

Goods of dan-
gerous quality.

9. IF the owner, consignee, or person having charge of any tar, pitch, spirituous liquor, turpentine, oil, aqua fortis, lucifer matches, or any other article of a combustible or dangerous nature whatsoever, shall suffer the same to remain in the Customs premises beyond the space of five hours after he shall have been required by any officer of Customs to remove the same therefrom, then and in every such case every person so offending shall for every such offence be liable to a fine not exceeding Five pounds, and not less than One pound for every hour that any of the said articles or goods shall be or remain in the place aforesaid after the expiration of the said five hours.

Time for insti-
tuting claims
under 120th
section of Ordi-
nance 17 of
1869 extended
to one month.

10. THE time given for the institution of proceedings in Court by the 120th section of the said Ordinance No. 17 of 1869, is hereby extended from 15 to 30 days from the date of the notice and security required by the said section,

*Warehouse Warrants.**Tolls.*

11. THIS Ordinance and the Ordinance No. 17 of 1869 shall be read and construed as if they formed one Ordinance.

17 of 1869 and this Ordinance to be deemed one.

12. THIS Ordinance shall come into operation on such day as shall be appointed by the Governor by Proclamation in the *Government Gazette*.

Commencement of Ordinance.

SCHEDULE

A.

No. of Warrant		WARRANT No.	
No. of Bonded Entry		No. of Bonded Entry and date	
Date		Ledger Fol.	Warehoused at
Ship		WARRANT for	
Master		imported in the	Master, from
From		Entered by	date
Entered by		Deliverable to	
Mark and Nos.		Or to any possessor of this warrant without any endorsement save that of the said	
		Rent commences	and all
		other charges	

One
Shilling
stamp.

Warehoused at

Rent begins

Examination.

Deliver the within to C. D.

C. D.

A. B.

Passed in Council, the Seventh day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Eleventh day of January, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 2.

An Ordinance to establish further Tolls.

WHEREAS it is expedient to establish the Tolls hereinafter specified: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

*Tolls.**Gas.*

1. FROM and after the passing of this Ordinance, tolls shall be established on and in respect of the following roads in the Matara District of the Southern Province :

On the road from Matara to Akuressa, known as the Godagama line.

On the new road leading direct from Matara to Urubokka, known as the Tudawa line.

On the Hakmana road.

At Godagama, on the minor road from Póre to Bópe, in the Palle Pattu of the Hewagam Korale.

Passed in Council, the Seventh day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Eleventh day of January, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,

Colonial Secretary.

No. 3.

An Ordinance for regulating Measures used in sales of Gas.

Preamble.

WHEREAS the Ordinance No. 1 of 1869 makes due provision for giving all necessary powers and facilities to any Company which may be empowered by Proclamation to supply any Municipal town with gas ; and whereas it is expedient that the measurement used in sales of gas for lighting, heating, and other purposes in such towns should be regulated by one uniform standard : IT IS 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 Gas Meter Ordinance, 1871.*"

Commencement of Ordinance.

2. THIS Ordinance shall come into operation on the date of the passing thereof.

Interpretation clause.

3. IN construing this Ordinance the following terms shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to or inconsistent with such construction :

The word "meter" shall mean gas meter, and shall include every kind of machine used for measuring gas.

The word "company" shall include a person.

The words "Police Court" shall include the court of the Bench of Magistrates.

Sales of Gas.

4. FROM and after the date on which this Ordinance shall come into operation, the only legal standard or unit of measure for the sale of gas by meter shall be the cubic foot containing 63-321 pounds, avoirdupois weight, of distilled or rain water, weighed in air at the temperature of sixty-two degrees of Fahrenheit's thermometer, the barometer being at thirty inches.

Standard
measure.

5. AND for the purpose of enabling every person to ascertain with certainty whether any meter in use, or intended for use, conforms to the standard hereby established, the Chairman of the Municipal Council of any Municipal town which is supplied with gas shall preserve with care at his office models of gas-holders, measuring the said cubic foot and such multiples and decimal parts thereof as the Governor, with the advice and consent of the Executive Council, may from time to time proclaim as expedient, together with proper balances, indices, and apparatus for testing the measurement and registration of meters; and every person shall be at liberty, on giving reasonable notice, to inspect the said models, or any of them, and to compare any other meter therewith.

Models to be
kept by Muni-
cipal Councils
for inspection.

6. IN all contracts, bargains, sales, and dealings, which shall be made or had in respect of the supply of gas, no meter shall be used within any town which shall not have been stamped by the Municipal Council thereof, in token of the same having being tested and verified by them in accordance with the standard hereby established. PROVIDED that a meter, duly stamped as aforesaid, shall not be liable to be restamped, although the same be used in any other town than that at which the same was originally stamped, but shall be considered as a legal meter, unless found to be incorrect within the meaning of this Ordinance.

Meters to be
stamped.

Proviso.

7. NO meter shall be stamped by any Municipal Council testing the same, which shall be found to register, or be capable of being made by any contrivance for that purpose, or by increase or by decrease of the water in such meter, or by any other means practically prevented in good meters, to register quantities varying from the true standard measure of gas more than two per centum in favor of the seller, or three per centum in favor of the consumer; and every meter which shall be found by such Municipal Council to register, or be so capable of being made to register, quantities varying beyond the limits aforesaid, shall be deemed incorrect within the meaning of this Ordinance; and every meter which shall be found to measure and register quantities accurately, or not varying beyond the limits aforesaid, and shall be found incapable by any such means as aforesaid of being made to register quantities varying beyond the limits aforesaid, shall be considered to be correct, and be stamped in such manner and on such part of the meter as such Municipal Council may deem best to prevent fraud.

Meters to be
tested before
being stamped.

Sales of Gas.

Rules for
testing.

8. THE following rules shall be observed by any Municipal Council who are hereby required to undertake the testing of meters :—

Firstly, the meter shall be tested for soundness or leakage only, and not for per-centage of error, when fixed on a horizontal base, and with gas under a pressure equal to a column of water three inches high, with a light or lights consuming not more than one-twentieth part of its measuring capacity per hour marked thereon, nor less than one-half of a cubic foot per hour, for all meters of a measuring capacity not exceeding 100 cubic feet per hour, and not more than one-fortieth part of its said measuring capacity per hour for all meters of any greater measuring capacity per hour than 100 cubic feet; and all meters found to work under such test shall be deemed sound meters, and any meter found not to work under such test shall not be stamped.

The meter to be tested for per-centage of error shall be fixed on a horizontal base, and shall be tested at a pressure equal to a column of water five-tenths of an inch high, and passing the quantity of gas or atmospheric air per hour which shall be marked thereon as its measuring capacity per hour; and the water used in such testing, and the air of the room in which such testing shall be made, shall be, as nearly as practicable, of the same temperature as the gas or air passed through the meter.

Municipal
Councils to
appoint
inspectors of
meters.

9. IT shall be lawful for the Municipal Council of any Municipal town which is supplied with gas, to appoint such person or persons as they may deem qualified thereto, for the purpose of examining, testing, and stamping meters; and in case any such persons or person shall stamp any meter without duly testing and finding the same to be correct, or shall refuse, or for *three* days after being so required neglect, without lawful excuse, to test any meter, or to stamp any meter found to be correct on being so tested, shall be guilty of an offence, and shall be liable to a penalty not exceeding Five pounds.

Municipal
Councils may
enter houses,
&c., for inspect-
ing meters.

10. IT shall be lawful for the Municipal Council of any Municipal town that is supplied with gas, or any person or persons appointed by them for that purpose, at all reasonable times, and with all necessary workmen and appliances and other means, to enter any house or shop, store, warehouse, still, yard, or place whatsoever within their jurisdiction, wherein such Municipal Council may have reason to believe that there is any incorrect meter fixed or used, and to examine and test the same, and if necessary for such purpose, to remove such meter, doing as little damage thereby as may be; and, if upon such examination and testing it shall appear that any such meter is incorrect within the meaning of this Ordinance, or fraudulent, the same shall not be re-fixed or used again unless and until altered and repaired so as

Sales of Gas.

to measure and register correctly ; and the fees on such removal, examination, and testing of a meter, whether corrected and replaced or not, shall be double the fees hereinafter made payable for testing and stamping, and shall be payable by the buyer or seller of gas, as the Municipal Council shall determine. PROVIDED that any person duly authorized by any Company or persons selling gas by meter may supply water to any meter, so as to keep the water at the correct level.

Proviso.

11. EVERY consumer of gas may purchase and use for the measurement of the gas supplied to him any meter duly stamped under the authority of this Ordinance, provided that the gas to be consumed per hour shall not exceed the quantity per hour the meter is intended to measure, so marked on the outside thereof as aforesaid.

Consumers may use any stamped meters.

12. THE fees for examination, comparison, and testing, with or without stamping meters, shall be sixpence for each meter delivering a cubic foot of gas in four or more revolutions or complete repetitions of the action of the meter, and one shilling for each meter delivering a cubic foot of gas by any less number of revolutions or complete actions, or one revolution or complete action ; and for each meter delivering more than one cubic foot of gas by one revolution or complete action the further sum of one shilling for every cubic foot of gas delivered at one revolution or complete action beyond the first cubic foot.

Fees for testing and stamping meters.

13. THE expense of providing models of gas-holders, with proper balances, indices, and apparatus as aforesaid, and stamps for stamping meters, and the remuneration to such person or persons as may be appointed by the Municipal Council of any Municipal town to test and stamp meters, shall be paid out of the lighting rate leviable under the 54th section of the *Municipal Councils Ordinance*, No. 17 of 1865.

Cost of models and other expenses to be paid out of the lighting rates.

14. WHOSOEVER shall commit any of the following offences shall be liable to the fines hereinafter set forth :—

Offences under this Ordinance.

- (1.) Whosoever shall make, except under the authority of this Ordinance, or forge, or counterfeit, or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly act or assist in the making, except as aforesaid, or forging or counterfeiting any stamp or mark which may be used for the stamping or marking of any meter under this Ordinance, shall be liable to a fine not exceeding One hundred pounds and not less than Ten pounds.
- (2.) Whosoever shall knowingly sell, alter or dispose of, let, lend, or expose for sale any meter with such forged stamp or mark thereon, shall be liable to a fine not exceeding Ten pounds and not less than Two pounds. Provided that all meters with such forged or counterfeited stamps shall be forfeited and destroyed.

Counterfeiting stamps.

Selling or uttering meters with forged stamps.

Sales of Gas.

Tampering
with meters,
obstructing
inspectors, &c.

(3.) Whosoever shall knowingly repair or alter, or cause to be repaired and altered, or tamper with or do any other act in relation to any stamped meter, so as to cause such meter to register unjustly or fraudulently, or who shall prevent or refuse to allow lawful access to any meter in his possession or control, or the supply of water thereto as hereinbefore provided, or shall obstruct or hinder any examination or testing authorized by this Ordinance of any such meter, shall be liable to a fine not exceeding Fifteen pounds. PROVIDED that the payment of any such penalty as aforesaid shall not exempt the party offending from liability to indictment or other proceeding at law to which he would otherwise be liable, or deprive any person of the right to recover damages for any loss or injury sustained by such act or default; and provided further that the party offending shall pay the fees for removing and testing, and the expense of purchasing and fixing a new meter.

Proviso.

Settlement of
disputes affect-
ing meters.

15. ALL disputes between the buyer and seller of gas by meter, or between any owner of a meter and any person or persons appointed under this Ordinance to test meters, respecting the correctness of any meter, shall be referred to the said Municipal Council, whose decision thereon shall be final.

Fees and
expenses under
this Ordinance
how recover-
able.

16. AND in all cases where fees or expenses are by this Ordinance directed to be paid, the amount, if certified to by the Chairman or Secretary of the said Municipal Council, shall be recovered, in the event of the party liable thereto failing to make payment within a week after notice given to him in that behalf, by the Police Court, as if it were a fine imposed by such Court, whether or not such amount shall exceed the sum which the Police Court has jurisdiction to award by way of fine.

Limitation of
prosecution.

17. NO prosecution shall be instituted against any person for any offence committed against the provisions of this Ordinance cognizable by the Police Court, unless the same shall be commenced within three months from the time of the commission of such offence.

Passed in Council, the Seventh day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Eleventh day of January, One thousand Eight hundred and Seventy-one, and published by his Order.

HENRY T. IRVING,
Colonial Secretary.

Railway Extension.

No. 2.

An Ordinance for raising £150,000 on Debentures for the Extension of the Railway from Peradeniya to Nawalapitiya.

WHEREAS it is expedient that the existing line of railway should be extended on the present gauge from Peradeniya to Nawalapitiya, and it is necessary to provide additional funds for the construction of such works, and the purchase of such lands, materials, and other things, as may be required for and in connection with such extension: **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THIS Ordinance shall come into operation on such day as the Governor shall by proclamation appoint.

Commencement.

2. It shall be lawful for the Governor, in addition to the money already borrowed on debentures under the provisions of Ordinances Nos. 19 of 1862, and 7 of 1864, to borrow, upon debentures to be issued by the Government, an additional sum not exceeding £150,000, for the purchase of such lands, materials, and other things, and for the construction of such works as may be required for and in connection with the said extension.

Additional loan to be raised.

3. EACH debenture shall be for a sum of not less than £100 if issued in England, and 1,000 rupees if issued in Ceylon or India, and shall bear interest at a rate not exceeding five per cent. per annum, payable quarterly, and shall be signed on behalf of the Government of Ceylon by the Treasurer of the Island for the time being, or by such other public officer or officers as may be appointed by the Governor for the purpose; and public notice in the *Ceylon Government Gazette* of such appointment shall be held sufficient evidence thereof.

Debentures. Interest.

4. TO each debenture shall be attached coupons, for the payment of the quarterly interest, entitling the bearer to the interest represented thereby.

Coupons.

5. PARTICULARS may also be given in each debenture, if it be deemed necessary to do so, touching the total amount authorized by the Ordinance to be raised, the amount of each separate instalment raised, the number and value of the several bonds comprised in each issue, and such other matters connected with the loan and payment thereof as the Governor, with the advice of the Executive Council, may deem it expedient to furnish in such debentures.

Particulars touching the loan and payment may be given in the debentures and coupons.

6. AS a security for the repayment of the said loan, the general revenues of the Colony are hereby pledged and specially affected, without prejudice to any pledge over the same already created by existing Ordinances,

Security.

*Railway Extension.**Surplus Revenues.*

Repayment of
loan.

7. THE Governor of Ceylon shall cause to be set aside annually out of the general revenues of the Colony a sum not exceeding ten per cent. on the amount raised under the provisions of this Ordinance ; the said sum to be applied first to the payment of the interest due as aforesaid, and the balance to the extinction of the debt, in the manner which shall be specified in the form of debenture as hereinbefore provided.

Application of
money
borrowed.

8. THE money borrowed under the authority of this Ordinance shall be applied exclusively for the purposes of the said Railway extension.

Receipts from
extension to be
carried to
general
revenue, which
is charged
with the debt.

9. ALL receipts from the said extension of the line of railway shall be carried to the account of the general revenue of the island.

Passed in Council, the Eleventh day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of January, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,

Colonial Secretary.

No. 5.

*An Ordinance to apply a portion of Surplus
Revenues to the extension of Railway
Communication.*

Preamble.

WHEREAS it is expedient to apply a portion of the funds which have accrued from the surplus revenues of past years to the extension of the line of railway from Pérádeniya to Náwalapitiya on the present gauge: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

£50,000 to be
spent from sur-
plus revenues
for railway
extension.

1. A SUM not exceeding Fifty thousand pounds out of the said surplus revenues shall be issued and applied to the extension of the line of railway from Pérádeniya to Náwalapitiya, in conformity with the details of the estimates to be submitted.

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

2 THE Treasurer of the said Island shall issue and pay the said sum to such persons 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 payable out of the said surplus revenues of the said island.

Surplus Revenues. Supply, 1871. Trustees.

3. THE said 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 said Treasurer, in passing his said accounts, for any such sum or sums as shall be therein-mentioned, and he shall and may receive credit for the same accordingly.

And to receive credit in his accounts for the payments made in pursuance thereof.

Passed in Council, the Eleventh day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of January, One thousand Eight hundred and Seventy-one, and published by his Order.

HENRY T. IRVING,
Colonial Secretary.

No. 6.

*An Ordinance for making provision for the
Contingent Services of the Year 1871.*

14th January, 1871.

No. 7.

*An Ordinance to amend the Law of Property, and
to relieve Trustees*

WHEREAS it is expedient to amend the Law of Property, and to grant relief in certain cases to Trustees, Executors, and Administrators: **IT IS 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 Property and Trustees Ordinance, 1871.*"

Title.

2. ANY person shall have power to assign and convey moveable and immoveable property, now by law assignable, directly to himself and another person, or other persons or corporation, by the like means as he might assign or convey the same to another. And no transfer or assignment of moveable or immoveable property heretofore made or executed by a person to himself and another person or persons or corporation shall be deemed to be in any manner invalid by reason of its being a transfer or assignment by a person to himself and another person or persons or

Persons entitled to assign property to themselves and others.

Trustees.

corporation: PROVIDED that nothing in this section contained shall give any validity to any assignment or conveyance which would have been heretofore by any law or custom invalid by any other reason than by reason of its being an assignment or conveyance by a person to himself and any other person or persons or corporation.

Property vested in trustees as such to be held with the quality of survivorship.

3. ALL property, whether moveable or immoveable, which any persons shall be possessed of, or entitled to, in equal undivided shares, as trustees, shall be held by such persons as joint tenants, with the right or quality of survivorship between or amongst them, in the same manner as subsists between or amongst joint tenants by the Law of England, unless otherwise provided by the deed or instrument creating or establishing the trusts upon which such property is to be held; anything by the Ordinances No. 21 of 1844 and No. 10 of 1863 to the contrary provided notwithstanding.

District Court may nominate trustees in certain cases.

4. THAT any District Court in this colony, within the jurisdiction of which any property, moveable or immoveable, which is subject to any trust, may be situated, may, on petition from any person having any interest, present or future, in such trust property, or from any trustee or trustees thereof, nominate a trustee or trustees to have control thereof, either solely or jointly, with any previous trustee or trustees, and either in addition to or in the place of any such previous trustee or trustees, as circumstances may require in any of the cases following, that is to say:—

- (1.) Where the deed or instrument creating the trust shall contain no adequate provision for the appointment of a new trustee or trustees, and the trustee, or one or more of the trustees originally appointed or nominated under the powers by this Ordinance created, may have died, or become incapable of acting, or may have left the Colony and be residing elsewhere, or may be desirous of being relieved from the duties thereof.
- (2.) Where any such trustee shall neglect or refuse to act in the duties of his office, or shall misconduct himself in the discharge thereof, whether the said deed or instrument shall contain an adequate provision for the appointment of new trustees or not.
- (3.) Where the said deed or instrument does contain such provision, but the sole remaining trustee or trustees thereof shall be incapable of acting or of making a sufficient transfer and assignment of the trust property by reason of lunacy or infancy, or where the remaining trustee or trustees may be resident out of the colony, or where all the trustees may be dead, and the heirs of the last survivor incapable, for any

Trustees.

of the reasons aforesaid, of making a valid transfer, or where such heirs, or any of them, may be resident out of the Colony, or where there may be a difficulty in discovering them, or where it may be doubtful which of several trustees is the survivor.

4. Where the said deed or instrument contains an adequate provision for the appointment of a trustee in the room of any retiring trustee, but the person in whom such appointment is vested by virtue of such provision shall refuse or neglect for the space of twenty-eight days after being requested so to do by any trustee desiring to retire, to make any such fresh appointment; but in this case the petition of the retiring trustee shall be accompanied by a statement in writing of all trust property then under his control, and such an account or statement as may satisfy the Court that he has duly discharged his office and duty as trustee.

5. THAT when and so soon as such nomination shall be made by such District Court, all the property, moveable and immoveable, which may be subject to the trusts aforesaid, and situate within this Colony, whether within the jurisdiction of the said Court or not, shall become vested in the trustee or trustees so nominated, either solely or jointly, with the continuing trustee or trustees, as fully and effectually as if the same had been conveyed and assigned to them or him by the person or persons in whom the same was vested, and such newly nominated trustee or trustees shall thenceforth possess and enjoy all the powers of a trustee or trustees, in the same manner as if he or they had been nominated or appointed in and by the original deed or instrument creating the trust, and as well in respect of property in the Colony, situated out of, as in respect of property within, the jurisdiction of the Court making the nomination.

Vesting of
property in
new trustees.

6. THE Secretary of the Court making such nomination of a trustee shall give information thereof forthwith to the Registrar-General of Lands, who shall cause an alphabetical list of all persons appointed trustees by any District Courts to be made out, shewing the Courts by which they were appointed, and the number of the record in which the appointments have been made. And such list shall be preserved in the Land Registry Office in Colombo, and shall, at all reasonable hours, upon a written application in that behalf, duly stamped, be open to the inspection and perusal of all persons.

Lists of
trustees to be
kept in Land
Registry office
in Colombo.

7. ANY person, having first obtained permission from the Court, may file a petition in the name of any lunatic or infant interested in any trust fund, but such permission shall not be granted unless the Court shall be satisfied that the interest of such lunatic or infant requires that such petition should be filed, and that the person applying is a proper person to represent them.

Petition in
name of
lunatics and
infants
interested in
trust funds.

Trustees.

Proceedings of
Court thereon.

8. THE District Court, before making order on any such petition as aforesaid, may require notice to be issued to such person or persons as it may consider entitled thereto; and may require evidence in support of any allegation in the petition which it may consider as requiring proof.

Appeals from
orders of
District Courts.

9. ALL orders made by any District Courts in pursuance of the powers hereinbefore contained shall be subject to appeal to the Supreme Court on the part of any person having or claiming to have any interest in the trust property, or any part thereof, and such appeals shall be subject to the same rules, regulations, and practice as exist with respect to interlocutory appeals from District Courts.

Executor or
Administrator
winding up
estate after due
notice to
claimants, to be
freed from
responsibility.

10. WHERE an executor or administrator shall have given such notices as, in the opinion of the District Court which granted probate or letters of administration to such executor or administrator, shall be sufficient for creditors and others to send in to the executor or administrator their claims against the estate of the testator or intestate, such executor or administrator shall, at the expiration of the time named in the said notices or the last of the said notices for sending in such claims, be at liberty to distribute the assets of the testator or intestate, or any part thereof, amongst the parties entitled thereto, having regard to the claims of which such executor or administrator has then notice, and shall not be liable for the assets or any part thereof so distributed to any person, of whose claim such executor or administrator shall not have had notice at the time of the distribution of the said assets or a part thereof, as the case may be; but nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets or any part thereof into the hands of the person or persons who may have received the same respectively.

Trustee,
executor, or
administrator
to be allowed
to apply to
Supreme Court
for directions,
and to be
relieved from
responsibility
when acting in
accordance
with such.

11. ANY trustee, executor or administrator shall be at liberty, without the institution of a suit, to apply by petition to a Judge of the Supreme Court sitting in chambers, for the direction of such Judge on any question respecting the management or administration of the trust property or the assets of any testator or intestate; and such application shall be served upon such of the persons interested therein as the said Judge shall deem expedient, or notice thereof be published in such manner as such Judge shall determine; and the trustee, executor, or administrator, acting upon the direction given by the said Judge, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee, executor, or administrator in the subject-matter of the said application: PROVIDED nevertheless, that this Ordinance shall not extend to indemnify any trustee, executor, or administrator in respect of any act done in accordance with such direction as aforesaid, if such trustee, executor, or administrator shall have been guilty of any fraud or misrepresentation, or shall have neglected to disclose in his petition

*Trustees.**Mortgage and Hypothec.*

all facts within his knowledge which are material to the determination of any question submitted to any Judge for such direction as aforesaid, and the costs of such application shall be in the discretion of the said Judge. PROVIDED further that every such petition shall be signed by an Advocate of the Supreme Court, and every such applicant shall appear by such Advocate, and the Judge to whom any such petition shall be presented shall have power to reject the same if, in his opinion, no question of sufficient doubt or difficulty is therein raised to justify such application.

12. THE direction of the Judge referred to in the preceding section, shall be duly recorded in the minutes of the Supreme Court, and shall be deemed an order of that Court.

Direction of
Judge to be
recorded.

13. THE receipts in writing of any trustees or trustee for any money payable to them or him by reason or in the exercise of any trusts or powers reposed or vested in them or him, shall be sufficient discharges for the money therein expressed to be received, and shall effectually exonerate the person paying such money from seeing to the application thereof, or from being answerable for any loss or misapplication thereof.

Power of
trustees to give
valid receipts.

14. THIS Ordinance shall come into operation on the date of the passing thereof.

Commence-
ment of
Ordinance.

Passed in Council, the Fourteenth day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of January, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,

Colonial Secretary.

No. 8.—1871.

An Ordinance to amend in certain respects the Law of Mortgage and Hypothec.

WHEREAS it is expedient to amend in certain respects the Law of Mortgage and Hypothec in this Colony:—IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof:—

Preamble.

1. NO conventional general mortgage, executed after this Ordinance shall come into operation, shall be valid and effectual, so as thereby to give the mortgagee any lien, charge, claim or priority over or in respect of any property, moveable or immovable.

General
mortgages
abolished.

2. NO pledge or conventional hypothecation or bill of sale of any moveable property, effected after this Ordinance shall come into operation, shall be valid and effectual, so as thereby to give

Mortgage of
moveable
property to be

Mortgage and Hypothec.

affected by the pledgee, mortgagee, or transferee any lien, charge, claim, actual delivery. right, or priority over, to, or in respect of such property :—

Unless the said property shall have been actually delivered over into the custody and possession of the pledgee, mortgagee, or transferee, or some person on behalf of such pledgee, mortgagee or transferee, and shall continue and remain ostensibly and *bonâ fide* in such custody and possession from the date of such pledge, hypothecation or bill of sale, until the time when the pledgee, mortgagee or transferee shall make his claim at law to, over, or in respect of such property ; or,

Or by deed duly registered.

Unless such pledge, hypothecation or bill of sale shall have been created by writing signed by the person effecting the same, or by some person thereto lawfully authorized by him, and unless such writing shall within seven days (exclusive of Sundays and public holidays) from the date thereof have been duly registered in the office of the Registrar of Lands for the district in which such property shall be at the time of such pledge, hypothecation or bill of sale, or in the office of the said Registrar for each of such districts, when such property is at the time of such pledge, hypothecation or transfer, in more than one district.

Transfer or assignment of hypothecations to be also by deed, and registered.

3. NO transfer or assignment, made after this Ordinance shall come into operation, of any pledge, conventional hypothecation or bill of sale of any moveable property, shall be valid and effectual, so as thereby to give the transferee or assignee any lien, charge, claim, right or priority over, to, or in respect of such property, unless such transfer or assignment shall be in writing, signed by the person transferring the same, or by some person thereto lawfully authorized, by him, and shall within seven days (exclusive of Sundays and holidays) from the date thereof have been registered in manner aforesaid.

Existing pledges, &c., to be also duly registered.

4. NO pledge, conventional hypothecation, or bill of sale of any moveable property heretofore effected by any writing, and no transfer or assignment thereof, shall be valid and effectual, so as thereby to give the pledgee, mortgagee, transferee or assignee any lien, charge, claim, right or priority over, to, or in respect of such property, unless such pledge, hypothecation, bill of sale, transfer or assignment shall be duly registered as aforesaid within three months from the date of this Ordinance coming into operation, or shall have been heretofore registered in pursuance of the provisions of the Lands Registration Ordinances, No. 8 of 1863 and No. 3 of 1865.

Registrars to keep lists of such writings; inspection, extracts, &c.

5. IT shall be the duty of the Registrar of Lands to prepare and keep special and proper lists and indexes of all writings required by this Ordinance to be registered; and all such lists, indexes and the writings to which they refer shall, at all reasonable hours, upon a written application in that behalf, be open to

Mortgage and Hypothec.

the inspection and perusal of all persons who may desire to inspect and peruse the same ; and such persons shall be entitled to demand and receive copies of any entries in such register, or extracts from any such entries. And such Registrar shall, immediately after the registration of any writing required by this Ordinance to be registered, deliver to the party effecting the same a certificate thereof, signed by such Registrar, and shall also (if required) make and sign an endorsement thereof on the writing produced for registration. And every such certificate, application, copy and extract as aforesaid shall be subject to the same stamp duties as if the writing registered was a mortgage or transfer of immoveable property, registered under the Land Registration Ordinances, No. 8 of 1863 and No. 3 of 1865, or any other Ordinance hereafter to be passed respecting the registration of deeds relating to immoveable property.

6. THE words "bill of sale" shall include bills of sale, assignments, transfers, declarations of trust without transfer, and other assurances of moveable property, and also powers of attorney and authorities or licenses to take possession of personal property as security for any debt.

Meaning of
"bill of sale."

7. NOTHING in this Ordinance shall be taken to apply to hypothecations of any ship or vessel, or any share thereof ; nor to hypothecations of goods in any foreign parts or at sea ; nor to property represented by bills of lading, dock warrants, warehouse-keepers' certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, and authorizing or purporting to authorize either by endorsement or by delivery the possessor of such document to transfer or receive goods thereby represented ; nor to any shares or interests in the stock funds or securities of any Government, or in the capital or property of any Incorporated or Joint Stock Company ; nor to choses in action ; nor to any crops or produce growing or to be grown on any lands or plantations.

Proviso as to
mortgage of
ships, &c.

8. THE 66th section of the Ordinance No. 16 of 1865, entitled "*An Ordinance to provide for the establishment and regulation of a Police Force in this Island,*" is hereby repealed.

Repeal of
66th section of
Ordinance 16 of
1865.

9. THIS Ordinance shall come into operation at the date of the passing thereof.

Commencement
of Ordinance.

Passed in Council, the Fourteenth day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of January, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

Tolls.

Concealment of Birth.

No. 9.—1871.*An Ordinance to amend "The Tolls Ordinance No. 14 of 1867."*

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 14 of 1867, entitled "*An Ordinance to consolidate and amend the Law in respect to the collection of Tolls :*" IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON with the advice and consent of the Legislative Council thereof, as follows :—

Tolls in respect of ferries shall be due whether the ferry boats be used or not.

Repeal of proviso to the 4th section of Ordinance No. 14 of 1867.

Vehicles and boats loaded with cocoanut husks to pay as unloaded vehicles and boats, and to pay only once.

1. FROM and after the passing of this Ordinance, the tolls imposed in respect of ferries shall be due and leviable whether the ferry boats provided for carrying passengers or conveying vehicles or goods across the ferries be used or not.

2. FROM and after the passing of this Ordinance, the proviso to the 4th section of the Ordinance No. 14 of 1867, imposing a higher rate of tolls on vehicles for goods with narrow tires than that imposed on such vehicles with broad tires, shall be repealed.

3. FROM and after the First day of January, 1872, vehicles and boats loaded with cocoanut husks in an unmanufactured condition, and with no other goods or merchandize except the necessary tackle, apparel and provision of such boat and the crew thereof, shall pass as, and pay the tolls of, unloaded vehicles and boats only. If such vehicles and boats shall pass more than once the same day, loaded as aforesaid, no further tolls shall be demanded or taken for or in respect of them, but they shall pass free.

This and Ordinance No. 14 of 1867 to be deemed one.

4. THIS Ordinance and the Ordinance No. 14 of 1867 shall be read and construed as if they formed one Ordinance.

Passed in Council, the Fourteenth day of January, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourteenth day of January, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 10.*An Ordinance to amend the Law respecting the Concealment of the Birth of Children.*

Preamble.

WHEREAS it is expedient to repeal the Ordinance No. 2 of 1842, and to make other provision, in lieu thereof, for the punishment of persons concealing the birth of children :

Concealment of Birth. Third Kandy Criminal Session.

IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

1. THE Ordinance No. 2 of 1842, intituled "*An Ordinance to amend the Law respecting the concealment of the Birth of Children*," is hereby repealed, save and except as to any offence committed before the passing of this Ordinance

Ordinance No. 2 of 1842 repealed.

2. IF any woman shall be delivered of a child, every person who shall, by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof, shall be guilty of an offence, and shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour : PROVIDED that, if any person tried for the murder of any child shall be acquitted thereof, it shall be lawful for the jury, by whose verdict such person shall be acquitted, to find, in case it shall so appear in evidence, that the child had recently been born, and that such person did, by some secret disposition of the dead body of such child, endeavour to conceal the birth thereof ; and thereupon the Court may pass such sentence, as if such person had been convicted upon an indictment for the concealment of the birth.

Punishment of persons endeavouring to conceal the birth of children. Provide that persons charged with child murder may be convicted for concealment of birth.

3. THIS Ordinance shall come into operation from the date of the passing thereof.

Commencement of Ordinance.

Passed in Council, the Twenty-fifth day of October, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirtieth day of October, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 11.*An Ordinance to authorize the discontinuance of the third yearly Criminal Session at Kandy.*

WHEREAS it is expedient to authorize the discontinuance of the third yearly Criminal Session of the Supreme Court now required to be holden at Kandy ; IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. IT shall no longer be compulsory to hold in each year the third Criminal Session at Kandy for the Midland Circuit, commencing on the Twentieth day of November, and appointed by

Third Criminal Session at Kandy in each year no longer necessary.

*Third Kandy Criminal Session.**Railway Fares.*

the thirty-third section of "*The Administration of Justice Ordinance, 1868.*"

Passed in Council, the Twenty-fifth day of October, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirtieth day of October, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 12.

*An Ordinance to reduce the minimum rates fixed
by Ordinance No. 10 of 1865 for Railway
Passenger Fares.*

Preamble.

WHEREAS it has been found possible to reduce the charges for the conveyance of passengers by the Ceylon Government Railway between Colombo and Kandy, below the minimum rates specified in Schedule A. of the Ordinance No. 10 of 1865 ; **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof, as follows :—

**Commence-
ment.**

1. THIS Ordinance shall come into operation on 1st January, 1872.

**New minimum
rates.**

2. THE following shall be the minimum rates of Railway Passenger Fares, and shall be substituted for those appearing in Schedule A. of Ordinance No. 10 of 1865, viz :—

1st Class, Seven and a-half cents per mile.

2nd Class, Five cents per mile.

3rd Class, Two and a-half cents per mile.

**To be read as
one Ordinance
with 10 of
1865.**

3. THIS Ordinance shall be read and construed as one with the aforesaid Ordinance No. 10 of 1865.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of November, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Postal Rates.***No. 13.***An Ordinance relating to Postal Rates.*

WHEREAS the currency of this Island will on the 1st January, 1872, be changed from Pounds, shillings, and pence, to Rupees and Cents; and it has, in consequence, become necessary to adjust the penny rate, on which existing Postal charges are based, to the new currency, **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 shall come into operation on the 1st January, 1872.

Commence-
ment of
Ordinance.

2. **THE** colonial inland charges levied on letters, parcels, and patterns and samples, and book-packets, under the sanction of the Ordinance 10 of 1869, and the charges at present levied on letters sent by the land route to India, under the sanction of Ordinance No. 27 of 1865, section 28, and the charges at present levied on correspondence despatched to foreign countries from Ceylon, as well as unpaid correspondence received in Ceylon from foreign countries, under the sanction of Proclamations, issued by virtue of the powers conferred on the Governor and Executive Council by section 9, Ordinance 10 of 1869, and previous similar enactments, shall, from the 1st January, 1872, be collected at the rate of four cents to the penny. **PROVIDED**, however, that nothing herein contained shall be held to interfere with the aforesaid powers conferred on the Governor, with the advice of the Executive Council to from time to time alter, amend, or determine such foreign rates of postage as aforesaid: or to interfere with the power of the Governor, with advice as aforesaid, to alter certain inland rates.

All existing
postal charges
to be collected
at the rate of
four cents to
the penny.Proviso: power
to alter foreign
rates reserved.And certain
inland rates.

3. **THIS** Ordinance shall be read and construed as one Ordinance with those No. 27 of 1865, and No. 10 of 1869, save and excepting the sections of the former repealed by the latter.

This and
certain former
Ordinances to
be read as one.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of November, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Customs Duties.***No. 14.***An Ordinance to adjust Customs Duties to the
Currency of Rupees and Cents.***Preamble.**

WHEREAS the currency of this Island will, on the 1st January, 1872, be changed from Pounds, shillings, and pence to rupees and cents, and it has, in consequence, become necessary to adjust to the new currency certain Customs Duties whose exact equivalents in cents involve impracticable fractions of cents: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

**Commencement
of Ordinance.**

1. **THIS** Ordinance shall come into operation on 1st January, 1872,

**New schedules
of duties.**

2. **THE** schedules marked B., C., and D. hereto annexed shall be substituted for those marked B., C., and D., respectively, annexed to the Ordinance No. 17 of 1869. But these substituted schedules 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.

**This Ordinance
and No. 17 of
1869 to be read
as one.**

3. **THIS** Ordinance and No. 17 of 1869 shall be read and construed as one Ordinance.

SCHEDULE B.**IMPORT DUTY.**

Articles.	Duty.	
	Rs	Cts.
Ammunition and Arms, viz. :		
Fowling Pieces, Guns and Rifles, single-barrelled	each	2 50
Do. do.	double	
barrelled, and Revolvers		5 0
Gunpowder	the lb.	0 17
Blasting Powder	"	0 5
Pistols, single-barrelled	each	1 50
Do. double-barrelled and Revolvers	"	3 0
Shot	the cwt.	0 50 cts.
Asphalt	the ton	2 50 (12½ the cwt.)
Bacon, Butter, Cheese and Hams	the cwt.	3 0
Beef, Pork, Humps, Tongues, salted or corned	"	1 25
Beer, Ale, Porter, and all other Malt		
Liquors in wood	the gallon	0 13
Do. do. in bottle	"	0 17
Candles, Spermaceti, Wax, Stearine, and Composition	the cwt.	3 0
Do. Tallow	"	1 50
Cement	"	0 17

Customs Duties.

Articles.	Duty.	
	Rs	Cts.
Cotton Goods, viz. :		
Grey Cambries	{ on an assessed value of	
„ Madapolams		
„ Shirtings	{ 70 cts. per lb. for every	
„ Domestics	{ Rs. 100 value thereof	
„ Long Cloths	{	
„ Sheetings	{ Do. 60 cents do.	
„ Tea Cloths	{	
„ Mule Twist,	{	
Nos. 30 to 60	{	
Yarns, Turkey red	{ Do. 1 rupee and	
„ Orange, Green, and	{ 50 cents. do. }	
other colours, 80 cents	do.	5 0
Cotton seed	the cwt.	0 17
Fish, dried or salted, roes, fins, skins,		
and blood, the produce of creatures		
living in the sea	„	0 50
Flour (wheat)	„	1 0
Ghee	„	2 50
Gunnies of all kinds	per 100 bags	1 50
Metals :		
Brass sheets, wire, and nails	the cwt.	3 0
Copper sheathing, bars, bolts, ingots,		
plates, nails, and tacks	„	3 0
Iron bar, flat, square, bolt or round,		
rod and nail rod	the ton	4 0 cts.
Do. angle, Swedish bar, hoop,		
plate, and sheet	„	5 0 (25 „)
Do. corrugated	„	7 0 (35 „)
Do. galvanized, viz., guttering, hoop		
nails, piping, ridging, rivets, sheets,		
and sheets corrugated, spouting,		
strapping, screws, tiles, washers,		
wire	„	15 0 (75 „)
Do. nails and tacks of sorts, and		
rivets	the cwt.	0 63
Do. pig	the ton	2 50 (12½ „)
Lead sheet, pipe and pig	„	10 0
Spelter, tin, zinc, in cake or slab	„	10 0
Steel blister	„	10 0
Do. cast	„	12 50 (62½ „)
Tin plates	the cwt.	0 75
Zinc perforated	„	3 0
Onions	„	0 17
Opium	the lb.	0 50
Paddy	the bushel	0 13
Poonack	the cwt.	0 17
Potatoes	„	0 38
Rice, wheat, gram, peas, beans, and		
other grain, except paddy	the bushel	0 29
Salt	the cwt.	2 13
Saltpetre	„	0 50
Spirits and cordials	the gallon	2 50

Customs Duties.

Articles.	Duty.	
	Rs.	Cts.
Sugar, viz.:—		
Jaggery or Palm, not equal in quality to brown or Muscavado the cwt.	0	50
Brown, unrefined, or Muscavado „	1	25
Sugar Candy, white clayed, refined, or sugar rendered by any process equal thereto . . . „	2	50
Tallow and Grease . . . „	1	25
Tar or Pitch . . . „	0	17
Do. Stockholm . . . „	0	38
Tea . . . the lb.	0	25
Tobacco, manufactured . . . „	0	17
Do. unmanufactured, and hooka „	0	9
Do. Cigars, Cheroots, and Snuff „	0	50
Wine, in bottle . . . the gallon	1	25
Do. Ginger . . . „	0	50
Do. Claret in wood . . . „	0	50
Do. other kinds in wood . . . „	0	75
Goods, wares, and merchandize, not otherwise charged with duty, or prohibited, and not comprised in the Table of Exemptions hereinafter set forth, for every Rs. 100 of the value thereof in this market . . . „	5	0

Table of Exemptions.

	Free.
Acids
Animals, viz., horses, mules, asses, neat cattle, and all other live stock
Arrecanuts
Arrowroot
Beeswax
Books and maps, printed
Bricks and tiles of clay
Bullion, coin, pearl oysters, pearls, and precious stones, unset
Canoes
Cardamons
Casks, empty, shooks and staves
Castor-seed poonack
Coal, coke, and patent fuel
Coccanuts and cocoanut oil
Coffee
Coir yarn, rope, junks, fibre, twine, and strands
Copperah
Cotton wool
Cowries and shells (not tortoise-shell)
Dammer
Drawings
Fruits, fresh and not in any way preserved
Grindstones
Hay, straw, and bran
Hops
Horns

Customs Duties.

Ice	Free.
Images and statuettes	"
Instruments, scientific	"
Jute	"
Leeches, live	"
Machinery, viz. :—				
<i>Agriculture and Agricultural produce.</i> —Machinery for the manufacture of Oil and Sugar, Pulpers, Peelers, Sizers; Winnowing, Threshing, Corn Mill, and Flour-dressing Machinery				
<i>Building and Sanitary purposes.</i> —Machinery for the Manufacture of Bricks, Tiles, and Drain-pipes; Dredging and Pile-driving Machinery	"
<i>Cranes, Presses, &c.</i> —Hydraulic, Screw, Lever or Cam Presses, Cranes, Derricks, Crab Winches, Screw and other Jacks	"
<i>Forge and Foundry Machinery.</i> —Steam, Tilt, Lift, and Pneumatic Hammers, Forging Machines, Smithy or Foundry-Fans, Blowing Machines, and Ironwork for Reverberatory Furnaces and Cupolas	"
<i>Gas.</i> —Retorts, Gas Mains, Hydraulic Mains, Purifiers, Condensers, Gas-holders, Hydraulic Valves, Gas Meters, Pressure Gauges	"
<i>Machinery for Fibrous substances and Textile Fabrics.</i> —Cotton Gins, Openers, Scutchers, Lap Machines, Carding Engines, Drawing-frames, Slubbing-frames, Rovers, Throstles, Self-acting Mules, Spinning Jennies, Burring Machines, Teazing, Condensing, Fibre Machines, Hackling Machines, Balling Engines, Spreaders, Tow-lap or Cop-winding Machines, Rope-machines, Silk-winding, Spinning, Sizing, Doubling, Throwing, Fibre, Machines; Hand, Power, and Jacquard, Looms, Knitting machines; Calenders				
<i>Millwork.</i> —All Shafting, Drums, Machine pulleys and belting, Wall boxes, Hangers, Brackets, Plummer-blocks, Brasses and Bushes, Spur, Mitre, Bevel and Friction Gearing; Geared Horseworks either for horses or adapted to other animals, with all fittings and connections for transmitting power to machinery	"
<i>Mining, &c.</i> —Ore-crushing, Stamping, Washing and Separating Machinery; Stone-breaking Machines, and Machinery for Tunnels or perforating Rock	"
<i>Paper and Printing.</i> —Printing and Lithographic Presses; Type and Type Machinery; Machinery used in the preparation and Manufacture of Paper	"
<i>Prime Movers.</i> —Windmills, Water-wheels, Water-pressure, Engines, Turbines and other Hydraulic motors; all descriptions of Marine, Locomotive, Stationary and portable Steam Engines, Pneumatic, Atmospheric and Magneto-Electric Engines, their boilers, generators, fittings, connections and gearing; also Machinery for lifting, forcing, conducting, or storing water	"
<i>Railway.</i> —Traversers, Turntables, Railway and Cart Weighing Machines, Points, Crossings, Fittings, Couplings, Wheels, Axles, Axle-boxes, and Ironwork for Railway Carriages, Rails (temporary and permanent), Spring buffers	"
<i>Workshop.</i> —Punching, Shearing, Plate-bending, Plate-cutting, Rivetting, Drilling, Boring, Planing, Shaping, Slotting,				

Customs Duties.

Screw-making, Sawing, Tenoning, Mortising, Moulding, Rebating, Tongueing, and Grooving Machines; Lathes; File-cutting, Carving, Engraving, Bolt-making, Rivet-making and Washer-making Machines	Free.
<i>Sundries.</i> —Machinery,—for the manufacture of Fish-guano or other Manures; Bone-crushing and Peat-compressing Machinery; Machines for the Manufacture of Casks	"

All the machinery above stated either whole or in parts.

Manures of all sorts, and ingredients imported solely for the manufacture of Manures, and certified as such by the importer	"
Manuscripts	"
Nets, Fishermen's	"
Oil, the produce of creatures living in the sea	"
Olas	"
Paper and Envelopes	"
Passenger's baggage, viz.: wearing apparel, and instruments intended for the professional use of, and accompanying passengers	"
Plants, trees and seeds, intended for agricultural and horticultural purposes	"
Plumbago	"
Regimental clothing, uniforms, necessities, accoutrements, and band instruments, imported for the use of Her Majesty's Land and Sea Forces	"
Saltpetre, refuse of, for purposes of manure only, as certified by the importer	"
Slates, roofing	"
Specimens and objects illustrative of Natural History	"
Stones, Ballast	"
Do. Coral	"
Do. Grinding	"
Do. Tomb and Tablets	"
Tanks, Iron	"

SCHEDULE C.

TABLE OF PROHIBITIONS AND RESTRICTIONS INWARDS.

- Ammunition, arms, gunpowder, and utensils of War by way of Merchandize, except by license from Her Majesty for furnishing Her Majesty's public stores only, or under the directions of the Collector by authority of the Governor.
- Books wherein the copyright shall be first subsisting, first composed, or written or printed in the United Kingdom, and printed or re-printed in any other country, and of which notice that copyright subsists shall have been given by the proprietor to the Commissioners of Customs, London.
- Coin, viz., false money, or counterfeit sterling Coin of the realm or any money purporting to be such, not being of the established standard in weight or fineness
- Dangerous substances, viz., earth oil or mineral naphthas, fulminating powder, gun cotton, nitro-glycerine, except by license of the Governor,

Customs Duties.

and under regulations to be made by the Governor, with the advice of the Executive Council, from time to time, for the safe landing and deposit thereof.

Indecent or obscene prints, paintings, books, cards, lithographs, photographs, engravings, or any other indecent or obscene articles.

Infected cattle, sheep, or other animals, also hides, skins, horns, hoofs, or any part of cattle or other animal, which the Governor may by Proclamation prohibit, in order to prevent contagious distemper.

Fish, grain, and other articles in a damaged, stinking, offensive condition, unfit for food and legitimate use, and likely to breed sickness or any contagious disorders.

Parts of articles, viz., any distinct or separate part of any article not accompanied by the other part, or all the other parts of such articles, so as to be complete or perfect, if such articles be subject to duty according to the value thereof.

SCHEDULE D.PORT DUES LEVIABLE AT PER TON BURTHEN.

On Entry inwards with cargo, or with passengers exceeding one person for every two tons	...	8 cents
On Clearance outwards with cargo, or with passengers exceeding one person for every two tons of burthen	...	per ton
In the case of Mail Steamers, of whatever Tonnages, the dues either Inwards or Outwards are not to exceed	Rs. 50	Cts. 0

COMPOSITION FOR PORT DUES.

Vessels conveying goods between one Port and another within the island are allowed to compound for Port Dues for 12 months, at per ton ... 0 50

EXEMPTIONS.

On Entry inwards in ballast or with cargo reported for Exportation, if the vessel leaves the Port without breaking bulk or landing passengers, exceeding one person for every two tons ... Free.

On Clearance in ballast or with the original cargo, if the vessel leaves the Port without shipping goods or passengers, exceeding one person for every two tons burthen ..

Ships of 250 tons and upwards, not being Mail Steamers, landing cargo not exceeding 10 tons and shipping cargo not exceeding 10 tons

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of November. One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary,

*Surplus Revenues.***No. 15.**

To apply a portion of the Surplus Revenues of past years to Works and Services of acknowledged Public utility.

Preamble.

WHEREAS it is expedient to apply a portion of the funds which have accrued from the Surplus Revenues of past years, to the execution of Works and Services of acknowledged public utility :—

£53,000 to be charged upon the Surplus Revenues of the Island.

1. IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, that a sum not exceeding Fifty-three thousand pounds out of the said Surplus Revenues shall be issued and applied to the execution of the several Public Works and Services hereinafter mentioned, in conformity with the details of the Estimates to be submitted :—

Railway Extension	£25,000
Balance on an Estimate for £ 9,084 for the extension of the Morowaka road	3,084
For the restoration of the Magala-wewa, Nikaweratiya		...	5,574
Balance on an Estimate for £3,748 for improvement of the Kegalla and Polgahawela road	2,748
Towards completion of the Badulla and Batticaloa road		...	16,594
Total...			£53,000

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

2. THE Treasurer of the said island shall issue and pay the said several sums to such persons for the purposes 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 payable out of the said surplus revenues of the said island.

And to receive credit in his accounts for the payments made in pursuance thereof.

3. THE said 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 said Treasurer, in passing his said accounts, for any such sum or sums as shall be therein mentioned, and he shall and may receive credit for the same accordingly.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the First day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*District Court (Criminal) Rules.***No. 16.***An Ordinance to give effect to certain Rules of Court in Criminal matters.*

WHEREAS by “*The Administration of Justice Ordinance*” 1868,” it is provided that it shall be the duty of the Judges of the Supreme Court, and they are thereby required, so soon as any rule, order or regulation has been framed by them, to transmit the same under their hands and the seal of the Court to the Governor, by whom the same shall be laid with all convenient despatch in the form of an Ordinance before the Legislative Council, to be considered and dealt with in such and the same manner as any other Ordinance, and that no rule, order or regulation shall operate or take effect until the same shall have been duly enacted : And whereas the Judges have transmitted to the Governor, in the manner directed by the said Ordinance, certain rules in the first section described : **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THE rules in the Schedule to this Ordinance annexed touching and concerning criminal prosecutions in the District Courts, and touching and concerning the proceedings by and before Justices of the Peace as to such prosecutions, and touching and respecting the proceedings of the Fiscals as to such prosecutions, shall operate and take effect from and after the passing of this Ordinance.

Certain rules relating to criminal prosecutions in the District Courts, &c.

THE SCHEDULE.**IT IS ORDERED**

1. THAT on and after the day on which these present rules shall be enacted as an Ordinance, the rules of Court contained in the 2nd, 3rd, 4th, 5th, 6th, and 10th sections of the Rules and Orders touching criminal prosecutions in the District Courts, except so much of the 10th section as relates to costs, dated 21st October, 1844, be revoked.

AND IT IS FURTHER ORDERED THAT

2. FROM and after the day first aforesaid, sittings of the District Court for the trial of criminal cases shall be held on the first and third Wednesdays of every month ; on which days criminal business shall have precedence over all other business. Criminal cases, if any, then undisposed of are to be taken on the next day or, if not disposed of then, at such other time as may be consistent with the general business of the Court and due convenience of parties. These stated days may be changed in any District Court, with the sanction of the Supreme Court. Notice of such alteration shall be transmitted by the District Court to the Fiscal and to every Justice of the Peace in the district.

E

District Court (Criminal) Rules.

3. IN committals for trial before the District Court, and in recognizances for the appearance of the accused to take his trial, and in recognizances for the appearance of witnesses to give evidence, the committal and the recognizances shall specify the day of trial. The day specified shall be the next Wednesday after the committal which shall be a first or third Wednesday in the month, or any day to which it may be changed as aforesaid, and between which and the day of committal there shall be an interval of not less than ten clear days. It shall be the duty of Fiscals and Superintendents of Convict Establishments to produce prisoners for trial on the days so specified, and on all days to which the trial may be postponed or adjourned. No further notice of the first day of trial to either accused or witnesses shall be necessary. So also every summons or subpoena to attend as a witness or produce documents at a District Court criminal trial, shall be issued by the Justice of the Peace, and shall specify the day of trial as aforesaid. Every default in appearing, attending, or producing according to the exigency of such recognizance or summons or subpoena as aforesaid, shall be punishable by the District Court as similar defaults are punishable according to the present practice.

4. ON the day fixed for trial, if the parties are present, the Queen's Advocate or the Deputy Queen's Advocate in cases prosecuted by him shall present a written indictment, and in cases privately prosecuted the Secretary of the Court shall prepare and produce one. The plea of the accused shall be taken, and the trial shall be conducted in all matters of practice as nearly as may be according to the practice of the Supreme Court in Criminal Session.

5. IF in cases privately prosecuted, the complainant makes default in appearance at the day of trial, or if he appears and states that he desires to withdraw the charge, it shall be in the discretion of the District Judge to dismiss the charge, and discharge the prisoner if present. In such case the charge shall not be again entertained except on prosecution by the Crown. And it shall also be in the discretion of the District Judge to postpone the case to some other day; and it shall also be in the discretion of the District Judge to compel, by warrant of arrest, the appearance of the complainant on the day of such postponement.

6. NOTHING herein contained is to be understood as taking away or diminishing the right of the District Judge to summon assessors, or any power or authority now possessed by the District Courts as to adjournment, or as to commitment, or as to remanding or otherwise. And the District Courts are to have as full powers, as to amendment of pleadings or process in criminal cases, as are now exercised by any Criminal Court in the Island.

Passed in Council, the Sixth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Supplementary Supply, 1871. Police Court Practice.***No. 17.***An Ordinance for making provision for the
Supplementary Contingent Charges
for the year 1871.*

6th December, 1871.

No. 18.*An Ordinance to amend the Practice and Proceed-
ings of Police Courts.*

WHEREAS it is expedient to amend the Practice and Proceedings of Police Courts, IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, by and with the advice of the Legislative Council thereof, as follows:—

Preamble.

1. EVERY plaint filed in a Police Court or before the Bench of Magistrates (except where the same is filed by a Government, or Police, or Municipal Officer in the execution of his duty, or by a Government Renter in matters relating to his rent), shall bear a stamp of fifteen cents, and every subpoena (except as aforesaid) issued by such Court shall bear a stamp of five cents. PROVIDED that it shall be lawful for the Magistrate, on being satisfied that the complainant has a fair ground of complaint, but is unable to supply stamps for the plaint and subpoenas, or that the defendant is unable to supply stamps for subpoenas, to allow such plaint to be filed and such subpoenas to be issued without stamps.

Plaints and subpoenas to bear stamps.

Proviso.

2. THE second rule of the General Rules and Orders for the Police Courts in schedule A. attached to the Ordinance No. 18 of 1861, entitled "*An Ordinance for giving effect to certain Rules and Orders for the Police Courts*," is repealed, and, instead thereof, it is enacted that the Police Magistrate shall set apart a portion of each working day to hear complaints. Any person making a complaint shall state the same orally to the Magistrate, who shall enter it, by way of plaint, in a separate sheet of paper, and affix thereto (unless such person shall be allowed to file a plaint without a stamp) the necessary stamp for a plaint to be supplied by him, or he shall deliver to the said Magistrate a plaint written on a separate sheet of paper with the necessary stamp signed by himself. If the plaint, or the examination of the complainant (and it shall be competent to the Magistrate to examine the complainant at this stage of the case), discloses no legal crime or offence, or one not cognizable by a Police Court, the Magistrate shall refuse to issue process on the plaint, but it shall be his duty

Magistrate to inquire whether a crime has been committed, and whether court has jurisdiction.

Police Court Practice.

in such case to record the examination of the complainant and his order refusing to issue process. Such order shall be subject to appeal to the Supreme Court.

Magistrates may require expenses of parties resident beyond ten miles from court to be deposited in court.

Appropriation of such sum.

Magistrate may award the expenses of the defendant.

3. IT shall be competent to the Police Magistrate, in his discretion, if he shall see fit to do so, before issuing process directed to any person resident more than ten miles from the court (except when the plaint is filed by a Government, Police, or Municipal officer in the execution of his duty, or by a Government renter in matters relating to his rent), to require such sum as the Magistrate shall consider reasonable to be deposited in court to meet the expenses of such person coming into court. At the hearing of the case it shall be the duty of the Magistrate to determine whether such sum or part thereof should be returned to the complainant, or be awarded as expenses payable to or on account of the defendant.

4. IT shall be competent to the Police Magistrate at the trial of any case, to award such reasonable expenses of the party and of such witnesses as shall have attended, against such complainant or defendant, as to the said Magistrate shall seem fit, anything in section 106 of "*The Administration of Justice Ordinance, 1868*," to the contrary notwithstanding. The Magistrate may also award expenses in any case which shall be dismissed for the non-appearance of the complainant, the defendant being present. And if the party condemned to pay the expenses shall fail to pay the same at such time and place as the Magistrate shall direct, it shall be the duty of the Magistrate to issue a warrant of distress to the Fiscal, for the purpose of recovering the same, together with the reasonable charges incurred in respect of such recovery, by distress and sale of the property of such party.

No complaint once dismissed to be re-instituted without express leave. Governor may establish scales of fees for the different districts.

5. NO complaint, once dismissed, shall be re-instituted in any Police Court, without express leave from the Magistrate having been first obtained.

6. IT shall be competent to the Governor, with the advice of the Executive Council, to establish, from time to time, scales of fees for each district, for the different classes of inhabitants, to be allowed as expenses under this Ordinance, and, when such scales of fees are so established, the Magistrates shall regulate the expenses to be allowed by them according to such scales.

Passed in Council, the Thirteenth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fifteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Police Rates.**Special Jurors.***No. 19.***An Ordinance to provide for the reduction in certain places of the minimum Rates payable for maintenance of Police.*

WHEREAS it is expedient to provide for the reduction in certain cases of the minimum rate payable for the maintenance of the Police: IT IS HEREBY 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, with the advice of the Executive Council, to reduce, in any place where a police force is now or may hereafter be stationed, the minimum rate payable to meet the expenses defrayable by the inhabitants of such place for the maintenance of such police force from the sum of two shillings yearly to fifty cents, if, owing to the poverty of the inhabitants or any other cause, such reduction shall appear to them reasonable. The rate, where such reduction is made, shall be assessed and payable half-yearly, and not quarterly.

Minimum rates may be reduced in certain places from two shillings to fifty cents.

2. THIS Ordinance and "*The Police Ordinance, 1865*," shall be read and construed as if they formed one Ordinance.

This Ord. and "Police Ord. 1865," to be deemed one.

3. THIS Ordinance shall come into effect on the First day of January, 1872.

Commencement of Ordinance.

Passed in Council, the Eighteenth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Nineteenth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 20.*An Ordinance to provide for the summoning of Special Jurors, to try Criminal Cases before the Supreme Court.*

WHEREAS it is expedient to provide for the summoning of Special Jurors to try criminal cases before the Supreme Court: 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 shall come into operation on the First day of January, 1872.

Commencement of Ordinance.

Special Jurors.

Fiscal to
prepare lists of
special jurors.

2. THE Fiscals of the several provinces shall prepare or cause to be prepared, in the first week of January in the year 1872, or as soon thereafter as may be, and afterwards in the year 1873, in the first week of January, and thereafter in every second succeeding year, or as soon thereafter as may be, for the said provinces, from the list of jurors who can speak, read, and write the English language, prepared under "*The Administration of Justice Ordinance, 1868*," and at the time in force in the said provinces, a list of persons, each of whom possesses an income of not less than two thousand rupees a year, or who possesses, in his own or his wife's right, property, moveable or immoveable, not less than twenty thousand rupees in value, to serve as special jurors, as hereinafter prescribed.

Certain
provisions of
"Administration
of Justice
Ordinance,
1863, extended
to special
jurors.

3. THE provisions of sections 123, 124, 125, 126, 129, 130, 133, 134, 135, 136, and 138 of the said "*Administration of Justice Ordinance, 1868*," shall apply to special jurors, and the lists prepared under this Ordinance, so far as the same shall be applicable to them.

When special
jurors may be
applied for.

4. IT shall be competent to the Queen's Advocate or Deputy Queen's Advocate, or to the prisoner or his Advocate or Proctor, to apply to any Judge of the Supreme Court for an order requiring a special jury to be summoned to try any case in which its importance and the interests of justice render such special jury necessary. And if the Judge to whom the application shall be made shall consider such application just and reasonable, it shall be lawful for him to order the Fiscal to summon a panel of such number as he shall specify from the list of special jurors, to try such case.

Panel from one
district may be
taken to the
same district
more than
thirty miles
distant, or to
another district
or to another
circuit.
Proviso.

5. IT shall be lawful for any Judge of the Supreme Court, upon cause shewn, to order that a panel of special jurors, summoned from one or more districts, be taken to any place in the same district beyond thirty miles from the respective residences of the jurors to where the court shall be holden, or to any other district in the same or any other circuit. PROVIDED as follows :—

- (1.) That no special juror shall be liable to be so taken to serve beyond thirty miles, unless with his consent.
- (2.) Every juror taken to serve as special juror at any place more than ten miles 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.
- (3.) That the service of any person as special juror out of the term at which he shall be required to serve as a common juror, shall count in his favour as service either as special or as common juror for the next

*Special Jurors.**Mortgage and Hypothec.*

Session to which he would be otherwise liable to be summoned under the operation of "*The Administration of Justice Ordinance, 1868.*"

6. WHEN a case shall be called on for trial in which special jurors shall have been summoned, and a sufficient number of special jurors shall not be in attendance, or shall not be available, owing to any cause, it shall be lawful for the Judge to issue his order that as many men of the by-standers or neighbours, being qualified and liable to serve as jurors, whether special or not, as shall be sufficient to make up a full jury for the trial of such case, shall be forthwith summoned by the Fiscal, and every such person shall be liable to be challenged in like manner as other jurors. PROVIDED that no persons shall serve together in such case, if any valid objections shall be raised under the provisions of this or "*The Administration of Justice Ordinance, 1868,*" to their so serving.

How sufficient number of jurors, when not available, to be made up.

Passed in Council, the Eighteenth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 21.

An Ordinance to amend the Ordinance No. 8 of 1871, entitled "An Ordinance to amend in certain respects the Law of Mortgage and Hypothec."

WHEREAS it is expedient to amend the Ordinance No. 8 of 1871, entitled "*An Ordinance to amend in certain respects the Law of Mortgage and Hypothec.*:" IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. NO pledge conventional hypothecation, or bill of sale, heretofore effected or hereafter to be effected, of any moveable property, and no transfer or assignment, heretofore effected or hereafter to be effected, of such pledge, conventional hypothecation, or bill of sale, shall be deemed to be invalid or in any respect ineffectual for want of registration under the provisions of the said Ordinance No. 8 of 1871, if such pledge, conventional hypothecation, bill of sale, transfer or assignment shall have been or shall be effected by any instrument, which also contains any mortgage

Pledges, &c., of moveable property, contained in mortgages duly registered or assurances of immoveable property, need not be registered.

Mortgage and Hypothec. Prescription.

or assurance of any immoveable property, or any transfer or assignment of such mortgage or assurance; and if such mortgage or assurance of immoveable property, or transfer or assignment thereof, shall have been or shall be duly registered in pursuance of the Land Registration Ordinances No. 8 of 1863, and No. 3 of 1865, or either of these,

2. IT shall be competent to the Registrar to deliver to the party effecting a registration of any such instrument, one certificate setting out the mortgage of assurance of immoveable property, and the pledge, conventional hypothecation, or bill of sale of moveable property, instead of two separate certificates.

3. THE time prescribed by sections 2 and 3 for registering any pledge, hypothecation, or bill of sale of moveable property created by writing, or a transfer or assignment thereof, is hereby extended from seven to fourteen days, exclusive of Sundays and public holidays. Any such pledge, hypothecation or bill of sale, or transfer or assignment thereof, heretofore created and registered within fourteen days from the date of the writing creating the same, shall be deemed good and valid, anything in the said Ordinance to the contrary notwithstanding.

4. AND, in order to remove all doubts on the subject, it is declared and enacted that marriage settlements and assignments thereof do not come within the definition of bill of sale in section 6, or within any other section of the said Ordinance.

5. THIS Ordinance shall come into operation from the date of the passing thereof.

6. THIS Ordinance and the Ordinance No. 8 of 1871 shall be read as one Ordinance.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 22.

*An Ordinance to amend the Laws regulating the
Prescription of Actions.*

Preamble.

WHEREAS it is expedient to amend the Laws now in force regulating the Prescription of Actions: IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON,

Prescription.

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

1. THE Ordinance No. 8 of 1834, entitled "*An Ordinance to assimilate, amend and consolidate the laws now in force in different parts of the Island, regulating the prescription of Actions,*" is hereby repealed, except so far as respects all rights which shall have accrued, liabilities which shall have been incurred, and all proceedings or matters which shall have taken place before this Ordinance shall come into force.

Repeal of former Ordinance.

2. IN the interpretation of this Ordinance the following words and expressions shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction :—

Interpretation clause.

The expression "immoveable property" shall be taken to include all shares and interests in such property, and all rights, easements and servitudes thereunto belonging or appertaining.

Immoveable property.

3. PROOF of the undisturbed and uninterrupted possession by a defendant in any action, or by those under whom he claims, of lands or immoveable property, by a title adverse to or independent of that of the claimant or plaintiff in such action (that is to say, a possession unaccompanied by payment of rent or produce, or performance of service or duty, or by any other act by the possessor, from which an acknowledgment of a right existing in another person would fairly and naturally be inferred) for ten years previous to the bringing of such action, shall entitle the defendant to a decree in his favour with costs. And in like manner, when any plaintiff shall bring his action, or any third party shall intervene in any action for the purpose of being quieted in his possession of lands or other immoveable property, or to prevent encroachment or usurpation thereof, or to establish his claim in any other manner to such land or other property, proof of such undisturbed and uninterrupted possession, as hereinbefore explained, by such plaintiff or intervenient, or by those under whom he claims, shall entitle such plaintiff or intervenient to a decree in his favour with costs. PROVIDED that the said period of ten years shall only begin to run against parties claiming estates in remainder or reversion from the time when the parties so claiming acquired a right of possession to the property in dispute.

Term of prescription for lands or immoveable property.

Saving in case of reversioners, and remainder men.

4. IT shall be lawful for any person who shall have been dispossessed of any immoveable property otherwise than by process of law, to institute proceedings against the person dispossessing him at any time within one year of such dispossession. And on proof of such dispossession within one year before action brought, the plaintiff in such action shall be entitled to a decree against the

Possessory action may be brought within one year of ouster.

Prescription.

defendant for the restoration of such possession without proof of title. PROVIDED that nothing herein contained shall be held to affect the other requirements of the law as respects possessory cases.

Judgments
prescribed after
ten years.

5. EVERY judgment, decree, or order of any court shall be deemed to have been satisfied after the expiration of ten years from the time when such judgment, decree or order shall have been finally pronounced, unless such judgment, decree, or order shall have been duly revived, or unless some writ, warrant, or other process of law shall have been issued to enforce the same, in which case the said period of ten years shall be reckoned from the time when such revival shall have been decreed, or from the last time when such writ, warrant, or process shall have been issued, as the case may be.

Mortgage debt
or bond
prescribed
after ten years.

6. NO action shall be maintainable for the recovery of any sum due upon any hypothecation or mortgage of any property, or upon any bond conditioned for the payment of money, or the performance of any agreement or trust, or the payment of penalty, unless the same be commenced, in the case of an instrument payable at, or providing for the performance of its condition within, a definite time, within ten years from the expiration of such time, and in all other cases within ten years from the date of such instrument of mortgage or hypothecation, or of last payment of interest thereon, or of the breach of the condition.

Term in case of
partnership
deeds, written
promise,
contract,
bargain,
agreement or
security,
or upon
promissory
note, bill of
exchange, &c.

7. NO action shall be maintainable upon any deed for establishing a partnership, or upon any promissory note or bill of exchange, or upon any written promise, contract, bargain, or agreement, or other written security not falling within the description of instruments set forth in the 6th section, unless such action shall be brought within six years from the date of the breach of such partnership deed or of such written promise, contract, bargain, or agreement, or other written security, or from the date when such note or bill shall have become due, or of the last payment of interest thereon.

Terms in cases
of action to
recover goods,
rent, money
lent, &c.,
without
written
security.

8. No action shall be maintainable for the recovery of any moveable property, rent or mesne profit, or for any money lent without written security, or for any money paid or expended by the plaintiff on account of the defendant, or for money received by defendant for the use of the plaintiff, or for money due upon an account stated, or upon any unwritten promise, contract, bargain or agreement, unless such action shall be commenced within three years from the time after the cause of action shall have arisen.

Term in case
for goods sold,
shop bill, book
debt, or work
and labour.

9. NO action shall be maintainable for or in respect of any goods sold and delivered, or for any shop bill or book debt, or for work and labour done, or for the wages of artisans, labourers, or servants, unless the same shall be brought within one year after the debt shall have become due.

Prescription.

10. NO action shall be maintainable for any loss, injury, or damage, unless the same shall be commenced within two years from the time when the cause of action shall have arisen.

Term in case for damages.

11. NO action shall be maintainable in respect of any cause of action not hereinbefore expressly provided for, or expressly exempted from the operation of this Ordinance, unless the same shall be commenced within three years from the time when such cause of action shall have accrued.

Term in case of actions not hereinbefore provided for.

12. NO claim in reconvention or by way of set-off shall be allowed or maintainable in respect of any claim or demand after the right to sue in respect thereof shall be barred by any of the provisions hereinbefore contained.

Claims in reconvention not to be allowed where action is barred.

13. IN any of the forms of action referred to in sections 6, 7, 8, 9, 11, and 12, of this Ordinance, no acknowledgment or promise by words only shall be deemed evidence of a new or continuing contract, whereby to take the case out of the operation of the enactments contained in the said sections, or any of them, or to deprive any party of the benefit thereof, unless such acknowledgment shall be made or contained by or in some writing to be signed by the party chargeable, or by some agent duly authorized to enter into such contract on his behalf; and that where there shall be two or more joint contractors, or heirs, executors or administrators of any contractor, no such joint contractor or heir, executor or administrator shall lose the benefit of the said enactments, or any of them, by reason of any written acknowledgment or promise made by any other or others of them. PROVIDED always that nothing herein contained shall alter or take away, or lessen the effect of any payment of any principal or interest made by any person whatsoever. PROVIDED also that in actions to be commenced against two or more such joint contractors or heirs, executors or administrators, if it shall appear at the trial or otherwise that the plaintiff, though barred by any of the provisions contained in the said sections as to one or more of such joint contractors, heirs, executors or administrators, shall nevertheless be entitled to recover against any other or others of the defendants, by virtue of a new acknowledgment or promise, or otherwise judgment may be given for the plaintiff as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

No acknowledgment to take a case out of the operation of this Ordinance unless in writing.

14. PROVIDED nevertheless, that if at the time when the right of any person to sue for the recovery of any immoveable property shall have first accrued, such person shall have been under any of the disabilities hereinafter mentioned, that is to say: infancy, idiocy, unsoundness of mind, lunacy, or absence beyond the seas, then and so long as such disability shall continue, the possession of such immoveable property by any other person shall not be taken as giving such person any right or title to the said immoveable property, as against the person subject to such

Proviso in case of disabilities with reference to claims for land.

*Prescription.**Stamp Duties.***Proviso.**

disability or those claiming under him, but the period of ten years required by the 3rd section of this Ordinance shall commence to be reckoned from the death of such last named person, or from the termination of such disability, whichever first shall happen ; but no further time shall be allowed in respect of the disabilities of any other person. PROVIDED also that the adverse and undisturbed possession for thirty years of any immoveable property by any person claiming the same, or by those under whom he claims, shall be taken as conclusive proof of title in manner provided by the 3rd section of this Ordinance, notwithstanding the disability of any adverse claimant.

Proviso in case of disabilities affecting claims other than those for lands.

15. PROVIDED also, that if at the time when the right of action in respect of any of the causes referred to in sections 6, 7, 8, 9, 11, and 12, of this Ordinance shall accrue, the person so entitled to sue shall be subject to any of the said hereinbefore mentioned disabilities, then the several periods of limitation hereinbefore provided shall not commence to run until the removal of such disability or the death of such person, whichever first shall happen ; but no further time shall be allowed in respect of the disability of any other person.

Act not to affect Crown or causes matrimonial.

16. NOTHING herein contained shall in any way affect the rights of the Crown, or shall be taken to apply to any proceedings in any action for divorce, or to any case in which special provision has been or may hereafter be made for regulating and determining the period within which actions may be commenced against any public officer or other person.

Ordinance when to come into operation.

17. THAT this Ordinance shall come into operation on the first day of January, 1872.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 23.

An Ordinance to consolidate and amend the Law relating to Stamp Duties.

Preamble.

WHEREAS it is expedient to consolidate and amend the Law relating to Stamp Duties : IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

*Stamp Duties.**Preliminary.*

1. THIS Ordinance shall come into operation on the First day of January, 1872. Commencement of Ordinance.

2. THIS Ordinance may be cited for all purposes as "*The Stamp Ordinance, 1871.*" Short title.

3. THE Ordinance No. 11 of 1861, entitled "*An Ordinance to amend the Law relating to Stamp Duties,*" the Ordinance No. 9 of 1865, entitled "*An Ordinance to amend the Stamp Ordinance, 1861,*" and the Ordinance No. 8 of 1868, entitled "*An Ordinance relating to Stamp Duties,*" are repealed: except in so far as they rescind other Ordinances or parts of Ordinances, and except as regards deeds, instruments or writing, which shall have been made or executed, or been thereby declared valid, rights which shall have accrued, liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance shall come into force. Repeal of former Ordinances.

4. THE following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:— Interpretation clause.

The expression "Government Agent" shall include any Assistant Government Agent.

The word "Commissioner" shall mean the Commissioner of Stamps.

"Instrument" shall mean and include every written document.

"Person" shall include company, corporation and society.

"Write," "written," and "writing," shall include every mode in which words or figures can be expressed upon material.

"Property" shall include moveable as well as immoveable property.

"Bank" shall include a banking corporation or company.

General Provisions.

5. THE several instruments mentioned and described in the schedule hereunto annexed (except those standing under the head of exemptions, and as shall be hereafter excepted) shall be subject to the stamp duties set down in figures against the same, respectively, or otherwise specified and set forth in the said schedule; and the said schedule and every provision contained therein shall be deemed and taken to be part of this Ordinance, and shall be applied and put in execution accordingly; and such duties shall be denoted by adhesive stamps to be provided by the Commissioner Duties specified in schedule to be levied by adhesive stamps affixed to instruments.

Stamp Duties.

for that purpose, and to be affixed to such instruments as herein-after directed. PROVIDED however, as follows :—

Provisos.

Special stamps may be provided for particular classes of instruments.

- (1.) That it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, to direct that special stamps, to be provided for the purpose, be used for particular instruments; and after notice to that effect published in the *Gazette*, it shall not be lawful for any person to use stamps other than the special stamps so provided, for the instruments for which they shall be so directed to be used.

Cheques drawn on forms supplied by a privileged Bank need not bear a stamp.

- (2.) That it shall be lawful for the Governor, with the like advice, to authorize, by notice to be published in the *Gazette*, any bank doing business in this Colony to compound for the payment of duty on unstamped cheques, on the following conditions :— (1) that the said cheques be drawn and issued on forms to be supplied by the said bank; (2) that the said bank do levy upon or charge to the person to whom such cheques are issued, the stamp duty mentioned in the schedule to this Ordinance annexed; (3) that the said bank do pay every half-year to the Commissioner the amount due and collected therein as duties on such unstamped cheques, less five rupees per centum to be allowed to such bank as discount on the sum so due and collected as stamp duties; and payment of the said dues shall be secured by bond to be entered into by every such bank as aforesaid, which bond shall be substantially in the form, and with the conditions set forth, in the form to this Ordinance annexed. Cheques drawn and issued on forms so supplied by such bank as aforesaid may be paid without bearing on them the stamp mentioned in the schedule hereto annexed.

Stamps rendered useless by this Ordinance may be exchanged.

6. IT shall be lawful for all persons having in their possession any stamps or stamped paper, or other material, expressed in pounds, shillings and pence, not made use of, and which by the operation of this Ordinance shall be rendered unfit for the instruments for which the same were originally designed, to send the same to the Stamp Office in Colombo, or to the nearest Kacheheri at any time within twelve months from the date of this Ordinance coming into operation; and it shall be incumbent on the Commissioner or Government Agent to receive the same, and give in lieu thereof adhesive stamps expressed in rupees and cents, and the value of those given in exchange shall be equal to that of the old stamps returned, reckoning the rupee as the equivalent of two shillings, and the fractions thereof at the nearest equivalent in

Stamp Duties.

cents. PROVIDED that in order to obviate the inconvenience to holders of unfinished cheque books impressed with the old stamp of one penny, it shall be lawful for the holder of any such cheque book to use the cheques therein at any time during three months from the date of this Ordinance coming into operation.

Proviso as to
cheques.

7. AND whereas old stamps are commonly retained by persons in possession thereof for purposes of fraud, it is enacted that every person who shall have in his possession any unused paper or other material stamped under any former Regulation or Ordinance relating to stamp duties, shall be and he is hereby required to return the same, within twelve months after this Ordinance shall have come into operation, to the nearest Government Agent or Police Magistrate, whose duty it shall be to transmit the same to the Commissioner for the purpose of having the same destroyed. Any person who shall have in his possession any such paper or other material stamped as aforesaid, after the expiration of twelve months from the date of this Ordinance, shall be deemed guilty of an offence, and, unless the Court before which he shall be tried shall find that he had no intent to defraud, shall be liable on conviction to a fine not exceeding one thousand rupees and to imprisonment, with or without hard labour, for any term not exceeding one year. And if any person so convicted shall be a licensed stamp vendor or a Notary Public, it shall be lawful for the Governor, should he see fit to do so, to cancel the license or warrant authorizing him to act as such stamp vendor or Notary Public.

Possession of
old stamps
declared an
offence.

Punishment.

8. EXCEPT as otherwise provided by this Ordinance, no instrument executed in any part of this Island, or relating, where-soever executed, to any property situate, or to any matter done or to be done, in any part of this Island, shall, except in criminal proceedings, be pleaded or given in evidence, or admitted to be good, useful, or available in law, unless it is duly stamped in accordance with the law in force at the time when it was first executed.

Further
punishment in
case the
offender be a
licensed stamp
vendor or a
Notary Public.
Effect of a
writing not
duly stamped.

9. AN instrument is not to be deemed duly stamped unless the affixed stamp be of not less than the proper amount of duty required by this Ordinance, and unless the person required by this Ordinance to cancel the adhesive stamp affixed to the instrument, cancel the same by writing or marking in ink, on or across the stamp his name or initials, or the name or initials of his firm or principal, together with the true date of his so writing or marking, so that every stamp may be effectually cancelled and rendered incapable of being used for any other instrument. In all cases where special provision is not made in this Ordinance indicating the person who should cancel the stamp on any instrument, it shall be the duty of the person who shall first execute the instrument, or issue or deliver it out of his hands, custody or power, to cancel the same.

Stamps to be
duly cancelled.
Mode of
cancellation.

Whose duty to
cancel.

Stamp Duties.

The writing in an instrument shall be close to the stamp.

10. ALL writings in respect whereof stamp duty shall be payable, shall be written in such manner that some part thereof shall be either upon or as near as conveniently may be to the stamps affixed to the material whereon the same shall be written, upon pain that the person who shall write or cause to be written any such instrument, contrary to the true intent of this section, shall for every such offence be liable to a penalty not exceeding fifty rupees.

Every Government or bank official to see that instruments coming before them are stamped, and to mark same by cutting them. Proviso.

11. IT shall be the duty of every officer in the service of Government, and of any banker doing business in this island, to see that no instrument liable to stamp duty is received or admitted, or registered or issued by him, unless it shall have been duly stamped as directed by this Ordinance, and to mark every stamp coming before him for the first time in the ordinary course of business, by cutting it with a prick, punch, cutter or nipper, in such way that such stamp cannot be again used, and as the Governor shall from time to time direct. PROVIDED that it shall not be necessary so to mark foreign bills of exchange drawn in but payable out of this colony.

Fiscals' fees and charges for execution and service of process to be denoted by adhesive stamps. Proviso as to process issued unstamped in the first instance.

12. IT shall, no longer, be necessary to annex to process issued from a court a schedule on stamped paper in the form H. prescribed by Ordinance No. 4 of 1867, section 16. Instead of such a schedule being annexed, adhesive stamps of the proper amount of fees and charges established under section 14 of that Ordinance shall be affixed to each process, and such stamp shall be cancelled and pricked or punched by the proper officer of court in the manner prescribed by this Ordinance. It shall be lawful for the Governor, with the advice of the Executive Council, to appoint the manner in which the money amount of such fees and charges as may be due for and on account of process issued in the first instance unstamped, shall be recovered and brought to account as revenue.

Parties signing or issuing any instrument to see stamp previously cancelled.

13. IT shall be the duty of every person signing as party, or any person issuing or delivering for any purpose, any instrument required by this Ordinance to be stamped, to see that the proper amount of stamp duty is affixed, and that the stamps affixed are distinctly cancelled before he signs, issues, or delivers such instrument. Every person signing as party, or issuing or delivering any instrument required by this Ordinance to be stamped, without the stamps thereon having been previously distinctly cancelled, shall be liable to a penalty of two hundred rupees.

Notaries to state amount of stamps affixed to documents attested by them, under a penalty of two hundred rupees.

14. IT shall be the duty of every Notary Public who shall attest any instrument, to state in his attestation the amount of the stamp affixed to such instrument, and to cancel the stamps thereon as directed by this Ordinance. Every Notary Public who shall attest any document without so stating the amount of such stamp, or shall fail to cancel the stamps as directed by this Ordinance, shall be guilty of an offence, and be liable to a penalty not

Stamp Duties.

exceeding two hundred rupees. But no omission of such statement on the part of such Notary shall affect the validity of such instrument.

Omission of Notary not to invalidate document.

15. IN any case in which any person is entitled or required to demand, receive or obtain, from any public officer in the service of Her Majesty or of the Government of this Island, in virtue of his office, or in which any such public officer is required or authorized to issue to any person any instrument whatever which is required to bear a stamp, it shall be lawful for such public officer, and he is hereby required, to refuse to issue or grant to, and to withhold from such person, any such instrument, until the proper amount of stamp duty payable thereon shall first have been paid by such person in respect of such instrument, or until a stamp of the proper amount of duty shall have been supplied and delivered by him to such public officer.

No instrument requiring a stamp to be issued by any public officer, unless the duty is first paid.

Bills, Notes, Drafts, Receipts, &c.

16. THE duties imposed by this Ordinance in respect of bills of exchange drawn out of this colony shall attach and be payable upon all such bills as shall be paid or negotiated within this Colony, wheresoever the same may be payable, and the adhesive stamps shall be affixed to such bills as hereinafter directed.

Duties on bills drawn out of this colony.

17. EVERY bill of exchange which purports to be drawn at any place out of this colony shall, for all the purposes of this Ordinance, be deemed to be a foreign bill of exchange drawn out of this colony, and shall be chargeable with stamp duty accordingly, notwithstanding that in fact the same may have been drawn within this colony.

Bills purporting to be drawn out of this colony, deemed for the purposes of this Ordinance to be so drawn.

18. THE holder of any bill of exchange drawn out of this colony, and not having a proper adhesive stamp affixed thereon, as herein directed, shall, before he shall present the same for payment, or in any manner negotiate such bill, affix thereon a proper adhesive stamp for denoting the duty chargeable thereto, and shall, before he shall deliver the same out of his hands, custody, or power, cancel the stamp so affixed in manner directed by this Ordinance.

The holder of a bill drawn out of this colony to stamp it before negotiating it.

19. ALL unstamped promissory notes and bills of exchange issued by any banker or banking corporation in this Colony under the Ordinance No. 2 of 1861, or any other Ordinance in force, enabling bankers to compound for the stamp duties payable on notes and bills issued by them, shall continue to be subject and liable to composition for the duties imposed by or payable under this or any other Ordinance in force.

Notes and bills issued by bankers liable to stamp duties and composition for the same.

20. WHERE any draft, cheque (except as provided in section 5), or order for the payment of money by any banker, or person acting as a banker, shall come to the hands of such person unstamped, it shall be lawful for him to affix thereto the necessary

Banker may affix stamp to draft, cheque or order,

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stamp, and to cancel the same in manner as directed by this Ordinance, and upon so doing to make the payment thereby directed, and to charge the duty in account against the person who ought to have paid the same, or to deduct such duty from the sum so directed to be paid; and such draft, cheque or order shall, so far as relates to the stamp duty chargeable thereon, be good and valid: but this shall not relieve any person from the liability to the penalty he may have incurred by issuing the said draft, cheque or order unstamped.

Drafts to bankers payable to order on demand sufficient authority for payment, without proof of indorsement.

21. ANY draft, cheque or order drawn upon a banker for a sum of money payable to order on demand, which shall, when presented for payment, purport to be indorsed by the person to whom the same shall be payable, shall be a sufficient authority to such banker to pay the amount of such draft, cheque or order to the bearer thereof; and it shall not be incumbent on such banker to prove that such indorsement, or any subsequent indorsement, was made by or under the direction or authority of the person to whom the said draft, cheque or order was or is made payable either by the drawer or any indorser thereof.

Stamp for receipt may be supplied by debtor.

22. IT shall be lawful for any person, or any agent of any person, from whom any sum of money shall be due or payable, or claimed to be due or payable, and who shall have paid such sum of money, to provide a stamp of the proper amount of duty, and to demand and require of the person entitled to such sum of money, or any agent to whom the same shall have been paid, a receipt, discharge or acquittance for such sum of money, and also the amount of the duty thereon as aforesaid; and if any person to whom any sum of money shall have been paid as aforesaid, shall refuse to give such receipt, discharge, or acquittance, upon demand thereof, or pay the amount of the duty as aforesaid, every such person shall forfeit and pay for every such offence the sum of fifty rupees.

When bills, drafts, or orders may be stamped after they have been given.

23. IN any case where it shall be fully and clearly made to appear to the satisfaction of the Commissioner, that any bill of exchange, draft, cheque (except as provided in section 5), or order, or any promissory note, or any receipt given upon the payment of money, has been signed or issued without being duly stamped as herein directed, from urgent necessity or unavoidable circumstances, and without any intention on the part of parties thereto to evade the stamp duties imposed by law, and such bill, draft, cheque order, note of receipt, shall not have been accepted or paid, and shall be brought to the Commissioner to be stamped within fourteen days from the date thereof, it shall be lawful for such Commissioner, on payment of the duty by law payable in respect of such instrument, and a further sum of Ten rupees, to affix to such instrument a stamp of the proper amount of duty, and to cancel the same as directed by this Ordinance; and every such instrument, so stamped as aforesaid shall, have the like force and

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validity in law as if it had been duly stamped before the same was signed or issued.

24. THE following penalties are hereby imposed for any of the following acts:— Penalties.

- (1) If any person shall present for payment, or shall pay or negotiate any bill of exchange purporting to be drawn at any place out of this colony, or drawn out of this colony, without the proper adhesive stamp being duly affixed thereon, or if any person who ought to cancel such stamp shall refuse or neglect so to do, he shall be guilty of an offence, and be liable to a fine not exceeding two hundred rupees. For not affixing proper stamp to foreign bills or not cancelling the same.
- (2) If any person shall within this colony make, sign, or issue or cause to be made, signed, or issued, any bill of exchange, draft, cheque (except as provided in section 5), or order, or promissory note, for the payment of money, liable to any of the duties imposed by the Ordinance, without affixing stamps of the proper amount of duty to such instrument, and cancelling the same as directed by this Ordinance, and if any person shall accept or pay, or cause to be accepted or paid, any such instrument not duly stamped as aforesaid, he shall be guilty of an offence, and shall, for every such bill, draft, cheque, order, or note, be liable to a fine not exceeding two hundred rupees. For not affixing proper stamp to inland bills or not cancelling the same.
- (3) If any person who shall within this colony draw and issue any bill of exchange payable out of this colony, purporting to be drawn in a set, and shall not draw and issue, with the proper stamp affixed, and cancelled as directed by this Ordinance, the whole number of bills which such bill purports the set to consist of; or if any person who shall within this Colony transfer or negotiate any such bill of exchange as aforesaid, purporting to be drawn in a set, and shall not at the same time transfer or deliver the whole number of bills, duly stamped and cancelled as aforesaid, which such bill purports the set to consist of; every such person offending, in any such cases, shall be guilty of an offence, and be liable to a fine not exceeding Five hundred rupees. For not drawing the whole number of a set of foreign bills.

Any person who shall take or receive in this colony from any other person, either on payment or as a security, or by purchase or otherwise, any bill in this article specified, without having transferred Person taking instruments contrary to the provisions of this and the

Stamp Duties.

two preceding articles, not entitled to recover thereon.

or delivered to him, duly stamped and cancelled as aforesaid, the whole number of bills which such bill purports the set to consist of, and any person who shall take and receive, as aforesaid, any foreign or inland bill of exchange, draft, cheque (except as provided in section 5), or order, in the first and second articles of this section specified, without the same being duly stamped and cancelled as aforesaid, shall not be entitled to recover thereon or to make the same available for any purpose whatsoever.

For post-dating bills of exchange.

- (4) If any person shall make and issue, or cause to be made and issued, any bill of exchange, draft, cheque or order, or promissory note, for the payment of money at any time after date or sight, which shall bear date subsequent to the day on which it shall be issued, unless the same shall be duly stamped as a bill or note, such person shall, for every such bill, draft, cheque or order, forfeit any sum not exceeding two hundred rupees; and any person knowingly taking or receiving any such post-dated bill, draft, cheque or order, or promissory note, shall not be entitled to recover any money thereon, or to set off the amount due thereon, or any part thereof, in account with any person or persons.

Person taking the same not entitled to recover thereon.

For post-dating drafts on bankers.

- (5) If any person shall make and issue, or cause to be made and issued, any bill, draft, cheque or order for the payment of money to the bearer on demand, upon any banker or any person acting as banker, which shall be dated on any day subsequent to the day on which it shall be issued, unless the said bill, draft, cheque, or order shall be duly stamped as a bill or note according to this Ordinance, such person shall, for every such bill, draft, cheque, or order, forfeit any sum not exceeding two hundred rupees; and if any person shall knowingly receive or take any such bill, draft, cheque, or order, in payment of or as security for the sum therein mentioned, he shall, for every such bill, draft, cheque or order, forfeit any sum not exceeding two hundred rupees; and if any banker, or any person acting as banker, upon whom any such bill, draft, cheque or order shall be drawn, shall pay or cause, or permit to be paid, the sum of money therein expressed, or any part thereof, knowing the same to be post-dated, such banker or person so offending shall, for every such bill, draft, cheque or order, be liable to forfeit the sum of one thousand rupees, and moreover shall not be allowed the money so paid, or any part

For taking the same.

On banker, for paying the same.

Stamp Duties.

thereof, in account against the said person by or for whom such bill, draft, cheque or order shall be drawn, or his executors or administrators, or creditors or persons representing creditors, in case of bankruptcy or insolvency, or any other person or persons claiming under him or them.

- (6) If any person shall fraudulently remove, or cause to be removed, from any instrument, any stamp; or if any person shall affix any such stamp, which shall have been so removed, to any other instrument chargeable with stamp duty, or to any paper or other material; or if any person shall sell, or offer for sale, or utter any stamp, or shall utter any instrument with any stamp thereon which shall have been so removed as aforesaid, knowing the stamps to have been so removed as aforesaid, or shall practise or be concerned in any fraudulent act, contrivance or device, not specially provided for, he shall, unless the court or jury before which he shall be tried shall, as respects the first case, find he had no intent that such stamp might be used again, and in the second case that he had no intent or design to defraud Her Majesty, forfeit, over and above any other penalty to which he may be liable, the sum of one thousand rupees.
- (7) Every person who shall write or sign, or cause to be written or signed, any receipt, discharge, or acquittance given for or upon the payment of money, liable to stamp duty, upon any paper or other material, without the same being duly stamped as directed by the Ordinance, shall forfeit and pay any sum not exceeding fifty rupees, in case the sum paid, contained, or expressed in such receipt, discharge or acquittance shall not amount to the sum of one thousand rupees; or any sum not exceeding two hundred rupees, in case such sum shall amount to one thousand rupees or upwards.

For committing frauds in the use of stamps, in regard to any instrument

For writing receipts not duly stamped

Consideration and value in Deeds and Instruments.

25. IN all cases where a duty is imposed on any instrument in proportion to the consideration money, and in all cases where a duty is imposed on any instrument in proportion to the value of the property, the full consideration money which shall be directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the full value of the property at the time of execution of such instrument, respectively (as the case may be), shall be truly expressed and set forth in words at length in or upon such

Consideration and value to be truly set forth in instruments.

Stamp Duties.

instrument; and if in any of the said cases the full consideration money or the full value of the property (as the case may be) shall not be truly expressed and set forth, or if the true transaction between the parties be in any way concealed or misrepresented, in order to evade the stamp duties, the purchaser and also the seller, the mortgagee and also the mortgagor, the donee and also the donor, the transferee and also the transferor (as the case may be), shall each be liable to a fine not exceeding five hundred rupees, and shall also be charged and chargeable with, and be each holden liable to, the payment of five times the amount of the excess of duty which would have been payable for such instrument as aforesaid in respect of the full consideration money or full value, in case the same has been truly expressed and set forth in or upon the instrument pursuant to the directions of this section, beyond the amount of the duty actually paid for the same; which quintuple duty shall be deemed and taken to be a debt to Her Majesty of the party or parties respectively hereby made liable to pay the same, and shall and may be sued for and recovered accordingly.

Parties
informing to
be indemnified.

26. PROVIDED that if any or either of the said parties shall give information to the Commissioner or to any Government Agent or to any Justice of the Peace, whereby such penalty or quintuple duty, or any part thereof, shall be recovered from any other party or parties liable thereto, the party giving the information shall not only be indemnified and discharged of such his liability, but shall also be rewarded out of the penalty or quintuple duty recovered, to such extent as the Governor shall think proper, but not exceeding one-half of the amount received and realized.

Purchaser may
recover back
so much of the
consideration
as is not stated.

27. AND where, in case of sale, the full consideration money shall not be truly expressed and set forth in the manner hereby directed, the purchaser or his heirs, executors, or administrators, or assignees, may recover back from the seller, or his heirs, executors, or administrators, or assignees, so much of the purchase or consideration money as shall not be expressed and set forth as aforesaid, or the whole thereof, if no part of the same shall be so expressed and set forth.

Penalties on
Notaries and
others for not
inserting the
true
consideration
or value.

28. AND if any Notary, or other persons who shall be employed in or about the preparing of any such instrument in or upon which the full consideration money or value is hereby required to be truly expressed and set forth as aforesaid, or who shall be employed for any of the parties thereto in any wise about or relating to the transaction therein mentioned, shall knowingly and wilfully insert or set forth, or cause to be inserted or set forth, in or upon any such instrument, any other than the full and true consideration money directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the actual value of the same as before directed, or shall in any wise aid or assist in the doing thereof, respectively, every such Notary, or other person so offending, shall be liable to a fine for every such offence of one thousand rupees,

*Stamp Duties.**Probates and Letters of Administration.*

29. NO court in this island shall grant probate or letters of administration of the property and estate of any deceased person, without first requiring and receiving from the person or persons applying for the same, or from some other competent person or persons, an affidavit that the moveable and immoveable property and estate of the deceased in this Island, for or in respect of which probate or letters of administration are to be granted, exclusive of what the deceased shall have been possessed of or entitled to as a trustee, and not beneficially, and without deducting anything on account of the debts due and owing from the deceased (excepting debts due on mortgage or on Notarial bonds), are of the value of a certain sum, to be therein specified to the best of the deponent's knowledge, information, and belief, in order that the proper and full stamp duty may be paid by the person to whom such probate or letters of administration shall be granted. All stamps on probates and letters of administration shall be cancelled by the District Judge of the court issuing such instrument, in the manner directed in this Ordinance.

Duty on
probates how
ascertained.

30. WHEN any person shall have estimated the property and estate of the deceased to be of greater value than the same shall afterwards prove to be, and shall, in consequence, have paid too high stamp duty on any such probate or letters of administration, if such person shall, within six months after the true value of the property and estate shall have been ascertained, produce any such instrument to the court which granted the same, and it shall be proved to the satisfaction of such court, that a greater stamp duty has been paid than the law required, it shall be lawful for the Judge of such court to write upon any such instrument the amount of stamp duty which was legally payable thereon; and upon production thereof at the Stamp Office, it shall be lawful for the Commissioner to repay the difference between the duty paid and that legally payable (after deducting the discount of five per centum on the difference) in money to the party producing such instrument and to certify thereon that such has been repaid.

Proceedings, if
too great stamp
duty has been
paid on
probate.

31. WHEN too little stamp duty shall have been paid on any such probate or letters of administration in consequence of any mistake or misapprehension, or of its not being known at the time that some particular part of the property and estate belonged to the deceased, it shall be lawful for the Judge of the court by which such instrument was granted, if the application to have the proper stamp affixed shall be made within six months after the true value of the property and estate shall be ascertained, to transmit such instrument to the Stamp Office, in order that the proper stamp may be affixed, without requiring the applicant to pay the penalty payable under the provisions of this or any former Ordinance, for stamping deeds or other instruments which have not been stamped, or which have been insufficiently stamped; and

Proceedings, if
too little stamp
duty has been
paid.

Stamp Duties.

the Commissioner shall thereupon, and upon receipt of the money to be paid thereon, or upon the said money being transmitted to him by some Government Agent, cause the proper stamp to be affixed to such instrument, and cancel the same himself in the manner directed in this Ordinance, and return the instrument to the Judge by whom it was transmitted to him.

Provision for stamping second or further probate or letters of administration.

32. IN any case wherein any former probate of a will or letters of administration shall have been taken out, and the full amount of the duties payable thereon by any law then in force, according to the full value of such estate, shall have been duly paid and discharged, and wherein any further or other probate or letters of administration shall at any time thereafter be applied for in respect of such estate, it shall be lawful for the Commissioner, upon the production of an unstamped probate or letters of administration, with the certificate of the District Judge having jurisdiction in respect of such estate endorsed thereon, to the effect that such further probate or letters of administration has become necessary, to cause a stamp according to the value of the estate to be affixed to the probate or letters of administration produced to him, without making any charge therefor. And the Commissioner shall cancel the said stamp in the manner directed in this Ordinance, and write the word "duplicate" on the instrument, and affix his signature thereto. And such instrument shall be as available in law, and of like value and effect in all respects whatever, as the probate or letters of administration originally issued by the court.

Stamp duty to be allowed where will or letters proved and duty paid more than once.

33. WHERE proof is adduced to the satisfaction of the District Judge having jurisdiction in respect of the estate, that any will has, owing to inadvertence or mistake, or any other cause, been proved, or that any letters of administration have been taken out on the same property in more than one court in the Colony, or more than once in any such court, or that letters of administration have been taken in such court, in ignorance of the existence of a will, requiring probate thereof, and that, by reason thereof, more than one stamp duty has been paid thereupon, the District Judge shall certify thereto, and the Commissioner may, on the production of such certificate and, if need be, upon delivery to him of the useless probate or letters of administration, to be cancelled, and on production of the valid probate or letters of administration, cancel such useless probate or letters of administration, and pay the value of the stamp less five per centum thereon.

Penalty for not getting proper stamp affixed to probate.

34. WHERE too little duty shall have been paid, as in the 31st section mentioned, if any executor or administrator, acting under such probate or letters of administration, shall not within six months after the discovery of the mistake or misapprehension, or of any property or estate not known at the time to have belonged to the deceased, apply to the proper court for the purpose of having the proper stamp affixed, he shall, in addition to the payment of the penalty imposed by the 36th section of this Ordinance

Stamp Duties.

on the stamping of any unstamped or insufficiently stamped instrument, incur and be liable to a further penalty of two hundred rupees; and the Judge of the said court shall not transmit such instrument to the Stamp Office, to have the proper stamp affixed, until the said several penalties have been paid into court, nor shall the Commissioner cause the proper stamp to be affixed thereon, unless a certificate shall be produced to him under the hand of such Judge, that the said penalties have been paid. But, upon the production of such certificate, and upon receipt of the stamp duty to be paid on such probate or letters of administration, or upon the transmission to him by some Government Agent of the stamp duty to be paid thereon, the Commissioner shall cause the proper stamp to be affixed to such instrument, and cancel the same in the manner directed by this Ordinance, and return the instrument to the Judge by whom it was transmitted to him.

35. PROVIDED that where it shall be proved to the satisfaction of the District Judge having jurisdiction in respect of the estate, that an executor has paid debts, of whatever nature, due and owing from the deceased, other than the debts deducted from the estate under the 29th section of this Ordinance, such debts so paid being payable by law from the estate of the deceased, and amounting to such a sum as, being deducted from the value of the estate for or in respect of which the probate duty or duty on letters of administration shall have been assessed, shall reduce the duty to a less sum than was actually paid, and the District Judge shall certify thereto, the Commissioner may, on production of such certificate, and he is required to return the difference (deducting discount of five per centum thereon), provided the said difference be claimed within three years after the date of the probate or letters of administration, or the recording of the inventory; but where, by reason of any legal proceeding, the debts shall not have been ascertained and paid, or the effects shall not have been recovered and made available, and, in consequence, the executor or administrator shall be prevented from claiming such return within three years, the Commissioner may allow such further time for making the claim as may appear to him to be reasonable.

Duty may be returned on account of debts, if claimed within three years.

Instruments not duly stamped may be re-stamped.

36. WHERE any instrument liable by law to any stamp duty, shall be signed or executed by any person without its being duly stamped, and special provision to meet such case is not made in this Ordinance, then and in every such case the parties to such instrument, and the Notary Public, if any, by whom the same shall have been attested, shall be guilty of an offence, and shall each be liable to a fine of one hundred rupees. And the Commissioner is hereby required, upon payment of the said duty or deficiency of duty, and of the said sum of One hundred rupees, or such reduced sum by way of penalty as he may see fit, with the sanction

Terms and conditions on which instruments may be stamped after the signing thereof.

Stamp Duties.

Commissioner
may remit
penalty on
stamping
certain
instruments
within twelve
months after
the signing
thereof.

Not to extend to
instruments for
the stamping of
which, after the
signing thereof,
special provision
is made, or to
cases where the
stamping is
prohibited by
law.

Instrument
may be sent
to the
Government
Agent to be
stamped.

of the Governor, to demand, to affix to the said instrument a stamp of the proper amount of such duty or deficiency of duty, and to cancel the said stamps in the manner directed by this Ordinance; and every such instrument so stamped as aforesaid shall have the like force and validity in law as if it had been duly stamped when the same was executed. PROVIDED always, that where it shall appear to the Commissioner, upon oath or otherwise, to his satisfaction, that any instrument hath not been duly stamped previously to being signed or executed by reason of accident, mistake, inadvertency, or urgent necessity, and without any wilful design or intention to defraud Her Majesty of the duty chargeable in respect thereof, or to evade or delay the payment of such duty, then and in every such case, if such instrument shall be brought or sent to the Commissioner to be stamped within twelve months after the first signing or executing the same by any person, and the stamp duty chargeable thereon by law shall be paid, it shall be lawful for such Commissioner, with the previous sanction and under the authority of the Governor, to remit the whole or any part of the penalty payable on stamping such instrument, and to cause such instrument to be duly stamped in manner above mentioned, upon payment of the whole or, as the case may be, the deficiency of the stamp duty chargeable thereon by law, and either with or without any portion of the said penalty: PROVIDED also, that nothing herein contained shall extend, or be deemed or construed to extend, to any deed or instrument, for the stamping of which, after the signing or execution thereof, provision is specially made; or to any deed or instrument, the stamping of which, after the signing or execution thereof, is expressly prohibited or restricted by any such law as aforesaid; or to repeal, alter, or affect any such provision, prohibition, or restriction.

37. WHERE in any case it shall be inconvenient to any person to take or send any instrument to the Commissioner to be stamped under any of the provisions of this Ordinance, or to remit to the Commissioner the amount of the stamp duty, and of any penalty to which he may be liable, it shall be lawful for any such person to bring or send the said instrument to the nearest Government Agent, and to pay to him the amount of such duty and penalty. And the said Government Agent shall thereupon transmit such instrument, together with such sum or sums of money, to the Commissioner, who shall thereupon cause the said instrument to be duly stamped as directed by this Ordinance; and the instrument shall thereafter be returned by such Commissioner to the said Government Agent, to be delivered to the party from whom the same was received.

Stamping of Pleadings and Instruments tendered in any cause.

Stamps may be
annexed to

38. IF any pleading or other instrument specified in Part II. of the schedule hereto annexed, tendered in any cause, shall not

Stamp Duties.

bear the proper amount of stamp duty, it shall be lawful for the District Judge, should he see fit to do so, to allow the stamps necessary to supply the deficiency, and to cause a further stamp not exceeding one rupee in value to be affixed to each pleading or instrument so not duly stamped, and to cause the stamps to be duly cancelled, and to proceed on with the case as if the pleadings and instruments had all been properly stamped.

pleadings and instruments tendered in a cause and not duly stamped.

39. UPON the production, as evidence, at the trial of any cause, of any instrument liable to stamp duty, which is unstamped or not duly stamped, the officer of the court whose duty it is to read such instrument shall call the attention of the Judge to any omission or insufficiency of the stamp, if the same has not been already noticed by the Judge; and the instrument, if unstamped or not duly stamped, shall not (except as hereinafter provided) be received in evidence until (if the instrument is one which may legally be stamped after the execution thereof) the whole or (as the case may be) the deficiency of the stamp duty, and the penalty required by this Ordinance together with the additional penalty of five rupees, shall have been paid into court.

Provision for stamping instruments at the trial.

40. UPON payment into court of the whole or (as the case may be) of the deficiency of the stamp duty payable upon or in respect of such instrument, and of the penalty required by this Ordinance, and of the additional penalty of five rupees, as above provided, the proper officer of the court shall give a receipt for the amount of the duty or deficiency which the Judge shall determine to be payable, and also of the penalties; and thereupon such instrument shall be admissible in evidence, saving all just exceptions on other grounds; and an entry of the fact of such payment and of the amount thereof, shall be made in the record of such cause; and a return shall be made by the court at the end of every month, to the Commissioner, of the moneys, if any, so paid into court by way of duty or penalty, distinguishing between such moneys, and stating the number of the cause, and the names of the parties thereto, and from whom such moneys were received, and the date, if any, and description of the instrument, for the purpose of identifying the same: and the said Commissioner shall, upon request and upon production of the receipt hereinbefore mentioned, affix to such instrument the proper stamp, and cancel it in manner directed by this Ordinance. PROVIDED that the aforesaid enactment shall not extend to any instrument which cannot be stamped after the execution thereof.

On payment into court of duty and penalty, instrument to be received in evidence.

Proviso.

41. PROVIDED always, that it shall be lawful for the Judge, in his discretion, to allow a party tendering any unstamped or not duly stamped instrument in evidence (if such instrument may be stamped after the execution thereof, on payment of the duty and a penalty), in any case in which it shall appear to the Judge that such party was previously ignorant of the objection to the reception in evidence of the instrument, on the ground that the same

In certain cases Judge may allow time to party to pay duty and penalties.

Stamp Duties.

Proceedings
thereupon.

is not stamped or not duly stamped, and that such party is unable forthwith to pay into court the amount of the duty or deficiency of duty, and the penalties aforesaid, such time, not exceeding seven days, as the Judge shall deem reasonable for the payment into court of such duty or deficiency of duty, and penalties as aforesaid, on the undertaking of the party to pay the same at the appointed time. And thereupon the court shall allow the trial of the cause to proceed, and such instrument to be put in evidence, saving all just exceptions on other grounds, but shall suspend the judgment therein for the time allowed for making such payment; and if payment is then made, the receipt mentioned in the preceding section shall be given, and such further proceedings had as are therein specified: but if such payment be not then made, the court shall strike out the evidence relating to such instrument, and give judgment in the cause irrespective of such instrument, and shall cause the amount which such party has undertaken to pay into court as aforesaid, to be forthwith levied by process of parate execution against his property and person—such process to be free of stamp duty.

Removal of doubts as to the sufficiency of Stamps.

Party desirous
to remove
doubts may
apply to
Commissioner
to declare the
duty to which
any instrument
is liable.

42. ANY party to an instrument, not being one already tendered in any cause, other than the probate of a will or letters of administration, desirous to remove doubts as to whether such instrument is liable to stamp duty, or, if liable, to what extent, may, before or after the execution of such instrument, and whether the same be previously stamped or not, apply in writing to the Commissioner to declare his opinion thereon. It shall then be lawful for the Commissioner, and he is hereby required, to declare in writing whether the instrument be liable to stamp duty, or not, and, if liable, to assess the duty, and the amount of the penalty, if any, to which such party is liable.

Appeals to
Supreme Court.

43. IF the party making the application shall be dissatisfied with the determination of the Commissioner, he may appeal against the same to the Supreme Court, within ten days after the same shall be made known to him; and, upon the application of the said party (due notice thereof being given to the Queen's Advocate, to the end that he may be heard on behalf of Her Majesty), it shall be lawful for the said court, and it is hereby required summarily to hear and determine the said appeal; and the decision of the Supreme Court shall be final. The said court shall make such order as to costs as it shall deem just.

Stamp may be
affixed, and
endorsement
made, which
will remove all
doubts.

44. IF there be no appeal from the determination of the Commissioner, or if an appeal be taken, and the same be adjudicated upon, the party may tender to the Commissioner the sum of five rupees, and the amount, if any, of the duty and penalty which he is liable to pay in respect of the instrument, credit being given him for the stamp, if any, already affixed to such instrument. Upon receiving the same, the Commissioner may,

Stamp Duties.

and he is hereby required, if the instrument has already been executed, to affix thereto a stamp of the deficient amount of duty, and to cancel the same in manner directed by this Ordinance, and further, to write words indicating that the stamp duty has been finally settled, or that no stamp duty is required, as the case may be, on a prominent part of the instrument, and to affix his signature thereto. It shall be the duty of such party to exhibit the instrument so stamped to the Registrar of Lands, if duplicates of such instruments are filed in his office, in order that a record of the fact may by such Registrar be endorsed on the duplicates. Every such instrument so stamped as aforesaid shall be deemed to have been duly stamped, and shall be receivable as evidence in all courts, notwithstanding any objection made to the same as being insufficiently stamped.

45. IN any case where application is made to the Commissioner as aforesaid, it shall be lawful for him to require such evidence as he may deem necessary, in order to shew to his satisfaction whether or not the consideration or value, or any other matter or thing, upon the full and proper statement of which the stamp duty payable thereon shall in any measure depend, is truly and fully set forth therein. The Commissioner may also, when necessary, direct an appraisalment of property to be made, to ascertain its value, and determine the amount to be paid for the appraisalment by the party in respect of whose application such appraisalment is deemed necessary. The said Commissioner may in any case refuse to cause any such instrument, or any duplicate, respectively, to be stamped and endorsed as aforesaid, except on payment of the full stamp duty which would be chargeable on such instrument, if all or any of such matters and things aforesaid had been truly set forth therein.

Commissioner, before assessing the duty upon any instrument may require proof that the facts upon which the duty depends are truly stated.

46. PROVIDED that no such evidence shall be used against any person giving the same, in any proceeding whatever, except only in any inquiry as to the stamp duty with which such instrument is chargeable; and every such person shall, upon payment of such full stamp duty as aforesaid, be relieved from any penalty, forfeiture, or liability he may have incurred by reason of the omission to state truly in such instrument any of the facts, matters, and things aforesaid.

The evidence not to be used for any other purpose.

Licensed Dealers in Stamps.

47. IT shall be lawful for the Commissioner, with the sanction of the Governor, to grant licenses to all persons, except Notaries, applying for the same, whom he in his discretion shall think fit and proper for the purpose, to vend and deal in stamps, at any place or places in this island where such vendors appear to him to be required. Every such license shall be subject to annual renewal, and each annual license shall bear a stamp of five rupees: PROVIDED that it shall be lawful for the Com-

Commissioner may license persons to deal in stamps.

Stamp Duties.

Persons licensed to enter into bond.	missioner, with the sanction of the Governor, to grant or refuse such renewal. PROVIDED that every person to whom any such license shall be granted shall enter into a bond to Her Majesty in a penal sum of one thousand rupees. conditioned that such licensed person shall not sell or offer for sale or exchange or keep, or have in his possession, for the purpose of sale or exchange, any stamp or stamps other than such as he shall have purchased or procured at the office for stamps in Colombo, or from some Government officer specially authorized for that purpose, or from some person licensed to deal in stamps, under the authority of this Ordinance, and that he shall keep such entries and accounts of the stamps sold by him, and observe such conditions, and forward to the Commissioner such returns, as he shall from time to time prescribe. PROVIDED that one license and one bond only shall be required for any number of persons in co-partnership.
Condition thereof.	And it shall be lawful for the said Commissioner, whenever he shall think fit, by notice in writing signed by him, to revoke and make void any such license as aforesaid.
License may be revoked.	48. IN every license to vend or deal in stamps there shall be truly specified the proper name and place of abode of the person to whom the same shall be granted, and a true description of the house or shop at which he shall by such license be authorized to vend or deal in stamps; and such person shall not be thereby authorized or entitled to vend or deal in stamps, at any other house, shop or place, than such as shall be specified and described in such license.
Particulars to be specified in licenses.	49. NO person, other than such Commissioner or Government officer as aforesaid, shall vend or deal in stamps in any part of this island without having duly obtained from the Commissioner a license for that purpose, which shall be in force and unrevoked at the time of such vending or dealing; and if any person, other than such Commissioner or Government officer as aforesaid, shall sell or offer for sale any stamp denoting or purporting to denote any stamp duty, or shall exchange any such stamp for any other stamp or for any other article or thing, without having duly obtained and having in force such license as aforesaid, authorizing him in that behalf, or at any house, shop or place not specified and described in any such license as aforesaid granted to him, he shall for every such offence forfeit the sum of one hundred rupees.
No person to deal in stamps without such licenses.	50. PROVIDED that it shall be lawful for any person employed to prepare or write any instrument liable to stamp duty, to charge his employer with the amount of the stamp or stamps affixed to the paper or other material upon which such instrument shall be written, without having obtained any such license as aforesaid to vend or deal in stamps.
As to persons employed to write instruments liable to stamp duty.	51. EVERY person authorized to vend or deal in stamps shall be bound and required, at the time of the sale of any stamps, and before delivery thereof to the purchaser, to mark the stamps at the bottom thereof with the name, or the initial letters of the
Stamp vendors to mark stamped paper sold by them.	

Stamp Duties.

name of such stamp vendor, and with the date of sale. But nothing herein contained shall be deemed to apply to receipt or postage stamps. Every vendor failing to comply with the provisions of this section, or acting contrary thereto, shall be deemed guilty of an offence, and be liable to such punishment as a District Court shall be empowered to inflict.

52. A DISCOUNT shall be allowed to such licensed dealer on the purchase of any stamp at the Stamp Office in Colombo, or from any Government Agent or any Government officer authorized as aforesaid, after the rate of five rupees *per centum*, on the prompt payment of any sum amounting to two hundred rupees or upwards, and (in any case in which the Governor shall in his discretion think fit to authorize the same) after the rate of two and-a-half rupees *per centum* on the prompt payment of any sum amounting to one hundred rupees and under two hundred rupees. PROVIDED that it shall be lawful for the Commissioner to prescribe rules from time to time, as to the times of issue and the quantities of each description of stamps to be issued to vendors at any one time.

Discount allowed to licensed dealers in stamps.

Commissioner may make rules.

53. EVERY person who shall be licensed under the authority of this Ordinance to deal in stamps, shall cause to be painted in capital letters, one inch at least in height, and of a proper and proportionate breadth, on some conspicuous place on the outside of the front of the house or shop at which he shall be licensed to deal in stamps, and so that the same shall be at all times distinctly legible, the full name of such licensed person, together with the words "Licensed to deal in Stamps," and words of similar import in the Sinhalese and Tamil languages; and such person shall continue such name and words so painted during all the time that he shall continue licensed: and if any person so licensed shall neglect or omit to continue the same so painted, he shall be deemed guilty of an offence, and be liable to a fine not exceeding one hundred rupees. PROVIDED that in the case of several persons licensed as aforesaid in co-partnership, it shall be sufficient if the name of one only of such persons, or of the firm, be painted in manner aforesaid.

Licensed dealers in stamps to paint their names, &c., in front of their houses or shops.

Penalty. Proviso as to partners.

54. IF any person shall write, paint, or mark, or shall cause or procure to be written, painted, or marked, or shall permit, or suffer to continue written, painted or marked, upon any part of his house, shop, or premises, either in the inside or on the outside thereof, or upon any board, or any material whatever exposed to public view, and whether the same shall or shall not be so affixed to such house, shop, or premises, any word or words which shall import or signify, or be intended to import or signify, that such person is a vendor of or dealer in stamps, such person not being licensed to deal in stamps, and not being the Commissioner of Stamps, or Government officer as aforesaid, he shall forfeit one hundred rupees for every day such offence shall be committed or continued.

Penalty on unlicensed persons holding themselves out as dealers in stamps.

Stamp Duties.

Allowance to be made for stamps in the possession of licensed vendors dying, or becoming insolvent, or whose licenses are revoked.

55. IF any person licensed to vend or deal in stamps shall die or become insolvent, or if the license of any person to vend or deal in stamps shall expire or be revoked, and any such person, at the time of his death, or insolvency, or at the expiration or revocation of any such license, shall have in his possession any quantity of stamps, it shall be lawful for such person, or his heirs, executors, or administrators, or assignees, within three months after the expiration or revocation of such license, or next after death or insolvency, as the case may be, to bring or send such stamps to the office for stamps in Colombo; and it shall be lawful for the Commissioner to receive the same, and to pay to the person bringing or sending the same the amount of the stamp duty thereon, deducting therefrom such per-centage as is allowed by this Ordinance on the purchase of stamps of the like description from the said Commissioner. PROVIDED that the person who shall bring or send such stamps to the said office, shall satisfy the Commissioner, that such stamps were actually in the possession of the person so dying, or becoming insolvent or having had such license which had so expired or had been so revoked, for the purpose of sale, at the when such person so died, or became insolvent, or when the said license expired or was revoked; and that such stamps were purchased or procured by the person to whom such licence shall have been granted, at the head office for stamps in Colombo, or from some Government officer or person licensed to deal in stamps as aforesaid.

Commissioner of stamps empowered to grant warrants to search and inspect the stocks of stamps of licensed dealers.
Power of entry.

56. UPON information given to the Commissioner or a District Judge, upon the oath of one or more credible person or persons, that there is reasonable cause to suspect that any person licensed to vend and deal in stamps hath in his possession any forged or counterfeit stamp or stamps, it shall be lawful for the said Commissioner or District Judge, by warrant under his hand, to authorize any person, and such person is hereby fully authorized accordingly, with the assistance if required, of any constable or other peace officer, to enter, between the hours of six in the morning and six in the evening, into any building or place, and, if need be, to break upon the same, and to search for and to seize, and to take into his possession, all such stamps as shall be in any such place as aforesaid; and all constables and other peace officers are hereby required, upon the request of any person or persons acting under such warrant, to aid and assist him or them in the execution thereof; and if any constable or other peace officer shall, upon any such request as aforesaid, refuse or neglect to be aiding and assisting in the execution of any such warrant as aforesaid, or if any person shall refuse to permit any such search or seizure as aforesaid to be made, or shall assault, oppose, molest or obstruct any person employed or acting in the execution or under the authority of any such warrant, or aiding or assisting in the execution thereof, every such constable, peace officer, or other person so offending in any of the cases aforesaid, shall be

Penalty for refusing to aid, &c., in the execution of such warrants, or assaulting persons employed in the execution thereof.

Stamp Duties.

liable to a fine not exceeding two hundred rupees. PROVIDED that any person who shall execute any such warrant, shall, if required, give to the person in whose custody or possession any stamps shall be found and seized, an acknowledgment of the number, particulars and amount of the stamps so seized, and shall permit such last mentioned person, or any person employed by him, to mark the same before the removal thereof.

Pviso : acknowledgment to be given for stamps seized.

Other Penal Provisions.

57. IF any person, whether he shall be licensed to vend or deal in stamps or not, shall hawk or carry about for sale or exchange any stamps, or if any person shall utter or offer for sale or exchange at any house, shop, or place other than the house or shop in which he shall reside or carry on his trade or business, any such stamps, every such person shall be liable to a fine of fifty rupees, over and above any penalty to which he may be liable for vending or dealing in stamps without being licensed so to do; and it shall moreover be lawful for any person, without any other warrant than this Ordinance for that purpose, to apprehend any person so offending, and to cause him to be taken before any Police Magistrate having jurisdiction where the offence shall be committed, who shall hear and determine the matter; and all stamps which shall be found in possession of such offender, shall be forfeited to Her Majesty, and shall be taken possession of by such Magistrate, and be delivered over to the Commissioner to be disposed of in such manner as he shall think fit.

Penalties on persons hawking stamps.

Hawkers of stamps may be apprehended and taken before Police Magistrate.

58. IF any person making any such affidavit as is directed or required by this Ordinance shall knowingly and wilfully make a false oath of or concerning any of the matters to be therein specified and set forth, he shall be deemed guilty of perjury, and may be prosecuted and punished for such.

Penalty for perjury.

59. IF any person shall do or cause to be done, or knowingly aid, abet or assist in doing any of the following acts, he shall be deemed guilty of an offence, and, on conviction thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding five years nor less than two years:—

Penalties for the following offences:—

- (1) Forging or counterfeiting any die or stamp, for the purpose of denoting or testifying the payment of any stamp duty, or any part thereof.
- (2) Forging, counterfeiting or imitating such stamp, or any part of such stamp, or the name, or initial letters of the name of the said Commissioner or of any person authorized to vend or deal in stamps, upon any paper or other material whatever.
- (3) Knowingly, and without lawful excuse (the proof whereof shall lie on the person accused), having in his possession any false, forged or counterfeit

Forging die, &c.

Forging stamps, &c., or the name or initials of the Commissioner or any stamp vendor. Having in possession a forged stamp.

Stamp Duties.

adhesive stamp or die, or other instrument, for the purpose of forging such stamps, or part of any such stamp, resembling or intended to resemble, either wholly or in part, any stamp which hath been or shall or may be provided, made or used as aforesaid under the authority of this or of any other Ordinance to be hereafter enacted for that purpose.

Using, selling, or having in possession paper with the impression of a forged die, &c.

- (4) Using, uttering, selling, or exposing to sale, or causing or procuring to be used, uttered, sold, or exposed to sale, or knowingly, and without lawful excuse (the proof whereof shall lie on the person accused), having in his possession any paper or other material having thereon the impression, or any part of the impression of any false, forged or counterfeit die or other instrument, or part of any die or other instrument, or having thereon any false, forged or counterfeit stamp, mark, impression or writing, resembling or representing, either wholly or in part, or intended or liable to pass or be mistaken for the stamp, mark or impression of any die or other instrument provided, made and used under the authority of this or any other Ordinance, or for the name or the initial letters of the name of such Commissioner, or of any person authorized to vend or deal in stamps, knowing such false, forged or counterfeit stamp, mark, impression or writing to be false, forged, or counterfeit.

Or with a forged stamp or same.

Fraudulently using a genuine die.

- (5) Using, privately or fraudulently, with intent to defraud Her Majesty, any die or other instrument so provided, made or used, or hereafter to be provided, made or used as aforesaid, or stamping or marking, privately or fraudulently, with such intent, any paper or other material whatever, with any such die or other instrument as last aforesaid.

Having in possession paper fraudulently stamped.

- (6) Knowingly, and without lawful excuse (the proof whereof shall lie on the person accused), having in his possession any paper or other material so privately or fraudulently stamped or marked as aforesaid.

Receiving moneys for stamp duties, and misappropriating the same.

- (7) Receiving any sum of money as and for the stamp duty upon or in respect of any deed, instrument, or transaction or intended deed, instrument or transaction, and improperly neglecting or omitting to appropriate such sum of money to the due payment of such duty, or by or under any means or pretence whatsoever, otherwise improperly withholding or detaining the same.

*Stamp Duties.**Miscellaneous.*

60. ALL persons who shall have in their possession any stamp written upon, and inadvertently and undesignedly spoiled, or by any means rendered unfit for the purpose intended, and which shall not have been used for any other purpose, or which shall have been used for any instrument not fully written, or not signed by any party, or any stamped bills of exchange or promissory notes which have been signed on behalf of the drawers, but which have not been delivered out of their hands to the payees therein named, or any person on their behalf, or been deposited with any person as a security, or been in any way negotiated, and which bills of exchange have not been accepted or tendered for acceptance, may, within two months after the date of such instrument, or after the writing or signing of the same, if it bears no date, bring or send such stamp, bill of exchange, or promissory note, to the Stamp Office in Colombo; and if it shall appear to the Commissioner that the stamp has been spoiled or rendered useless before the instrument for which it was used was executed or signed, or before any such bill of exchange or promissory note was made use of in any such manner as aforesaid, and if all such grounds of relief as are hereinbefore mentioned are likewise fully proved by affidavit, to the satisfaction of such Commissioner, then, and in any such case, it shall be lawful for the said Commissioner to receive back such spoiled stamps, and to give other stamps of the like amount and description in lieu thereof.

Spoiled stamps,
allowance for.

61. IN any case in which the Commissioner is authorized to receive back stamps spoiled or rendered useless, or unfit for the purpose intended, and to make allowance for the same by giving other stamps in lieu thereof, it shall be lawful for the said Commissioner, with the previous sanction, and under the authority of the Governor, instead of giving stamps, to refund and repay to the party entitled to such allowance the amount thereof in money, deducting therefrom such per-centage as is allowed by this Ordinance on the purchase of stamps of the same description as those in respect of which such allowance shall be made; and it shall also be lawful for the said Commissioner, with the like sanction and authority, to refund and repay to any person possessing any stamp which shall not have been spoiled or rendered useless, or unfit for the purpose intended, but for which such person shall have no immediate use or occasion, the amount or value of such stamp in money, deducting therefrom such per-centage as aforesaid, upon his delivering up such stamp to the said Commissioner, and proving to his satisfaction that the same was purchased by him with a *bonâ fide* intent to use the same, and that he has paid the full amount or value described by such stamp, without any deduction, save and except only the amount of such per-centage, as aforesaid, and further, that such stamp was so purchased within the period of three months next preceding.

Commissioner
authorized to
refund in
money the
amount of
stamps spoiled
or rendered
useless.

Stamp Duties.

Parate execution to issue, to recover stamps due from paupers who have succeeded in the suit.

Duty of court officers in respect thereof.

Also where the suit has not been duly prosecuted.

Informers' share of fines.

This Ordinance not to affect instruments required by other Ordinances to be stamped.

62. IT shall be the duty of the Secretary of every District Court to render to the District Judge, on the first Monday of each month, a statement shewing what stamps should have been used by any party allowed to prosecute, or to defend, or to intervene in any suit *in forma pauperis*, if he had not been so allowed, and who, having recovered judgment in such suit for his costs, has nevertheless failed either to repay the amount due for such stamps or to take the necessary steps under his judgment for the recovery thereof from the losing party. It shall thereupon be the duty of the Judge to enforce payment of the amount due on account of such stamps by process (free of stamp duty) of parate execution against the property and person of the party against whom judgment was given, or the party allowed to sue, defend or intervene *in forma pauperis*, or both.

63. THE like statement shall be rendered and like proceedings taken against the party who has obtained leave to sue *in forma pauperis*, but who has not duly prosecuted his suit to judgment within a reasonable time or repaid the amount due on account of stamps.

64. IT shall be lawful for the court to decree any portion of fine actually recovered and realized under the provisions of this Ordinance, not exceeding one half, to the informer, if it shall see fit so to do.

65. NOTHING herein contained shall be held to affect instruments required to be stamped or instruments exempted from stamp duty according to other Ordinances now in force, the provisions in which are not hereby expressly repealed or altered.

SCHEDULE TO WHICH THIS ORDINANCE REFERS.

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, and Courts of Requests, respectively.

PART III.

Containing the duties in Testamentary proceedings, on Probates of Wills, and Letters of Administration.

Stamp Duties.

PART I.

		Duty.
AFFIDAVIT or affirmation not made for the immediate purpose of being filed, read or used in an court of justice in this island	...	Rs. cts. 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.

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	Not over and Rupees.	Duty. Rs. cts.
0	... 50	0 15
50	... 100	0 25
100	... 200	0 50
200	... 300	0 75
300	... 400	1 0
400	... 500	1 25
500	... 800	2 0
800	... 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 merchandise.

Memorandum, letters or agreement made with any common carrier or other person, for the carriage of goods, wares or merchandise in this island.

Conditions of sale of any property sold by auction.

Letters containing any agreement (not before exempted) in respect of any merchandise 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 of agreement made between the master and mariners of any vessel or boat for wages.

Stamp Duties.

Agreement made in compliance with or under the provisions of the Mercantile Shipping Acts.

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.

Policies of insurance and assurance.

Duty.
Rs. cts.

APPOINTMENT in execution of a power of any property or of any use or interest therein, when made by writing, not a will ... 15 0

APPRAISEMENT or valuation of any estate or effects, moveable or immovable; 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 appraisement or valuation shall be

Over Rupees	Not over and Rupees	Duty. Rs. Cts.
0	50	0 15
50	100	0 25
100	200	0 50
200	300	0 75
300	400	1 0
400	500	1 25
500	800	2 0
800	1000	2 50
Every further 500 or part thereof		1 25

Provided that the duty on any one appraisement shall not exceed Rs. 10.

Exemption.

Appraisements or valuations of any property for the purpose of ascertaining the duty payable on probates or letters of administration; or made by or at the instance of any executor or administrator, with a view to the distribution of any estate under his charge; or made by or at the instance of any Government officer in the execution of his office, or by or for the Savings Bank or Loan Board.

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, Proctor, 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

ASSIGNMENT.—See Transfer or Assignment.

AWARD.—Other than that made in any cause ... 10 0

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

Stamp Duties.

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	...	1,000	...	0	50
Every further 1,000 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 sum payable to bearer or order.

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.

Stamp Duties.

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. Rs cts.

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 rupees 200.

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.

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.

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 Rupees, and	Not over Rupees.	Duty. Rs. Cts.
0 ...	250 ...	0 5
250 ...	500 ...	0 10
500 ...	1,000 ...	0 15
Every further 1,000 or part thereof		0 15

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, merchandize or effects exported or carried coastwise, for each part of every set ... 0 25

Stamp Duties.

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 Rupees	and	Not over Rupees.	Duty. Rs. Cts.
0	—	50	0 15
50	—	100	0 25
100	—	200	0 50
200	—	300	0 75
300	—	400	1 0
400	—	500	1 25
500	—	800	2 0
800	—	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 Rupees	and	Not over Rupees.	Duty. Rs. Cts.
0	—	1,000	1 0
1,000	—	2,500	2 50
2,500	—	5,000	3 75
5,000	—	7,500	5 50
7,500	—	10,000	7 50

For every additional 1,000 rupees or part thereof 0 50

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.

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.

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 *ad valorem* 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.

Stamp Duties.

Bonds and mortgages given by any Government officer, or his sureties, for the due execution of his office.	Duty.
	Rs. Cts.
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 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.	

CHARTER-PARTY or any agreement or contract for the charter of any vessel.. 10 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

CONVEYANCE or transfer of any property for any consideration,

Of immoveable property:—where the purchase or consideration money therein or thereupon expressed shall be—or where, if the consideration be other than a pecuniary one, and partly pecuniary and partly otherwise 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	—	800	4 0
800	—	1,000	5 0
Every further 500 or part thereof			2 50

Of moveable property:—half the above rates of duty.

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 *a vinculo matrimonii* ... 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 subject to mortgage in favour of a party, other than the mortgagee, where the taking over of the mortgage debt is the consideration of such conveyance or transfer ... 10 0

CONVEYANCE or transfer of property of any kind whatsoever, not charged in this Schedule nor expressly exempted from stamp duty ... 10 0

*Stamp Duties.**Exemptions from the preceding Stamp Duties.**Duty.*

All conveyances and transfers to Her Majesty, or to any person Rs. Cts.
for or on behalf of Her Majesty.
All leases and mortgages and all transfers or assignments thereof.

Exemptions from the preceding and all other Stamp Duties.

Transfers of bills of exchange and promissory notes by indorsement.

DECLARATION of any use or trust	10	0
DEEDS or instruments of confirmation, release, revocation, substitution, surrogation, disclaimer, and renunciation	10	0
DEED for the exchange of land, without other considerations, 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
GIFT, 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 rent payable for the whole term comprised in the lease; provided that the duty shall not exceed that on a lease for five years.					
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>	50	0
LETTER of license from creditor to debtor	10	0
MORTGAGE—See Bond.					
NOTARIAL copy of or extract from any instrument	0	50
PARTITION—any deed of	2	50
PROMISSORY NOTE.—See Bill of Exchange, inland.					
PROTEST 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	...	1,000	...	1	50
" 1,000	"	5,000	...	2	50
" 5,000	5	0
Protest of any other kind	2	50
RECEIPT 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

Stamp Duties.

- duly stamped according to the laws in force at the date thereof; or *Duty*.
upon bills of exchange drawn out of, but payable in this island. Rs. Cts.
- 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 or discharges given by or to the Treasurer, any Government Agent, Fiscal; or his deputy or officer, or other public officer, in the execution of his office.

SETTLEMENT.—Any deed or instrument, whether voluntary or gratuitous, or upon good or valuable consideration other than a *bona fide* pecuniary consideration, whereby any definite and certain principal sum or sums of money, or any other property, moveable or immovable, 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.

TRANSFER 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.

WARRANT to act as a Notary Public 50 0

Exemption.

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 free of duty.

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.

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 "*To make further provision touching the execution of certain deeds and instruments*," 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 rupees 2 and 50 cents, the original instrument shall bear a stamp of ... 1 0

Stamp Duties.

PART II.

CONTAINING THE DUTIES ON LAW PROCEEDINGS.

Classes.	1	2	3	4	5	6	7	8
	under Rs. 100 Rs. cts	under Rs. 300 Rs. cts	under Rs. 750 Rs. cts	under Rs. 1,500 Rs. cts	under Rs. 5,000 Rs. cts	under Rs. 10,000 Rs. cts	under Rs. 50,000 Rs. cts	Rs. 50,000 and upwards. Rs. cts
IN THE SUPREME COURT. <i>In Civil Proceedings.</i> Every affidavit or affirmation.—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 Absoute.—Summonses.—Trans- lation of any Exhibit.	0 75	1 50	2 0	3 0	4 50	6 0	7 50	10 0

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 Queen's Advocate or Deputy Queen's Advocate 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 Advocate or 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

Stamp Duties.

of such Commissioner, and in failure thereof the said court shall proceed to recover the same in the manner directed in section 62 of this Ordinance in regard to pauper suits.

All Matrimonial proceedings shall be charged as in the Fourth Class.

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.

1st Class.	2nd Class.	3rd Class.	4th Class.	5th Class.	6th Class.	7th Class.
under Rs. 300	under Rs. 750	under Rs. 1,500	under Rs. 5,000	under Rs. 10,000	under Rs. 50,000	Rs. 50,000 and upwards
Rs. cts	Rs. cts.	Rs. cts.	Rs. cts.	Rs. cts	Rs. cts	Rs. cts.
1 0	1 50	2 50	4 0	5 0	6 0	7 50
2 50	4 0	6 0	9 0	12 50	15 0	20 0
0 35	0 50	0 75	1 25	1 75	2 0	3 75

IN THE DISTRICT COURTS.

In Civil Proceedings.

Every Affidavit or Affirmation.—Bill of Costs.—Certificate in appeal.—Commission to survey.—Of reference and all other Commissions.—Commitment in Mesne Process or execution.—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 here Judgment of the District Court or the Supreme Court.—Petition of Appeal.—Proxy.—Rule Nisi or Absolute. Summons to Defendant or Defendants without reference to number.—Summons to Intervenor or Interveners without reference to number.—Warrant of Attachment.—Writ of Execution against Person or Property.

Every Award.—Bail Bond or other Bond or recognition.—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.

Every exhibit of each unstamped document.—Office copy, duly certified, of all matters of record, per sheet of 120 words.—Subpoena to each witness.—Translation of each Document.

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 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.

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 Queen's Advocate or Deputy Queen's Advocate 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 Advocate or 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 this Ordinance 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 or none sufficient to satisfy the exigency of any writ of execution could be found. Provided always, that in respect of any Subpoena or Subpoenas, the same may be re-issued although served, in case the Judge shall, on good cause shewn, so order.

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 in the third class.

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.

Exemptions.

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.

Stamp Duties.

Classes—	1.	2.	3.
	<i>under</i> Rs. 20	Rs. 20 & <i>under</i> Rs. 50	Rs. 50 & <i>upwards.</i>
	Rs. cts.	Rs. cts.	Rs. cts.
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	0 25	0 50	1 0
Every office copy of any matter of record ...			
„ Subpœna to each witness ...	0 15	0 25	0 50
„ Exhibit of each unstamped document ...			
„ Translation of each document ...			

Poundage 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 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 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 this Ordinance, in regard to Pauper suits.

And no Summons, Subpœnas, 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 or none sufficient to satisfy the exigency of any writ of execution, could be found.

Provided always, that in respect of any Subpœna the same may be re-issued although served, in case the Commissioner shall, on good cause shewn, so order. Provided also that in appeals to the Supreme Court the appellant shall furnish to the clerk of the court 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.

Exemptions.

All affidavits or affirmations for verifying service of process; all warrants of attachment issued by the court at its own instance.

Stamp Duties.

PART III.

CONTAINING THE DUTIES IN TESTAMENTARY PROCEEDINGS; ON PROBATES OF WILLS AND LETTERS OF ADMINISTRATION. *Duty.*
Rs. Cts.

Every Account, Provisional or Final	} 2 50
" Bond	
" Copy (office copy) of any Will, or Codicil, or Extract therefrom or of any document mentioned in this part of the Schedule	0 75

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

Over Rupees	and	Not over Rupees		Duty. Rs. Cts.
0	—	50	—	0 50
50	—	100	—	1 0
100	—	200	—	2 0
200	—	300	—	3 0
300	—	400	—	4 0
400	—	500	—	5 0
500	—	800	—	8 0
800	—	1,000	—	10 0
Every further 500	—	—	—	5 0

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.

BOND.

SECTION 5.

Know all Men by these presents that We, _____, are held and firmly bound unto Our Sovereign Lady Queen Victoria, Her Heirs and Successors, in the sum of Rs. _____, for the payment of which We bind ourselves, jointly and severally, Our Heirs, Executors and Administrators, firmly by these presents.

Now the condition of this obligation is such, that if the above bounden do and shall from time to time enter or cause to be entered in a book or books to be kept for that purpose, an account of all unstamped cheques issued under the provisions of section 5 of the Stamp Ordinance, 1871, by the said _____, and of all sums charged and received by the said _____ as stamp dues on such unstamped cheques, and do and shall from time to time, when thereunto required, produce and shew such accounts to, and permit them to be examined and inspected by the Commissioner of Stamps, and also do and shall deliver to the Commissioner half-yearly—that is to say, within 14 days after the 1st day of January and the 1st day of July in every year—a true and just account in writing, verified upon the oaths, to the best of the knowledge and belief of the said _____, and of his Manager, Cashier, and Accountant, of the amount of all unstamped cheques issued by the said _____ under the authority of the aforesaid Ordinance, and also do and shall pay or cause to be paid to

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Village Communities.

No. 26.

An Ordinance to facilitate the Administration of Village Communities, and to provide for the establishment of Village Tribunals.

WHEREAS it is expedient to facilitate the administration of Village Communities, and to provide for the establishment of Village Tribunals, with a view to diminish the expense of litigation in petty cases, and to promote the speedy adjustment of such cases: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

I.—Preliminary.

1. THIS Ordinance may be cited for all purposes as "*The Village Communities Ordinance, 1871.*"

Short title.

2. THIS Ordinance shall come into effect from the date of the passing thereof.

Commencement of Ordinance.

3. THE following words and expressions in this Ordinance shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

Interpretation clause.

The expression "Government Agent" shall include the Assistant Government Agent of a District, but not the Assistant to the Government Agent for the Province.

"Fiscal" shall include Deputy Fiscals within the Province of the Fiscal.

"Natives" shall mean those resident in the country other than persons commonly known as Europeans, or persons commonly known as Burghers.

"Chief Headman," shall mean the Ratemahatmaya, Mudaliyar, Manayakar, or Vanniya of a Division; and "Chief Headman's Division," shall mean the extent of country under the supervision of such "Chief Headman."

II.—Divisions and Sub-Divisions.

4. IT shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him for that purpose issued, to declare, from time to time, as he may think desirable, that any Chief Headman's division, or part thereof, shall be brought, from a time to be named therein, within the operation of this Ordinance. On such Proclamation being issued, the said division or part thereof shall become liable to the provisions of this Ordinance, and the inhabitants thereof shall be entitled to exercise the powers and privileges hereby conferred upon them.

Governor may bring any division within this Ordinance.

Village Communities.

Sub-division of
Chief
Headman's
division.

5. EVERY Chief Headman's division, or part thereof, so brought within the operation of this Ordinance, shall be sub-divided into villages or convenient groups of villages in such manner as the Governor, with the advice of the Executive Council, shall appoint. It shall be lawful for the Governor, with the like advice, from time to time to alter and amend such sub-division.

III.—*Rules.*

Inhabitants
may make
rules.

6. IT shall be lawful for the inhabitants of any sub-division, so brought within the operation of this Ordinance, to make, subject to provisions hereinafter contained, such rules as they may deem expedient for any of the following purposes:—

- (1) For the construction, regulation, and protection of village paths, bridges, edandas, ambalams, madams, spouts, wells, watering and bathing places, fords and ferries, markets, places for slaughter of cattle, sheep or swine, grounds for the burial or burning of the dead, and for the conservancy of forest springs and water-courses.
- (2) For constructing and repairing school-rooms for the education of boys and girls, and for securing their attendance at school.
- (3) For regulating fisheries according to local customs.
- (4) For taking care of waste and other lands set aside for the purposes of the pasturage of the cattle or for any other common purpose.
- (5) For breeding, registering, and branding cattle, and for preventing cattle trespass, cattle disease, and cattle stealing.
- (6) For the putting up and preservation of land boundaries and fences.
- (7) For the prevention and abatement of nuisances.
- (8) For the prevention of the use of abusive language.
- (9) For preventing accidents connected with toddy-drawing, and the periodical inspection of the ropes and other appliances used for that purpose.
- (10) For preventing accidents by the setting of spring guns.
- (11) For the prevention of gambling, cock-fighting, and cart-racing on public thoroughfares.
- (12) For determining the number of Councillors to be associated with the President in the trial of cases in any sub-division.
- (13) For the enforcement of ancient customs as regards cultivation, and for any other purpose connected with or relating to purely village affairs.

Village Communities.

7. THE rules so prepared by the inhabitants of any sub-division shall be forthwith transmitted, through the Government Agent of the Province, to the Governor, for the approval, or disallowance thereof, of the Governor, by and with the advice of the Executive Council, and such of the rules as shall be approved shall be published in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein. The Government Agent shall also take steps to cause the rules to be proclaimed in the village or group of villages subject to their operation, in such manner as shall secure the greatest publicity thereto, and to serve the residents with copies thereof in the native language free of cost.

Rules, if approved by Government, shall be valid.

8. IT shall be lawful for the inhabitants of such sub-division, subject to the provisions herein contained, from time to time to add to, amend, or repeal the existing rules, or any of them, or any part of any of them, provided that the said additions amendments, or repealing provisions, as the case may be, shall be in all respects dealt with and decided upon in the same manner as is herein directed and provided with respect to the original rules.

Rules may be added to, amended, or repealed.

9. SUCH rules, when published in the *Gazette*, shall be binding upon and be observed by all parties subject to their operation, and all Courts, Judges, and Magistrates shall take judicial notice thereof.

Rules to be binding upon all and judicial notice to be taken thereof.

10. THE inhabitants of any such sub-division may, by the rules so to be made, impose such reasonable fines as they think fit, not exceeding ten rupees, for each breach of such rules, and in case of a continued breach further fines, not exceeding five rupees, for each day such breach is continued after notice to the offender to abstain from such breach.

Fines for the breach of rules.

IV.—Meetings and Village Committees.

11. FOR the purpose of making rules as above prescribed, or whenever such meeting shall be necessary, the Government Agent of the province may, whenever to him it shall appear advisable, or shall, upon a requisition signed by not less than ten inhabitants of any village or group forming a sub-division, call a public meeting of the inhabitants of such sub-division. PROVIDED that in case the extent of any group of villages should render more meetings than one necessary, the Government Agent may hold meetings at such places as he may deem desirable. The Government Agent shall, one month at least before the day of holding any such meeting or meetings, cause notices to be published throughout such sub-division, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding such meeting or meetings, and of the object for which the same are to be held; and shall, in such notices, call upon the inhabitants to

Public meeting of inhabitants to be called for the purpose of making rules.

Proviso.

Public notice of such meeting.

Village Communities.

Power to adjourn. attend in person, at such meeting or meetings, for the purpose aforesaid. The Government Agent or person presiding shall have power to adjourn any meeting once or oftener, if need be.

Proceedings at such meeting. 12. EVERY meeting so convened shall be held at the time and place appointed in the presence of the Government Agent, or any other person authorized in writing by him, and at every such meeting, every male inhabitant of the village, or group of villages as aforesaid, above the age of twenty-one years, and who shall not have been convicted, within five years before the date of the meeting, of theft, fraud, forgery, perjury, or of any infamous crime whatever, who shall be present thereat, shall be entitled to vote. It shall be the duty of the Government Agent, or of the person presiding, to explain to the persons assembled at the meeting the provisions of this Ordinance, and the purpose for which the meeting was convened. And such Government Agent or person presiding shall enter, or cause to be entered, in the minutes of such meeting, the questions or resolutions proposed thereat, and the number of votes given for and against the same, and shall sign the said minutes, and publicly declare the result of the votes given thereat; and the said minutes shall be deposited and preserved in the Provincial or District Kacheheri, as may be most convenient, and copies thereof shall be transmitted by the Government Agent to the Government.

Inhabitants may elect Village Committee. 13. IT shall be lawful for the inhabitants of any sub-division, at the first or any subsequent meeting, to elect a Committee of not less than six men and, if they see fit to do so, to delegate to such Committee the power of making rules conferred on such inhabitants by the 6th section of this Ordinance. It shall be the duty of such Committee to make rules, subject to the provisions of this Ordinance (if the power to make rules be delegated to them as aforesaid), and the same from time to time to amend, alter, and repeal, to enforce the observance of those rules, and otherwise to exercise such powers as may be conferred on them by such rules.

Qualification of Committee men. 14. NO person shall be qualified to be elected as a member of Committee who shall not be upwards of twenty-five years of age, or who shall not be possessed of real property, in his own right or in that of his wife, worth more than two hundred rupees, and who shall have been convicted of theft, fraud, forgery, perjury, or of any infamous crime, or who shall have been dismissed from the Public Service for misconduct.

Term of office of Committee men. 15. THE first Committee elected under this Ordinance shall go out of office on the last day of March of the third year from their election, and in place of such Committee so going out of office a like number of other Committee men, to be elected as hereinafter provided, shall come into office and remain in office for the next ensuing three years; and at the expiration of such

Village Communities.

period of three years, shall in like manner go out of office and be succeeded by other Committee men for a like term of three years, and so on during the continuance of this Ordinance. PROVIDED that any of such out-going Committee men shall be re-eligible and may be re-elected, and in such case continue to act and remain in office, anything herein contained to the contrary notwithstanding.

16. ON any day to be fixed by the Government Agent within three months of the day on which any such term shall expire, a meeting shall be holden for the election of Committee men for three years next succeeding, reckoned from the first day of April next following the day of such election, and such election shall proceed in such manner, and be subject, so far as the same are applicable, to such conditions as are hereinbefore provided for the election of the Committee.

Meeting for election of intending Committee men.

17. ANY member of a Committee who shall be absent from the village for more than three months at one time, or shall be adjudicated an insolvent, or who shall be convicted of any infamous crime, or shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, shall, *ipso facto*, vacate his office; and in case any person elected a member of Committee shall die, or become disqualified, or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member of Committee, or, in case of any casual vacancy happening in any manner whatever in any such office, the remaining members of Committee shall elect a person to fill up the vacancy, and the person then elected shall serve until the next general election of Committee men.

Vacancies how to be filled up.

18. IF at any meeting any question shall be raised as to the right of any person to vote or to be elected, the Government Agent or person presiding shall then and there make such inquiry as he may deem requisite, and declare whether or not such person has the right of voting, or is eligible to be elected or not; and the decision so made shall be final. And an entry shall be made in the minutes of such meeting of any such question, and of the decision thereon.

Objections to voter how disposed of.

19. ALL questions or resolutions shall be determined by a majority of votes. In case of equality of votes the Chairman shall have a casting vote in addition to his original vote.

Majority shall decide.

V.—Village Tribunals.

20. IT shall be lawful for the Governor, with the advice of the Executive Council, to establish Village Tribunals in each village or group in any Chief Headman's division, or part thereof, brought under the operation of this Ordinance, and to appoint from time to time a President for each Chief Headman's division, and to allow, with the like advice, reasonable remuneration to be paid to him out of the general revenue, and any person so

Establishment of Village Tribunals and appointment of President.

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Oath.

Power of
President.Village
tribunals to
exercise
jurisdiction in
certain
matters, civil
and criminal.

appointed at pleasure to remove, and to substitute another in his stead. Every such President shall, before he shall begin to execute the duties of his office, take and subscribe the oath of allegiance and judicial oath, in form set forth in the Ordinance No. 7 of 1869 or any other Ordinance to be hereafter for that purpose enacted. Such President shall have power and jurisdiction, assisted by councillors as hereinafter prescribed, to try cases hereafter specified. The number of councillors to be associated with the President in the trial of cases shall be five, unless a different number shall be prescribed by the rules made for the sub-division. No person shall be qualified to be associated with the President as such councillor who shall not possess the qualifications prescribed for Committee men by section 14.

21. THE President, assisted by councillors, as hereinbefore prescribed, shall sit in open court at such times and places within each sub-division as the Government Agent shall from time to time prescribe, to try breaches of any rules made by the inhabitants of the sub-division under the authority of section 6 (if the inhabitants shall have availed themselves of this privilege), and to exercise civil and criminal jurisdiction in the cases hereinafter described, in which both parties are natives or in cases in which both the parties thereto, whether natives or not, shall, by consent in writing, in such form as shall be prescribed by rules to be made under the 30th section, expressly refer to be tried and decided by them:—

Civil.

- (1) All cases in which the debt, damage, or demand shall not exceed twenty rupees, and the party defendant is a resident within the sub-division, or in which the cause of action shall have arisen, wholly or as to any part, within such sub-division; and also all actions in which the title to, interest in, or right to the possession of any land or immoveable property shall be in dispute, provided the value of such land or immoveable property, or of the particular share, right, or interest in dispute in such action, shall not exceed Twenty rupees, and the same or any part thereof is situate in such sub-division,
- (2) All cases whatever involving debt or damage not exceeding one hundred rupees, or claim to land or immoveable property in which the land or interest in dispute shall not exceed one hundred rupees in value, which the parties thereto shall by consent in writing, in such form as shall be prescribed by rules to be made under section 30, expressly refer to such tribunal, to be tried and decided by them.

Village Communities.

Criminal.

- (1.) Petty assaults,—that is to say, assaults which are punishable by law or custom by no higher punishment than fine exceeding twenty rupees or imprisonment exceeding 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 by violence to the person, and which are punishable by law or custom by no higher punishment than fine exceeding twenty rupees or imprisonment exceeding two weeks.
- (3.) Malicious injury to property or boundaries, where the damage does not exceed twenty rupees.
- (4.) Cattle trespass under the Ordinance No. 2 of 1835, where the damage does not exceed twenty rupees.
- (5.) Maintenance cases under the third section of the Vagrant Ordinance, No. 4 of 1841, where the paternity is not denied.

PROVIDED however, as follows :—

- (1.) That the above offences shall have been committed, wholly or in part, within the sub-division.
- (2.) That it shall be lawful for the President and Councillors before whom any case, civil or criminal, shall be instituted, or by whom it shall be partially tried, to refer the parties to the Court of Requests or Police Court having jurisdiction over the sub-division, if it shall appear to them that the case is one which from its circumstances may more properly be prosecuted before the higher tribunal.
- (3.) That it shall be lawful for the Queen's Advocate, or for any Deputy Queen's Advocate having jurisdiction over the sub-division, in any criminal case, or for any Government Agent having jurisdiction over the sub-division in any case, civil or criminal, to stop the further hearing of such case before a Village tribunal, and to direct it to be tried by the Police Court or Court of Requests.
- (4.) That no case, civil or criminal, shall be brought before the Village tribunal in which the Crown is interested as a party, or which is instituted for the protection of the revenue.

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MERRILL PEREIRA & C. MASEKARA

Village Communities.

Breaches of irrigation rules may be tried under this Ordinance.

22. WHENEVER after the enactment of this Ordinance, it shall be necessary in any irrigation district under "*The Paddy Cultivation Ordinance*, 1867, to convene a Village Council to try breaches of rules made under the said Paddy Cultivation Ordinance, and a Village tribunal shall have been established under the authority of this Ordinance for the sub-division in which such breach shall have been committed, the Government Agent may refer the case to be tried by such Village tribunal instead of by the Village Councils as prescribed in that enactment. And such tribunals shall have jurisdiction to try such cases and to dispose of them in the manner provided by the said Paddy Cultivation Ordinance,

The choice, &c., of councillors to be associated with the President at the trial of each case.

23. THE councillors shall be selected for each case by lot, according to rules to be made for such purpose under section 30, and shall be subject to such provisions as to liability to be challenged as shall be prescribed by such rules. It will be the duty of the President and Councillors, when any case shall be brought before them, to endeavour by all lawful means to bring the litigant parties to an amicable settlement, and to abate, prevent, or remove, with their consent, the real cause of quarrel between them. But if the parties will not agree to such settlement, the Court shall then proceed to hear evidence and to determine the case. The councillors shall first express their opinion on the points arising for adjudication, and the President shall thereupon express his. PROVIDED that in case of any difference of opinion between the President and the councillors, or any of them, the opinion of such President shall prevail, and shall be taken as the decision in the case; but in every such case a record shall be made of such difference of opinion.

Proviso in case of difference of opinion between President and Councillors.

Punishments which may be awarded by such tribunals.

24. THE Village tribunal shall have power to punish, by fine not exceeding twenty rupees, any person convicted before it of any crime or offence, or of the breach of any rule, according to the nature of each case.

Jurisdiction to be exclusive.

25. THE jurisdiction, civil and criminal, conferred on the tribunals hereby created shall, as respects the natives of the sub-divisions in which they are established, and subject to the provisos in section 21, so long as such sub-division remains subject to the operation of this Ordinance, be exclusive, and shall not be exercised by any other tribunal, on any plea or pretext whatsoever. And, in order to prevent the jurisdiction of these tribunals being evaded, it shall be the duty of any Court, civil or criminal, and of any Justice of the Peace, whenever it shall appear to them that any case brought before them is one properly cognizable by the Village tribunal established in any p.ace, (and it shall be competent to a Commissioner of Court of Requests, Police Magistrate, or Justice of the Peace, to examine the parties

Village Communities.

at any stage of the case, in order to ascertain this,) to stop the further progress of such case, and to refer the parties to the Village tribunals, and to condemn the parties in costs as to such court shall seem fit.

26. IT shall be lawful for any President of any division, on receiving information on oath of the commission of any serious crime or offence within his jurisdiction, and triable before the District or Supreme Court, to issue summons or warrant, as he may deem the same necessary, for the apprehension of the offender, wherever he may be found, and to report the same to the nearest Justice of the Peace having jurisdiction over the district, and to cause the offender to be taken before such Justice. Such process may be entrusted for service to any person named therein, and shall have force and be in every respect treated and dealt with as if it had been issued by a Justice of the Peace, and the person named as the server thereof shall be entitled to serve such process, and shall, for that purpose, have all the powers and protection belonging to duly authorised process servers by law.

President may
issue process
for the
apprehension
of offenders.

Service of
Process.

27. IT shall be lawful for any President, for the purposes of the jurisdiction and duties hereby conferred upon him, and he is hereby authorized and required, to administer oath according to law, and if upon such oath any person making the same shall wilfully and corruptly give false evidence, every person so offending shall be subject to the pains and penalties of perjury.

President may
administer
oaths.

28. IT shall be competent to any District Court or Court of Requests in which any case shall be pending from any sub-division in which a Village tribunal shall be established, with the consent of all the parties to the suit, expressed in writing, but not otherwise, to refer to the said Village tribunal any issue of disputed boundary or encroachment, or any case in which an inspection of the premises and examination of witnesses at the spot are likely to conduce to the ends of justice, and to require such tribunal to inquire into such issue and case, and report thereon to such District Court or Court of Requests; and such District Court or Court of Requests shall (on receipt of such report, with the evidence upon which it is founded) proceed to determine and decide such case, with or without further evidence, as to it shall seem expedient.

Reference of
issues by
District Courts
and Courts of
Requests.

29. THE judgment pronounced by the Village tribunals in civil cases shall, on application of the parties, be enforced by execution against the property of the party condemned therein, to be made by the Fiscal having jurisdiction over the sub-division. In criminal cases, sentences condemning any person to pay a fine shall be enforced in the same way that Police Courts enforce the payment of fines imposed by them.

Judgment and
sentences of
Village
tribunals, how
enforced.

Village Communities.

Rules of
procedure for
the Village
tribunals.

30. IT shall be lawful for the Governor, with the advice of the Executive Council, from time to time, to make rules (subject to the provisions of this Ordinance, and not inconsistent therewith) to be observed by the tribunals hereby created, touching and concerning the following matters:—

- (1.) The form and manner of proceeding to be observed in cases before them.
- (2.) The process to be issued by them, and the mode of enforcing the same.
- (3.) The execution of judgments pronounced by them.
- (4.) The form and mode of prosecuting applications for relief.
- (5.) The summoning and empannelling of councillors, and regulations respecting them.
- (6.) The form and mode of giving jurisdiction under section 21, article 2, in cases not ordinarily triable by Village tribunals.
- (7.) All such general rules as may be necessary to give effect to the provisions of this Ordinance.

And such rules from time to time to repeal, alter, or amend, as to him shall seem necessary. Such rules shall be published in the English and native languages in the *Government Gazette*, and shall thereupon become as legal, valid, and effectual, and shall be binding upon and be observed by all, and be taken judicial notice of, as if the same had been inserted therein. Subject to these rules the proceedings of these tribunals shall be conducted in the native language, and shall be summary, and free from the formalities of judicial proceedings, and it shall be the duty of such tribunals to do substantial justice in all questions coming before them, without regard to matters of form; and no Advocate, Proctor, agent or other person (excepting husbands for their wives, guardians and curators for minors and wards, and agents doing business in the sub-division for absent principals) shall be permitted to appear on behalf of any party in any case before such tribunals.

Forms
summary.

Where charge is
beyond the
jurisdiction of
the Village
tribunal, the
President
should refer it to
the competent
court.

31. IF in the course of any trial before the Village tribunal it shall appear that the case under trial is, from its nature or magnitude, beyond the jurisdiction of such tribunal, the President shall forthwith stop the trial, and order that the case be transferred to the proper court having jurisdiction to try the same.

Village Communities.

32. IT shall be the duty of the President of any Village tribunal to report weekly all cases tried before such tribunal to the Kacheheri to which the sub-division belongs, and to forward the journals of proceedings taken by him to the Government Agent, to be filed of record in his Kacheheri. The Government Agent shall be empowered to sit with the President and councillors, and observe their proceedings, and generally, from time to time, to report on such proceedings to the Governor. And it shall be competent for the Government Agent to take action in any case in which any parties thereto may apply to him for relief, and to direct further enquiry thereof, or to order a new trial or further evidence, or to alter, amend, modify, or reverse the decision therein. PROVIDED that nothing herein contained shall be deemed to affect the right of any person feeling aggrieved by the decision of such tribunal, to apply to the Governor by petition, if he should fail to obtain relief in the first instance from the said Government Agent; and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further inquiry, or to order a new trial or further evidence, or to alter, amend, modify, or reverse the decision, if he shall see fit, with the said advice, to do so.

Reports of cases
to be made to
Government
Agents.

VI.—Miscellaneous.

33. IT shall be lawful for the Governor, with the advice of the Executive Council, to dismiss any President who shall appear to him to be unworthy of his post, and such President so dismissed shall be disqualified to hold any office or post in the Public Service, except he be expressly rehabilitated by the Governor, with the advice aforesaid.

Governor may
dismiss the
President.

34. IT shall be lawful for the Governor, with the advice of the Executive Council, to withdraw, for any stated time, from any village, the right to enjoy the benefits of this Ordinance, if it shall appear to the Governor, with the advice aforesaid, that the inhabitants of such village have abused their powers, or are unworthy or incapable of exercising the same justly.

Governor may
disfranchise
any division.

36. IT shall be competent for the President and Councillors to direct such portion of any fine as it shall deem fit, to be paid to the person injured or aggrieved by the act or omission in respect of which such penalty has been imposed (on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission), and such other portion thereof as it shall deem fit to the persons, if any, employed to do the work which ought to have been done, or to repair the mischief done by the defendant. All fines paid or

Village
tribunal may
direct
appropriation
of penalties.

*Village Communities.**Post Cards.*

Fines to be paid to Agent, to be applied by him as directed.

Any balance to be appropriated by the inhabitants.

Headmen and police officers to assist in carrying out this Ordinance.

recovered under the award of the Village tribunal shall be deposited with the Government Agent, to be by him appropriated in the manner prescribed by the Village tribunal as aforesaid; the balance, if any, shall be applied to the payment of such necessary expenses of carrying this Ordinance into execution, and for such village purposes as the inhabitants of the division or the committee (where the same shall be established) shall, at any meeting to be convened for that purpose, with the concurrence of the Government Agent, determine.

36. IT shall be the duty of all Headmen, police and peace officers, and of all members of the police force, to aid and assist the inhabitants, committees, and tribunals in the exercise of the powers and jurisdictions and the performance of the duties imposed upon them by this Ordinance. Any headmen or officer who shall fail to do so shall be guilty of an offence, and be liable on conviction to a fine not exceeding fifty rupees.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-eighth day of December, One thousand Eight hundred and Seventy-one, and published by his order,

HENRY T. IRVING,
Colonial Secretary.

No. 27.

An Ordinance to provide for the Inland transmission of Post Cards.

Preamble.

WHEREAS it is expedient to provide for the transmission, between places in Ceylon, of unclosed letters commonly known as Post Cards, at a lower rate of postage than that prescribed by Postal Ordinances: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement.

I. THIS Ordinance shall come into operation on such day as shall be named by the Governor in a Proclamation to be by him for that purpose issued.

Post Cards.

2. THE postage on a Post Card, sent by post between places in Ceylon, shall be two cents. Inland postage on Post Cards.

3. IT shall be lawful for the Governor, with the advice of the Executive Council, to make regulations for all or any of the following purposes :— Regulations as to their transmission.

- (a.) The dimensions of Post Cards; and the conditions under which they will be treated as such in the Post Office.
- (b.) The affixing of stamps thereto;
- (c.) The prepayment of postage thereon;
- (d.) The use of such Post Cards, only, as shall be provided by the Commissioner of Stamps, when that officer shall be in a position to supply stamped Post Cards.
- (e.) The prevention of the use of Post Card Stamps for any other class of correspondence.
- (f.) The prevention of sending, or delivery, by post, of Post Cards having thereon any words, marks, or designs of an indecent, obscene, libellous, or grossly offensive character.

THE punishment for sending a Post Card having thereon such words, marks, or designs as aforesaid, shall be the same as that prescribed by Ordinance No. 27 of 1865, section 30, for sending offensive or dangerous substances through the Post.

4. THIS Ordinance shall be construed as one with the Ordinances Nos. 27 of 1865 and 10 of 1869, so far as the provisions of these latter Ordinances shall be applicable to Post Cards. The Ordinances to be deemed as one with 27 of 1865 and 10 of 1869.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-eighth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Domestic Servants.***No. 28.***An Ordinance to provide for the Registration of Domestic Servants.*

Preamble.

WHEREAS it is expedient to provide for the registration of Domestic Servants, IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Commencement of Ordinance.

1. THIS Ordinance shall come into operation in such towns or districts of the island, and from such date or dates, as may from time to time be prescribed by the Governor, by Proclamation published in the *Government Gazette*.

Interpretation clause.

2. THE following words and expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

“Master” shall include every person having servants in his employ.

“Servant” shall mean Domestic Servants, hired by the month or receiving monthly wages, and shall include head and under servants, female servants, cooks, coachmen, horse-keepers, and house and garden coolies.

Governor shall appoint Registrar, who shall be under supervision of the Inspector-General of Police.

3. IT shall be lawful for the Governor, from time to time as occasion may require, to appoint for the Island of Ceylon, or for any town or district, in which this Ordinance may be brought into operation, a Registrar of Domestic Servants, who shall be under the general supervision and control of the Inspector-General of Police.

Existing Servants.

Masters to cause servants to be registered

4. WITHIN one month of this Ordinance coming into operation in any town or district, it shall be the duty of every employer of domestic servants to cause such servants in his employment to be registered in the Register of Servants for such town or district, and for this purpose he shall furnish to the Registrar in writing a list shewing the names, capacity in which employed, and date of engagement of each of his servants.

To supply lists to Registrar.

Servants to attend personally.

5. IT shall be the duty of every servant to attend personally, within three months after the coming into operation of this Ordinance, before the Registrar, and furnish him with information as regards his age, country, previous service, and such other particulars, as the Registrar may require.

Domestic Servants.

6. THE Registrar shall, on such servant so attending, hand to him a pocket register, in which shall be entered the particulars of his or her present engagement, and such memorandum of previous service or antecedents of the applicant as he or she may desire to have recorded in the register. PROVIDED that the Registrar shall not make any such antecedent entry without satisfying himself of the credibility of the statements tendered to him for entry.

To procure pocket registers.

7. IF any servant returned by any master to the Registrar as provided for in section 4 shall leave the service of such master within three months of the coming into operation of this Ordinance, and before obtaining his pocket register, such master shall transmit to the said Registrar a memorandum of date and cause of such servant quitting his employment.

Servants quitting employment before pocket registers supplied.

Intending Servants.

8. IT shall be the duty of the Registrar to receive applications from persons desirous to enter domestic service. He shall satisfy himself that there are reasonable grounds to believe such applicants to be fit and proper persons to enter domestic service ; and if so satisfied, shall register them in the General registry, recording what he has been able to learn respecting their antecedents, and the names of any persons who certify to their respectability. And he shall thereupon issue pocket registers to such applicants, which shall contain the particulars of the record in the general registry.

Applicants for domestic service.

9. IF the applicant can produce no sufficient evidence as to his fitness for domestic service, the Registrar may grant provisional registration, to be thereafter converted into confirmed registration, according to the result of subsequent service.

Registrar may grant provisional registration.

10. IF the Registrar be satisfied that the applicant is not a fit and proper person, he may withhold registration altogether ; but it shall be his duty in such case to submit the same to the Inspector-General of Police for his approval.

Registrar may refuse, but must report refusal to Inspector-General of Police.

11. THE Registrar shall not grant registration to any convicted thief or associate of thieves, or to any person known to the police to be leading a disorderly or disreputable life, or who shall have been convicted of any infamous crime. PROVIDED that the Registrar may grant registration to any person from whom it may have been so withheld, on application of any householder who may be willing to give such person a trial ; provided that the Registrar is satisfied of the respectability of such householder,

Registration to be refused to convicted offenders, &c., Proviso.

Domestic Servants.

and that the intention to engage such person as a domestic servant is a *bonâ fide* one.

General Regulations.

Master shall not engage unregistered servant.

12. AFTER the coming into operation of this Ordinance, in any town or district, no master resident therein shall engage a servant who shall fail to produce his pocket register in evidence of his being registered, or whose pocket register shall not record the termination of his last previous service, if any.

Master to enter engagement in pocket register.

13. ON engaging a servant, every master shall forthwith enter in the pocket register the date and capacity in which such servant is engaged, and shall cause the servant to attend personally at the Registrar's office, to have the entry inserted in the general registry.

Master to enter discharge.

Proviso.

14. EVERY master who shall discharge a servant shall thereupon insert in the pocket register, the date and cause of discharge and the character of the servant. PROVIDED that if for any reason he be unwilling to give the servant a character, or to state the cause of discharge, he may decline to do so; but in that case, he shall furnish to the Registrar in writing his reasons for so refusing. PROVIDED further that if the master be unable to enter the cessation of the engagement, through failure of servant to produce pocket register, he shall report the fact to the Registrar.

Servants to attend at office of Registrar for pocket register entries to be transferred to general registry.

15. EVERY servant shall, within fifteen days after the date of any entry in his Pocket register, attend personally at the office of the Registrar of Servants, for the purpose of having such entry recorded in the general registry.

Servants to exhibit pocket registers to police.

16. IT shall be the duty of every registered servant to produce his pocket register when called upon to do so by the police.

Registered servants entering service in places not brought under Ordinance.

17. EVERY servant registered under the provisions of this Ordinance shall, if he subsequently enter service in any place not under its operation, attend personally at the nearest police station on his entering or leaving such service, and produce his pocket register to the principal officer of police at such station: and the said officer of police shall record such commencement or termination of service, and communicate the same to the Registrar of Servants for the town or district in which such servant was originally registered.

Masters in places not under Ordinance.

18. IT shall be the duty of any employer of domestic servants not resident in any town or district under the operation of this Ordinance, who shall engage or discharge a registered

Domestic Servants.

servant, forthwith to enter the engagement or discharge of such servant in the pocket register, in the manner prescribed in the 13th and 14th sections of this Ordinance, relating to the engagement or discharge of servants in places brought within the operation of this Ordinance.

19. IT shall be lawful to the Registrar to issue duplicate pocket registers to replace the originals, which may have become worn out, or which may have been lost or destroyed.

Duplicate
pocket
registers.

Penalties.

20. THE following penalties are hereby imposed for any of the following acts:—

Penalties.

As respects Officers of the Registration Department.

- (1) Any officer of the Registration Department, carelessly losing or injuring, or allowing to be lost or injured any register book or other document while in his keeping, shall be held to be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.
- (2) Any officer of the Registration Department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding three years, or to a fine not exceeding one thousand rupees or to both.
 - (a) Wilfully destroying or injuring any register book or other document, or wilfully permitting or causing any such book to be destroyed or injured.
 - (b) Falsely making or counterfeiting, or permitting or causing to be falsely made or counterfeited, any part of a register book or document.
 - (c) Wilfully inserting or permitting, or causing to be inserted in any register book, or certified copy thereof, or document, any false entry.
 - (d) Wilfully giving a false certified copy of a register book or document, or permitting or causing such false certified copy to be given.

Registrar
and his
establishment
for carelessly
injuring
documents.

Registrar
and his
establishment
for corruptly
injuring
documents.

Domestic Servants.

- (e) Certifying any writing to be a copy or extract from a servant's register book, knowing the said portion so copied or extracted to be false in any part thereof.

As respects such Officers and others.

Registration officers who take unauthorized fees, and on persons who offer such.

- (3) Any officer of the Registration Department who shall, on any pretext or under any circumstance, directly or indirectly collect or receive, and any person, who shall offer or pay to such officer, any fee, gratuity, allowance or recompense, other than he may be duly authorized to collect or receive, shall be held to be guilty of an offence, and be liable to a fine not exceeding two hundred rupees.

As respects Masters.

Master not fulfilling any duty or obligation imposed on him by this Ordinance.

- (4.) Any master committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding twenty rupees :—
- (a) Failing to furnish to the Registrar, within one month after this Ordinance shall have come into operation in any town or district, the list specified in section 4.
- (b) Failing to transmit to the Registrar a memorandum of the date of a servant quitting his employ, as required by section 7.
- (c) Engaging a servant, after this Ordinance shall have come into operation, who shall fail to produce his pocket register, or whose pocket register shall not record the termination of the last previous service, if any, as provided by section 12.
- (d) Failing to enter in the pocket register the date and capacity in which a servant is engaged, as required by section 13.
- (e) Failing to insert in such pocket register the date of a servant being discharged, and the cause of such discharge, as required by section 14.
- (f) Declining to give his servant a character, and failing to furnish to the Registrar his reasons for so refusing.

Domestic Servants.

- (g.) Engaging or discharging a registered servant in any town or district not under the operation of this Ordinance, without entering such engagement or discharge in the pocket register, as required by section 18.

As respects Servants.

- (5.) Any servant committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding twenty rupees.
- (a.) Failing to attend the Registrar and furnish him with the information required by section 5.
- (b.) Failing to produce his Pocket register when requested to do so.
- (c.) Having been once registered under the provisions of this Ordinance, and yet entering or leaving service thereafter in any place not under the operation of this Ordinance, without having attended at the nearest police station and producing his pocket register, as required by section 17.
- (6.) Any servant who shall give false information on any matter in which he is required by this Ordinance to give information to the Registrar of Servants, or to any other person, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Servants not fulfilling any duty or obligation imposed upon them by this Ordinance.

Servants giving false information.

As respects others.

- (7.) Any person unconnected with the Registration Department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding one year, or a fine not exceeding five hundred rupees, or both.
- (a.) Wilfully destroying or injuring any register book or document, or causing any such book or document to be destroyed or injured.
- (b.) Falsely making or counterfeiting, or causing to be falsely made or counterfeited, any part of a register book or document.

Other persons for injuring registration documents.

Domestic Servants.

- (c.) Wilfully inserting or causing to be inserted in any register book or document, or certified copy thereof, any false entry.
- (d.) Wilfully giving a false certified copy of a register book, or causing such certified copy to be given.

Fees.

Fees.

21. THE following fees shall be levied under this Ordinance ; such fees to be paid by masters or servants, or intending servants, in stamps, to be attached to the pocket register :—

Fee payable by master on causing an existing servant to be registered...	Twenty-five cents.
„ by Master on engaging a new servant ..	„ „
„ by interding servant on provisional registration ..	„ „
„ by intending servant on registration being confirmed ..	„ „
„ by servant for the registration of previous service or antecedents ..	„ „
„ by servant for a duplicate pocket register ..	One rupee.

Appropriation of fines.

22. IT shall be lawful for the court awarding a fine to direct that any sum not exceeding half thereof shall be paid to the informer, and the remainder to a fund which shall be called “The Domestic Servants Registration Fund;” the said fund to be regulated in manner as the Governor, with the advice of the Executive Council, from time to time, shall direct.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-ninth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

Domestic Servants.

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- (5.) Any servant committing any of the following acts shall be held to be guilty of an offence, and be liable to a fine not exceeding twenty rupees.
- (a.) Failing to attend the Registrar and furnish him with the information required by section 5.
- (b.) Failing to produce his Pocket register when requested to do so.
- (c.) Having been once registered under the provisions of this Ordinance, and yet entering or leaving service thereafter in any place not under the operation of this Ordinance, without having attended at the nearest police station and producing his pocket register, as required by section 17.
- (6.) Any servant who shall give false information on any matter in which he is required by this Ordinance to give information to the Registrar of Servants, or to any other person, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for any term not exceeding three months.

Servants not fulfilling any duty or obligation imposed upon them by this Ordinance.

Servants giving false information.

As respects others.

- (7.) Any person unconnected with the Registration Department committing any of the following acts shall be held to be guilty of an offence, and be liable to imprisonment, with or without hard labour, for a period not exceeding one year, or a fine not exceeding five hundred rupees, or both.
- (a.) Wilfully destroying or injuring any register book or document, or causing any such book or document to be destroyed or injured.
- (b.) Falsely making or counterfeiting, or causing to be falsely made or counterfeited, any part of a register book or document.

Other persons for injuring registration documents.

Domestic Servants.

- (c.) Wilfully inserting or causing to be inserted in any register book or document, or certified copy thereof, any false entry.
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„ by interding servant on provisional registration ..	„ „
„ by intending servant on registration being confirmed ..	„ „
„ by servant for the registration of previous service or antecedents ..	„ „
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Passed in Council, the Twenty-ninth day of December, One thousand Eight hundred and Seventy-one.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-ninth day of December, One thousand Eight hundred and Seventy-one, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

ORDINANCES OF 1872.

ORDINANCES OF 1821

*Supplementary Supply. Railway Loan.***No. 1.***An Ordinance for making final provision for the
Supplementary Contingent Charges
for the year 1871.*

30th October, 1872.

No. 2.*An Ordinance relating to the Loan for the extension
of the Railway from Peradeniya
to Nawalapitiya.*

WHEREAS it is expedient to reduce the sum which the Governor is authorized to borrow by the Ordinance No. 4 of 1871 for the purposes of the extension of the railway from Peradeniya to Nawalapitiya, and otherwise to alter the provisions of the said Ordinance: **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THE Ordinance No. 4 of 1871, entitled "An Ordinance for raising £150,000 on debentures for the extension of the Railway from Peradeniya to Nawalapitiya," is hereby repealed.

Ordinance No. 4 of 1871 repealed.

2. IT shall be lawful for the Governor, in addition to the money already borrowed on debentures under the provisions of Ordinances Nos. 19 of 1862 and 7 of 1864, to borrow, upon debentures to be issued by the Government, an additional sum not exceeding Rs. 750,000, for the purchase of such lands, materials, and other things, and for the construction of such works as may be required for and in connection with the said extension.

Loan to be raised.

3. EACH debenture shall be for a sum of not less than 1,000 rupees, and shall bear interest at a rate not exceeding five per cent. per annum, payable half-yearly, and shall be signed on behalf of the Government of Ceylon by the Treasurer of the Island for the time being, or by such other public officer or officers as may be appointed by the Governor for the purpose; and public notice in the *Ceylon Government Gazette* of such appointment shall be held sufficient evidence thereof.

Debentures, Interest.

4. TO each debenture shall be attached coupons, for the payment of the half-yearly interest, entitling the bearer to the interest represented thereby.

Coupons.

o

Railway Loan. Kandy Criminal Sessions.

Particulars touching the loan, and payment may be given in the debentures and coupons.

5. PARTICULARS may also be given in each debenture, if it be deemed necessary to do so, touching the total amount authorized by the Ordinance to be raised, the amount of each separate instalment raised, the number and value of the several bonds comprised in each issue, and such other matters connected with the loan and payment thereof as the Governor, with the advice of the Executive Council, may deem it expedient to furnish in such debentures.

Security.

6. AS a security for the repayment of the said loan, the general revenues of the Colony are hereby pledged and especially affected, without prejudice to any pledge over the same already created by existing Ordinances.

Governor authorized to pay annually from general revenue the interest due on loan, and from 1875 annual instalments of Rs. 150,000 on account of principal.
Application of money borrowed.

7. THE Governor of Ceylon shall be authorized to pay out of the general revenues of this Colony the interest due on the said loan as the same shall become due; and to pay from the revenue of the year 1875, and of each succeeding year, annual instalments of one hundred and fifty thousand rupees in payment of the principal sum borrowed, until the whole of the loan shall have been repaid.

8. THE money borrowed under the authority of this Ordinance shall be applied exclusively to the purposes of the said railway extension.

Receipts from extension to be carried to general revenue.

9. ALL receipts from the said extension of the line of railway shall be carried to the account of the general revenue of the Island.

Passed in Council, the Sixth day of November, One thousand Eight hundred and Seventy-two,

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twelfth day of November, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 3.*An Ordinance relating to the Kandy Criminal Sessions.*

Preamble.

WHEREAS it is expedient to reduce the number of the ordinary criminal sessions of the Supreme Court: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Two criminal sessions only at Kandy, and not three.

1. SUBJECT to the provisos in the §3rd section of "*The Administration of Justice Ordinance, 1868*," the number of the ordinary criminal sessions of the Supreme Court for the Midland

Kandy Criminal Sessions. Surplus Revenues.

Circuit to be held, at Kandy, shall be henceforward two, at the least, and not three as directed by the said section; and such two sessions shall commence at Kandy on the Fifteenth day of February and the Fifteenth day of August of every year.

2. THIS Ordinance and "*The Administration of Justice Ordinance, 1868*," shall be read as one Ordinance.

This Ordinance and Ordinance No. 11 of 1868 to be deemed one.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twelfth day of November, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 4.

An Ordinance to apply a portion of Surplus Revenues to the Extension of Railway Communication.

WHEREAS it is expedient to apply a portion of the funds which have accrued from the surplus revenues of past years to the extension of the line of railway from Pérádeniya to Náwalapitiya: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. A SUM not exceeding three hundred and ninety thousand rupees out of the said surplus revenues shall be issued and applied to the extension of the line of railway from Pérádeniya to Náwalapitiya.

Rs. 390,000 to be spent from surplus revenues for railway extension.

2. THE Treasurer of the said Island shall issue and pay the said sum to such persons, 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 payable out of the said surplus revenues of the said Island.

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

3. THE said 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 said

And to receive credit in his accounts for the payments made in pursuance thereof.

Surplus Revenues. Nawalapitiya Railway.

Treasurer, in passing his said accounts, for any such sum or sums as shall be therein-mentioned, and he shall and may receive credit for the same accordingly.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of November, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 5.

An Ordinance to extend the provisions of the Ordinance No. 10 of 1865 to the Railway from Peradeniya to Nawalapitiya.

Preamble.

WHEREAS it is expedient to extend the provisions of the Ordinance No. 10 of 1865, entitled "*An Ordinance relating to the Ceylon Railway*," to the line now under construction from Pérádeniya to Náwalapitiya: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

On said line, or portion thereof, being declared open by Proclamation, the Ordinance to apply thereto.

1. IT shall be lawful for the Governor to issue one or more Proclamations declaring the line of railway now under construction as aforesaid, or any portion thereof, to be open for public traffic from a day to be named in such Proclamation. From the day so named the provisions of the said Ordinance, or of any clause or clauses thereof specified in such Proclamation, and the rules framed and established thereunder and in force at the time, shall apply to the said line or portion thereof so declared open, as if such line or portion was expressly named in such Ordinance.

This Ordinance and Ordinance No. 10 of 1865 to be deemed one.

2. **THIS** Ordinance and the said Ordinance No. 10 of 1865 shall be read as one Ordinance.

Passed in Council, the Fourth day of December, One thousand Eight hundred and Seventy-two.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Seventh day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Game.***No. 6.***An Ordinance to prevent the wasteful destruction of Buffaloes and Game throughout the Island.*

WHEREAS much wasteful destruction of buffaloes and game takes place throughout the Island, whereby the supply of food for the people is diminished, and it is expedient to prevent the same: **IT IS ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. **THIS** Ordinance shall come into operation at the date of the passing thereof.

Commencement of Ordinance.

2. **THE** word "game" shall, for all the purposes of this Ordinance, be deemed to mean deer and elk.

Interpretation clause "game."

3. **IT** shall be lawful for the Government Agent of any province to declare, by notification in the *Government Gazette*, and by beat of tom-tom and by such other means as shall give due publicity thereto, what shall be deemed the close season in such province, or in certain districts thereof, for a period not exceeding five months during the year. **It** shall not be lawful for any person to kill game within the province or districts during the period so declared close.

Government Agent to declare the close season in his province, or certain districts thereof.

Game shall not be killed during close season.

4. **IT** shall be lawful for the Government Agent of any province to prohibit, by notification as hereinbefore provided, all killing of game within any Crown forest within his province which may be specially reserved for the preservation of timber.

Government agent may prohibit killing of game in Crown forests.

5. **NO** person shall kill game out of the division of the koralé vidana arachchi or Uдайay in which he resides without taking out an annual license empowering him to do so, and no person shall kill buffaloes, whether within or without his district, without taking out a special license for that purpose. **It** shall be lawful for the Government Agent of any province to grant such licenses on such conditions as shall be therein imposed, or to refuse the same, or to revoke the same after they shall have been once granted, as to him shall seem fit. **PROVIDED** that any person to whom a license may be refused, or whose license may be revoked, shall be at liberty to apply to the Governor for redress; and it shall be competent to the Governor to make such order on the application as to him shall seem fit.

No person can kill game without annual license; Or buffaloes without special license. Government Agent may grant or refuse or revoke license. Appeal to Governor, if license refused or revoked.

6. **THE** application for a license to kill game or buffaloes must be in writing. The license shall bear a stamp,—in the case of an annual license to kill game, of ten rupees, and in the case of a special license for killing buffaloes, at the rate of five rupees per month, or for any period less than one month. The annual license to kill game shall have force till the last day of the year in which the same shall be issued, and the special license to kill buffaloes for the time mentioned in such license.

Application for killing must be in writing and stamp.

Duration of license.

Game.

License not transferable.

7. THE licenses to be granted as aforesaid shall not be transferable.

Killing of game in close season and battue or driving game prohibited.

8. NOTHING in the said licenses contained shall be held to allow killing of game in the close season, or battue or driving of game, which is hereby expressly prohibited.

Rules may be made on subject of killing game or buffaloes under "Village Communities' Ordinance"; and if so made, they shall be binding within such division.

9. IT shall be lawful for the inhabitants of any sub-division of any chief headman's division, or part thereof, brought within the operation of "*The Village Communities' Ordinance, 1871*," to make rules for regulating the killing of game and buffaloes within such division, and all matters connected therewith. PROVIDED that such rules are not inconsistent with the provisions made in this Ordinance, which prohibit the killing of game in the close season, or in Crown forests specially reserved.

Governor to make regulations respecting the killing of game and buffaloes. Proviso.

10. IT shall be lawful for the Governor, with the advice of the Executive Council, to make regulations respecting the killing of game and buffaloes, and all licenses issued under this Ordinance shall be subject to such regulations, and any breach thereof shall be punishable as a breach of such license. PROVIDED that such regulations shall not be inconsistent with the provisions of this Ordinance.

Penalties.

11. THE following penalties are imposed for the following acts :—

- (1) Any person who shall kill game within any province or district in respect of which the close season shall have been declared, and during the period so declared close, shall be liable to a fine of fifty rupees.
- (2) Any person who shall kill game within any Crown forest specially reserved for the preservation of timber, and in which the killing of game has been prohibited under section 4, shall be liable to a fine not less than fifty rupees.
- (3) Any person who shall, unless empowered by rules duly made under section 9, kill game or buffalo without a license, or after the time for which the license shall be in force, or contrary to the tenor of such license, shall be liable, in the case of killing game, to a fine of fifty rupees,—and, in the case of killing buffalo, to a fine of one hundred rupees.
- (4) Any person who shall transfer his license, and any person who shall accept a transferred license, shall each be liable to a fine of fifty rupees.
- (5) Any person who shall, unless empowered by rules duly made under section 9, be engaged in battue and driving, shall be liable to a fine of fifty rupees.

Game. New Edition of Enactments.

- (6) Any person in whose possession shall be found during the period which shall have been declared close in the district, any meat of game which he shall not be able to account for satisfactorily, shall be liable to a fine not exceeding fifty rupees.

And such fines shall be recoverable in any Police Court having jurisdiction territorially over the district in which the act is committed, and such Police Court is hereby empowered to take cognizance of cases instituted to recover such fines, and to deal with the same, anything in any former law to the contrary notwithstanding.

Fines recoverable in Police Courts.

12. IT shall be lawful for any court to award to the informer any sum not exceeding a moiety of the fine actually recovered and realized.

Informer's share.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Nineteenth day of December, One thousand Eight hundred and Seventy-two, and published by his Order.

HENRY T. IRVING,
Colonial Secretary.

No. 7.

An Ordinance relating to the new Edition of the Enactments in force in this Colony.

WHEREAS it is expedient to make further provision relating to the new edition of the enactments in force in this Colony: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THE fourth section of the Ordinance No. 6 of 1867, entitled "*An Ordinance for compiling a new Edition of the Enactments in force in this Colony*," is hereby repealed, and, instead thereof, it is enacted that every copy of the said edition shall be stamped with the seal of this Colony, and the copies so stamped shall, in all courts and upon all occasions whatsoever, be taken, deemed, and held to be *primâ facie* evidence that they contain the only lawful Proclamations, Regulations, Ordinances and Charters in force therein from the date of the first and up to the date of the last enactment inserted therein. PROVIDED ALWAYS, that

Section 4 in Ordinance No. 6 of 1867 repealed, and other provision made instead thereof.

*New Edition of Enactments.**Civil Establishments.*

nothing in this Ordinance contained shall apply to any operation already affected by, or act done under, any Proclamation, Regulation, Ordinance and Charter omitted in the said copies, or of any right, title, obligation, or liability acquired or accrued under any such Proclamation, Regulation, Ordinance or Charter.

Meaning of
"Proclama-
tions" in No. 4
of 1867.

2. THE "Proclamations" referred to in the said Ordinance shall be deemed to include the Proclamations issued by the Government before the year One thousand Eight hundred and thirty-four, and not any issued since.

This Ordinance
and Ordinances
6 of 1867 and
5 of 1869 to be
deemed one.

3. THIS Ordinance and the Ordinances No. 6 of 1867 and No. 5 of 1869 shall be read as one Ordinance.

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

JAMES SWAN,
Clerk to the Council,

Assented to by His Excellency the Governor, the Nineteenth day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 8.

*An Ordinance for amending the Ordinance
No. 1 of 1870.*

WHEREAS it is expedient to amend, in certain respects, the Ordinance No. 1 of 1870, entitled "*An Ordinance relating to the Fixed Civil Establishments of the Colony*:" IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

1. THE said Ordinance and the schedule thereunto annexed so far as they relate to the officers included in the schedule hereunto annexed, shall be, and the same are hereby repealed.

2. THE Governor is hereby authorized and empowered to issue from year to year his warrant for the payment of the several yearly salaries and allowances as appropriated in the schedule hereunto annexed.

3. THE Governor is also hereby authorized and empowered to issue his warrant for the payment of the several pensions, retired allowances, and gratuities, which have been already granted or which may hereafter be granted, in conformity with the provisions contained in the Minutes of Government relating thereto, now in force, or which may hereafter be made and issued.

4. THIS Ordinance shall come into operation on the first day of January, One thousand Eight hundred and Seventy-three.

Civil Establishments.

SCHEDULE.

I.—Civil.	Fixed Establishment.		Total.	
	Rs.	Cts.	Rs.	Cts.
SECRETARIAT.				
Twelve Writers at 3,000 rupees each		36000	0
AUDIT OFFICE.				
Assistant Auditor-General		4000	0
CUSTOMS DEPARTMENT.				
Assistant Collector and Landing Surveyor, Trincomalee		4000	0
II.—Judicial.			44000	0
COURTS OF REQUESTS AND POLICE COURTS.				
Commissioner of the Court of Requests and Police Magistrate, Avisawella and Pasyala ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Balapitimodara ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Galagedara ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Haldummulla ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Kayts ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Kalpitiya and Puttalam ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Matara ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Panadure ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Panwila and Urugala ...	4000	0		
Commissioner of the Court of Requests and Police Magistrate, Point Pedro and Chava- kachcheri	4000	0		
			40000	0
	Rs...		84000	0

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

P

*Powers to Commissioners.***No. 9.**

An Ordinance to empower Commissioners appointed by the Governor to inquire into any matter referred to them for enquiry, to hear evidence thereon.

Preamble.

WHEREAS it is frequently necessary for the Governor to issue Commissions appointing one or more persons named therein to inquire into and report upon any matter upon which information, in the opinion of the Governor, is necessary, and it is expedient that Commissioners so appointed should have the power to hear evidence with a view to such enquiry and report: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Commissioners so appointed may issue summons to any person named therein to appear before them and to produce documents.

1. **WHENEVER** the Governor, with the advice of the Executive Council, shall issue a Commission under the seal of this Island, appointing one or more persons to inquire into and report upon any matter stated in such Commission upon which information is in his opinion necessary, it shall be lawful for the Commissioners so appointed, by a summons under the hand of their chairman, or, if there be only one Commissioner, of such Commissioner, to require the attendance before them, at a time and place to be mentioned in the summons, of any person whose evidence shall, in the judgment of the Commissioners, be material to the subject matter of the enquiry referred to them, and to require all persons to bring before them such books, papers, deeds, and writings as to the said Commissioners shall appear necessary for arriving at the truth touching such subject matter.

Commissioners to have all the powers of District Courts as respects persons failing to appear, or to be sworn, or to answer questions, or to produce documents.

2. **IF** any person upon whom any such summons shall be served by the delivery thereof or by the same being left at his usual place of abode, shall, without reasonable cause, of which the Commissioners shall be the judges, fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn, or shall not make answer to such questions as shall be put to him touching the matters which the Commissioners are directed to inquire into, and which he is legally bound to make, or shall refuse or fail, without reasonable cause, of which the Commissioners shall be the judges to produce and shew to the said Commissioners any such papers, books, deeds or writings, being in his possession or under his control, as to the said Commissioners shall appear necessary for arriving at the truth of the things which they are directed to inquire into, the Commissioners shall have the same powers touching any such person so failing to appear, or refusing to be sworn, or not answering such questions as shall be put to him, or refusing to produce any such papers, books, deeds or writings as aforesaid, as any District Court may by law exercise against any person for making default of

*Powers to Commissioners.**Village Communities.*

appearance, or for refusing to be sworn or to give evidence, or to produce documents at the trial of any action depending in such Court. PROVIDED however that it shall not be lawful for such Commissioners to exercise any of the said powers without first reporting to the Governor the case which renders, in their opinion, the exercise of them, or any of them, necessary, with full particulars, and obtaining the sanction of the Governor with the advice of the Executive Council.

3. THE Commissioners so appointed are hereby empowered to administer oaths to all persons who shall be examined before them, and every person who, upon examination upon oath before the said Commissioners, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

Commissioners
empowered to
administer oath.

False swearing
before them
made perjury.

4. NO stamp duty shall attach to or be payable for any process issued by the Commissioners under the provisions of this Ordinance; nor shall it be necessary to attach schedules to processes issued to the Fiscal under such provisions. Fiscals shall be bound to serve and execute all lawful processes and commands issued by the said Commissioners.

Processes issued
by Commission-
ers exempt from
stamp and
schedule duty.
Fiscals bound to
execute
processes and
commands of
Commissioners.

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

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,

Colonial Secretary.

No. 10.

An Ordinance to empower Police Courts to try breaches of Rules made by Village Communities.

WHEREAS it is expedient to empower Police Courts to try breaches of rules made under the provisions of "The Village Communities' Ordinance, 1871," where no village tribunals exist to try the same; IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. WHERE any chief headman's division, or part thereof, is brought within the provisions of *The Village Communities' Ordinance, 1871*, and rules are made by the inhabitants of any sub-division, as is therein provided, but no village tribunal is established, it shall be competent for Police Courts, having jurisdiction otherwise over such division or part thereof, to try breaches

Police Courts
may try
breaches of
rules made
under Village
Communities'
Ordinance,

*Village Communities.**Municipal Taxation.*

where no
village tri-
bunals exist.

of the rules made triable by the said Ordinance by such village tribunals, and to impose such punishment as the said rules prescribe.

This Ordinance
and Ordinance
No. 26 of 1871 to
be deemed as one.

2. THIS Ordinance and the said *Village Communities' Ordinance, 1871*, shall be read as one Ordinance.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 11.

An Ordinance to empower Municipal Councils to increase the Tax on Carts and Hackeries, and to impose a Tax on Dogs.

Preamble.

WHEREAS it is expedient to empower Municipal Councils established under *The Municipal Councils Ordinance, 1865*, to raise the tax on carts and hackeries, and to impose a tax on dogs : IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Maximum of
tax on carts
and hackeries
made four
rupees.

1. THE maximum of the yearly tax which Municipal Councils are authorized and empowered to levy on carts and hackeries with the sanction of the Governor and Executive Council, by section 55 of the said Ordinance, is hereby made four rupees, anything in the said section to the contrary notwithstanding.

Municipal
Councils em-
powered to levy
yearly tax on
dogs.

2. IT shall be lawful for any Municipal Council, and it is hereby authorized and empowered, with the sanction of the Governor and Executive Council, to levy an annual tax on each dog kept within the Municipality not exceeding one rupee and fifty cents, and to make such bye-laws as shall be necessary for collecting and levying the same ; and such tax shall be payable in such proportions and at such times as the Council shall direct, and shall be assessed and levied as by any bye-law provided.

Municipal Taxation. Tolls. Supplementary Supply.

3. THIS Ordinance and *The Municipal Councils' Ordinance*, 1865, shall be read as one Ordinance.

This and
Municipal
Councils'
Ordinance to be
deemed one.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 12.

An Ordinance to establish further Tolls.

WHEREAS it is expedient to establish the tolls hereinafter specified, IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

1. FROM and after the passing of this Ordinance further tolls shall be established on and in respect of the following roads:

Southern Province.—Matara District.

On the road from Matara to Akuressa.

On the road from Akuressa, beyond the junction of the minor road.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 13.

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1872.

24th December, 1872.

*Medical Wants of Coffee Districts.***No. 14.***An Ordinance to provide for the Medical Wants of the Coffee Districts.*

Preamble.

WHEREAS it is expedient to make provision for the medical wants of the coffee districts in this Island, IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement of Ordinance.

1. THIS Ordinance shall come into operation at the date of the passing thereof.

Interpretation clause.

2. THE following expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction.

District.

"District" shall include an entire district or a part thereof.

Committee.

"Committee" shall mean any Committee appointed for any district brought within the operation of this Ordinance.

Medical officer.

"Medical Officer" shall mean the medical officer employed for any such district.

Superintendent of estate.

"Superintendent" shall mean the person in the immediate charge of any estate in such district.

Estate.

"Estate" shall mean any coffee estate in such district, over ten acres in extent. PROVIDED that it shall also include estates or portions of estates cultivated with tea and cinchona.

Governor, with advice of Executive Council, may bring any district within operation of this Ordinance.

3. IT shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be by him issued and published in the *Government Gazette*, to declare, from time to time, as he may think desirable, that any district shall be brought, from a time to be named therein, within the operation of this Ordinance, and for that purpose to define the limits of such district, and from time to time, if need be, to alter such limits and determine upon others instead. On such Proclamation being issued, the said district shall be brought within the operation of this Ordinance, and shall become liable to the provisions thereof, and the coffee estates situate therein shall be liable to assessment, to be made as hereinafter provided, for the purpose of providing for the medical wants of the district, and such assessment when made shall be a charge upon such estates and the proprietors thereof.

Government Agent shall then summon a meeting of

4. ON any district being brought within the operation of this Ordinance, the Government Agent of the province to which such district shall belong, or, if the district fall within two provinces,

Medical Wants of Coffee Districts.

the Government Agent of either province, as the Governor shall direct, shall call a meeting of the proprietors of estates within such district, to consider the arrangements to be made to supply the medical wants of the district, and to elect a district medical committee to make those arrangements, and to exercise the powers and perform the duties imposed upon such committees by this Ordinance. And it shall be the duty of such Government Agent to publish notice of such meeting in three consecutive numbers of the *Government Gazette*.

the proprietors
of estates.

Notice of
meeting to be
published in
"Gazette."

5. EXCEPT as is herein excepted, every meeting so convened shall be held at the time and place appointed, and it shall be lawful for the proprietors, or their representatives by proxy in writing, present thereat, to determine the number not exceeding seven, of which the district committee shall consist, and the qualifications of the members of such committee, and also to elect the persons to act as such members. The Government Agent if present, or if he be absent such proprietor as the meeting shall elect, shall act as chairman for such meeting, and it shall be lawful for the meeting, if need be, to adjourn to any other time and place. All questions or resolutions shall be determined by a majority of votes of the proprietors, or their representatives as aforesaid, such majority not being less than one-eighth of the whole number of the proprietors in the district. In case of equality of votes, the Chairman shall have a casting vote. In case any question shall arise at the meeting as to the right of any person to vote, it shall be the duty of the chairman to decide the same, and his decision shall be final and conclusive. The chairman shall keep minutes of the meetings held under this Ordinance, which shall be filed and preserved in the Kacheheri of the province, and he shall transmit to the Government Agent for publication in the *Government Gazette*, the names of the persons elected to serve as members of the committee, and such publication shall be evidence of their appointment, of which all persons concerned shall thenceforward take notice.

Meeting to
elect District
Committee.

Chairman.

Majority shall
decide.

Chairman to
decide disputed
questions at
meeting.

6. THE persons elected to act as members of the committee shall hold office for two years, unless they or any of them are re-elected at the end of the term. It shall however be lawful for the proprietors of any district, with the sanction of the Governor, but not otherwise, to remove any member from the committee. And in case of such removal, or in case of any member resigning, dying, leaving the Island, or becoming incapable to act, the proprietors may elect another member in his place for the remainder of the term for which the original member was elected. It shall further be lawful for the proprietors from time to time, with the like sanction, to add to the number of a Committee, (subject however to the limitation prescribed in the preceding section,) and to elect additional members accordingly. Provided that such election, removal, or addition shall take place at and by public

Term of office.

Removal of
any member
once appointed,
and filling up
of vacancies.

Medical Wants of Coffee Districts.

meetings to be convened, held, and regulated, as near as may be in the manner herein provided for as respects the original meeting.

District
Committee to
make rules.

7. IT shall be lawful for any committee to make, subject to provisions hereinafter contained, such rules as they may deem expedient for any of the following purposes :—

- (1) For regulating the time and place for its own meetings, and the order to be observed thereat, and to fix the quorum.
- (2) For making the necessary arrangements to provide for the medical requirements of the district.
- (3) For determining the assessment to be made upon all estates in cultivation in the district, and furnishing the Kacheheri of the district with the assessment roll.

Rules how to
be made valid.

8. THE rules so prepared by any committee shall be forthwith transmitted to the Governor, for the approval or disallowance thereof of the said Governor, by and with the advice of the Executive Council, and in case such rules shall be approved, they shall be published in the *Government Gazette*, and shall thereupon become as valid, legal, and effectual, as if the same had been inserted herein. PROVIDED that nothing contained in such rules shall be repugnant to or inconsistent with the true intent and meaning of the provisions of this Ordinance.

Rules may be
added to,
amended, or
repealed.

9. IT shall be lawful for any committee, from time to time, to add to, amend, or repeal, the existing rules, provided that the said additions, amendments, or repealing provisions, as the case may be, shall be in all respects dealt with and decided upon in the same manner as is herein directed and provided with respect to the original rules.

Rules to be
binding upon
all, and judicial
notice to be
taken thereof.

10. SUCH rules, when published in the *Gazette*, shall be binding upon and observed by all parties subject to their operation, and all courts, judges, and magistrates shall take judicial notice thereof.

When Govern-
ment may make
arrangements
to supply the
medical wants
of a district.

11. IF the proprietors of estates in any district refuse or omit to elect a committee for the district at the meeting convened for that purpose, as hereinbefore provided, or if the committee, when elected, shall fail to make rules which are approved by the Governor, with the advice of the Executive Council, or if the arrangements of such committee to provide for the medical wants of the district shall appear to the Governor and Executive Council insufficient or unsuitable, it shall be lawful for the Governor, with the advice of the Executive Council, to make such arrangements, as to him shall seem necessary for the medical wants of such district, and to impose an assessment on all estates situate therein to defray the cost of such arrangements; and such assessment, so

Medical Wants of Coffee Districts.

made, shall be a charge upon such estates and the proprietors thereof. PROVIDED however that such assessment so to be made by the Government shall not exceed one rupee per acre in cultivation.

12. WHEN the estates in any district shall be assessed, the assessment roll shall be forwarded by the Committee to the Kachchéri of the province, and it shall be the duty of the Government Agent to cause written notice to be served upon the proprietor of each estate of the sum for which such estate is assessed, and requiring him to pay such sum to the Kachchéri named therein at such time or times as shall be specified in such notice. If the proprietor be not known, or be absent from the Colony, the notice may be issued to the superintendent, and if there be no superintendent the notice shall be affixed to some conspicuous part of the estate.

Notice of
assessment to
be served on
each proprietor.

Mode of service.

13. IF any proprietor shall neglect or refuse to pay the sum for which his estate shall have been assessed at the time or times specified in such notice, it shall be lawful for the Government Agent of the province, or any person authorized by him, to seize, once or oftener, all the crops, live-stock and implements found on such estate, or any other article or thing whatsoever belonging to the proprietor, until the full amount due by such estate shall be recovered. IF there be no crop, live-stock, and implements on such estate, or any other article or thing belonging to the proprietor as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such Government Agent, or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and 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 from the date of seizure: perishable property, however, may be sold within ten days from the date of such seizure.

Recovery of
sum assessed if
proprietor shall
fail to pay.

14. ANY movable property so seized, as aforesaid, may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit; and in case of the seizure of immovable property or 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.

Removal of
property seized
for safe custody.

Or, keeping a
person in
charge.

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

Costs and
charges of
seizure and sale.

- (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.

Medical Wants of Coffee Districts.

- (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 detention,—a charge not exceeding five cents per day.
- (4) For keeping a person in possession, or if the goods seized are not removed,—a charge not exceeding fifty cents per day.
- (5) For the expenses of sale, where any takes place,—a charge not exceeding two and-a-half per centum on the net produce of the sale.

Buildings may be broken open for purposes of seizure.

16. IT shall be lawful for the Government Agent, or any 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.

Return of over-plus to owner.

17. 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 section 15, restore the overplus arising from such sale, if any there be, to the owner of the property sold.

Certificate of sale.

18. IF land or other immovable property be sold for non-payment of the assessment, a certificate, substantially in form A. in the schedule hereto, signed by the Government Agent, shall be sufficient to vest the property in the purchaser, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Medical officers, appointment and tenure of office.

Remuneration.

19. THE medical officers for any district shall be appointed by the Governor, and shall hold office during pleasure. It shall be lawful for the Governor, with the advice of the Executive Council, to pay such medical officer such sum as the district committee shall fix in the exercise of the power conferred upon them by section 7 to make the necessary arrangements to provide for the medical wants of the district. If no sum shall be fixed by such committee, it shall be lawful for the Governor to pay such reasonable remuneration as he shall deem fit, and the sum so paid shall be paid from the General Treasury, and shall form a charge against the sum recovered as assessment from the district.

Medical officers to perform duties subject to orders of Government and to rules made by district committees.

20. THE medical officers so appointed shall perform their duties subject to the orders of Government, and to the rules which shall be duly made and published as aforesaid by any district committee.

Medical Wants of Coffee Districts.

21. THE following duties are hereby imposed on superintendents of estates brought within the operation of this Ordinance:—

Duties imposed on superintendents of estates.

- (1) They shall, at all hours, allow the medical officers appointed for any district access to the coolie lines.
- (2) They shall set apart, on being required so to do by the Government, and within one month after being so required, one or more rooms on each estate for the use of sick coolies, in such places and of such size and description as the Government shall prescribe.
- (3) They shall, on the requisition, to that effect of the medical officer of the district, remove patients at the expense of the proprietors of the estates to the central hospital named in such requisition.
- (4) They shall keep such hospital registers, and make such returns of sick coolies, and of the births and deaths in each, and of such further particulars as the Governor, with the advice of the Executive Council shall, from time to time, prescribe.
- (5) They shall be bound to inform the medical officer, within 48 hours, of every birth and death on the estate,

22. WHERE any woman employed on an estate shall have been confined, she shall not be allowed to perform work until she is reported fit to work by the medical officer, but she shall be entitled to receive lodging and food, as well as medical care, for any period not exceeding one month.

Women after childbirth not to work till reported fit; but to receive lodging, food, and medical care.

23. ANY superintendent who shall be convicted of the following acts of commission or omission shall be liable for each offence to a fine not exceeding fifty rupees:—

Penalty on Superintendents of estates.

- (1) For not allowing the medical officer appointed to any district access to the coolie lines.
- (2) For each week that he may neglect to provide rooms for sick coolies, as herein provided, after the expiration of a month after he shall have been required to provide such rooms.
- (3) For each day that he may neglect or refuse, without reasonable cause, to send a patient to the central hospital, on being required to do so by the medical officer.
- (4) For neglecting to keep such hospital register and make such returns as the Governor, with the advice of the Executive Council shall, from time to time, prescribe.
- (5) For neglecting to report within forty-eight hours to the medical officer every birth and death on the estate.

*Medical Wants of Coffee Districts.**Lunacy.*

- (6) For allowing a woman after her confinement to work before she is certified to be fit for work by the medical officer.

SCHEDULE.

A

Section 18.

Whereas of was in default in the payment of the moneys due by him for assessment under the Ordinance No. of and became liable in the sum of rupees inclusive of costs and charges, and made default in the payment thereof, and whereas in conformity with the said Ordinance his property was seized and (on the day of) sold, and the same was purchased by for the sum of rupees which has been duly paid by the said

Now, know ye that I, (Government Agent) by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property, to wit: (*here describe the property accurately*) has been sold and purchased by of for the sum of 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, for ever.

Given under my hand at this day of

Passed in Council, the Thirtieth day of December, One thousand Eight hundred and Seventy-two.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirty-first day of December, One thousand Eight hundred and Seventy-two, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

No. 1.—1873.

*An Ordinance relating to the care and custody of
Persons of unsound mind and their Estates.*

Preamble.

WHEREAS it is expedient to make further and better provision 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:—

Commencement of Ordinance.

I. THIS Ordinance shall come into operation at the date of the passing thereof.

Lunacy.

2. THIS Ordinance may be cited as "*The Lunacy Ordinance, 1873.*" Short title.

3. THE Ordinance No. 11 of 1840, entitled "*An Ordinance to amend the Law relative to the establishment of Lunatic Asylums, and to make further general provisions for the proper care and custody of insane persons,*" and section 3 of the Rules and Orders for regulating the form of proceedings in District Courts, headed "*Jurisdiction over Idiots and Lunatics,*" are hereby repealed. PROVIDED that such repeal shall not affect acts and proceedings which shall have been already performed, or commenced, under the said Ordinance or Rules and Orders. Repeal of Ord. 11 of 1840, and section 3 of Rules and Orders relative to jurisdiction over idiots and lunatics. Proviso.

4. FOR the purposes of this Ordinance—

- (1) Every person shall be deemed to be of unsound mind who is so far deranged in mind as to render it necessary that he, either for his own sake or that of the public, should be placed under control; and Meaning of "unsound mind" and qualification of Medical Practitioner.
- (2) No one shall be deemed a medical practitioner except such as shall have received a collegiate medical education, or shall hold a certificate of competency from the Principal Civil Medical Officer.

5. ANY officer of the police force, or headman, or any private person having reason to believe that a person is of unsound mind, may apply in writing to the District Court having jurisdiction over the place in which such person so suspected is found, that his state of mind be enquired into. An application by a private person should be accompanied by a certificate from a medical practitioner that the person so suspected has been under his observation, and that he believes him to be of unsound mind. Any officer of Police or Headman, or private person, may apply for enquiry into the state of mind of a person suspected to be of unsound mind. Application of private person should be supported by certificate from medical practitioner.

6. THE District Court shall thereupon, with as little delay as possible, cause such person so suspected to be of unsound mind (hereafter called suspected person) to be brought before it, and, either then, or at some other day for which the Court may see reason to adjourn the enquiry, proceed to view and examine the said person and, if need be, to hear evidence, to enable it to determine as to the state of mind of the said person. If upon such view and examination, or other proof, the District Court shall be satisfied that such person is or is not of unsound mind, it shall adjudicate accordingly. Provided that it shall be lawful for the Court, should it deem it necessary to subject the suspected person to further observation, to remand the suspected person once or oftener for such reasonable time as shall be specified in the order of remand to the custody of the Fiscal. And provided further that it shall be the duty of the Court so to remand such person in all cases where the Court considers that the said person Proceedings thereupon by the District Court.

Further observation.

Lunacy.

Places of
remand for
further
observation.

Appointment
of guardians,
if need be.

is of sound mind but two medical practitioners certify to the contrary. At the expiration of the time fixed for the remand the Court shall hear evidence and find the said person of sound or of unsound mind as to it shall seem fit, and shall accordingly either discharge him or direct his further detention, as in section 8 provided. All persons so remanded shall be kept in such place as the Governor shall appoint, and shall be subject to the inspection of such persons as the Governor shall nominate.

7. ON a person being adjudicated to be of unsound mind, the District Court shall, if need be, proceed to appoint fit and proper guardians of his person and estate, combining the two offices in the same person, or separating them, as shall appear most advantageous to the interests as well of such person adjudged to be of unsound mind as of all other parties concerned; and taking such security from them for the due execution of their respective trusts as the Court shall see fit. And the said District Court may make such orders for the maintenance of such person and the proper management of his estate, and for calling the guardians to account, and for charging them with any balance which may be due to any such person as aforesaid, or to his estate, and for enforcing the payment thereof, and for the removal, if necessary, of such guardians and the appointment of others in their place, and for such other purposes as the exigencies of the case shall seem to require.

If no relative
or friend will
undertake
custody of
such person,
he shall be
sent to the
lunatic
asylum.

Proviso.

8. IF any fit relative or friend is prepared to undertake to enter into sufficient security for the proper custody, care, and maintenance of the person adjudged to be of unsound mind, it shall be lawful for the Court to order that the person so adjudged should be placed in his charge and under his control. But if no fit relative or friend will undertake as aforesaid, the District Court shall order that such person be kept in custody until the Governor's pleasure shall be known; whereupon the Governor may issue his warrant to order the removal of such person to a lunatic asylum, and may give such further order for the safe custody of such person in such place or manner as to the Governor shall seem fit. PROVIDED that it shall be lawful for any relative or friend who shall have undertaken to enter into security as aforesaid, or who shall have entered into such security, to surrender such person to the Court, whereupon it shall be the duty of the Court to order that such person be kept in custody until the Governor's pleasure shall be known. Until the Governor's warrant shall be received it shall be the duty of the Fiscal to detain such person in the place appointed by the Governor for the reception of persons under remand for further observation.

Governor may,
on petition of
relatives,
admit such

9. IT shall be lawful for the Governor upon any petition being presented by any guardian or relative or friend of any person of unsound mind, requesting that such person may be admitted into

Lunacy.

a lunatic asylum, and offering to enter into security for the expenses of his care and maintenance, to issue his warrant to the superintendent of such lunatic asylum to direct that such person shall, on being brought to such lunatic asylum, be examined by two medical practitioners named in such warrant, and upon their granting a certificate of such person being of unsound mind, that he shall be thereupon admitted into the lunatic asylum, to be therein taken care of and maintained until his recovery, or until application be made for his discharge by any relative or friend, as hereinafter provided, or failure of payment of the rate hereinafter required. PROVIDED always, that a bond with such security as the Governor shall require, previous to the admission of any such person, be given by his relative or friend for the due payment of such daily rate or allowance as may be fixed and declared payable by the general regulations of such lunatic asylum, on the reception therein of such person, together with all other expenses contingent upon the maintenance and care of such person during his continuance in such lunatic asylum, as well as for the removal of such person within fourteen days after due notice given in writing by the superintendent of such lunatic asylum to the said relative or friend of such person, or at his last place of abode; and in default of any of the conditions of the said bond being duly performed, the amount due under such bond shall be deemed a debt to the Crown, and shall be recoverable as other debts due to the Crown.

persons (not being paupers) into Lunatic Asylum.

Proviso for bond to pay the daily allowance or rate, and contingent expense of such person.

10. WHEN application at any time by any guardian or relative or friend of a person of unsound mind confined in any lunatic asylum, or in the custody of the Fiscal for the purpose of being transferred to a lunatic asylum (not being under any criminal warrant), shall be made to the Governor, requesting that such person may be delivered over to the care and maintenance of such relative or friend, it shall be lawful for the Governor, if he shall see fit to do so, and upon such reasonable security as may be required being given by such guardian or relative or friend to take care of and maintain such person, to direct the immediate discharge of such person. Upon the recovery of any person confined in a lunatic asylum (not being under any criminal warrant) and such recovery being certified by the medical officer in charge of such asylum, he shall be discharged by order of the Governor; and in all cases where any such person, being a pauper, shall have been removed under the provisions of this Ordinance to any lunatic asylum out of the province to which he belongs, such person shall, upon being discharged from such lunatic asylum, upon his recovery, be conveyed back by Government to his own village or usual place of former residence, or be allowed such reasonable batta or sum for his travelling expenses thereto, as shall be approved by the Governor under any rule or order to be issued for that purpose.

On application and security, relatives may take persons confined in Lunatic Asylums under their own care.

Discharge on recovery.

Proviso as to paupers.

Lunacy.

Person charged with crime, if of unsound mind at time, or on commission of offence, to be sent to lunatic asylum.

11. WHEN any person shall be charged with any crime or offence, if it shall be proved to the satisfaction of the Court that the said person is either unable to stand his trial by reason of his being of unsound mind, or that he was of unsound mind at the time of the commission of the said crime or offence, the court shall find the same accordingly, and shall order such person to be kept in strict custody until the Governor's pleasure shall be known; whereupon the Governor may issue his warrant to order the removal of such person to any lunatic asylum; and may give such other order for the safe custody of such person in such place or manner as to the Governor shall seem fit. Until such warrant shall be received it shall be the duty of the Fiscal to detain such person in strict custody in the place appointed by the Governor for the reception of persons under remand for further observation.

Prisoners under sentence in jail, on becoming of unsound mind, to be removed to lunatic asylum.

If they recover before expiration of sentence they shall be re-transferred to jail.

12. IF any person under imprisonment in any jail shall become of unsound mind, and a report shall be made to the Governor by the Fiscal of the province wherein the said jail is situated, with a certificate of the medical officer thereof, that such person is of unsound mind, it shall be lawful for the Governor to direct by warrant under his hand, that such person shall be removed to the lunatic asylum named in such warrant, to be there detained until the expiration of the sentence under which such person may have been imprisoned. If any person shall become of sound mind before the expiration of his sentence, of which the period of his detention in such lunatic asylum shall be reckoned as part, the Governor shall thereupon issue his warrant to the superintendent of the lunatic asylum, directing that such person shall be removed back from thence to the jail or other place of confinement from whence he shall have been taken, or shall give such other orders thereon as to the Governor shall seem fit. And the Fiscal from whose custody any person shall be removed to lunatic asylum shall, at the time of delivering over such person furnish the superintendent of such asylum with a copy of the sentence under which such person shall have been imprisoned.

Further proceeding at expiration of sentence if the person shall not have recovered.

13. THE superintendent of any lunatic asylum to which any person shall have been removed under the provisions of the preceding clause, and who shall not have recovered, shall at least fourteen days before the expiration of the sentence under which such person shall have been imprisoned, report the same to the District Court of the district in which such lunatic asylum shall be situated. And if the said District Court shall, upon enquiry, be satisfied that such person is still of unsound mind, and that it is necessary to continue to keep him under control, the said District Court may order such person to be detained in the lunatic asylum until discharged therefrom by order of the Governor.

Lunacy.

14. IN all cases where any person shall be kept in custody as a person of unsound mind, and shall be transferred to any lunatic asylum, the District Court shall make summary enquiry into his circumstances and as to his property, and, if it shall appear that such person is possessed of sufficient property which can be applied for his maintenance, the District Court shall order and direct so much of the same as shall be necessary to be applied to pay and satisfy the expenses of the maintenance and care of such person, according to such usual allowance or rate as may be fixed and declared to be payable under the general regulations to be made by the Governor for such lunatic asylum.

Property of persons of unsound mind, to be applied for their maintenance in lunatic asylums.

15. EVERY order made by a District Court under the provisions of this Ordinance shall be subject to an appeal to the Supreme Court, and such appeal may be prosecuted by, or at the instance of, the person suspected or adjudged to be of unsound mind, or of any relative or friend of his, or of any medical practitioner who shall have certified or testified to his state of mind, and the said 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 said Supreme Court shall seem fit. And it shall be the duty of the District Court to conform to and execute such order.

Appeal to Supreme Court.

16. NO stamp duty shall attach or be payable for any application, process, or other document filed in Court under the provisions of this Ordinance. Nor shall it be necessary to attach schedules to processes issued to the Fiscal under such provisions.

Proceedings exempt from stamp and schedule duty.

17. IT shall be lawful for the Governor to nominate and appoint one or more fit and proper persons to be visitors of any lunatic asylum, and any visitor so appointed to remove and to appoint another in his stead. Every visitor so appointed shall be at liberty to enter at all times any such asylum, and to make such enquiries or examination therein as to him shall appear necessary; and visitors are hereby required to visit such asylum at least once in every month, unless prevented by illness or other sufficient cause, and from time to time to make such reports to the Colonial Secretary as may be required by order of the Governor. Any superintendent or keeper of such asylum, or other person, who shall, at any time, refuse admittance to any such visitor, or offer to him any hindrance or obstruction, shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

Appointment of visitors.

Their duties.

Penalty for refusing admittance to visitors, or obstructing them.

18. IT shall be lawful for the Governor, with the advice of the Executive Council, to make, from time to time, such regulations as to him shall seem expedient for the management

Governor to make regulations for conduct and management of

Lunacy. Paddy Cultivation.

lunatic asylums and officers. and conduct of any lunatic asylum established in this island, and of the officers and visitors thereof.

Passed in Council, the Sixth day of January, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Ninth day of January, One thousand Eight hundred and Seventy-three.

HENRY T. IRVING,
Colonial Secretary.

No. 2.

An Ordinance to amend "The Paddy Cultivation Ordinance, 1867."

Preamble.

WHEREAS it is expedient to alter and amend some of the conditions imposed by "*The Paddy Cultivation Ordinance, 1867,*" and to make special provision for certain districts in which the provisions of the said Ordinance are not deemed applicable: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Proprietors may determine either that the sum expended by Government may be repaid in ten annual instalments, or that the lands may be liable to a charge in perpetuity for interest and cost of upkeep.

Proviso.

Such charge to be at the rate of a rupee an acre. Proviso; not to exceed $7\frac{1}{2}$ per centum.

1. IT shall be competent to a majority of the proprietors at a meeting of the proprietors of the allotments of land benefited or to be benefited by any proposed work, convened under section 28 of the said Ordinance, or at any other meeting to be held for that purpose, (and which said meeting it shall be lawful for the Government Agent to convene, at his own instance, or on the application of three or more of such proprietors,) to determine either that the sum expended by the Government in the execution of any work shall be repaid in ten annual instalments, as provided by section 31 of the said Ordinance, or that the lands benefited or to be benefited by the said work shall be liable to a charge in perpetuity for interest on the sum so expended and the cost of upkeep, which said cost shall be borne by the Government. PROVIDED that at such meeting, as herein provided, plans and an estimate of the cost of such work shall be laid before the meeting, to enable the majority of proprietors to come to a determination as aforesaid.

2. SUCH charge in perpetuity shall be at the rate of a rupee an acre. PROVIDED that such charge shall in no case exceed in the aggregate seven and-a-half per centum on the cost of the work.

Paddy Cultivation.

3. IN any case in which any work shall have been already constructed or commenced, or determined upon for construction with Government aid, under the said Ordinance, it shall be lawful for a majority of the proprietors of the allotments of land benefited or to be benefited by any irrigation work, at a meeting to be convened as provided for in section 1 of this Ordinance, to convert the repayment by annual instalments into a charge in perpetuity, as hereinbefore provided.

Such option may be exercised even as respects works already constructed, commenced, or determined upon, under the said Ordinance.

4. IT shall be lawful for the Government Agent to receive in kind, instead of in money, the ten annual instalments, as provided by the said "*Paddy Cultivation Ordinance, 1867*," or the payment in perpetuity under the provisions of this Ordinance. Such payment in kind shall be made at such rate of commutation, and shall be collected in such manner, whether by renting or otherwise, as the Governor shall, from time to time, direct and appoint. PROVIDED that if default be made in the delivery of produce at the time and place appointed by the Government Agent, the amount of the instalment, or the rate in perpetuity for which such payment in kind shall have been substituted, shall be recovered in the manner provided by the said Ordinance or any other Ordinance to be in that behalf hereafter enacted.

Payment in kind may be substituted for payment of instalment, under Ordinance 21 of 1867, or of annual rate in perpetuity, under this Ordinance. Proviso in case of default.

5. WHEREAS it is expedient, owing to the circumstances of the inhabitants in the districts of Nuwarakalawiya and Tamankaduwa, to relax the provisions of "*The Paddy Cultivation Ordinance, 1867*," as respects such districts, it is enacted that it shall be lawful for the Governor, with the advice of the Executive Council, to direct the construction of irrigation works in those districts, and to incur such expenditure in restoring and completing the irrigation system of such districts, and in constructing and repairing the tanks, sluices, channels, and other works requisite for the storing and distribution of water, as to him, with the advice aforesaid, shall seem fit, and as may be voted for the purpose by the Legislative Council.

Governor may construct irrigation works in the district of Nuwarakalawiya irrespective of the provisions of the Ordinance No. 21 of 1867.

6. FOR the purposes in the preceding section mentioned, 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*, and notified in such district or districts by beat of tom-tom, to declare his intention to make such district or districts an "irrigated district:" and to define the boundaries of such district, and from time to time, by proclamation, to alter and amend the same, and to direct the construction of such irrigation works therein as are referred to in the preceding section.

Governor may declare intention to make an "irrigated district" for the purposes of this Ordinance, and may define boundaries, and alter and amend the same.

7. AS soon as the irrigation works in such district or districts shall be deemed by the Governor to be sufficiently complete, it shall be lawful for him, with the advice of the Executive Council, to declare the same an "irrigated district" by notification in the

When work is deemed complete, it shall be declared an "irrigated

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district," and become liable to a charge.

Charge to be recoverable from lands benefited by the expenditure by assessment not exceeding one rupee an acre. Proviso.

Specification of lands benefited by such works.

Power to alter and amend specification.

Specification to be conclusive.

Charge to be a first charge.

How the proportion due by each land is to be assessed.

Government Agent shall transmit specification to proprietors.

Service of requisition.

Recovery of rates as prescribed by Ordinance 21 of 1867.

Gazette, and by beat of tom-tom in the district, and the said district shall thereupon become liable to a charge not exceeding seven and-a-half per centum on the gross expenditure incurred or to be thereafter incurred in it by Government on irrigation works, and the same shall form a first charge on the several allotments of land set out in the specification of lands benefited by the works to be made as hereinafter provided. Such charge on the district shall be recovered from the lands benefited by the expenditure by an assessment not exceeding one rupee per acre. PROVIDED that it shall be lawful to levy a lower rate than the general rate of the district as regards any fields in respect of which it shall appear to the Governor that such general rate represents more than seven and-a-half per centum on that portion of the gross expenditure by which the fields in question are benefited.

8. THE Government Agent of the Province within which such works are constructed, and the Surveyor-General, shall upon such notification as aforesaid, prepare specification of lands benefited by the works, and they shall have power to alter and amend the specification from time to time, and to enlarge it, as further works may be undertaken, or as additional lands may be benefited. Such specification shall be conclusive on the point that the several allotments of land therein mentioned have been benefited by the works, and the said allotments, and the proprietors thereof, shall become and be severally bound and liable to the said annual charge not exceeding one rupee per acre as aforesaid, and the same shall be a first charge upon the several allotments as aforesaid, to the extent, as respects each of those allotments, of a proportion due by each, to be calculated as herein prescribed; and the said charge shall take precedence over all mortgages, hypothecations, and encumbrances whatsoever.

9. THE Government Agent shall assess the proportion due for each allotment benefited by the works as specified in the said notification, including such allotments as may belong to the Crown, according to the provisions in "*The Paddy Cultivation Ordinance, 1867*," as modified by the present enactment. And he shall thereupon transmit to the proprietor of each allotment of land included in the specification, a requisition calling upon him to pay to such Government Agent, on the day in each year specified in such requisition, the amount of the charge due for the allotment of which he is proprietor, to make up the amount due to the Government. And such requisition shall be served in the manner prescribed by section 31 of the said "*Paddy Cultivation Ordinance, 1867*."

10. THE recovery of rates shall be made and such recovery shall be subject to the provisions made under the sixth division of the said "*Paddy Cultivation Ordinance, 1867*," headed "Recovery of Money under this Ordinance," or any other Ordinance

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to be in that behalf hereafter enacted, and the other provisions of the said "*Paddy Cultivation Ordinance, 1867*," shall, so far as the same are applicable hereto, apply to the irrigated districts which may be created under this Ordinance.

Other provisions of the said Ordinance applicable to the irrigated districts.

11. SECTION 8 of the "*Paddy Cultivation Ordinance, 1867*," is hereby repealed, and it is enacted instead thereof, that all questions or resolutions proposed at any meeting held under the provisions of the said Ordinance, or of this Ordinance, shall be determined by a majority consisting of two-thirds at least of the persons present and entitled to vote thereat. PROVIDED that such majority shall represent at least one-third of the acreage benefited by such irrigation works, and if they do not represent one-third, then the votes of the proprietors representing two-thirds of the acreage to be benefited shall constitute the majority.

Section 8 of Ordinance 21 of 1867 repealed, and a different majority constituted.

12. VILLAGE councils to try breaches of rules under the fourth division of "*The Paddy Cultivation Ordinance, 1867*," headed "village councils," may be convened by any person deputed by the Government Agent, in any irrigation district, and such deputation, as well as the deputation to be given by the Government Agent, under section 21 of the said Ordinance, to any person to act as president in enquiring into any complaint of the nature therein referred to, need not be special in each case: a general deputation to any person or persons in the district to convene village councils when necessary, or to act as president thereof, will be sufficient.

Deputations to convene village councils, and to act as presidents thereof, need not be special.

13. THIS Ordinance and the "*Paddy Cultivation Ordinance, 1867*," shall be read as one Ordinance.

Ordinance 21 of 1867 and this to be deemed one.

Passed in Council, the Fifteenth day of January, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fifteenth day of January, One thousand Eight hundred and Seventy-three.

HENRY T. IRVING,
Colonial Secretary.

No. 3.

*An Ordinance for making provision for the
Contingent Services of the Year 1873.*

15th January, 1873.

Branch Roads' Assessment.

No. 2.

An Ordinance to facilitate the recovery of the sums assessed under "The Branch Roads' Ordinance, 1866."

Preamble

WHEREAS considerable difficulty has been experienced, in some instances, in the recovery of the sums assessed under "*The Branch Roads' Ordinance, 1866*," and payable by the proprietors of estates, and it is expedient to facilitate the means for securing such recovery: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Provisions in "*Branch Roads' Ordinance, 1866*," making the assessment a first charge and exempting proprietors from further liability after the sale of the estate, are repealed.

1. THE provisions in section 8 of the said Ordinance, to the effect that the assessment shall be a first charge on the estates therein referred to, and in section 13 to the effect, that if an estate shall have been seized and sold for the recovery of the sum for which it shall have been assessed, the proprietor thereof shall stand free from all further demands, and shall not be liable to have his other property or his person seized for the balance, if any, of such assessment, are hereby repealed. His person however shall continue to be exempt from seizure.

Crops, live-stock, implements, furniture on estate, and other movables of proprietor may be seized: failing these, the timber and buildings thereon.

2. WHEN the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, it shall be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize, once or oftner, all the crops, live stock, and implements found on such estate, or any other movable property whatsoever belonging to the proprietor, until the full amount due by such estate shall be recovered. If there be no crop, live-stock, and implements on such estate, or any other such property, belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such Government Agent or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed. And, unless the sum due shall be sooner paid, with the cost and charges incurred in respect of such seizure, it shall be lawful for such Government Agent or any person as aforesaid, to sell movable property so seized by public auction at any time after thirty days from the date of seizure.

If above insufficient, estate may be sold subject to mortgages.

3. IF, after seizing and selling property enumerated in the preceding section, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the chairman of the provincial committee, or the person authorised as aforesaid, to seize the estate or any other immovable property belonging to the proprietor of the estate in default, and sell the same subject to the

Branch Roads' Assessment.

existing mortgages and incumbrances thereon. If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold but the proceeds are insufficient to satisfy the assessment, it shall be lawful for the provincial committee to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the branch road therein, and, if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor. PROVIDED that the right of the provincial committee to seize and sell the property of the original defaulter, should any be traced to him, shall in no way be affected by its proceeding against such other proprietors and estates as aforesaid, but it shall be obligatory on such provincial committee to seize and sell such property, paying over from the proceeds the sums recovered from the other proprietors to make up the sum for which the original defaulter was liable, and handing the balance, if any, to the original defaulter.

If the estate cannot be sold, then deficiency to be charged against other proprietors.

Proviso.

4. THE sale of any movable property seized for non-payment shall not take place till after thirty days from the date of seizure. Immovable property shall be sold within the time prescribed by section 13 of the said Ordinance for the sale of the assessed estate.

Sale of property seized.

5. IF any proprietor shall neglect or refuse to pay his proportion of the moiety due by proprietors for the construction, completion, or repair of branch roads under the said "*Branch Roads' Ordinance, 1866*," he shall be liable to pay interest at and after the rate of nine per centum per annum from the time fixed for such payment, and such interest shall, with the principal and other due costs and charges, be recovered from him in manner specified in the said Ordinance.

Defaulting proprietors made liable in interest.

6. ANY movable property so seized, as aforesaid, may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

Removal of property seized for safe custody.

7. SECTION 15 of the "*Branch Roads' Ordinance, 1866*," is hereby repealed, and it is enacted instead thereof that it shall be lawful for the chairman of the provincial committee, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as commutation, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the several sums of money mentioned, as follows :—

Costs and charges of seizure and sale.

- (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.

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- (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 detention,—a charge not exceeding five cents per day.
- (4) For keeping a person in possession, or if the goods seized are not removed,—a charge not exceeding fifty cents per day.
- (5) For the expenses of sale, where any takes place,—a charge not exceeding two and-a-half per centum on the net produce of the sale.

Buildings may be broken open for purposes of seizure.

8. IT shall be lawful for the chairman of the provincial committee, or any person specially authorized as aforesaid, to break open, or cause to be broken open in the daytime, any house or building, for the purpose of seizing property in pursuance of this Ordinance.

Return of overplus to owner.

9. SECTION 16 of the said Ordinance is repealed, and it is enacted instead thereof that, in the event of a sale of property seized, the chairman of the provincial committee, at whose instance such seizure was made, shall, after deducting the amount due by the defaulter, and also all due costs and charges (which said costs and charges such chairman is hereby authorized to retain) restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

This Ordinance and Ordinance No. 13 of 1866 to be read as one.

10. THIS Ordinance and "*The Branch Roads' Ordinance, 1866*," shall be read as one Ordinance.

Passed in Council, the Fifteenth day of January, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fifteenth day of January, One thousand Eight hundred and Seventy-three.

HENRY T. IRVING,
Colonial Secretary.

No. 5.

An Ordinance to facilitate the construction and regulate the working of Tramways in Ceylon.

Preamble.

WHEREAS the Municipal Council of the town of Colombo are under treaty with the promoters of a tramway scheme for that town, and it is expedient to pass an Ordinance to give the said promoters, or any other person or company, the necessary powers and facilities to make tramways, and to construct the

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necessary works therefor, and regulate the working thereof: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

1. THIS Ordinance shall come into operation on the date of the passing thereof. Commencement.

2. THE following expressions in this Ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:— Interpretation clause.

- (1) "Government" shall mean the Governor of this Island, acting with the advice of the Executive Council.
- (2) "Promoters" shall mean any person, corporation or company, authorized by proclamation in the *Government Gazette*, to be issued by the Governor, with the advice of the Executive Council, for that purpose, to construct and work tramways in any part of this Island, and any person, corporation, or company claiming under the said promoters.
- (3) "Council" shall mean any Municipal Council in this Island.
- (4) "Road" shall mean any carriage-way being a public highway, and the carriage-way of any bridge forming part of or leading to the same.
- (5) "Road authority" shall mean the local authority, board, council, committee, or other body or persons in whom a road is vested, or who have the power to repair such road.

3. THE promoters from time to time, for the purpose of making, forming, laying down, maintaining, and renewing any tramway duly proclaimed, or any part or parts thereof respectively, may open and break up any road, subject to the following regulations :— Power to break up streets, &c.

- (1) They shall give to the road authority notice of their intention, specifying the time at which they will begin to do so, and the portion of road proposed to be opened or broken up, such notice to be given fourteen days at least before the commencement of the work :
- (2) They shall not open, or break up, or alter the level of any road, except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time specified in the notice, or discontinues the same during the work :

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- (3) They shall pay all reasonable expenses to which the road authority is put on account of such superintendence:
- (4) They shall not, without the consent of the road authority, open or break up at any one time a greater length than one hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the promoters shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than one hundred yards.

Completion of
works and
re-instatement
of road.

4. WHEN the promoters have opened or broken up any portion of any road, they shall be under the following further obligations; namely,

- (1) They shall, with all convenient speed, and in all cases within four weeks at the most (unless the road authority otherwise consent in writing) complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and to the satisfaction of the road authority, restore the portion of the road to as good a condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby:
- (2) They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night:
- (3) They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the promoters fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance, or to any other remedy against them) be liable to a penalty not exceeding two hundred rupees, and to a further penalty not exceeding fifty rupees for each day during which any such failure continues after the first day on which such penalty is incurred.

Repair of part
of road where
tramway is
laid.

5. THE promoters shall, at their own expense, at all times maintain and keep in good condition and repair, with such materials and in such manner as the road authority shall direct, and to their satisfaction, so much of any road whereon any tram-

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way belonging to them is laid as lies between the rails of the tramway and (where two tramways are laid by the same promoters in any road at a distance of not more than four feet from each other) the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any such tramway. If the promoters (with the consent of the Council, under treaty with whom such tramway shall have been laid down, or the Government,) abandon their undertaking, or any part of the same, and take up any tramway, or any part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consent in writing), fill in the ground and make good the surface, and, to the satisfaction of the road authority, restore the portion of the road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling, material or rubbish occasioned by such work; and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night. PROVIDED always, that if the promoters fail to comply with the provisions of this section, the road authority, if they think fit, may themselves at any time, after seven days' notice to the promoters, open and break up the road, and do the works necessary for the repair and maintenance or restoration of the road, to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the promoters.

6. IF any person wilfully obstructs any person acting under the authority of any promoters in the lawful exercise of their powers in setting out or making, forming, laying down, repairing, or renewing a tramway, or defaces or destroys any mark made for the purposes of setting out the line of the tramway, or damages or destroys any property of any promoters, he shall for every such offence be liable to a penalty not exceeding fifty rupees.

Penalty for obstruction of promoters in laying out tramway.

7. IF any person without lawful excuse (the proof whereof shall lie on him) wilfully

- (1) interferes with, removes, or alters any part of a tramway or of the works connected therewith; or
- (2) places or throws any stones, dirt, wood, refuse, or other material on any part of a tramway: or
- (3) does or causes to be done anything in such manner as to obstruct any carriage using a tramway; or to endanger the lives of persons therein or thereon; or
- (4) knowingly aids or assists in the doing of any such thing;

Penalty for wilful injury or obstruction to tramways, &c.

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he shall for every such offence be liable (in addition to any proceeding by way of indictment or otherwise to which he may be subject) to a penalty not exceeding fifty rupees.

Penalty on passengers practising frauds on promoters.

8. IF any person travelling or having travelled in any carriage on any tramway avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding twenty rupees.

Transient offenders.

9. IT shall be lawful for any officer or servant of the promoters of any tramway, and all persons called by him to his assistance, to seize and detain any person discovered either in or after committing or attempting to commit any such offence as in the next preceding section is mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a Justice of the Peace, or until he be otherwise discharged by due course of law.

Penalty for bringing dangerous goods on the tramway.

10. NO person shall be entitled to carry, or to require to be carried, on any tramway, any goods which may be of a dangerous nature, and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding two hundred rupees for every such offence, and it shall be lawful for such promoters to refuse to take any parcel, that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for persons using tramways with carriages with flange wheels, &c.

11. IF any person (except under a lease from or by agreement with the promoters) uses a tramway or any part thereof with carriages having flange wheels, or other wheels suitable only to run on the rail of such tramway, such person shall for every such offence be liable to a penalty not exceeding two hundred rupees.

Promoters, &c., to be responsible for all damages.

12. THE promoters shall be answerable for all accidents, damages, and injuries happening through their act or default or through the act or default of any person in their employment, by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

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13. NOTWITHSTANDING anything in this Ordinance contained, the promoters of any tramway shall not acquire or be deemed to acquire any right other than that of user of any road along or across which they lay any tramway, nor shall anything contained in this Ordinance exempt the promoters of any tramway, or any other person using such tramway, from the payment of such tolls as may be levied in respect of the use of such road.

Right of user only.

14. NOTHING in this Ordinance shall take away or affect any power which any road authority, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have to widen, alter, divert, or improve any road, railway, tramway, or inland navigation,

Power of road authority to widen road reserved.

15. NOTHING in this Ordinance shall limit the powers of the police or of the officers of the municipal council in any district to regulate the passage of any traffic along or across any road along or across which any tramways are laid down, and such police or officers as aforesaid may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the promoters as to the traffic of other persons.

Power of local police to regulate traffic reserved.

16. NOTHING in this Ordinance shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway is laid, whether on or off the tramway, with carriages not having flanged wheels or wheels suitable only to run on the rail of the tramway.

Right of public to use road reserved.

17. THE promoters shall be bound to affix to some conspicuous part of their carriages a paper in the English, Sinhalese, and Tamil languages, specifying the offences and penalties created by the 8th, 9th, and 10th clauses of this Ordinance, together with the table of fares.

Specification of offences and penalties to be affixed to carriages.

18. IT shall be lawful for the promoters, with the consent of the Government, but not otherwise, to sell their undertaking to any person, corporation or company; and when any such sale has been made, all the rights, powers, authorities, obligations and liabilities of such promoters in respect to the undertaking sold shall be transferred to, vested in, and may be exercised by, and shall attach to the person, corporation or company to whom the same has been sold in like manner as if such tramway was constructed by such person, corporation or company, and in reference to the same they shall be deemed to be the promoters.

Power of sale.

19. IF at any time after the opening of any tramway for traffic the promoters discontinue the working of such tramway, or of any part thereof, for the space of three months (such discontinuance not being occasioned by circumstances beyond the control of such promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such

Proceeding if promoters discontinue working of tramway, or of insolvency of promoters.

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discontinuance is proved to the satisfaction of the Government, or, if at such time as aforesaid, it appears to the Government that the promoters are insolvent, so that they are unable to maintain such tramway, or work the same with advantage to the public, the said Government, if they think fit, may by order declare that the powers and privileges of the promoters in respect of such tramway or the part thereof so discontinued, or of such promoters so become insolvent shall, from the date of such order, be at an end, and thereupon the said powers of the promoters shall cease and determine. Where any such order has been made, the Government, (or if the tramway shall have been laid down in a Municipal town under treaty with the council thereof, such council) may, with the sanction of Government, at any time after the date of such order, take up and work the tramway, or cause the same to be removed, as it may consider right in the interests of the public. If the removal of the tramway, or part thereof be determined upon, the Government or council as aforesaid shall cause the same to be removed, and the promoters shall pay to such Government or council the cost of such removal and of making good the road, and any damage sustained in consequence of any such discontinuance, such cost shall be certified by some officer authorized by the Government, whose certificate shall be final and conclusive, and shall form a first charge on the property of the promoters; and if the promoters fail to pay the amount so certified within one month after delivery to them of such certificate or a copy thereof, the road authority may, without any previous notice to the promoters (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum, and to such person, as the Government or council may think fit, and may out of the proceeds of such sale pay and reimburse themselves the amount of the cost certified as aforesaid and of the cost of sale; and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the promoters.

Value how to
be determined.

20. IF the Government or council determine upon working the said tramway, as provided in the preceding section, such Government or council shall pay to the promoters the value (exclusive of any allowance for past or future profits of the undertaking or other consideration whatsoever) of all lands, buildings, works, materials and plant of the promoters suitable to and used by them for the purposes of their undertaking, such value to be in case of difference determined by two arbitrators, one to be chosen by the Government or council taking over the tramway, and the other to be chosen by the promoters, and in case of difference between the arbitrators, of an umpire to be chosen by them. And for the purposes of such arbitration the provisions of "*The Arbitration Ordinance, 1866,*" (or any other Ordinance

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to be hereafter enacted in its stead), so far as the same are applicable hereto, shall be deemed to be in force and application to such arbitration as if the same were inserted herein.

21. NOTHING in section 19 contained shall be held to prevent the Government or, with its sanction, the council, under treaty with whom any tramway shall have been laid down, (if the Government shall be satisfied that it will be for the convenience of the public that it should continue to work the tramway), to assume charge of and work such tramway, at the expense of the promoters and on their account, immediately any tramway or part thereof is discontinued, or immediately the Government has reason to believe that the promoters of any tramway are insolvent, so that they are unable to maintain such tramway or work the same with advantage to the public, and until the expiration of the three months in the said section specified. And the promoters shall pay to the Government or council, as the case may be, the cost of such working, which said cost shall be certified by some authorized officer of the Government, whose certificate shall be final and conclusive, and shall form a first charge on the property of the promoters; and if the promoters fail to pay the amount so certified within one month of the delivery to them of such certificate or a copy thereof, the Government may (but without prejudice to any other remedy which they may have for the recovery of the amount) seize and sell and dispose of any property of the promoters not wanted for the working of the said tramway, and reimburse themselves the cost of the working certified as aforesaid, and of the cost of sale; and the balance, if any, of the proceeds of the sale, shall be paid over by the road authority for and on account of the promoters.

Council or Government may however work the tramway pending the three months specified in section 19.

22. IT shall be lawful for the Government, from time to time, to make such regulations as shall be necessary for the due working of tramways and the traffic connected therewith, and the prevention of accidents.

Government to make regulations.

Passed in Council, the Third day of February, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Third day of February, One thousand Eight hundred and Seventy-three, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Public Defaulters.***No. 6.**

*An Ordinance to prescribe the order in which
the property of public defaulters may, in
certain cases, be seized and sold.*

Preamble.

WHEREAS "*The Police Ordinance, 1865,*" and the 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,*" authorize the seizure and sale of the property of persons making default in the payment of the tax for the maintenance of the police, or the commutation of the paddy tax, or the commutation for the performance of labour, and it is expedient to prescribe the order in which such property may be seized and sold: **IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof, as follows:—

Order to be observed in seizing and selling property for recovery of tax or commutation.

1. **WHENEVER** it shall be necessary to seize and sell the property of any person making default in the payment of the said tax or commutation, it shall be the duty of the officer authorized by the said Ordinances to seize and sell property to observe the following order in carrying out such seizure and sale:—

(1) Movables of defaulter wherever found, and, in the case of the Police tax, of any person in the premises for which tax is due.
Proviso; property of others may not be seized for arrears of tax beyond two quarters.
Exceptions.

(1) The movable property of the defaulter, wheresoever the same may be found, sufficient in the opinion of the officer seizing and selling the property to cover the amount of the tax due and the charges incurred in the recovery of the same. **PROVIDED** that in the case of default in the payment of the tax due for the maintenance of the police under "*The Police Ordinance, 1865,*" any movable property, to whomsoever the same may belong, which shall be found in or upon any house, building, land, or tenement for which such tax shall be due, may be seized and sold. But it shall not be lawful to seize any movable property which may be found in or upon any house, building, land, or tenement, in respect of which such tax shall be due, for any arrears of tax due beyond two quarters next preceding such seizure, unless such movable property shall belong to any person who was the owner or a joint owner of the said house, building, land, or tenement, at the time the arrears beyond such two quarters accrued and became due; or unless such movable property shall belong to any person who shall have occupied the said house, building, land, or tenement at the time when the said last-mentioned arrears accrued and became due.

Public Defaulters.

- (2.) Failing such movable property, the rents and profits of the house, building, land, or tenement for which such tax or commutation shall be due, for a term sufficient, in the opinion of the officer seizing and selling the property, to cover the amount of the tax or commutation due and the charges incurred in the recovery of the same. (2.) Rents and profits.
- (3.) Failing such rents and profits, the materials of any house or building standing on the land for which such tax or commutation shall be due, and the timber growing thereon, sufficient, in the opinion of the officer seizing and selling the property, to cover such tax or commutation and the charges as aforesaid. And the purchaser of such materials or timber shall be entitled to pull down or cut and remove the same within the time allowed him for that purpose by the officer carrying out such seizure and sale. (3.) Building materials and timber.
- (4.) Failing such building materials and timber, the house, building, land, or tenement for which such tax or commutation shall be due, or, if a portion thereof sufficient to cover such tax or commutation and the charges as aforesaid can, in the opinion of the officer seizing and selling the property, be conveniently separated from the rest, such portion only. (4.) Premises on which tax is due, a portion thereof.

PROVIDED however that no officer shall be liable in damages by reason of his not duly observing such order, unless the person claiming such damages shall establish to the satisfaction of the court that the defaulter, or some person on his behalf, pointed out to such officer, at the time he was making the seizure of such defaulter's property, free and unclaimed property sufficient to cover the amount of the tax or commutation, and charges as aforesaid, which was liable to seizure, in the first instance, according to the order hereby established, but which such officer nevertheless failed to seize. Proviso .

2. THIS ordinance shall come into operation at the date of the passing thereof. Commencement of Ordinance.

Passed in Council, the Third day of February, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Third day of February, One thousand Eight hundred and Seventy-three, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

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*Intoxicating Liquors.***No. 7.***An Ordinance for regulating the Sale of
Intoxicating Liquors.***Preamble.**

WHEREAS it is expedient to amend the law for the sale by retail of intoxicating liquors, and the regulation of the places in which such liquors are sold, and to make further provision in respect of the grant of licenses for the sale of such liquors, and the better prevention of drunkenness: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement of ordinance.

1. **THIS** ordinance shall come into operation on the First day of July, One thousand Eight hundred and Seventy-three.

Short title.

2. **THIS** ordinance may be cited as "*The Licensing Ordinance, 1873.*"

Repeal of certain sections of ordinances.

3. **THE** sections of ordinances in the Schedule A. hereto annexed are repealed, except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this ordinance comes into operation.

Interpretation clause.

4. **THE** following expressions in this ordinance shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:—

- (1.) "Intoxicating Liquor" shall include wine, beer, porter, cider, perry, and sweets, and any fermented, distilled, or spirituous liquor, not being the produce of the cocoanut or other description of palm, or sugar cane, but not ginger beer or spruce beer.
- (2.) "Government Agent" shall include the Assistant Government Agent of the province, or, where there is any Assistant Government Agent for the district in which any proceeding contemplated by this ordinance is taken, such Assistant Government Agent.
- (3.) "Retail" shall mean the sale of goods not in gross, but in parcels not exceeding a dozen quart-bottles or two gallons of the same kind of liquor.
- (4.) "Hotel" shall mean a place kept for the accommodation of travellers and others where they are furnished for payment with lodging, food, and intoxicating liquor, but not any rest-house in charge of the Provincial Committee or refreshment rooms on premises connected with railway stations duly authorized as such by the Traffic Manager.

Intoxicating Liquors.

- (5) "Tavern" shall mean tavern or shop licensed for the sale of arrack, rum, and toddy, under the Ordinance No. 10 of 1844, or any other ordinance to be hereafter enacted instead of it.
- (6) "Keeper of Tavern" shall mean the keeper of tavern or shop in the preceding article specified.
- (7) "Licensed Person" shall mean a person holding a license, as defined by this ordinance.
- (8) "Superintendent of Police" shall mean any Superintendent or any Assistant Superintendent of Police, or any person not under the rank of Inspector, having chief police authority in the district.

5. NO person shall sell or expose for sale by retail any intoxicating liquor, without being duly licensed as is hereinafter provided.

Sale by retail of
intoxicating
liquor without
license,
prohibited.

6. ANY person who may be desirous to sell intoxicating liquor by retail, or to keep an hotel, shall make an application in writing to the Government Agent of the province, within which such sale is intended to be carried on, or such hotel is to be kept, which application shall contain a true and full description of the name and residence of the person making the same, and of the place at which such sale is intended to be carried on, or such hotel to be kept, and (in the case of an application to sell intoxicating liquor whether he purposes to sell intoxicating liquor generally, or only beer and porter, and whether or not such liquor is intended to be consumed on the premises within which the same is sold. PROVIDED that where the application is one to sell intoxicating liquor by retail he shall cause notices signifying his intention to apply to be affixed in the English, Singhalese, and Tamil languages on the premises in which he means to sell the liquor, and on the walls of the Kachchéri and Police Court of the district within which the application is to be made, one month before he shall make such application. Any person objecting to any application to sell intoxicating liquor, may state his objection to the said Government Agent at any time during the month that the notice shall be affixed as above provided. And it shall be lawful to the Government Agent to enquire into such objection, and either to refuse or issue such license as to him shall seem fit. The license when issued shall specify the name and residence of the person to whom it is granted, the place where such hotel is to be kept, or where such liquor is to be sold, whether intoxicating liquor generally is to be sold in such place or any particular description thereof, and whether or not it is to be consumed on the premises within which it is sold. It shall be open to any person to whom a license shall have been refused, or to any person whose objection shall have been over-ruled, to apply to the Governor,

Application for
license.

When Govern-
ment Agent
may refuse a
license.
Issue of license.

Intoxicating Liquors.

who shall be entitled to confirm or reverse such refusal, or such over-ruling of any objection, as to him, with the advice of the Executive Council, shall seem fit. Nothing however in this or any other section contained shall be held to prevent the Government Agent from allowing any person or persons licensed to sell intoxicating liquor by retail, to expose the same for sale on one or more days in any place other than the place specified in the license, on the occasions of large gatherings of people for purposes of reasonable recreation, and under conditions to be imposed by such Government Agent.

Duration of license.

Proviso as to licenses for 1873.

7. THE license shall be in force on and from the day on which the same shall be granted until the thirtieth day of June next thereafter inclusive. PROVIDED that the license to be granted for the year 1873 in pursuance of the 30th section of the said Ordinance No. 10 of 1844, shall have force only until the 30th June of that year, and, on that account, the payment to be made for such license shall be Ten rupees only.

No license to be given except to house or room having entrances facing the street, or to hotel having suitable accommodation.

License not transferable.

8. NO license shall be granted for the sale of intoxicating liquor in any house or room except in a house or room having entrances facing the street, and open as much as possible to public view. No license shall be granted for the keeping of an hotel unless in premises containing suitable accommodation for travellers, and decent places of convenience on or near the premises for their use, so as to prevent nuisances and offences against decency. Every license shall particularly set forth and describe the house, room, or premises licensed, or intended to be licensed, and such license shall in no case be assignable or transferable, nor shall any person be deemed entitled to sell under any license except the person actually named in such license, and persons *bona fide* in his employment or service.

Stamp duties payable on licenses.

9. THE licenses hereunder specified shall be subject to the following stamp duties :—

License to sell beer or porter only...	Rupees 10
License to sell intoxicating liquor generally not to be consumed on the premises	„ 25
License to sell intoxicating liquor generally to be consumed on the premises	„ 50
License for keeping an hotel.....	„ 100

Proviso; license to apply to one place only.

PROVIDED that each such license shall apply to the keeping of one hotel only, or to the sale of intoxicating liquor, generally, or of beer and porter, at one place of sale only; and if licenses are wanted for more than one hotel or for the sale of intoxicating liquor in more premises than one, additional licenses shall be obtained for each of such places.

Intoxicating Liquors.

10. ANY person selling or exposing for sale by retail any intoxicating liquor which he is not licensed to sell, or selling or exposing for sale any intoxicating liquor at any place where he is not authorized by his license to sell the same, or selling or exposing for sale any intoxicating liquor contrary to the tenor of his license, in any particular not otherwise specially provided for in this ordinance, shall be guilty of an offence, and be subject to the following penalties:—

Penalty for selling or exposing for sale intoxicating liquor without license.

- (1) For the first offence he shall be liable to a fine not exceeding fifty rupees, or to imprisonment, with or without hard labour, for a term not exceeding one month.
- (2) For the second offence, he shall be liable to a fine not exceeding one hundred rupees, or to imprisonment with or without hard labour, for a term not exceeding three months.
- (3) For the third and any subsequent offence, he shall be liable to a fine not exceeding five hundred rupees, or to imprisonment with or without hard labour, for a term not exceeding six months.

In addition to the other penalties imposed by this section, the court before which any person is convicted of a second or any subsequent offence, may, if it thinks expedient so to do, declare all intoxicating liquor found in the possession of any such person as last aforesaid, and the vessels containing such liquor, to be forfeited.

Forfeiture of liquor and vessels containing the same.

11. NO penalty shall be incurred under section 10 by the heirs, executors, administrators, or assigns of any licensed person who dies before the expiration of his license, or by the assignee or trustee of any licensed person adjudged an insolvent, or whose affairs are liquidated by arrangement before the expiration of his license in respect of the keeping of an hotel or of sale or exposure for sale of any intoxicating liquor, so that such keeping and sale be according to the terms of the license, and be not continued beyond the unexpired term of the license.

Penalty not to attach to representative of deceased or insolvent licenses for sale on the licensed premises during the unexpired term of the license.

12. THE occupier of any unlicensed premises on which any intoxicating liquor, including the produce of the cocoanut, or other description of palm, or sugar cane, (hereinafter described as including such produce as aforesaid,) is sold by retail, or, if such premises are occupied by more than one person, every occupier thereof shall, unless he can prove that he was not privy or assenting to the sale, be subject to the penalties of fine and imprisonment imposed upon persons for the sale, or exposure for sale of intoxicating liquor without license.

Occupier of unlicensed premises liable for sale of liquor.

Intoxicating Liquors.

Seller liable for liquor being on premises contrary to license.

13. IF any purchaser of intoxicating liquor by retail from a person who is not licensed to sell the same to be drunk on the premises, drinks such liquor on the premises where the same is sold, or on any highway, lane, or garden adjoining or near such premises, the seller of such liquor shall, unless he shall prove that such drinking did not take place with his privity or consent, be subject to the following penalties :—

(1) For the first offence, he shall be liable to a fine not exceeding fifty rupees.

(2) For the second and any subsequent offence, he shall be liable to a fine not exceeding one hundred rupees.

For the purposes of this section the expression, "premises where the liquor is sold," shall include any premises adjoining or near the premises where the liquor is sold, if belonging to the seller of the liquor, or under his control, or used by his permission.

Evasion of law as to drinking on premises contrary to license.

14. IF any person having a license to sell intoxicating liquor (including such produce as aforesaid) by retail not to be drunk on the premises, himself takes or carries, or employs, or suffers any other person to take or carry, any intoxicating liquor out of or from the premises of such licensed person for the purpose of being sold on his account, for his benefit or profit, and of being drunk or consumed in any other house, or in any tent, shed, building, or other place of any kind whatever, belonging to such licensed person, or hired, used, or occupied by him, such intoxicating liquor shall be deemed to have been consumed by the purchasers thereof on the premises of such licensed person, with his privity and consent, and such licensed person shall be punished accordingly in manner provided by this ordinance. In any proceeding under this section it shall not be necessary to prove that the premises or place to which such liquor is taken to be drunk belonged to or were hired, used, or occupied by the seller, if proof be given to the satisfaction of the court hearing the case that such liquor was taken to be consumed thereon or therein with intent to evade the conditions of his license.

Sale prohibited to children.

15. EVERY holder of a license under this ordinance, or the keeper of a tavern, who sells or allows any person to sell, to be consumed on the premises, any description of spirits (including such produce as aforesaid) to any person apparently under the age of fifteen years, shall be liable to a fine not exceeding ten rupees for the first offence, and twenty rupees for the second and any subsequent offences.

Village Councils may prohibit sale to females.

16. IT shall be lawful for the inhabitants of any sub-division brought within the operation of "*The Village Communities Ordinance, 1871*," by bye-rules to be by them made for that purpose, to make it an offence for any such holder of license or keeper of tavern to sell, or allow any person to sell, such spirits (including such produce as aforesaid) to females.

Intoxicating Liquors.

17. EVERY person who makes or uses, or allows to be made or used, any internal communication between any licensed premises and any unlicensed premises or places which are used for public entertainment or resort, or as a place for refreshment, shall be liable to a fine not exceeding one hundred rupees for every day during which such communication remains open.

Penalty on internal communication between licensed and unlicensed premises.

18. EVERY licensed person and every keeper of a tavern shall keep his place during the time that it is open properly lighted up; keepers of taverns shall on no pretext sell food or have music or dancing in taverns, or allow any person to sit or loiter therein. Any person offending against any of these provisions shall be liable to a fine not exceeding fifty rupees.

Places for sale of liquor and taverns to be properly lighted; no food to be sold or music or dancing allowed in taverns, and no person to be allowed to sit or loiter therein.

19. IF any licensed person or keeper of tavern has in his possession, on the premises in respect of which his license is granted, any description of intoxicating liquor (including such produce as aforesaid) which he is not authorized to sell, unless he shall account for the possession of the same to the satisfaction of the court by which he is tried, he shall forfeit such liquor and the vessels containing the same, and shall be liable to a fine not exceeding fifty rupees for the first offence, and not exceeding one hundred rupees for any subsequent offences.

Penalty on illicit storing of liquor.

20. EVERY licensed person and every keeper of a tavern shall cause to be painted or affixed, and shall keep painted or affixed on the premises in respect of which his license is granted, in a conspicuous place and in such form and manner as the Government Agent may from time to time direct, his name, with the addition, after the name, of the word "licensed," and of words sufficient, in the opinion of the said Government Agent, to express the business for which his license has been granted, and in particular of words expressing whether the license authorizes the sale of intoxicating liquor to be consumed on or off the premises only, as the case may be; and no person shall have any words or letters, on his premises importing that he is authorized as a licensed person to sell any intoxicating liquor which he is not in fact duly authorized to sell. Every person who acts in contravention of the provisions of this section shall be liable to a fine not exceeding for the first offence, fifty rupees, and not exceeding, for the second and any subsequent offence, one hundred rupees.

Names of licensed persons to be affixed to premises.

21. EVERY person found drunk or incapable of taking care of himself in any thoroughfare or public place, whether a building or not, or on any licensed premises, or tavern, shall be liable to a fine not exceeding five rupees, and on second conviction within a period of twelve months shall be liable to a fine not exceeding ten rupees, and on a third or subsequent conviction within such period of twelve months be liable to a fine not exceeding twenty rupees, any former law or custom to the contrary notwithstanding. Every person who in any thoroughfare or other public place, whether a building or not, is guilty

Penalty on persons found drunk.

Intoxicating Liquors.

while drunk of riotous or disorderly behaviour, or who is drunk while in charge, on any thoroughfare or other public place, of any carriage, horse, or cattle, or who is drunk when in possession of any loaded fire-arms, may be apprehended, and kept in custody until he gets sober, and shall be liable, in addition, to a fine not exceeding twenty rupees, or to imprisonment, with or without hard labour, for any term not exceeding one month.

Penalty for
permitting
drunkenness.

22. IF any licensed person, or any keeper of a tavern, permits drunkenness or any violent, quarrelsome, or riotous conduct to take place on his premises, or sells any intoxicating liquor (including such produce as aforesaid), to any drunken person, or any habitual drunkard, he shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and any subsequent offence, one hundred rupees.

Penalty for
keeping dis-
orderly house.

23. IF any licensed person, or any keeper of a tavern, knowingly permits his premises to be the habitual resort or place of meeting of reputed prostitutes, whether the object of their so resorting or meeting is or is not prostitution, he shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second and any subsequent offence, one hundred rupees.

Penalty for
permitting pre-
mises to be a
brothel.

24. IF any licensed person, or any keeper of a tavern, is convicted of permitting his premises to be a brothel, or to be used on any occasion as such, he shall be liable to a fine not exceeding two hundred rupees, and shall forfeit his license, and he shall be disqualified for ever from holding any license for the sale of intoxicating liquor or for keeping a tavern.

Penalty for
selling on
credit or taking
any thing in
pledge, barter
or exchange.

25. IF any licensed person or any keeper of a tavern shall sell any intoxicating liquor (including such produce as aforesaid) on credit or trust, or shall take or receive any thing in pledge, barter or exchange for the same, he shall be liable to a fine not exceeding fifty rupees for every such offence, and every such credit, pledge, barter, or exchange shall be illegal and void, and such licensed person or keeper of tavern shall not be entitled to recover the sum for which credit shall have been given, and shall be bound to restore any thing which he might have received in pledge, barter, or exchange, or if the same shall have been destroyed or lost, to pay its value to the person from whom he shall have received the same.

Penalty for
harbouring
constable.

26. IF any licensed person, or the keeper of a tavern,—

- (1) Knowingly harbours or knowingly suffers to remain on his premises any constable during any part of the time appointed for such constable being on duty, unless for the purpose of keeping or restoring order or in execution of his duty ; or

Intoxicating Liquors.

- (2.) Supplies any liquor or refreshment, whether by way of gift or sale, to any constable on duty, unless by authority of some superior officer of such constable; or

- (3.) Bribes or attempts to bribe any constable;

he shall be liable to a fine not exceeding, for the first offence, fifty rupees, and for the second or any subsequent offence, one hundred rupees.

27. ANY licensed person or keeper of a tavern may refuse to admit to, and may turn out of the premises in respect of which his license is granted, any person who is a habitual drunkard or drunken, violent, quarrelsome, or disorderly, and any person whose presence on his premises would subject him to a penalty under this or any other Ordinance. Any such person who, upon being requested in pursuance of this section by such licensed person, or keeper of tavern, or his agent or servant, or by any constable, to quit such premises, refuses or fails so to do, shall be liable to a fine not exceeding fifty rupees; and all constables are required on the demand of such licensed person, keeper of tavern, agent, or servant, to expel, or assist in expelling, every such person from such premises, and may use such force as may be required for that purpose.

Powers to exclude drunkards from licensed premises.

28. ANY officer of the police may seize and convey to the nearest Police Office all intoxicating liquor (including such produce as aforesaid) carried about or exposed in any thoroughfare or other place whatever, and which he may reasonably suspect is being carried about for or exposed for sale, and every vessel containing or used for drinking or measuring the same, and every vehicle and every animal, and every boat or vessel, carrying or drawing the same. Every person employed in so carrying about for sale such intoxicating liquor (including such produce as aforesaid) shall be liable to a fine not exceeding fifty rupees; and every such vessel, vehicle, animal, or boat shall be forfeited.

Hawking of intoxicating liquor prohibited.

29. EVERY person who mixes or causes to be mixed with any intoxicating liquor (including such produce as aforesaid) sold or exposed for sale by him, whether by wholesale or retail, any deleterious ingredients, that is to say, any of the ingredients specified in Schedule B. to this ordinance, or added to such Schedule by any Proclamation issued by the Governor with the advice of the Executive Council (which Proclamation the Governor is hereby empowered to issue) and published in the *Governments Gazette*, or any ingredient deleterious to health; and every person who knowingly sells or keeps or exposes for sale any intoxicating liquor (including as aforesaid) whether by wholesale or retail, mixed with any deleterious ingredient (in this ordinance referred to as adulterated liquor) shall be liable, for the first offence, to a fine not exceeding fifty rupees, or to imprisonment

Penalty on adulteration of intoxicating liquor.

Intoxicating Liquors.

for a term not exceeding one month, with or without hard labour; and for the second and any subsequent offence, to a fine not exceeding two hundred rupees, or to imprisonment for a term not exceeding three months, with or without hard labour, and to be declared to be a person disqualified for ever to hold a license, and shall also, in the case of the first as well as any subsequent offence forfeit all adulterated liquor (including such produce as aforesaid) in his possession, with the vessels containing the same.

Possession of adulterated liquor or deleterious ingredients.

30. EVERY licensed person or keeper of a tavern who has in his possession or in any part of his premises for sale any adulterated liquor (including such produce as aforesaid) or any deleterious ingredient specified in the Schedule C. hereto, or added to such Schedule by any Proclamation issued by the Governor, with the advice of the Executive Council, (which Proclamation the Governor is hereby empowered to issue,) for the possession of which he is unable to account to the satisfaction of the court, shall be deemed knowingly to have exposed for sale adulterated liquor (including as aforesaid) on such premises.

Superintendent of Police may require samples for analysis.

31. ANY Superintendent of Police or other officer of police authorized in writing by the Superintendent so to do, may procure samples of any intoxicating liquor (including such produce as aforesaid) from any person selling or keeping or exposing the same for sale (referred to in this and three following sections as the vendor); he may procure such samples either by purchasing the same, or by requiring the vendor to shew him and allow him to inspect all or any of the vessels in which any such intoxicating liquor (including such produce as aforesaid) in the possession of the vendor is stored, and the place of the storage thereof, and to give him samples of such intoxicating liquor (including such produce as aforesaid) on payment or tender of the value of such samples. If the vendor or his agent or servant, when required in pursuance of this section, refuses or fails to admit the officer, or refuses or wilfully omits to shew all or any of the vessels in which intoxicating liquor (including such produce as aforesaid) is stored, or the place of the storage thereof, or to permit the officer to inspect the same, or to give any samples thereof, or to furnish the officer with such light or assistance as he may require, he shall be liable to the same fine and forfeiture as if he knowingly sold or exposed for sale adulterated liquor.

Such samples shall be analysed, and certificate given of liquor adulterated.

32. WHEN the police officer has, by either of the means aforesaid, procured samples of intoxicating liquor (including such produce as aforesaid) he shall cause the same to be analysed at such convenient place and time, and by such person as the Governor may appoint; provided always, that a reasonable notice shall have been given by such officer to the vendor by whom such sample was furnished, to enable such vendor, if he think fit, to attend at the time when such sample is open for analysis; and

Intoxicating Liquors.

if it appear to the person so analysing that the said samples of intoxicating liquor (including such produce as aforesaid) are adulterated liquor within the meaning of this ordinance, he shall certify such fact, and the certificate so given shall be receivable as evidence in any proceedings that may be taken against any person in pursuance of this ordinance, subject to the right of any person against whom proceedings are taken to require the attendance of the person making the analysis for the purpose of cross-examination.

33. THE vendor may require the officer, in his presence, to annex to every vessel containing any samples for analysis the name and address of the vendor, and to secure with a seal or seals belonging to the vendor the vessel containing such samples, and the name and address annexed thereto, in such manner that the vessel cannot be opened, or the name and address taken off, without breaking such seals; and a corresponding sample sealed by such officer with his own seal shall, if required, be left with the vendor for reference in case of disputes as to the correctness of the analysis or otherwise; and the certificate of the person who analyses such samples shall state the name and address of the vendor, and that the vessels were not open, and that the seals securing to the vessels the name and address of the vendor were not broken until such time as he opened the vessels for the purpose of making his analysis; and in such case as aforesaid no certificate shall be receivable in evidence unless there is contained therein such statement as above, or to the like effect.

Vendor may
require sam-
ples to be
sealed.

34. ANY expenses incurred in analysing any intoxicating liquor (including such produce as aforesaid) of a vendor in pursuance of this ordinance shall, if such vendor be convicted of selling or keeping, or exposing for sale, or having in his possession adulterated liquor (including as aforesaid) in contravention of this ordinance, be deemed to be a portion of the cost of the proceedings against him, and shall be paid by him accordingly.

Cost of
analysis.

35. THE importation of white or methylated spirit, whether coloured or otherwise, is hereby prohibited, except for medical or scientific purposes and under a license from the Colonial Secretary, which license shall specify the quantity to be imported. If any such spirit shall be imported into Ceylon, or brought for importation, it may be seized and shall be forfeited, and the person concerned in importing or bringing the same may be proceeded against for importing or bringing prohibited goods as in the Customs' Laws provided.

Importation of
white or
methylated
spirit
prohibited.

36. ANY Justice of the Peace for the district where any riot or tumult happens, or is expected to happen, or on the requisition of the officer in charge of troops on march, may order every licensed person or every keeper of a tavern in or near the place where such riot or tumult happens, or is expected to happen, or

Any Justice
of the Peace
may require
premises to be
closed where
riot or tumult

Intoxicating Liquors.

is apprehended
or where
troops are on
march.

where the troops are on march, to close his premises during any time which the justice may order; and any person who keeps open his premises for the sale of intoxicating liquor including such produce as aforesaid) during any time at which the justice has ordered them to be closed, shall be liable to a penalty not exceeding five hundred rupees; and it shall be lawful for any person acting by order of any justice to use such force as may be necessary for the purpose of closing such premises.

Hour of
closing.

37. SUBJECT as hereinafter mentioned, all premises excepting *bonâ fide* hotels, in which intoxicating liquor is sold or exposed for sale by retail, shall be closed after the hour of eight at night and before the hour of five in the morning. Provided that it shall be lawful for the Governor from time to time, with the advice of the Executive Council, by Proclamation published in the *Government Gazette*, to alter the said closing hours and appoint other hours instead. PROVIDED that it shall also be lawful for the inhabitants of any sub-division or portion thereof brought within the operation of "*The Village Communities Ordinance, 1871*," by rules to be by them made in manner provided by the said ordinance, to alter the said closing hours and appoint others instead, in such sub-division or portion thereof. Any person who sells or exposes for sale, or opens or keeps open any premises for the sale of intoxicating liquor during the time that such premises are directed to be closed by or in pursuance of this section, or during such time as aforesaid allows any intoxicating liquor to be consumed on such premises, shall for the first offence, be liable to a fine not exceeding fifty rupees, and for any subsequent offence to a fine not exceeding one hundred rupees.

Proceedings
against persons
found on
premises after
closing hours.

38. IF, during any period during which any premises are required under the provisions of this Ordinance to be closed, any person is found on such premises, he shall, unless he satisfies the court that he was an inmate, servant, or that otherwise his presence on such premises was not in contravention of the provisions of this ordinance, with respect to the closing of licensed premises, be liable to a penalty not exceeding twenty rupees. Any constable may demand the name and address of any person found on any premises during the period during which they are required by the provisions of this ordinance to be closed; and if he has reasonable ground to suppose that the name or address given is false, may require evidence of the correctness of such name and address, and may, if such person fail upon such demand to give his name or address, or such evidence, apprehend him without warrant, and carry him, as soon as practicable, before a justice of the peace. Any person required by a constable under this section to give his name and address, who fails to give the same, or gives a false name or address, or gives false evidence with respect to such name and address, shall be liable to a fine not exceeding fifty rupees.

Intoxicating Liquors.

39. A CONSTABLE authorized in writing by the Superintendent of Police, or headman authorized in writing by the Government Agent in any district in which there is no police force stationed, may at all times enter on any licensed premises and taverns; he may also examine every room and part of such premises, and take an account of all intoxicating liquor (including such produce as aforesaid) stored therein. Any justice of the peace, if satisfied by information on oath that there is reasonable ground to believe that any intoxicating liquor (including as aforesaid) is sold by retail or exposed or kept for sale by retail at any place within his jurisdiction, whether a building or not, in which such liquor (including as aforesaid) is not authorized to be sold by retail, may, in his discretion, grant a warrant under his hand, by virtue whereof it shall be lawful for any constable or headman named in such warrant, at any time within one month from the date thereof, to enter, and, if need be, by force, the place named in the warrant, and every part thereof, and examine the same and search for intoxicating liquor (including as aforesaid) therein, and seize and remove any intoxicating liquor (including as aforesaid) found therein, which there is reasonable ground to suppose is in such place for the purpose of unlawful sale at that or any other place, and the vessels containing such liquor (including as aforesaid.) Every person who, by himself, or by any person in his employ or acting by his direction or with his consent, refuses or fails to admit any constable or headman demanding to enter in pursuance of this section into any premises or place occupied by or under the control of such person, or who having admitted such constable or headman, refuses or fails to allow him to take an account of any intoxicating liquor (including as aforesaid) found therein, or to furnish him with such light or assistance as he may require, shall be liable to a fine not exceeding for the first offence, fifty rupees, and for the second and every subsequent offence, one hundred rupees.

Entry on
premises.

40. IN any proceedings under this ordinance the delivery of any intoxicating liquor (including such produce as aforesaid) shall be deemed and taken to be good and sufficient evidence of the same having been sold, unless the defendant shall prove the contrary, and the proof of the license shall in all cases rest upon the licensee.

Delivery
evidence of
sale, proof of
license on
licensee.

41. IF any person licensed to sell intoxicating liquor in any premises, or to keep an hotel, or any keeper of a tavern, shall employ or permit any person who, from misconduct or bad character, may have been refused or deprived of his license, under this or the ordinance No. 10 of 1844, to be employed in any capacity in such licensed premises, hotel, or tavern, or to be his partner or to participate in the profits of such licensed premises, hotel, or tavern, or to have any interest therein, such licensed person or keeper shall be liable to a fine not exceeding fifty rupees.

Person
deprived of his
license not to
be employed
by licensed
person, or to
be allowed any
interest
therein.

Intoxicating Liquors.

Agent may
withdraw
license.

42. IF any licensed person or keeper of a tavern shall be convicted of an offence against any of the provisions of this ordinance, or of sections 15, 16 and 19 of the Ordinance No. 4 of 1841, or if any licensed person or keeper of a tavern shall be deemed and taken to be a keeper, holder, occupier, or user of a house or place for the purposes of common or promiscuous gambling under section 17 of the said last named ordinance, it shall be lawful for the Government Agent, if he shall see fit to do so, to withdraw his license, and to publish such withdrawal in the *Government Gazette*, and such license shall thereupon be deemed and taken to be withdrawn, and shall be of no further force or effect.

Military and
Naval canteens
excluded from
this ordi-
nance.

43. NOTHING in this ordinance contained shall be held to apply to any canteen, shop, or tavern, opened or kept under Military or Naval regulations, and subject to the supervision of Military or Naval officers.

Informer's
share.

44. THE informer shall be entitled to such portion, not exceeding half of the fine actually recovered and realized, as the court shall award.

SCHEDULE.

A. (§ 3.)

Section 14 of Ordinance No. 4 of 1841.
Section 30 of Ordinance No. 10 of 1844.
Article 6 of section 53 of Ordinance No. 16 of 1865.
Section 76 of Ordinance No. 16 of 1865.

B. (§ 29.)

Opium; Bang; or Ganga; Coculus Indicus; Tinospora Cordifolia; Datura Stramonium; Tobacco; Arecanut; Nux Vomica; Strychnine; Turpentine; the Salts of Lead, Zinc, Copper and Iron; Salts of Tartar; Oil of Vitriol or Sulphuric Acid; Cayenne Pepper; Cassia; Cinnamon; Nutmeg; Assafoetida; Coriander seed; Grains of Paradise; Angelica root; Calken root; Almond Cake; Orris root; Cardamum seed; Orange seed; common Salt, or Chloride of Sodium; Rock Salt; Sal Ammonica; Alum; Cream of Tartar; Capsicum; Ginger; Quassia; Samadara; Wormwood; Calamus root; Carraway; Liquorice; Gentian; Aniseed; Honey; Oyster Shells; Hartshorn shavings; Fabia Amara; Beans for fining; Darnel seeds; Logwood, Sapan-wood, Catechu, Chiretta, Margosa, Sandal-wood, Hamidesmus Indicus or Erooomos, Buted kino or Bengal kino, and any extract or compound of any of the above ingredients; and the Spirit known as White or Methylated Spirit whether coloured or otherwise.

Intoxicating Liquors.

C. (§ 30.)

Opium ; Bang ; or Ganga ; Coculus Indicus ; Tinospora Cordifolia, Datura Stramonium ; Nux Vomica ; Strychnine ; the Salts of Lead, Zinc, Copper and Iron ; Salts of Tartar ; Oil of Vitriol or Sulphuric Acid ; Assafoetida ; Grains of Paradise ; Angelica root ; Calken root ; Almond Cake ; Orris root ; Sal Ammonica ; Alum ; Samadara ; Wormwood ; Calamus root ; Carraway ; Aniseed ; Oyster Shells ; Hartshorn shavings ; Fabia Amara ; Beans for fining ; Darnel seeds ; Logwood, Sapan-wood, Catechu, Chiretta, Sandal wood, Hamidesmus Indicus or Ercoomos, Buteo kino or Bengal kino, and the Spirit known as White or Methylated Spirit, whether coloured or otherwise, and any extract or compound of any of the above ingredients.

Passed in Council, the Third day of February, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Third day of February, One thousand Eight hundred and Seventy-three, and published by his order.

HENRY T. IRVING,
Colonial Secretary.

*Surplus Revenues.***No. 8.***To apply a portion of the Surplus Revenues of past years to Works and Services of acknowledged Public utility.*

WHEREAS it is expedient to apply a portion of the funds which have accrued from the surplus revenues of past years, to the execution of works and services of acknowledged public utility :

Preamble.

1. IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, that a sum not exceeding five hundred and eighty-four thousand seven hundred and one rupees out of the said surplus revenues shall be issued and applied to the execution of the several public works and services herein-after mentioned, in conformity with the details of the estimates to be submitted :—

Rs. 584,701 to be charged upon the Surplus Revenues of the Island.

Náwalapitiya railway extension	Rs. 150,000
Improvement of customs premises	120,000
Bridging the Northern and Triacomalee roads.....	126,701
Towards the construction of a road from Lémastota to Wellawáya	65,000
For the building of certain new prisons, and improvements to existing ones	100,000
For gratuities to the men of the Ceylon Rifles who are to be disbanded without pension	23,000

Total ... Rs. 584,701

2. THE Treasurer of the said Island shall issue and pay the said several sums to such persons, for the purposes 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 payable out of the said surplus revenues of the said Island.

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

3. THE said 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 said Treasurer, in passing his said accounts, for any such sum or sums

And to receive credit in his accounts for the payments made in pursuance thereof.

Surplus Revenues. Pioneer Pension Fund.

as shall be therein mentioned, and he shall and may receive credit for the same accordingly.

Passed in Council, the Fourth day of June, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of June, One thousand Eight hundred and Seventy-three.

JOHN DOUGLAS,
Acting Colonial Secretary.

No. 9.

*An Ordinance to abolish the Pioneer Pension Fund,
and to devote the money to the extension of the
Railway to Nāwalapitiya, the Pensions to
Pioneers being paid out of
the general revenue.*

Preamble.

WHEREAS it is expedient to abolish "*The Pioneer Pension Fund*" created by the Ordinance No. 3 of 1855, entitled "*An Ordinance to provide for the security of the Pioneer Pension Fund*," and to appropriate the moneys belonging thereto for the purposes of the Nāwalapitiya Railway extension, making the general revenue of the Colony liable for the payment of the gratuities and pensions heretofore paid out of the said Fund: **IT IS ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof, as follows:—

Pioneer Pension fund to be abolished, and money paid to the Treasury.

1. THE said Ordinance No. 3 of 1855 is hereby repealed, and the Trustees are empowered and directed to pay over the money belonging to the said Pioneer Pension Fund, amounting on the 30th day of June last, to the sum of Rs. 209,226.94, with all further interest due thereon up to the date of payment into the Colonial Treasury; and the receipt of the Treasurer shall be a full and valid discharge to the said Trustees for such sum of money as shall be therein mentioned, and they shall and may receive credit for the same accordingly.

Money to be carried to general revenue, which is charged with payment of pensions to overseers.

2. THE said sum of money, with interest as aforesaid, so paid by the Trustees as above directed, shall be carried to the account of the general revenue; and such general revenue is hereby charged with the payment of such gratuities and pensions as are now or shall hereafter be payable out of the said pension fund, had the same not been abolished.

*Pioneer Pension Fund.**Sick Coolies.*

3. THE said sum of money so paid by the Trustees to the Treasurer, and carried to the account of the general revenue, shall be issued and applied to the extension of the line of railway from Pérádeniya to Náwalapitiya.

Money to be applied to Náwalapitiya Railway extension.

4. THE Treasurer shall, from time to time, out of the general revenue, pay such gratuities and pensions, to such worn out and disabled members of the pioneer and elephant departments, and overseers employed in the Department of Public Works, and in such manner, as he shall be directed by any order or instruction from time to time in that behalf given to him by the Governor, with the advice of the Executive Council.

Treasurer to pay such pensions as the Governor shall direct.

5. THE Treasurer shall issue and pay the said sum to such persons, 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 payable out of the said general revenue of the said Island.

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

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

And to receive credit in his accounts for the payments made in pursuance thereof.

Passed in Council, the Tenth day of September, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Seventeenth day of September, One thousand Eight hundred and Seventy-three,

ARTHUR N. BIRCH,
Colonial Secretary.

No. 10.

*An Ordinance to provide for the recovery of the
cost of treating Sick Coolies in
Government Hospitals.*

WHEREAS much difficulty is experienced in recovering the cost of sick coolies in Government hospitals from superintendents of estates for the time being, and much money due to the Government has thereby been lost, and it is expedient that the estates themselves should be made liable for such cost :
IT IS HEREBY ENACTED BY THE GOVERNOR OF

Preamble.

Sick Coolies.

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

Estate in which cooly took ill made liable for the cost of treatment.

1. WHENEVER a cooly is sent to or admitted in any Government hospital, the estate in which such cooly served when he was taken ill shall be, and is hereby declared, liable for the cost of the treatment of the cooly in such hospital.

Notice of claim to be served on proprietors.

2. THE medical officer in charge of the hospital in which such cooly shall have been treated shall forward to the Government Agent or Assistant Government Agent of the province or district in which such hospital is situate, a certificate of the cost of the treatment within one month after the discharge from hospital of such cooly, and it shall be the duty of such Government Agent or Assistant Government Agent to cause written notice to be served upon the proprietor or agent of the estate in which the cooly was serving when he was taken ill, informing him of the sum due for the treatment in hospital of the cooly, and requiring him to pay such sum to the Kachehéri named therein at such time as shall be specified in such notice. If the proprietor or agent be not known, or be absent from the Colony, the notice may be issued to the superintendent, and, if there be no superintendent, the notice shall be affixed to some conspicuous part of the estate.

Mode of service.

Mode of recovering, if proprietor neglect or refuse to pay.

3. IF any proprietor or agent or superintendent shall neglect or refuse to pay the sum at the time specified in such notice, it shall be lawful for the Government Agent, or Assistant Government Agent, or any person authorized by him, to seize the property found on such estate, and sell the same in the order specified in section 13 of the Ordinance No. 14 of 1872, entitled "*An Ordinance to provide for the Medical Wants of the Coffee Districts*," and subject to the provisions in such section contained. Provided that if any such bill or charge be not presented to the parties aforesaid, or the amount recovered under the provisions of this Ordinance, within two years after the discharge of the cooly from hospital, all claims on this account shall be and are hereby prescribed.

Sections 14 to 18 of Ordinance 14 of 1873 incorporated herein.

4. WITH a view to such seizure and sale, the 14th, 15th, 16th, 17th, and 18th sections of the said Ordinance shall be deemed parts of this Ordinance, as if they were expressly inserted herein.

Existing arrears not to be affected.

5. NOTHING herein contained shall affect the recovery of arrears due at the time of the passing of this Ordinance.

Passed in Council, the Tenth day of September, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Seventeenth day of September, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

*Public Museum.***No. 11.***An Ordinance to provide for the establishment and regulation of a Public Museum in Colombo.*

WHEREAS it is expedient to provide for the establishment and regulation of a Public Museum in Colombo for the instruction and recreation of the people, and this Council has voted a sum of money for such purpose: **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 for all purposes as “*The Museum Ordinance, 1873.*” Preamble.

2. THIS Ordinance shall come into operation on such day as shall be named by the Governor in a Proclamation to be by him for that purpose issued. Short title.

3. IT shall be lawful for the Governor, with the advice of the Executive Council, from such sums as shall be voted for such purpose by the Legislative Council, to establish a Public Museum in Colombo, to be called “*The Colombo Museum,*” to be devoted to the illustration of the Archaeology, Natural History, and products of Ceylon, and to the collection of a library of books of general information, and to appoint a Curator, and to make such rules and regulations for the safety and use of the said Museum, for the admission of visitors and others, for the payment of fees, and for such other matters in connection with the said Museum, as to them shall seem fit. Commencement of Ordinance.

4. IT shall be lawful for the Governor, with the advice of the Executive Council, from such votes as aforesaid, to purchase books, medals, coins, specimens of Natural History, and other objects for the use of the said Museum, and, if need be, to allow them to be exchanged for other books and other objects of interest, or to direct such books and objects to be sold, and the money arising from such sales to be employed in the purchase of other books or objects that may be proper to the said Museum. Governor to establish a Museum.

5. THE Curator shall lay annually before the Governor, on or before the 31st day of March in each year, a general report of the condition and progress of the Museum during the preceding year, together with a catalogue of the various objects acquired, and also an account of all moneys received and expended during the said period. Such report, catalogue, and account shall be annually published. Power to purchase books, medals, coins, specimens, and to exchange them for others, and to sell them and appropriate proceeds for the purchase of other books or objects.

6. SHOULD the Branch of the Royal Asiatic Society established in Ceylon desire to transfer their collections and library to the said Museum, such of the objects and books of the said Society as shall be considered by the Curator as proper to the Museum may be transferred to the said Museum. Curator to lay annually before the Governor proceedings of meetings, catalogue of objects and account of moneys expended.

7. SHOULD the Asiatic Society may transfer their books and collections to the Museum.

*Public Museum.**Gunpowder.*

Members of the Society to have access to Museum, and the use of a room for meetings, &c. Collections so transferred to be labelled and inventoried, but kept in charge of Curator.

7. IN case of the transfer of the collections and books of the said Branch to the said Museum, the Members of the said Branch shall have access to the Museum on all days of the week within the hours which shall be fixed by bye-laws, and they shall have the use of a room, for the regular meetings of the Branch. The collections and books transferred shall be labelled as belonging to the Branch, and an inventory shall be kept of the same, but they shall be under the sole charge of the Curator, and shall not be removed from the Museum excepting in pursuance of the rules and regulations made for the Museum, as hereinbefore provided; and should the said Branch be dissolved, the books and collections belonging to it shall be considered as appertaining to the Museum. PROVIDED that the Curator shall, with the consent of the Governor, have power from time to time to remove such specimens as may no longer be required, in which case they shall be re-transferred to the Branch.

Rules and regulations to be published in *Gazette*.

8. THE rules and regulations made and fees established under section 3, shall be published in the *Government Gazette*, and, on such publication, they shall have the same force and effect as if they were embodied herein, and shall be binding upon and observed by all parties, and taken judicial notice of by Courts, Judges, and Magistrates. Any breach of such rules and regulations shall subject the offender to a fine not exceeding fifty rupees.

Branches of rules.

Fine for injuring any work of art, or object, or book or other property of Museum.

9. ANY person damaging any work or object of art, or book, or other property appertaining to the said Museum, shall be civilly liable to pay double the value of such work, object, book, or other property; and if the damage shall be shewn to be wilful, he shall be further liable to a fine not exceeding one thousand rupees, or to imprisonment, with or without hard labour, for a term not exceeding one year, or to both.

Passed in Council, the Tenth day of September, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Seventeenth day of September, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 12.

*An Ordinance for the prevention of Accidents
by Gunpowder.*

Preamble.

WHEREAS large quantities of Gunpowder are held by private dealers and others in boutiques, dwelling-houses, and other places in this Island, stowed in a manner dangerous to

Gunpowder.

the public safety, and it is expedient to provide for the safe stowage of such gunpowder, and to make other regulations in respect thereof: IT IS ENACTED BY THE GOVERNOR OF CEYLON, by and with the advice and consent of the Legislative Council thereof, as follows :—

1. THIS Ordinance shall come into force on the date of the passing thereof. Commencement of Ordinance.
2. THE Ordinance No. 14 of 1862, entitled "*An Ordinance for the prevention of Accidents by Gunpowder*," is hereby repealed. Repeal of Ordinance No. 14 of 1862.
3. THE word "Gunpowder" shall be taken to include blasting powder, and all other explosive mixtures. Interpretation clause.
4. THE Governor may, with the advice of the Executive Council, erect or set apart magazines or places for the deposit of gunpowder in any district, and by Proclamation in the *Government Gazette*, may declare any such district, the limits of which shall be set forth and defined in such Proclamation, to be brought within the operation of this Ordinance. Proclamations already issued under section 2 of the Ordinance No. 14 of 1862 shall continue to be in force, and the districts therein named shall be deemed the districts brought within the operation of this Ordinance. Public gunpowder magazine to be erected or set apart.
5. THE Governor may, with the advice of the Executive Council, make regulations prescribing the rent and fees to be paid for the use of any public magazine, and providing for the proper management thereof, the storage therein, and removal therefrom of gunpowder, and all other matters relating thereto. And the said regulations shall be published in the *Government Gazette*, and shall thereupon become as legal, valid and effectual as if the same had been inserted herein. Regulations already made under section 4 of the Ordinance No. 14 of 1862 shall continue to be in force until the same are repealed. Governor may make regulations, and prescribe fees.
6. ANY person may deposit gunpowder in a public gunpowder magazine, or other place as aforesaid, subject to the regulations herein authorized to be made in respect of such magazine. Gunpowder to be deposited in public magazine.
7. IT shall not be lawful for any person to hold, keep, or possess, at any one time in any place other than in such public gunpowder magazine, more than fifty pounds of powder in all; and such gunpowder must be contained in one-pound metal canisters or in barrels close joined and hooped, without any iron about them, and properly secured, and in such manner or subject to such precautions as shall be prescribed in the license, and as the Inspector-General or Superintendent of Police shall, from time to time, prescribe. When possession of more than 50 lbs. of powder shall be unlawful.

Gunpowder.

Removal of
gunpowder.

8. IT shall not be lawful for any person to convey, without a license for that purpose to be obtained from the Inspector-General or Superintendent of Police, at any one time, more than fifty pounds of gunpowder, except in vessels with gunpowder imported from, or to be exported to, any place beyond the sea, or going coastwise, or when transported under military escort or by license from the Governor; and all gunpowder conveyed on land or water, except in such vessels for importation or exportation of gunpowder, or going coastwise, shall be in barrels close joined and hooped, without any iron about them, and properly secured.

Power reserved
to Governor to
grant special
license.

9. NOTHING in this enactment contained shall be held to prevent the Governor, with the advice of the Executive Council, from granting a special license to any one to convey, or hold, keep or possess a larger quantity of gunpowder than fifty pounds, subject to such conditions as shall be prescribed in such license. And such special license shall protect the person holding the same from the penal provisions of this Ordinance.

Gunpowder
not to be sold
without a
license.

10. IT shall not be lawful for any person to sell gunpowder in any district, whether proclaimed under this Ordinance or not, unless he shall have previously obtained a license from the Government Agent of the province in which such district is situated, or some Assistant Government Agent thereof; and such license shall be written or printed on a stamp of five rupees, and shall be substantially of the form in the Schedule to this Ordinance annexed. PROVIDED that it shall be lawful for the Government Agent or Assistant Government Agent to refuse issuing a license if he shall consider that there is a sufficient number of licensed persons in the neighbourhood; that the applicant is not a fit person; or that he has not provided a safe place wherein to keep gunpowder. And the Government Agent may at any time recall and put an end to such license, should he see fit so to do.

To refuse
license.

To recall
license.

Notice of
license to be
affixed.

11. THE owner or occupier of any premises licensed for the sale or storage of gunpowder shall affix to such premises in some conspicuous place a notice to the effect that the premises are so licensed.

Offences.

12. ANY person committing any act contrary to this Ordinance or declared to be unlawful, or any breach of any regulation made in virtue hereof, shall be guilty of an offence, and shall, on conviction, be liable to a fine not exceeding five hundred rupees. And any powder beyond the quantity hereby allowed to be kept or removed, and any powder not kept or removed in the manner herein prescribed, and the barrels or canisters or other vessels containing it, shall, upon the conviction of the offender, be forfeited to and for the use of Her Majesty.

Gunpowder. Supplementary Supply. Kataragama Pilgrimage.

13. IT shall be lawful for any Inspector of Police, or other officer of police above the rank of Inspector, to search any premises, or carriage or vessel in which gunpowder is suspected to be kept or carried contrary to this Ordinance; and all gunpowder found upon such search to be so kept or carried, and also the barrel, canister, or other vessel holding the said gunpowder, shall be immediately seized by the searcher, who shall, with all convenient speed after the seizure, remove such gunpowder to a place of safety.

Houses, &c.,
may be
searched for
gunpowder.

SCHEDULE.

I, *A. B.*, Government Agent (or Assistant Agent, as the case may be) of Province (or of District in Province, as the case may be) hereby license *C. D.*, boutique keeper (or of any other business) to sell gunpowder under the provisions of Ordinance No. 12 of 1873, entitled "An Ordinance for the prevention of Accidents by Gunpowder." (here insert the conditions, if any, to which the license shall be made subject.)

day of A. D. 187 (Signature) A. B.

Passed in Council, the Tenth day of September, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Seventeenth day of September, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 13.

An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1872.

24th September, 1873.

No. 14.

An Ordinance relating to the Annual Pilgrimage to Kataragama.

WHEREAS the collection of a large number of persons to proceed annually in a pilgrimage to Kataragama, and their march thither from different places in the Island, are proving a

Preamble.

Kataragama Pilgrimage.

source of danger to the pilgrims themselves, and to the inhabitants of the villages and towns through which the pilgrims pass; and the efforts of Government to induce the pilgrims and others promoting or connected with such pilgrimage to submit voluntarily to such restrictions as are necessary to prevent the spread of contagious diseases, have proved ineffectual: IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Government empowered to make certain orders, and to appoint officers to enforce them.

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

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

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

2. IF any person shall knowingly and wilfully disobey or contravene any such order given under the authority of the preceding section, or shall obstruct, hinder or resist any officer appointed to enforce any such order, he shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding one thousand rupees, or to imprisonment with or without hard labour for a term not exceeding one year.

Officers to assist in enforcing orders.

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

Liability of such officer.

4. WHEREAS the punishments assigned to offences under this ordinance are beyond the jurisdiction of police courts, but it would be frequently more advantageous that such offences should be brought to trial before such courts, in order that the punishment of offenders may be more prompt, even though it should

Cases may be tried before Police Courts, though otherwise out of their jurisdiction.

Kataragama Pilgrimage. Supplementary Supply. Notaries.

be less severe, it is therefore enacted that it shall be lawful for any justice of the peace before whom the offender shall be brought, to direct that any offence committed under this ordinance, or the orders made thereunder, may be prosecuted before a police Court; and such court shall thereupon take cognizance of such offence or act, and award in respect thereof so much of the punishment assigned thereto as police courts are empowered by law to award.

Passed in Council, the Twenty-ninth day of October, One thousand Eight hundred and Seventy-three.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Fifth day of November, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,

Colonial Secretary.

No. 15.

*An Ordinance for making provision for the
Supplementary Contingent Charges
for the year 1873.*

3rd December, 1873.

No. 16.

*An Ordinance to amend the Law relating
to Notaries.*

WHEREAS it is expedient to amend the law relating to Notaries, with the view to prevent the admission of men not properly qualified in respect of character and professional attainments to fill the office: **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. SECTIONS 3, 4, 5, 6, 7, and 12 of the Ordinance No. 16 of 1852 are hereby repealed. PROVIDED however that the repeal of section 3 shall not apply to candidates bound, before the 15th day of October in the present year, by contract in writing to serve as clerk for and during the term of three years to a practising Notary in this Island, and who shall have *bona fide* served as such, and who shall further have obtained, on or

Sections 3, 4, 5, 6, 7, and 12 of Ordinance No. 16 of 1852 repealed. Proviso as to persons already serving.

Notaries.

before the 31st day of December in the present year, a certificate from the District Judge having jurisdiction over the district in which such candidate shall have served as aforesaid, that such contract has been produced to him. Such candidate shall be entitled to apply at the end of his term, and, if (after examination as prescribed by this ordinance) he shall be found to be of good repute and qualified as prescribed by the Ordinance No. 16 of 1852, he shall be admitted to practise as Notary.

Qualifications
to be admitted
a Notary.

2. NO person shall be capable of being admitted to practise as a Notary in this Island, unless he possesses the following qualifications :

- (1.) He shall be of good repute.
- (2.) He shall be of the full age of twenty-one years.
- (3.) He shall have been previously admitted as an Advocate or Proctor of the Supreme Court, and shall have practised as such therein, or he shall have been an articulated clerk of an Advocate or Proctor of the Supreme Court, and shall have duly served as such for three years. PROVIDED that, if the applicant intends to practise in either of the native languages, he should serve as articulated clerk of such Advocate or Proctor for two years, and should serve his last year in the office of a Notary practising in the language in which the applicant intends to practise.
- (4.) He shall unless, in the case of an Advocate or Proctor of the Supreme Court) be reported duly qualified by any person or board to whom the application shall have been referred by the Governor, as hereinafter provided, as to the above qualifications, and further as to his competency to perform the duties of Notary, and his knowledge of the language in which he means to practise as such.

Proviso as to
districts where
there is a paucity of Notaries.

PROVIDED that nothing herein contained shall be held to prevent the Governor, with the advice of the Executive Council, granting a warrant empowering a person of good repute and full age, and who shall pass such an examination as the Governor, with the like advice, shall prescribe, to practise as Notary in districts where, from the paucity of duly qualified Notaries, it is expedient, with a view to the convenience of the inhabitants thereof, to relax the ordinary rule as to the qualifications of a Notary.

Notice to be
given before,
and form of
application.

3. EVERY person who shall intend to apply for admission as a Notary shall, three months at least before he shall so apply, give notice of such his intention to the District Court of the district in which he resides and in which he means to practise,

Notaries.

and shall cause notice of his intended application in the English and native languages to be affixed in some conspicuous part of such Courts, and to be published three times in the *Government Gazette* between the dates of notice and of application. Every such application shall be in the form of a petition to the Governor, and shall contain the following particulars :—

- (1) The place in which the applicant resides, and the district in which he means to practise ;
- (2) The language in which he proposes to draw, authenticate, or attest deeds or other instruments ;
- (3) The nature of the security he means to offer, and all particulars connected therewith.

4. IT shall be lawful for the Governor, on receipt of any such petition from any person, to refer the same to some person or board, to be named by the Governor, to enquire into and report upon the fitness and capacity of the applicant to be appointed a Notary. PROVIDED that such reference shall not be necessary where the applicant is an Advocate or Proctor of the Supreme Court.

Reference of application to person or board to report upon fitness of applicant.

5. EVERY article clerk preparing himself for the office of Notary shall, on or before the 30th day of June in each year, furnish to the Registrar of the Supreme Court a statement setting out his name and address, the date of his articles, the Advocate or Proctor under whom he serves, and the district and language in which he means to practise. It shall be the duty of such Registrar to forward, on or before the 31st day of July in each year, an abstract of such statements, distinguishing them into provinces and districts, for publication in the *Government Gazette*. Any article clerk failing to furnish such statement shall not be allowed, unless he can explain such failure to the satisfaction of the person or board to whom his application to be admitted to practise as Notary shall be referred by the Governor as hereinbefore provided to count the year or years in which he shall have so failed, but shall be required to serve another year for every fresh year of failure.

Article clerk bound to furnish yearly on or before the 30th June, particulars as to their articles to Registrar of the Supreme Court.

The Registrar shall forward such statements for publication in the *Gazette* on or before 30th July in each year. Consequence of not furnishing statements.

6. EVERY appointment for the office of Notary shall be by warrant under the hand and seal of the Governor, and shall specify the district within which alone the person thereby appointed is to practise, and the language in which alone he is authorized to draw, authenticate, or attest deeds or other instruments.

Appointment by Warrant.

7. EVERY Notary shall be bound to reside and have his office within the district in which he is allowed to practise. In the case of Notaries already admitted to practise as such in more than one district, he shall elect within three months after this ordinance shall come into operation the place in which he

Notary shall be bound to reside in district for which he is appointed.

*Notaries.**Carriages and Coaches.*

means to reside and have his office, and shall give written notice of such election to the District Court having jurisdiction over such district, and shall cause the same to be published in the *Government Gazette*. Any person residing or having his office in any place other than that in which he is allowed to practise, or any person who shall fail to elect as aforesaid, or who, having elected to reside and have his office within any district shall fail to give notice thereof as herein provided, or shall reside or have his office elsewhere, shall be liable to have his Warrant withdrawn by the Governor, with the advice of the Executive Council.

Notary when
disqualified for
his office.

8. IF any person who now is or hereafter may be authorized to act as a Notary in this Island shall be lawfully convicted of any crime which, in the opinion of the Governor, with the advice of the Executive Council, renders him unfit to be entrusted with any responsible office in the district, or of any crime or offence punishable under the provisions of the 22nd section of the Ordinance No. 16 of 1852, or if any such person, being an Advocate or Proctor, shall be duly removed from his office as such, every such person shall become *ipso facto* disqualified for the said office of Notary, and the warrant granted to him shall thereupon be cancelled. The power of suspension granted by the 15th section of the said ordinance shall be exercisable in case any person shall be committed to take his trial for any crime or offence indicated in this section.

This Ordinance
and Ordinance
No. 16 of 1852
to be deemed
one.

9. THIS ordinance and the Ordinance No. 16 of 1852 shall be read and construed together as one ordinance.

Passed in Council, the Third day of December, One thousand Eight hundred and Seventy-three.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Tenth day of December, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 17.

An Ordinance relating to Carriages let for hire, and to Coaches.

Preamble.

WHIEREAS it is expedient to amend the law relating to Carriages let for hire, and to Coaches, and for the licensing and regulating thereof: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Carriages and Couches.

1. THIS Ordinance shall come into operation on such day and at such town or place or along such line of road as the Governor, with the advice of the Executive Council, by any proclamation to be by him for that purpose issued, shall from time to time appoint.

Ordinance to be in force on such date and at places as shall be hereafter proclaimed.
Short title.

2. THIS ordinance may be cited for all purposes as "*The Carriage Ordinance, 1873.*"

3. THE Ordinance No. 7 of 1848, "*For registering Palanquens and other Carriages let to hire,*" the Ordinance No. 1 of 1853, "*To extend to the Town of Kandy the provisions of the Ordinance No. 7 of 1848,*" and the Ordinance No. 7 of 1870, entitled "*An Ordinance to extend the provisions of the Ordinance No. 7 of 1848,*" are hereby repealed, except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this ordinance comes into operation.

Repeal of Ordinances No. 7 of 1848, No. 1 of 1853, and No. 7 of 1870.

4. THE following expressions shall have the meanings hereby assigned to them, unless there be anything in the context repugnant to such construction :

Interpretation clause.

"Carriage" shall mean any carriage or vehicle for the conveyance of passengers for hire, but not coaches under the Ordinance No. 14 of 1865.

"Coach" shall mean any mail coach, or other public conveyance by land for the conveyance of passengers or goods.

"Government Agent" shall mean the Government Agent of the province, or the Assistant Government Agent of the district, in any town or place in which carriages shall be licensed to be let to hire.

5. IT shall not be lawful for any person to let for hire by the job to any person, any carriage at any town or place or line of road in which this ordinance shall be in force, or to convey thereby for hire any person in such carriage, or to keep the same for the purpose of letting it for hire by the job or conveying any person as aforesaid, in such town or place, or line of road, unless such person shall have had a license in manner hereinafter mentioned.

No person to let for hire a carriage without license.

6. IT shall be lawful for the Chairman of the Municipal Council, acting on behalf of the said Council, in any town or place or along any line of road in which such Council shall be established, and, where no such Council is established, for the Government Agent, to issue licenses to authorise any person to let or convey for hire any person in a carriage in any town or place or along any line of road in which this ordinance shall be in force ; and such license shall be subject to the following provisions :

Who shall license.

Carriages and Coaches.

- Stamp on license. (1.) Each license for a carriage or vehicle other than a hackery shall be on a stamp of ten rupees, and for a hackery five rupees, such stamp to be supplied by the party applying for the same. It shall be substantially in the form in the Schedule A. hereto annexed, and shall be numbered consecutively, commencing at the beginning of every year with the number one. Each license shall be in force until the Thirty-first day of December in the year in or for which the same shall be granted, and no longer.
- Form A. Number Duration.
- Declaration of ownership. (2.) Before any license shall be granted, a declaration of ownership substantially in the form B. in the Schedule hereto annexed shall be made and signed by the proprietor, or by one of the proprietors, of the carriage in respect of which such license shall be applied for.
- (3.) The license shall specify the number of persons whom such carriage may carry.
- Register of license. (4.) The said Chairman and the Government Agent shall, and they are hereby required, to keep a book in which shall be registered all the particulars stated in the license granted by them; and every entry in such register shall be numbered in accordance with the number of the license to which it has reference. Any authenticated copy or extract from the register shall be deemed *prima facie* evidence of the facts stated therein.
- Extract therefrom *prima facie* evidence.
- Power to refuse or revoke license. 7. IT shall be lawful for such Chairman or Government Agent to revoke a license after the same shall have been issued, if the proprietor of any carriage shall not keep it or the animals drawing it in good order, or if he shall allow the same to be driven by any person not competent to drive, or if he shall commit any breach of the provisions of this ordinance, or the bye-laws made thereunder.
- Numbered plates to be affixed to carriages. 8. AT the time when any carriage shall be licensed, the official empowered to grant the same shall issue to the applicant, a plate on which shall be legibly painted or marked a number corresponding with the number of such carriage mentioned in the license for the same, together with figures or letters denoting the year in which such license has been granted; and the plate shall be placed and fixed upon such carriage in such manner that the number and year shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so fixed during the continuance of such license; and the proprietor of such carriage shall, at the expiration of the period for which the said license shall have been granted, return the said plate to the office from which he received it.

Carriages and Cooches.

9. WHEN any person to whom any license shall have been granted shall determine to give up such license, and to discontinue letting for hire the carriage referred to therein, such person shall give notice in writing to the office from which he obtained the same, of such his determination ; and when the time for giving up such license according to such notice shall have expired, such license shall cease to be any longer in force. And such license shall be returned to the office from which the same was issued.

Mode of giving
up licenses.

10. BYE-LAWS for any of the following purposes may be made by the Governor, with the advice of the Executive Council, as respects coaches, and by the Municipal Council in any town where such council shall exist, or by the Government Agent where there is no Municipal Council, as respects carriages :—

Bye-laws as to
carriages and
coaches.

- (1.) For regulating the number of persons to be carried in any carriage or coach, the number and description of lights to be carried by such carriage or coach after dark and before daylight, and for the periodical inspection of the condition of such carriages or coaches and of the animals drawing the same,
- (2.) For fixing public stands for carriages, the distances to which such carriages may be compelled to take passengers and the persons to attend at such stands, the hours within which carriages are to remain at the stands, and all other matters relating thereto.
- (3.) For fixing the rates or fares, as well for time as distance, to be paid for carriages, and for securing the due publication of such fares.
- (4.) For forming a table of distances, as evidence for the purpose of any fare to be charged by distance.
- (5.) For securing the safe custody and re-delivery of any property accidentally left in carriages or coaches, and fixing the charges to be paid in respect thereof, with power to cause such property to be sold or to be given to the finder, in the event of its not being claimed within a stated time.

11. THE bye-laws when made by the Municipal Council or the Government Agent as aforesaid, shall be transmitted to the Governor, for the approval, or disallowance thereof by the Governor, with the advice of the Executive Council, and such of the rules as are approved shall be published in the *Government Gazette*, and thereupon become as legal, valid, and effectual, as if the same had been inserted herein.

Rules to be
approved,
amended, or
disallowed by
the Govern-
ment.

12. SUCH regulations, when published, shall be binding upon and observed by all parties acting under the same ; and all Courts, Judges, and Magistrates shall take judicial notice thereof,

Bye-laws to be
binding on all,
and to be taken,
judicial notice of

Carriages and Coaches.

Fines may be imposed for breach of bye-laws.

13. ANY person committing a breach of such regulations shall be liable to a fine not exceeding twenty rupees for each breach of such regulations, and, in case of a continued breach, further fines not exceeding ten rupees for each day such breach is continued, after notice to the offender. And it shall be competent for police courts to try such offences although the aggregate of the fines may exceed the sum which it is competent to police courts in the exercise of their ordinary jurisdiction to award.

Penalties for commission of certain acts.

14. ANY person committing any of the following acts shall be held to be guilty of an offence, and to be liable to a fine not exceeding twenty rupees :—

- (1.) Neglecting or omitting to specify truly in the declaration of ownership required by section 6, article 2, the name of any person who shall be a proprietor or part proprietor of any carriage ;
- (2.) Neglecting or omitting to fix the plate issued under section 8 in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, or to keep and continue the same so fixed during the continuance of such license ;
- (3.) Failing to return the plate to the office from which he received it within six days after the expiration of the period for which the license shall have been granted, or using the said plate, or suffering it to remain fixed on such carriage after such period ;
- (4.) Letting for hire a carriage without having a license, or after such license shall cease to be in force ;
- (5.) Refusing, he being a proprietor of a carriage, or having the charge or care thereof, without reasonable cause (the proof of which shall rest on him) to let a carriage to any person desirous of hiring the same, for the legal fare allowed by any regulations issued under the authority of this ordinance, or exacting or demanding for the hire thereof more than the proper sum allowed by such regulations.
- (6.) Employing, he being a proprietor of a carriage or coach, incompetent persons to drive a carriage or coach.

Misbehaviour of proprietor, driver, horse-keeper, or other person in charge of carriage or coach.

15. IF any proprietor, driver, or horsekeeper of any carriage or coach, or any other person having the charge or care thereof, owing to intoxication or wanton or furious driving or running with such carriage, or any other wilful misconduct, injure or endanger any person in his life, limbs, or property ; or if any such proprietor, driver, horsekeeper, or other person as aforesaid, make use of any abusive or insulting language, or be guilty of other rude behaviour to or towards any person whomsoever ; or

Carriages and Coaches.

assault or obstruct any officer of police in the execution of his duty, he shall be held liable to a fine of fifty rupees, or to imprisonment with or without hard labour, for any period not exceeding three months.

16. IF any person shall refuse or omit to pay to the proprietor or other person authorised to recover the same, the sum justly due for the hire of a carriage or coach, or shall deface or in any manner injure any such carriage or coach, it shall be lawful for the police court having jurisdiction in the place in which any of the acts aforesaid were committed, upon complaint of the proprietor and summary proof of the facts, to award reasonable satisfaction to the party so complaining for his fare, or for his damages and costs, and also a reasonable compensation for his loss of time in attending to make and establish such complaint; and upon the neglect or refusal of such defaulter or offender to pay the same, the same shall be recovered as if it were a fine imposed by such court.

Penalty on person refusing to pay the fine, or defacing or injuring any carriage or coach.

17 IF any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any license or plate issued under the provisions of this ordinance, or if any person shall knowingly and without lawful excuse (the proof of which excuse shall lie on the party accused) have in his possession any false, forged, or counterfeit license or plate, he shall be liable to the pains and penalties of forgery.

Penalty for forging or counterfeiting license or plate.

18. IF in any proceeding under this ordinance any question shall arise as to whether a license has been obtained, or whether any declaration of ownership has been made, the proof of having obtained such license and made such declaration, shall lie on the party against whom such proceeding shall be had.

Proof of obtaining license or making declaration of ownership.

SCHEDULE.

A.

Colombo the

day of

187 .

WHEREAS A. B., occupying premises No. in the Street in has applied for a licence under the Ordinance No. of and has made and signed the declaration of ownership thereby required, license is hereby granted unto him to keep the said carriage (*describe*) bearing No. for the purpose of letting the same for hire by the job [*or conveying any person for hire thereby as the case may be*] from the date hereof until the 31st day of December next. Provided that such Carriage shall not carry more than persons.

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

Carriages and Coaches. Supply. Advocates.

B.

I, 4. B., do hereby declare that I reside at No. in the Street
 in and that I am the sole proprietor (or
 proprietor with as the case may be)
 of the carriage which I have applied to be registered
 under the Ordinance No. of and which
 is about to be registered under No.

Declared at Colombo, this day of 187 .

A. B.

Passed in Council, the Fifteenth day of December, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
 Clerk to the Council.

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

ARTHUR N. BIRCH,
 Colonial Secretary.

No. 18.

An Ordinance for making provision for the Contingent Services of the Year 1874.

17th December, 1873.

No. 19.

An Ordinance to give effect to certain Rules and Orders for the admission of Advocates to practice in the Supreme Court.

Preamble.

WHEREAS by the Ordinance No. 8 of 1846, entitled "*An Ordinance for rendering the operation of Rules of Court contingent on their enactment by the Legislature,*" it is provided that whenever any General Rule of Court, framed by the Judges of the Supreme Court, shall have been transmitted to the Governor, in the manner directed in the said ordinance, such rule shall be laid by the said Governor, in the form of an ordinance, before the Legislative Council, to be considered and dealt with by the said Council in such and the same manner as any

Advocates.

other Ordinance ; and that no General Rule, framed by the said Judges, shall operate or take effect until the same shall have been duly enacted : And whereas the Judges have transmitted to the Governor, in the manner directed by the said ordinance, the General Rules in the Schedule to this ordinance, relating to the admission of Advocates : **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof, as follows :—

1. THE General Rules in the Schedule to this ordinance annexed relating to the admission of Advocates are hereby confirmed, and shall come into operation and take effect from and after the First day of January, One thousand Eight hundred and Seventy-four.

SCHEDULE.

RULES FOR ADMISSION OF ADVOCATES.

1. After the end of the present year gentlemen, who wish to become Advocates of the Supreme Court may be first admitted as law students, and instructed as hereinafter mentioned ; and after the end of 1874 no person shall be admitted as an Advocate of the Supreme Court, who shall not for two years at least previous to his application for such admission have been a law student, such as is hereinafter described, except that for applicants to become Advocates in 1875 eighteen months' studentship shall be sufficient.

2. Every person who is a British subject, and who has attained the full age of eighteen years, shall be eligible to become a law student, subject to the conditions hereinafter contained.

3. No one shall be admitted as a law student who does not satisfy the Council of Legal Education hereinafter mentioned that he is a person of good repute, and that he has received the education of a gentleman, and who does not pass, in a manner satisfactory to the said Council, an examination in the following subject:—

a.—The English language.

b.—The Latin language.

c.—General English History.

4. The examination for admission as law students shall take place at Colombo, on some day or days in the month of January in each year, or on such other day or days as may be named by the said Council (due notice thereof to be given in the *Ceylon Government Gazette*), or on any other day or days to which the said Council may adjourn the examination or further examination of any applicant.

5. The form of application will be furnished to the applicant from the registry of the Supreme Court.

The applicant shall send his application in to the Registrar of the Supreme Court six weeks at least before the examination. He is to send in at the same time certificates and testimonials as to when, where, and by whom he has been educated, and as to the opinion held of him,

Advocates.

both intellectually and morally, by those who conducted his education. He shall also state in his application what profession, business or occupation, if any, he has been following. He is at the same time to transmit to the said Registrar of a fee of ten rupees, to be applied as hereinafter mentioned.

6. If the said Council of Legal Education are satisfied that the above rules have been substantially complied with, and if they are also clearly satisfied that the applicant is a person of good repute, and that he has received the education of a gentleman, they will then examine him, partly by written or printed papers, and partly *viva voce* in the subjects mentioned in the third rule. An applicant must pass creditably in each of these three subjects, in order to be admitted as a law student; and no one will be so admitted if it appear to the Examiners that he cannot both speak and write English readily, correctly, and intelligibly. If a candidate passes with great credit in two of the three subjects, but fails in the third (not however shewing gross ignorance respecting it), the Examiners will have a discretionary power to give him a further examination on that third subject only at such place and time as they may appoint.

7. If all the abovementioned requisites and conditions are satisfactorily complied with, the applicant will be admitted as a law student of the Supreme Court by the Registrar entering his name in a list of law students to be kept for that purpose, upon such applicant paying to the said Registrar a fee of two hundred rupees.

8. The said Council of Legal Education may, at their discretion, dispense with the examination abovementioned in the case of any person who is a graduate in arts or in law in any University within Her Majesty's Dominions.

9. Every law student shall, before he can be admitted as an Advocate, regularly attend at least three of the courses of lectures on Jurisprudence, including International Law, and on Roman Law, to be delivered as hereinafter mentioned by or under the direction of the said Council of Legal Education, and he shall observe the directions which he will receive from the Lecturers as to his studies, and he shall regularly attend the examinations which they will from time to time institute as hereinafter mentioned.

10. Every law student shall, before he is admitted as an Advocate, have been for twelve months at least the pupil of some Advocate of the Supreme Court practising in Colombo, and he shall during his pupillage have regularly attended the Chambers, of such Advocate, and have practically studied the laws of this Colony under such Advocate. Every law student applying to be admitted as an Advocate will be expected to produce testimonials from the Advocate or Advocates whose pupil he has been, as to his diligence and good conduct while such pupil, and also to his demeanour and character as a gentleman.

11. No law student shall, during his studentship or any part thereof, act or practise as, or be a clerk to, a Proctor or Notary Public, or in any way follow or be connected with any trade or business whatever, for hire or profit, directly or indirectly.

12. A law student at the end of two years at least of studentship who has fulfilled all the abovementioned requisites and conditions, may apply to the Judges of the Supreme Court to admit him as an Advocate of the said Supreme Court. Six weeks at least before such application he must have given written notice thereof to the Registrar of the said Court, and also have caused notice thereof to be inserted and published in the *Ceylon Government Gazette*, and in some other English newspaper published in Colombo.

Advocates.

13. At the time mentioned in such notice, or at such subsequent time as the Judges of the Supreme Court may direct, he must lodge with the Registrar certificates of his having attended Lectures, and of his having been a pupil as above required, and also certificates shewing that the Lecturers, and the Advocate or Advocates whose pupil he has been, are well satisfied with his conduct, so far as it has come within their notice, both as a student and a gentleman. At the time when he lodges these certificates he must pay the Registrar a fee of twenty rupees, to be applied as hereinafter mentioned.

14. If the said Judges are satisfied that the abovementioned requisites and conditions as to admissibility as an Advocate have been *bona fide* substantially complied with, and if the said Judges on perusal of the certificates mentioned in the last rule, and also by reason of such other and further knowledge on the subject as they may possess or may acquire, are clearly satisfied that the applicant is a gentleman of good character, they may direct him to be examined by the said Council of Legal Education as hereinafter mentioned.

15. Nothing herein contained shall affect the eligibility to be admitted as an Advocate of the Supreme Court of any persons who shall have been appointed Queen's Advocate or Deputy Queen's Advocate for the Island, or who shall have been admitted as an Advocate or Barrister in some or other of the Queen's Superior Courts of Record in Great Britain or Ireland, and who shall be of good repute. But in the case of such last named Advocate or Barrister, he shall be required to give six weeks' notice of his intention to apply, as required by Rule 12.

16. Nothing herein contained shall take away the right given by the Rules and Orders of the 30th December, 1841, to any gentleman who shall have practised as a Proctor for five years, as in the said rule mentioned, to apply according to the provisions of the said rules to be admitted as an Advocate; and the Judges, on receiving such application may direct such Proctor to be examined as hereinafter mentioned.

17. The examination of applicants for admission as Advocates shall be conducted by the Council of Legal Education hereinafter mentioned, and it will be an examination on the following subjects:—

- 1.—Classics, including one work to be specified by the Examiners, and another work to be selected by the candidate.
- 2.—Roman Law.
- 3.—Roman-Dutch Law.
- 4.—English Constitutional History including Colonial Institutions.
- 5.—Principles of the Law of Evidence.
- 6.—Jurisprudence, including International Law.

18. If an applicant passes the said last mentioned examination satisfactorily, the Judges shall have power to admit him as an Advocate of the Supreme Court, on his taking the oaths of allegiance and office.

19. The Council of Legal Education shall consist of the Judges of the Supreme Court, the Queen's Advocate, and Deputy Queen's Advocate, and of such other gentlemen as the said Judges may, if they think fit, appoint for each year. Three shall form a quorum. In the case of an equality of votes on any subject before the said Council, the Chief Justice, if present, shall have a second or casting vote; and, in his absence, the senior member present shall have a second or casting vote.

20. A course of not less than ten lectures will be delivered in Colombo every year by a member of the said Council of Legal Educa-

Advocates.

tion, or by some gentleman appointed for the purpose by the said Council, on each of the following subjects :

a.—Jurisprudence, including International Law.

b.—Roman Law.

Due notice will be given of the precise days and hours, and of the place, when and where the said lectures shall be delivered. Gentlemen who have been admitted as law students as above-mentioned, will have the right of attending these lectures without further payment. All members of any branch of the legal profession, their secretaries, pupils, and clerks, and all gentlemen who are in the service of Her Majesty's Government, Colonial or otherwise, in any capacity, may attend on pre-payment of a fee of twenty rupees for each course. Other gentlemen may attend on pre-payment of a fee of thirty rupees for each course. Such fees are to be paid to the Registrar of the Supreme Court. Each Lecturer will from time to time briefly examine either, by paper or *viva voce*, the law students of his class, and will give each law student of the class advice as to the method and line of study which he had better follow.

21. The fees imposed by the above and following rules are to be applied first to the expenses attending the examination of applicants, the printing of papers, and the like ; secondly, to paying such remuneration to Lecturers and Examiners as the Council of Legal Education may think fit ; thirdly, the balance is to go to the Supreme Court Law Library.

22. These rules shall come into force on 1st January next, but subject to the special set of rules hereunder provided for the year 1874.

SPECIAL RULES FOR THE ADMISSION OF ADVOCATES DURING THE YEAR 1874.

1. There will be one examination for the admission of Advocates in the year 1874 ; such examination to begin in the first week of December in that year.

2. Every person intending to be examined at the said examination in December 1874, must attend and pass a preliminary examination in February, 1874, (due notice of which as to time and place will be given) for admission as a law-student. Such examination will be in the subjects mentioned in above rule 3, and the requirements of rule 11 must be complied with by such law-student in the interval between his admission as a law-student in February, 1874, and his examination in December, 1874.

3. The list of subjects for examination in December, 1874, will be the same as at present, except that under head VI, Moral Philosophy and Modern History will be omitted, and the applicant must pass an examination in Jurisprudence, including International Law.

4. A course of about ten lectures on Jurisprudence, including International Law, will be delivered in 1874 by direction of the Supreme Court. Due notice of the precise time and place will be given. Students will be examined during the course by the Lecturer, and each student will privately receive advice as to his best method for further studying the subject. The fee for attending the course will be one hundred rupees, which must be prepaid to the Registrar of the Supreme Court. Every person who presents himself to be examined in 1874 for admission as an Advocate, will be required to produce a certificate of having regularly and diligently attended the said course.

*Advocates.**Municipal Councils.*

5. Every person who presents himself to be examined in 1874 for admission as an Advocate, will be required to produce a certificate of having been a pupil of some practising Advocate of the said Supreme Court, for six months at least, and of having during such time diligently and practically studied the law of this Colony under such Advocate.

6. Every person who is to be admitted as an Advocate of the Supreme Court in 1874, must, before such admission, pay to the Registrar of the Supreme Court a fee of one hundred rupees.

7. In all matters not dealt with by the preceding rules the law and practise as to the admission of Advocates of the Supreme Court will remain during 1874 the same as at present.

Passed in Council, the Seventeenth day of December, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 20.

*An Ordinance relating to the Magisterial work of
Municipal Councils.*

WHEREAS provision is made in "*The Municipal Council's Ordinance, 1865*," for any three or more Municipal Councillors forming a Bench of Magistrates, and it is expedient to reduce the number and to empower the Government, whenever requested by the Councillors to do so, to relieve them from the performance of Magisterial work: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:

1. THE number of Municipal Councillors to form a Bench of Magistrates may henceforward be two or more, and not three or more, as is provided by the 32nd section of the said Ordinance.

Two or more Councillors may henceforward form a Bench of Magistrates.

2. ON the application in writing from three-fourths in number of the Councillors of any Municipality created in this Island, asking the Governor to relieve them from their magisterial work, it shall be lawful for the Governor, with the advice of the Executive Council, to make order relieving them accordingly, and to publish the same in the *Government Gazette*; and from the day named in such order, the Municipal Council of that Municipality shall cease to form a Bench of Magistrates, and to sit

Governor may relieve any Municipal Council from its magisterial work, on application.

Municipal Councils. Plumbago.

for the trial of crimes and offences committed within such Municipality cognizable by Police Courts, and to have jurisdiction to try such crimes and offences. PROVIDED, however, that such order shall not affect any proceeding already had, or any order made or sentence passed by any such Bench of Magistrates, which said proceeding, sentence, or order shall remain valid, and shall be carried out as if no such order relieving the Councillors as aforesaid shall have been made.

Every complaint, matter, or thing depending before the Bench of Magistrates, when such order shall have been made, shall be proceeded upon in the Police Court of the district.

Transfer of records.

3. WHENEVER any Municipal Council shall be relieved from their magisterial work as hereinbefore provided, every complaint, matter, or thing which shall be then depending before such Council in its capacity as Bench of Magistrates, shall or may be proceeded upon in the Police Court having jurisdiction over the district in which such Municipality shall have been established; and all proceedings which shall thereafter be had in such complaint, matter, or thing, respectively, shall be conducted in like manner as if such complaint, matter, or thing had been instituted in such Police Court; and all the records and proceedings belonging to and appertaining to any such complaint, matter, or thing, shall, after publication of the order relieving such Municipal Councils as aforesaid, be delivered over by such Municipal Council to such Police Court.

This and Ordinance No. 17 of 1865 to be deemed one.

4. THIS Ordinance and the said Ordinance No. 17 of 1865 shall be read and construed as if they were one Ordinance.

Passed in Council, the Seventeenth day of December, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy three and published by his Order.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 21.

An Ordinance to provide for the collection of the sums due to the Crown on Plumbago.

Preamble.

WHEREAS a certain sum in lieu of rent is now levied on all plumbago dug on Crown lands, and a royalty is due to the Crown on all plumbago dug on private lands, and the payment

Plumbago.

of these dues is largely evaded, and it is expedient to secure the same by collecting them as a royalty at the different ports of shipment: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

1. THERE shall be raised, levied, and paid, as a royalty upon all plumbago of the produce of this Island exported beyond seas, a duty of fifty cents per hundredweight.

Dues on
plumbago.

2. THE person entering outwards any plumbago to be exported from any port in this Island, shall deliver to the collector a bill of the entry thereof, fairly written in words at length, expressing the name of the ship, and of the master, and of the place to which the mineral is to be exported, and of the person in whose name the mineral is to be entered, and the quantity and the value thereof; anything contained in the Ordinance No. 17 of 1869, entitled "*An Ordinance for the general regulation of Customs in the Island of Ceylon*," to the contrary notwithstanding; and shall, at the same time, pay down any sums which may be due as royalty upon the exportation of any such plumbago. And such person shall also deliver, at the same time, one or more duplicates of such entry, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such entry shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the collector shall require; and such entry, being duly signed by the collector, shall be the warrant for examination and shipment of such plumbago.

Bill of entry.

Value.

Duplicate.

3. IF any plumbago, which is subject to any sums due as royalty in respect of exportation, shall be laden, or waterborne to be laden on board any ship before due entry shall have been made, and warrant granted, or before such plumbago shall have been duly cleared for shipment, or if such plumbago shall not agree with the bill of entry, the same shall be forfeited together with the package in which it is contained.

Plumbago
laden before
entry forfeited.

4. THIS Ordinance and the Ordinance No. 17 of 1869 shall be read and construed as one Ordinance; and all the provisions of the said last mentioned Ordinance shall respectively be of full force and effect, with respect to the dues imposed by this Ordinance, and to the persons liable to the payment thereof, and to the fines and forfeitures hereby imposed, so far as the same are or shall be applicable in all cases not hereby expressly provided for; and shall be observed, applied, allowed, enforced, and put in execution, for the raising, levying, collecting, and securing the dues hereby imposed, and otherwise in relation thereto, so far as the same shall be consistent with this Ordinance, as fully and effectually to all intents and purposes as if the same had been herein repeated and specially enacted.

Provisions of
Ordinance 17
of 1869 to be in
force and put in
execution with
regard to the
dues hereby
imposed.

*Plumbago.**Intoxicating Liquors.*

Ordinance
when to come
into operation.

5. THIS Ordinance shall come into operation on the first day of April, 1874.

Passed in Council, the Seventeenth day of December, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 22.

An Ordinance to amend "The Licensing Ordinance, 1873."

Preamble.

WHEREAS it is expedient to amend in certain respects "The Licensing Ordinance, 1873": IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Definition of
"wholesale."

1. THE following is to be added to the third article of the 4th section of the Ordinance No. 7 of 1873, entitled "*An Ordinance for regulating the sale of Intoxicating Liquors.*"

"Wholesale" shall mean the sale of goods in gross or in parcels of, and exceeding, a dozen quart bottles or two gallons of the same kind of liquor.

Government
Agent may re-
fuse license
even where no
objection is
made.

2. NOTHING in the sixth section contained shall be held to prevent the Government Agent refusing to issue a license, if it shall seem fit to him to do so, although no objection shall have been made to any application.

Prohibition of
sale on credit
not to apply to
liquor sold not
to be consumed
on the pre-
mises.

3. THE provision in section 25 prohibiting the sale of intoxicating liquor by any licensed person, or any keeper of tavern on credit, shall apply to liquor sold to be consumed on the premises, and to taverns, and not to hotels or to places licensed for the sale of such liquor not to be consumed on the premises, anything in that section to the contrary notwithstanding.

Hours of
closing of
certain licensed
places deter-
mined.
Of taverns.

4. SUBJECT to the provisos and penalty in the 37th section provided, all premises for the sale of intoxicating liquor whether to be consumed on the premises or not, excepting hotels, shall be closed at the hour of eight at night and shall remain closed till the hour of five in the morning. From and after the first day of July, 1874, this provision shall also apply to taverns, anything in section 13 of the Ordinance No. 4 of 1841, entitled "*An Ordinance*"

Intoxicating Liquors.

nance to amend the law relating to Vagrants," to the contrary notwithstanding.

5. IT shall not be lawful for any person to manufacture spirits in Ceylon, or to bottle the same for sale in Ceylon, without first procuring a license from the Government Agent of the Province. Such license shall be in force for such term as shall therein be prescribed, and the process of manufacture and the substance to be used therefor shall be described in any license for manufacture. The Government Agent may, with the sanction of the Governor, refuse such license or revoke the same, after it shall have been granted, if it shall appear to him expedient to do so. Mixing spirits with other spirits or any substance whatsoever shall be deemed a manufacture of spirits for the purposes of this Ordinance.

Manufacturing or bottling spirits for sale without license prohibited.

License may be refused or revoked.

6. EVERY person so manufacturing or bottling spirits for sale shall be bound to cause the vessels containing the same to be labelled in distinct letters in English, with the name of the spirit, and the name and address of the manufacturer or bottler.

Label on spirits manufactured and bottled.

7. ANY person manufacturing or bottling spirits for sale without such license or contrary to its tenor, or who shall fail to cause the same to be labelled as above provided, and any person not giving the true name of the spirit or his own true name and address, shall be guilty of an offence, and be liable to a fine not exceeding two thousand rupees or imprisonment, with or without hard labour, for a period not exceeding two years. And the spirits and vessels containing the same shall be forfeited and liable to be sold or destroyed.

Penalty for manufacturing or bottling without license

8. IN addition to the power given to the Governor, with the advice of the Executive Council, by the 29th section of the said Ordinance, to add by Proclamation to the Schedule any ingredient not therein specified, he shall also be empowered, with the like advice, and by like Proclamation, to omit any ingredient specified in such Schedule or in any Proclamation.

Governor may omit any ingredient in Schedules B. and C.

9. THE fines and penalties imposed by the said or the present Ordinance on licensed persons shall also apply to and may be imposed on all persons employed by such licensed persons in selling or exposing liquor for sale or in doing any of the acts for which such license shall be given. And every person shall be deemed to be employed by such licensed person, who shall be in his shop or place of business, and ostensibly acting for him, or as his servant or agent.

Employés of licensed persons liable for penalties.

10. NONE of the provisions contained in this or the said Ordinance shall apply to rest-houses under the charge of provincial committees, or shall preclude the sale, at any time, at refreshment rooms or premises connected with railway or tramway stations duly authorized as such by the Traffic Manager, of intoxicating liquor to persons arriving at or departing from such stations by railroad or tramway.

Provincial committees, and refreshment rooms on railway or tramway stations, exempted.

Intoxicating Liquors.

Section 35
repealed, and
schedules B.
and C.
amended.

Progressive
duty on spirits.

Officers of
Customs may
destroy spirits
unfit for human
consumption.

Commence-
ment of this
Ordinance.

This and No. 7
of 1873 to be
deemed one.

11. THE 35th section of the said Ordinance is hereby repealed, and all the words after "Bengal Kino" in Schedules B and C are hereby omitted, and the words "Amylic alcohol or Fousel oil" are hereby inserted in such schedules.

12. A progressive duty according to the annexed Schedule D. is hereby imposed on all spirits imported into this Colony, anything in the Ordinance No. 17 of 1869 to the contrary notwithstanding.

13. IT shall be lawful for any officer of the Customs to seize and, with the sanction of the Principal Collector, to destroy any spirits which may be imported into this country, and which shall, on analysis, be found to be unfit, in the opinion of such Principal Collector of Customs, for human consumption; and such officers are hereby indemnified and held free and harmless from all and any the consequences of such seizure and destruction.

14. THIS Ordinance, saving section 12, shall come into operation at the date of the passing thereof. Section 12 shall come into operation on such date as the Governor, with the advice of the Executive Council, shall appoint by Proclamation to be by him issued for that purpose.

15. THIS Ordinance and the said Ordinance No. 7 of 1873 shall be read and construed as if they formed one Ordinance.

SCHEDULE D.

RATES OF DUTY ON SPIRITS.—Sec. 12.

				Rs.	cts.	
All spirits under proof	...			2	50	per imperial gallon.
Proof to 10° over	...			3	0	"
10° over proof to 20	"	...		3	50	"
20	"	30	"	4	0	"
30	"	40	"	4	50	"
40	"	50	"	5	0	"
50	"	60	"	5	50	"
60	"	70	"	6	0	"
70	"	80	"	6	50	"
80	"	90	"	7	0	"

Passed in Council, the Seventeenth day of December, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

*Branch Roads.***No. 23.***An Ordinance to amend "The Branch Roads' Ordinance, 1866."*

WHEREAS the assessment for the repair of Branch Roads under section 12 of "*The Branch Roads' Ordinance, 1866*," has been, in some instances, made on all the estates in the district, and not on the estates in separate sections, and it is necessary to prevent such a mode of assessment in future : IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

1. THE assessment for the upkeep and repair of grant-in-aid branch roads shall be henceforward made in sections not exceeding two miles in length, and every estate using any portion of the road in any section shall be liable to be assessed for the cost of the upkeep and repair of the whole section and of every other section so used. PROVIDED that no estate shall be required to pay the sum for which it is assessed for upkeep and repair of any section until such section is completed and open for traffic.

Assessment for repairing roads shall be sectional.

2. ANY person aggrieved with the decision of the provincial committee in respect of the definition of districts under section 6 and the assessment of estates under sections 9, 11 and 12 of the Ordinance No. 13 of 1866, and under the present Ordinance, shall be entitled to apply to the Governor, for relief, at any time within twenty-one days after such decision shall be made known to him. It shall be lawful for the Governor, with the advice of the Executive Council, upon such application, to make further enquiry, if such shall be necessary, or to confirm the decision of such Committee, or to alter or modify the same, as to him shall appear right ; and the decision of the Governor, with the advice aforesaid, shall be deemed the final decision as respects such definition and assessment ; and the said provincial committee shall conform to, execute, and carry into effect such decision.

Appeal to the Governor from decisions of Provincial Committee.

3. THIS Ordinance, the Ordinance No. 13 of 1866, and the Ordinance No. 4 of 1873, shall be read and construed as one Ordinance.

This and Ordinances No. 13 of 1866 and No. 4 of 1873 to be deemed one.

Passed in Council, the Seventeenth day of December, One thousand Eight hundred and Seventy-three.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-three.

ARTHUR N. BIRCH,
Colonial Secretary.

*Recruiting for Foreign States.***No. 1. — 1874.***An Ordinance to control recruiting in Ceylon for the service of Foreign States.*

WHEREAS it is expedient that the Governor in Council should exercise full control over recruiting in Ceylon for the service of Foreign States; **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 called "*The Foreign Recruiting Ordinance, 1874*"; and shall come into force on the passing thereof.

Title of Ordinance.

2. IN this Ordinance "Foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province, or people beyond the limits of Ceylon.

Definition of "Foreign State."

3. IF any person obtain or attempt to obtain recruits for the service of any Foreign State in any capacity, the Governor with the advice of the Executive Council may, by Proclamation, either prohibit such person from so doing, or permit him so to do, subject to conditions which the Governor in Council as aforesaid may think fit.

Governor empowered to prohibit or restrict attempt at recruiting.

4. THE Governor with the advice of the Executive Council, may from time to time by Proclamation, either prohibit recruiting for the service of any Foreign State, or impose upon such recruiting any conditions which he thinks fit.

Governor empowered to place general prohibition or restriction on recruiting.

5. THE Governor may, with the advice of the Executive Council, by Proclamation, rescind or vary any order made under this Ordinance in such manner as he thinks fit.

Power to rescind or vary orders.

6. WHOEVER, in violation of any such prohibition or condition as aforesaid:—

Penalties.

(a) Induces or attempts to induce any person to accept or to agree to accept, or to proceed to any place with a view to obtaining any commission or employment in the service of any Foreign State, or

(b) Knowingly aids in the engagement of any person so induced by forwarding or conveying him, or by advancing money, or in any other way whatever.

shall be guilty of an offence, and be liable to imprisonment for any term not exceeding seven years, or to fine to such amount

*Recruiting for Foreign States.**Paddy Cultivation.*

as the Court by which such offence shall be tried shall think fit, or to both.

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Seventh day of November, One thousand Eight hundred and Seventy-four.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 2.

An Ordinance to extend the operation of "The Paddy Cultivation Ordinance, No. 2 of 1873."

Preamble.

WHEREAS under the Ordinance No. 2 of 1873, the Governor of Ceylon, acting with the advice of the Executive Council thereof, was entrusted with certain summary powers for providing irrigation works in the districts of Nuwarakaláwiya and Tamankaduwa: And whereas it is expedient that such powers should be extended to certain districts in the Northern Province: And whereas it is further expedient, owing to the sparseness of the population in such districts in the Northern Province, that special provision be made for the making and carrying out in such districts of irrigation rules: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:

Certain sections of Ord. No. 2 of 1873 extended to districts in Northern Province.

Government Agent may make rules for such districts.

1. SECTIONS 5, 6, 7, 8, 9, and 10 of the Ordinance No. 2 of 1873 shall apply to the districts of Mannár and Mullaittivu in the Northern Province, as though such districts had been expressly named in the 5th section thereof.

2. IN districts which the Governor, under section 5 of the said Ordinance, shall proclaim as therein provided, it shall be lawful for the Government Agent after due inquiry to draw up rules for the enforcement of the ancient customs of the district in matters relating to irrigation, and for the regulation of irrigation matters in such districts, and generally for carrying out the purposes of this Ordinance, and such rules to repeal or amend from time to time as to him shall appear necessary. Such rules shall thereupon be transmitted by the Government Agent to the Governor for approval or disallowance thereof by the Governor, with

Paddy Cultivation.

the advice of the Executive Council ; and in case such rules or amended rules shall be approved, notice of such approval shall be given by proclamation ; and the said rules or amended rules shall be published in the *Government Gazette*, and in the district in such manner as to the Government Agent shall seem expedient, and shall thereupon become binding within the said district, and shall be as legal, valid, and effectual as if the same had been inserted herein. PROVIDED that nothing contained in such rules shall be repugnant to or inconsistent with the true intent and meaning of this Ordinance.

3. IT shall be lawful for the Government Agent, or any person by him authorised thereto under his hand, to enquire into infringements or alleged infringements of any rules made under section 2 of this Ordinance, and to hear, try, and determine all questions concerning the same, and to adjudge and award that offenders do pay the penalty fixed by section 21 of the "*Paddy Cultivation Ordinance*, 1867," or any penalty prescribed by such rules.

Government Agent to try infringements of rules.

4. IT shall be the duty of the Government Agent, or other person holding any inquiry under the preceding section, to record in writing the minutes of the proceedings at such inquiry, and to transmit such minutes to the Kachchéri, to be there filed of record.

Minutes of proceedings on inquiries into infringement of rules to be filed of record in the Kachcheri.

5. IT shall be competent to the Government Agent to take action in any case in which any person shall feel aggrieved by any decision rendered under section 3 of this Ordinance, and to make, or direct to be made, further inquiry into the matter in question, or to order a new inquiry, or to modify or reverse the decision. PROVIDED always that it shall be the right of any person feeling aggrieved as aforesaid to apply to the Governor by petition, if he should fail to obtain the desired relief in the first instance from the Government Agent ; and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further inquiry, or a new inquiry, or to confirm, modify, or reverse the decision as then standing.

Appeal to Government Agent, and, failing relief, to Governor and Executive Council.

6. THIS Ordinance and the Ordinances No. 21 of 1867 and No. 2 of 1873 shall be read and construed as one Ordinance.

This Ordinance and Ordinances No. 21 of 1867 and No. 2 of 1873 to be deemed one.

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

JAMES SWAN,
Clerk to the Council.

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

ARTHUR N. BIRCH,
Colonial Secretary.

*Railway.**Colombo Harbour.***No. 3.***An Ordinance further to extend the provisions of the Ordinance No. 10 of 1865.*

Preamble.

WHEREAS the provisions of the Ordinance No. 10 of 1865 were extended by the Ordinance No. 5 of 1872, and it is desirable to provide for the further extension of the provisions of the said Ordinance No. 10 of 1865 : IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows : -

Governor empowered to extend by Proclamation the whole or part of the Ordinance No. 10 of 1865, and all or any the rules in force thereunder, to railways hereafter in existence or construction.

1. WHENEVER after the passing of this Ordinance any railway shall be in existence, or in course of construction, to which the provisions of the Ordinance No. 10 of 1865 shall not as yet have been extended, it shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by Proclamation in the *Government Gazette*, to declare that from a day to be named in such Proclamation the said Ordinance, or any clause or clauses thereof specified in such Proclamation, and the rules framed and established thereunder, and in force at the time, or any portion thereof, shall apply to such railway or any specified portion thereof, as if such railway or portion of railway was expressly named in such Ordinance, and thereupon the said Ordinance, or the clause or clauses thereof so specified as aforesaid, and the rules, or portion of the rules aforesaid, shall be deemed to apply to such railway or portion of railway accordingly.

This Ordinance and the Ordinance No. 10 of 1865 to be read as one.

2. THIS Ordinance, and the Ordinance No. 10 of 1865, shall be read as one Ordinance.

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

JAMES SWAN,
Clerk to the Council.

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

ARTHUR N. BIRCH,
Colonial Secretary.

No. 4.*An Ordinance to provide for the improvement of the Colombo Harbour.*

Preamble.

WHEREAS it is expedient to provide for the improvement of the Harbour of Colombo ; IT IS 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 "*Colombo Harbour Ordinance, 1874.*"

Colombo Harbour.

2. IT shall be lawful for the Governor of Ceylon, with the advice of the Executive Council, to borrow from the Public Works Loan Commissioners in England for the purpose of improving the Harbour of Colombo, any sum or sums of money not exceeding in the whole two hundred and fifty thousand pounds sterling, the amount so borrowed, and the interest thereon, being charged on and made payable out of the general revenue of this island.

Power to Government to borrow money for improving harbour.

3. IT shall be lawful for the Governor to issue his warrant upon the Treasury from time to time for the payment to the Public Works Loan Commissioners in England of an annuity for thirty-five years of five per cent. upon the amount so borrowed, three and-a-half per cent. of this sum being interest on the advances, and the remainder being a payment towards the extinction of the principal of the debt.

Governor to issue his warrant for the payment of an annuity of 5 per cent. for payment of principal and interest.

4. THE money borrowed under the authority of this Ordinance shall be appropriated for the purpose of improving the said Harbour of Colombo, and for no other purpose.

Appropriation of moneys so borrowed.

5. IT shall be lawful for the Governor, with the advice of the Executive Council, to raise by taxation in the Colony such additional sums (if any) as may be required to pay the principal of and the interest on the said advances, and, either by taxation or by loan, such further sums as may from time to time be required for the purpose of completing the improvements of, and for maintaining duly, the said harbour; the amount borrowed in the case of a loan, together with the interest thereon being charged on and made payable out of the general revenue of this island.

Power to Government to raise, if necessary, additional sums for completing improvements and paying principal and interest of advances.

6. IT shall be lawful for the Governor, with the advice of the Executive Council, to levy when necessary, in lieu of the port dues now levied at Colombo, such increased dues as may from time to time be sanctioned by Her Majesty's Government, and notice of the dues to be so levied at Colombo shall always be made by Proclamation in the *Government Gazette*, and shall have the effect of law: PROVIDED always that the total revenue so raised from the shipping frequenting the port of Colombo, inclusive of the pilotage dues levied under the "*Masters Attendant's Ordinance, No. 6 of 1865*," shall not exceed the amount which may be required: (1) for the payment of the annuity and of the interest on any further loan raised under section 5 of this Ordinance; (2) for the maintenance of the works; and (3) for defraying such charges as may be incidental to the efficient management, pilotage, and lighting of the port.

Power to levy increased port dues.

7. THE Crown Agents for the Colonies for the time being are hereby authorized to receive from time to time the moneys so borrowed as before provided from the Public Works Loan Commissioners, and to give acknowledgments on behalf of the

Crown Agents to receive moneys and give acknowledgments.

Colombo Harbour. Colombo Harbour (Supplemental.)

Ceylon Government for the same, defining in such acknowledgments the times and terms of repayment with interest, in accordance with the provisions of this Ordinance.

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

JAMES SWAN,
Clerk to the Council.

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

ARTHUR N. BIRCH,
Colonial Secretary.

No. 5.

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.

Preamble.

WHEREAS by the "*Colombo Harbour Ordinance, 1874*," the Government of Ceylon were empowered to borrow from the Public Works Loan Commissioners in England any sum or sums not exceeding in the whole Two hundred and Fifty thousand Pounds, for the purpose of improving the Harbour of Colombo, and also to raise, either by taxation or by loan, such further sums as might from time to time be required for the purpose of completing the improvements of, and for maintaining duly the said Harbour, the amount borrowed in the case of a loan, together with the interest thereon, being charged on and made payable out of the general revenues of this island: And whereas a further sum is required for the purpose of the said improvements; and it is expedient to raise that sum by the creation and issue of debentures: IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Power to borrow
£400,000 on
debentures.

1. IT shall be lawful for the Governor of Ceylon to raise by the issue of debentures under this Ordinance, any sum or sums not exceeding in the whole Four Hundred Thousand pounds sterling, to be applied exclusively in the construction of a Breakwater and in other improvements of the Harbour of Colombo, and in the purchase of such material, plant, rolling stock, and other things, as may be required for or in connection with those works.

Loan to be a
charge upon
general
revenues.

2. THE principal moneys and interest secured by the debentures issued under this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Ceylon.

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3. EVERY debenture issued under this Ordinance shall be for a sum not less than One Hundred pounds sterling, and shall bear interest at a rate not exceeding five per centum per annum. Amount of each debenture and rate of interest.
4. THE debentures shall be issued in London on behalf of the Government of Ceylon by the Crown Agents for the Colonies (in this Ordinance referred to as the Crown Agents), and shall be signed by them on that behalf. Issue and signature of debentures.
5. 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.
6. THERE shall be attached to every debenture coupons for the payment 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 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. Interest coupons.
7. 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. Form of debentures and coupons.
8. EVERY debenture and coupon, and the right to receive the principal and interest secured or represented thereby shall be transferrable by delivery. Debentures and coupons transferrable by delivery.
9. FOR the purpose of paying the principal and interest secured by the debentures, the Governor shall appropriate half-yearly out of the general revenues and assets of this Colony, commencing on the First day of January, 1875, or such other day as Her Majesty's Principal Secretary of State for the Colonies for the time being may approve or direct, a sum equal to three per centum on the total nominal value of all the debentures previously issued, including any which may have been redeemed, and shall remit that sum to the Crown Agents. Mode of providing for payment of interest and principal.
10. 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 unsatisfied, and in the next place in the formation of a Sinking Fund. Application of moneys remitted to Crown Agents.
11. 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. Payment of interest.

Colombo Harbour (Supplemental.)

Application of
sinking fund.

12. THE Sinking Fund shall be applied in the first place in payment of all expenses of, or incidental to, the drawing and redemption of debentures, including the charges of the Notary Public attending at the drawing, and the costs and expenses of all notices required by this Ordinance to be given, and subject thereto in repayment of the principal moneys for the time being secured by the debentures.

Debentures to
be redeemed
by annual
drawings.

13. THE debentures shall be redeemed by annual drawings, and subject to the aforesaid payments, the sum to be devoted 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.

Appointment
of day for
drawing of
debentures.

14. SO long as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year appoint a day for the drawing by lot of the debentures to be redeemed. The first day so appointed shall not be later than twelve months after the day on which the first of the debentures is issued.

Notice of time
and place ap-
pointed for
drawing

15. 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.

Mode of
drawing.

16. 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 unsatisfied, debentures of the specified nominal amount.

Notice of
debentures
drawn for
redemption.

17. 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.

Payment of
drawn debentures.

18. 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.

Cessar of
interest from
day appointed
for payment
of principal.

19. FROM and after the day appointed for the redemption of any debenture, all interest on the principal moneys secured thereby shall cease and determine, whether payment of the principal have or have not been demanded.

Redeemed
debentures to

20. UPON the payment off of the principal moneys secured by any debenture, the debenture with all the coupons thereunto

Colombo Harbour (Supplemental.) Branch Roads.

belonging shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of Ceylon. be cancelled.

21. NO money so paid off shall be re-borrowed, and no debenture shall be issued in respect of, or in substitution for, any debenture so cancelled. Money repaid not to be re-borrowed.

This Ordinance may be cited as "*The Colombo Harbour (Supplemental) Ordinance, 1874.*" Short title.

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

JAMES SWAN,
Clerk to the Council.

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

ARTHUR N. BIRCH,
Colonial Secretary.

No. 6.

An Ordinance to amend and consolidate the Law relating to the construction, upkeep, and repair of Branch Roads, and recovery of the sums assessed therefor.

WHEREAS it is expedient to amend and consolidate the Ordinances relating to the construction, upkeep, and repair of Branch roads; **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:— Preamble.

Preliminary.

1. THIS Ordinance may be cited for all purposes as "*The Branch Roads' Ordinance, 1874.*" Short title.

2. THIS Ordinance shall come into operation on a day to be named by the Governor in a Proclamation to be by him for that purpose issued. Commencement.

3. IN the construction and for the purposes of this Ordinance the word "proprietor" shall mean the sole or any joint owner, or lessee of an estate, and the word "estate" shall mean a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons, and forming a separate or distinct property. **PROVIDED** that nothing in this Ordinance contained shall be held to apply to proprietors of paddy lands, or land cultivated with paddy or other grain. Interpretation.

4. THE Ordinances enumerated in the Schedule A, hereto annexed are hereby repealed, except as to liabilities which shall have been incurred, acts which shall have been done, and all Repeal of former Ordinances.

Branch Roads.

proceedings or matters which shall have taken place before this Ordinance comes into operation.

II.—Construction of Branch Roads.

Application for
construction of
road.

5. THE proprietors of any three or more estates situated in the same district, to which there is no available cart road leading from some convenient principal thoroughfare, may make application in writing to the Provincial Road Committee of the Province in which such estates are situated, that the provisions of this Ordinance be extended to the said district, and such application shall set forth, so far as the same may be ascertained, the following particulars :—

Particulars to
be set out in
application.

- (1) The name of the said district ;
- (2) The names of all the estates therein ;
- (3) The names of the proprietors, or if absent from the island, of the resident manager or superintendent, and of the agents, if any, of each estate ;
- (4) The acreage of each estate, so far as is known, with the extent of land under cultivation ;
- (5) The estimated length in miles of the road required to be made to connect the said estates with the most convenient principal thoroughfare.

If estates
within two
Provinces,
the Governor
to choose the
Province the
Committee of
which shall be
empowered to
act.

IF the estates in any district fall within two Provinces, it shall be lawful for the Governor to choose the Province, the Provincial Road Committee of which shall be empowered to act as provided by this Ordinance ; and upon such choice being made and published in the *Government Gazette*, the Provincial Road Committee so chosen shall have power to act as hereinafter provided.

Provincial
Road
Committee to
keep a register
of names of
proprietors
and agents.

6. THE Provincial Road Committee shall keep a register of the names of the proprietors and agents (if any) for the time being of all estates in districts which shall have been brought under this Ordinance, and upon any estate being transferred to a new proprietor or the agents of the estate changed, it shall be the duty of the Provincial Road Committee to record such transfer or change in the said register. Provided always that the duty of notifying every such transfer or change, shall lie on the transferee or his agents, and until such transfer or change, as the case may be, shall have been notified to the Provincial Road Committee by the proprietor or agents of the estate, all notice to be sent under this Ordinance by the Provincial Road Committee to the proprietor or agents of the estate shall be deemed duly sent if sent to the late proprietor or agents, as the case may be.

Duty of
notifying
transfers or
changes of
agency to
Provincial
Road
Committee.

The Provincial
Committee
to define limits

7. ON receipt of such application the said Provincial Road Committee shall by publication in three consecutive numbers of the *Government Gazette*, and by such other means as they may

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think necessary, give notice of their intention to define the limits of the district, the estates in which will—if the proposal for the construction of such branch road under the provisions of this Ordinance be assented to by the proprietors of two-thirds of the acreage in such district—be assessed for the construction and maintenance of such road. In such notice the said committee shall appoint the time and place at which they will take evidence if necessary, and receive and consider objections, and the said committee, after making such enquiry as they may deem requisite, and considering any such objection, shall proceed to define the limits of such district; or, if need be, shall adjourn such meeting as often as they consider necessary to any day or days to be fixed by them, when they shall upon such adjourned meeting define the limits of such district. And it shall be competent to the said committee from time to time, if occasion arise, to alter and vary such limits so as to include such estates as may have been newly opened, or may have been inadvertently or otherwise excluded, or, if they consider just, to exclude any estate which may have been erroneously included. Provided, however, that the said committee shall by publication in three consecutive numbers of the *Gazette*, and by such other means as they may think necessary, give notice of their intention to alter and vary the limits of any district, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in case of original definition of district; and the limits so altered shall thereupon be the limits of such district, as if they had been originally defined, and the estates included within such limits, altered as aforesaid, shall become bound and be liable to be assessed as if they had been originally included for the construction of such road and for the upkeep and repair thereof.

of district
upon day
appointed;

Or at any
adjourned
meeting.

Committee
empowered to
vary or alter
limits, if
occasion arise.

8. UPON the limits of the district being defined as aforesaid the chairman of the said committee shall transmit to the proprietor (or, in case of his absence from the Colony, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent, if any, in this Colony, of the proprietor) of every estate within the limits of such district, so defined as aforesaid, a requisition calling upon him to declare in writing within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such district for the purpose of the construction therein of a branch road. Such requisition shall be in form B. of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent the chairman shall cause such requisition to be affixed to some conspicuous part of the estate, and published in three consecutive numbers of the *Gazette*. If no answer be received at the office of the said committee within the time limited by such requisition, the person to whom the same was forwarded shall be deemed to have assented to the proposal referred to therein.

Proprietors to
be called upon
to declare
whether they
desire to bring
district under
the Ordinance.

If no agent,
requisition to be
affixed.

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If proprietors of two-thirds of acreage assent, committee to forward application to Governor, with report.

Director of Public Works to report and submit estimates for construction.

Governor may propose a vote of moiety of cost out of public funds: and, if voted, proprietors become liable for the other moiety.

Chairman to convene meeting for election of local committees.

Proceedings at election.

9. IF it shall appear to the said committee, from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend and be applied to the said district for the purpose of constructing therein a branch road, the said committee shall forthwith forward the application to Government, together with their report as to the necessity for the said road, and as to the direction and terminus which they recommend as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Governor to direct the Director of Public Works to examine the said district and to report as to the best mode of giving effect to the proposal, and to frame and submit an estimate of the probable cost of properly constructing and metalling the proposed road in such sections as in that behalf provided in clause 18.

10. UPON receipt of the report of the Director of Public Works and of the estimate prepared by him as aforesaid, it shall be lawful for the Governor, if to him, with the advice of the Executive Council, it shall appear expedient so to do, to propose such estimate in the Ordinance for making provision for the contingent expenditure of the Colony for the ensuing year, or for any year thereafter, to be brought before the Legislative Council to be dealt with as any other estimate so proposed. And if the estimate so proposed be approved by the Legislative Council, and a sum of money equal to one moiety of the total cost of constructing the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally bound and liable for their contribution, equal to the other moiety, after the rates to be determined by an assessment as hereinafter provided,

III.—Provincial Road and Local Committees.

11. UPON a vote being passed by the Legislative Council for a moiety of the cost of constructing the said road, and the same communicated to the Provincial Road Committee, the chairman thereof shall, by notice in three consecutive numbers of the *Government Gazette*, and such other means of publication as he may think necessary, convene at some place within the said district a general meeting of the proprietors or resident managers of the estates within the said district to elect a local committee, which shall consist of five members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so required for the election of said committee shall consist of not less than ten proprietors or resident managers within the district.

12. AT such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of such committee. The chairman of the provincial committee, if present, or if he be

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absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn to any other time or place. All questions and resolutions shall be determined by a majority of votes of the proprietors, or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of such committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the provincial committee, with the names of the persons elected as members of the local committee, and the provincial committee shall cause such names to be published in the *Government Gazette*.

13. THE persons elected to act as members of such local committee shall hold office for two years, and shall be eligible for re-election at the end of that term. In case of any member resigning, dying, or leaving the island, or becoming incapable to act, the other members for the time being may, in the manner provided in section 15 of this Ordinance, elect another proprietor or resident manager to serve in his place for the remainder of the term for which the member so resigning, dying or leaving the island, or becoming incapable to act, was elected.

Members to hold office for two years. Proceedings in case of vacancy.

14. AT the expiration of every two years from the appointment of the first local committee, the chairman of the provincial road committee shall convene, in manner provided in section 11 of this Ordinance, a meeting of proprietors or resident managers for the election of the new local committee. At such meeting the chairman of the provincial road committee, if present, or if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman, and in all other respects the proceedings at such meeting shall be governed by the provisions of section 12 of this Ordinance.

Biennial meeting for election of local committee.

15. THE local committee so elected shall appoint one of its members as chairman, who shall hold office during the said term of two years; and in case of any vacancy the said committee shall elect another member to act as chairman. And it shall be the duty of the said chairman so appointed to convene, by notice in three consecutive numbers of the *Government Gazette*, and by such other means as he may deem necessary, a meeting of the members, whenever required by the Government or by the provincial road committee, appointing the time and place for such meeting. The chairman, or if he be absent, such other member of the local committee as the meeting shall elect, shall preside at every such meeting, and shall duly record the proceedings of such meetings and forward the same to the provincial committee.

Appointment of chairman.

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Majority of members to decide all questions.

16. ALL acts whatsoever authorised or required to be done by any local committee may and shall be done by the majority of members of such committee present at any meeting convened as aforesaid, or at any adjournment of such meeting; three of them to form a quorum. Provided that when the votes of the members present shall be equally divided, the chairman shall, beside his vote as a member, have a casting vote.

If members not elected, provincial committee to perform duties imposed upon Local committee. Assessment. Local committee to convene meetings to determine the assessment of estates, and report to provincial committee.

17. IF the proprietors or resident managers of estates in any district fail to elect a committee for the district at the meeting convened for that purpose or at the adjourned meeting, or if the members elected shall fail to perform the duties imposed upon them by this Ordinance, the same may be performed by the provincial road committee.

18. THE Local committee shall so soon thereafter as they may be required so to do by the provincial road committee, convene, by notice in three consecutive numbers of the *Government Gazette*, and by such other means as they may deem necessary, a meeting of the proprietors or resident managers of the estates within the said district, at some specified time and place within the district, and the said local committee shall thereat or at any adjourned meeting after hearing objections, if any, and taking evidence, if necessary, determine, and make report to the provincial road committee, on :—

- (1) The sections into which the road is to be divided for construction assessments.
- (2) The sections into which the road is to be divided for upkeep assessments.
- (3) The estates which in their opinion are interested in and will use each section of the road or of any part thereof;
- (4) The acreage or reputed acreage of the land belonging to each estate;
- (5) The names of the proprietors, resident managers, or superintendents and of the agents,

Proviso.

PROVIDED however that the sections into which the road is divided for construction assessment shall in no case exceed half a mile in length, that the sections into which the road is divided for upkeep assessment shall in no case exceed one mile in length, and that an estate using any portion of a section shall be assessed for the whole of such section.

Provincial committee to determine objections to assessment proposed by local

19. ON receipt of such report the Provincial committee shall cause a notice to be published in three consecutive numbers of the *Government Gazette*, and made public by such other means as they may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the said committee shall adopt, alter, modify, or confirm such report, and

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shall proceed to assess the proportion due by each estate by dividing the sum of money equal to a moiety of the total cost of constructing each section of the proposed road by the total number of acres of the estates which in their opinion are interested in and will use such section (subject to the exception in section 20 specified) and thus apportioning the amount due upon and for each acre. And the rate so assessed by the said committee shall, (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of such committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the Colony, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent, if any, in this Colony, of the proprietor) a requisition, calling upon him to pay into the Colonial Treasury, within such time as shall be therein specified, the amount of the contribution due by him to make up the moiety payable by the proprietors. Such requisition shall be in the form C, of the Schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause such requisition to be affixed in some conspicuous part of the estate. The chairman shall also cause a notice to be published in three consecutive numbers of the *Government Gazette*, and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which the several contributions are to be paid into the Colonial Treasury.

Committee and to determine proportion due by each estate.

Publication of assessment in *Gazette*.

20. IF by reason of any estate, or any portion not less than half of the entire extent thereof, being obviously unfit for cultivation, or having been cultivated and abandoned, or from any other cause, it shall seem to the provincial committee right to exempt such estate or portion thereof from the assessment, it shall be lawful for such committee to do so, and to proceed in its assessment as if there was no such land in the district. PROVIDED that to entitle a proprietor to such exemption, he or some person representing him shall claim the same at the time and place appointed by the provincial committee for hearing objections of proprietors or of agents to estates included within the limits of the district, as provided by section 7, and shall at his own cost and expense satisfy the committee, by such proof as it shall call for, that he is entitled to such exemption. PROVIDED further that should the proprietor of any such estate or portion thereof, or any person claiming under him, bring such estate or portion thereof into cultivation afterwards, and use the road for the purposes of, or with a view to such cultivation, it shall be competent for such provincial committee to call upon such proprietor or person to pay the sum which he would have been liable to pay, had such estate or portion thereof not been exempted from the original assessment, or from any subsequent assessment for upkeep and

Provincial committee to exempt from assessment lands obviously unfit for cultivation, or lands which had been cultivated and abandoned.

Proviso, that the exemption should be promptly claimed.

Further proviso making such lands liable if they are nevertheless cultivated afterwards, and the road used for the

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conveyance of
their produce.

repair, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed. PROVIDED further that should the proprietor of any estate, who had claimed and obtained exemption upon the ground of such road not being the proper outlet, or other cause, or any person on his behalf, use such road, it shall be competent for such provincial committee to include such estate within the limits of the district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had such estate not been exempted from the original assessment for construction, and also any sum not exceeding double the amount of all rates and assessments which he would have been liable to pay for the upkeep and repair of such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

Application of
moneys
recovered.

21. MONEYS recovered under the preceding section shall be applied as follows, viz. :—

Moneys recovered as construction assessment moneys shall be divided amongst the proprietors (at the date of such recovery) of estates which have previously paid construction assessment, in shares proportionate to the sums so previously paid.

Moneys recovered as upkeep or repair assessment moneys shall be retained by the provincial committee and applied towards the future upkeep and repair of the roads.

IV.—Completion and Repair of Branch Roads.

If amount of
first estimate
prove
insufficient,
further
estimates are
to be made,
and the rates
payable by
the estates to
be assessed in
like manner
as the original
rates.

22. IF, after any road shall have been commenced under the provisions of the Ordinances hereby repealed, or of the present Ordinance, the estimate originally made shall prove insufficient for properly constructing and metalling the same, the estates in the district including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the further sum or sums required to complete the road, and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit further estimates for the purpose aforesaid. And on such further estimates being prepared, the provincial committee shall proceed, once or oftener, if necessary, to assess the proportion due by the estates in each section of the road, to make up the moiety of such further estimates, and to take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19 of this Ordinance. And the rate or rates assessed by such committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the districts,

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and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "*The Thoroughfares Ordinance, 1861*," or money from the Treasury), for the completion of the said road.

23. WHENEVER it shall be found necessary at any time to repair or improve any road constructed under the provisions of the Ordinances hereby repealed, or of this Ordinance, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the sum or sums required for making the necessary repairs and improvements (provided that the amount of tolls which may be realised on such road shall be deducted from the moiety assessed on the estates), and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit one or more estimates for such repairs. And on such estimates being prepared, the provincial committee shall proceed to assess the proportion due by the estates in each section of the road, to make up the moiety of such estimates, less the tolls as aforesaid, and shall take the further proceedings prescribed for the original assessment of the proportion due by each estate under the 19th section of this Ordinance. And the rate or rates so assessed by the committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the district, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "*The Thoroughfares Ordinance, 1861*," or any other Ordinance to be in that behalf hereinafter enacted, or by money from the Treasury), for the purpose of repairing the said road.

Further rates
for repairs or
improvements.

V.—Recovery of Sums assessed.

24. IF any proprietor or resident manager shall neglect or refuse to pay his proportion of the said moiety, for any of the purposes above specified, within the time fixed for the payment of the same, or shall be in default in the payment of the sums assessed under the Ordinances hereby repealed, or any of them, it shall be lawful for the provincial committee to order proceedings to be taken for the recovery of the same. When the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, it shall be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, live stock, and implements found on such estate, or any other moveable property whatsoever belonging to the proprietor, until the full amount due by such estate (including all interest, costs, and charges payable under sections 26, 27, and 28 of this Ordinance) shall be recovered. If there be no crop, live stock, and implements on such estate, or

Order in which
property is to
be seized for the
payment of
assessment
moneys.

Branch Roads.

other moveable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such chairman or other person as aforesaid, to cause the timber on the said estate to be cut or the materials of the buildings erected thereon to be removed. And unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for such chairman, or any person as aforesaid, to sell the property so seized by public auction at any time after thirty days from date of seizure.

If above
insufficient
estate may be
sold subject to
mortgage.

25. IF, after seizing and selling property enumerated in the preceding section, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the chairman of the provincial committee, or the person authorised, as aforesaid, to seize the estate or any other immoveable property belonging to the proprietor of the estate in default, and sell the same, subject to the existing mortgages and incumbrances thereon, after two months' notice from the date of seizure, but the said committee shall not have the power to take in execution or seize the person of the proprietor in default for the assessment due, or for any balance thereon. PROVIDED that in the case of a proprietor absent from the island, and not represented by any person therein, the sale shall not take place without notice of sale being published in the *Government Gazette* for six months previous to the sale, and being affixed in some conspicuous part of the estate.

Proviso.

If the estate
cannot be sold,
then deficiency
to be charged
against other
proprietors.

If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold but the proceeds are insufficient to satisfy the assessment and all expenses payable under section 28 of this Ordinance, it shall be lawful for the provincial committee to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the branch road therein, and, if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor. PROVIDED that the right and duty of the provincial committee to recover from the original defaulter, should it subsequently become possible to do so, shall in no way be affected by its proceeding against such other proprietors and estates as aforesaid. And in case the provincial committee shall subsequently recover any moneys from such original defaulter, such moneys, in so far as they may have been so recovered in respect of construction assessment, shall be divided among the proprietors (at the date of such recovery) of the other estates, which paid in lieu of such original defaulter, in proportion to the sum so paid; and so far as such moneys may have been so recovered in respect of upkeep or repair assessment, they shall be retained by the provincial committee and applied towards the future upkeep and repair of the road.

Proviso.

Branch Roads.

26. IF any proprietor shall neglect or refuse to pay his proportion of the money due by proprietors for the construction, completion, or repair of branch roads under the said Branch Roads Ordinances hereby repealed, or of the present Ordinance, he shall be liable to pay interest after the rate of nine per centum per annum from the time fixed for such payment, and such interest shall, with the principal and other due costs and charges, be recovered from him in manner prescribed for the recovery of sums assessed.

Defaulting proprietors made liable in interest.

27. IT shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid, pending such sale. Any moveable 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.

Keeping a person in charge of property seized.

28. IT shall be lawful for the chairman of the provincial committee, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as assessment, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the undermentioned expenses :—

Costs and charges of seizure and sale.

- (1) The cost of seizure, removal, custody and sale of any property sold under sections 24 and 25 of this Ordinance.

29. IN the event of a sale of property seized, the chairman of the provincial committee, at whose instance such seizure was made, shall, after deducting the amount due by the defaulter, and also all due costs and charges (which said costs and charges such chairman is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

Return of overplus to owner.

30. IF property be sold for non-payment as aforesaid, a transfer in form D. in the schedule hereto annexed, or as near thereto as may be, signed by the chairman, shall be sufficient to vest the right, title, and interest of the defaulting proprietor in the purchaser, any law or custom to the contrary notwithstanding. Such transfer shall be liable to stamp duty as a conveyance, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Certificate of sale.

31. THE provincial committee, the chairman of which shall cause property to be seized and sold as aforesaid, shall, in the execution of the authority entrusted to them by this Ordinance, be civilly responsible in damages to any person who shall be aggrieved by reason of any irregularity of proceeding or abuse of authority on the part of such chairman as aforesaid, or on the part of any person specially authorized by him as aforesaid.

Provincial committees liable in damages.

Branch Roads.

Proviso.

PROVIDED however that no action for such damages shall be brought against the provincial committee or any of its officers after the expiration of three months from the time when the cause of action shall have arisen.

VI.—*General Provisions.*

Appeal to Governor in Council against decisions or orders under sections 7, 19, 20, 22, 23, or 33.

32. ANY person aggrieved by any decision or order of the provincial committee in respect of the definition of districts under section 7 of this Ordinance, or the assessment of estates under sections 19, 22, or 23, or any decision or order made under sections 20 or 33 of this Ordinance, may apply to the Governor for relief at any time within 21 days after such decision or order shall have been notified to him. It shall be lawful for the Governor, with the advice of the Executive Council, upon such application, to make or direct further inquiry, and to confirm the decision or order of the provincial committee, or to alter or modify the same. PROVIDED always that no such appeal as aforesaid shall lie until the person aggrieved as aforesaid shall have paid (subject to the decision of the appeal) any moneys which he may have been required to pay by the decision or order in question.

Costs.

33. IF costs shall be incurred in any suit, other than that provided by section 31, brought by or against the committee for anything done under the provisions of this Ordinance, or if a survey be indispensable to enable the provincial committee to act, and such committee shall therefore order one to be made, such costs and the expenses of such survey shall be payable by the proprietors of the estates in the district in proportion to the acreage of such estates. And if any proprietor refuse or neglect to pay his proportion when required to do so, the chairman shall recover the same in the manner and subject to the provisions herein prescribed, under the fifth division of this Ordinance relating to "recovery of sums assessed."

The grant of the moiety may be made subject to conditions.

Moiety not to be paid by Government till deposit of their moiety or part thereof by proprietors.

34. IT shall be lawful for the Governor, with the advice of the Executive Council, to make the grant of the moiety voted by the Legislative Council subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the public funds as by the proprietors, as the Governor, with the advice of the Executive Council, shall think fit from time to time to establish, either specially in each case or generally applicable to all cases. PROVIDED that no warrant shall be issued to the Treasurer for the payment of any such sum of money, or of any part thereof, from the Colonial Treasury, nor shall any sum be issued by him from the said Treasury until the other moiety of the estimated cost of constructing or repairing such road, or so much of such moiety as the Governor may think necessary, shall have been deposited in the said Treasury by or on behalf of the proprietors of such estates as aforesaid.

Branch Roads.

35. EVERY road towards the construction or repair of which any money shall be issued from the Colonial Treasury, under the authority of this Ordinance, shall be deemed and taken to be a public thoroughfare to all intents and purposes.

Roads for which such grants-in-aid are made, to be deemed public roads.

36. IT shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to direct that tolls not exceeding those specified in the Ordinances Nos. 14 of 1867, entitled "*An Ordinance to consolidate and amend the Law in respect to the collection of Tolls*," and No. 9 of 1871, entitled "*An Ordinance to amend The Tolls Ordinance, No. 14 of 1867*," or in any Ordinance to be in that behalf hereafter enacted, shall be levied on any of the roads, which shall have been made or completed or repaired under the provisions of the Ordinances hereby repealed, or which shall be made or completed or repaired under the provisions of this Ordinance, and to determine at what place the tolls so levied shall be collected, and the places from time to time in like manner to alter, and other places to establish instead thereof, for the collection of such tolls; and when the tolls shall have been so established, the provisions of the Ordinances Nos. 14 of 1867 and 9 of 1871, or of any other Ordinance to be in that behalf hereafter enacted, shall, so far as they are applicable thereto, be of force in respect of the tolls to be levied in virtue of the Proclamation to be made as aforesaid, and shall be read and construed as if the said provisions had been expressly enacted as applicable to the said places, and shall be applied, observed, and put in execution accordingly.

Tolls on branch roads.

And may fix toll-stations.

Provisions of the Ordinances Nos 14 of 1867 and 9 of 1871 extended to the tolls to be so established.

37. IN case of the absence from the colony of the proprietor of any estate, the resident manager—or, if there be no resident manager or superintendent, the agent, if any, in this colony, of the proprietor—shall and may represent such proprietor, and act for him in all matters and things which it may be lawful or necessary for such proprietor to do under any of the provisions of this Ordinance. If there be no known agent, notice affixed on the land and published in the *Government Gazette* shall be deemed notice to the proprietor.

Proprietor may be represented by resident manager or agent.

38. THE provisions, regulations, and directions in "*The Thoroughfares Ordinance, 1861*" contained, so far as they are applicable to the making and repairing of roads, and not inconsistent with this Ordinance, shall be of force in respect of the roads to be constructed or repaired under this Ordinance, and shall be read and construed as if such provisions, regulations, and directions had been inserted herein as applicable to the said roads, and shall be applied, observed, and put in execution accordingly.

Provisions of Ordinance No. 10 of 1861 to be in force so far as they are consistent with this Ordinance.

39. WHEREAS the road leading from the Gampola and Pussellawa road to Pupuressa, and known as the Pupuressa road, was originally constructed by the proprietors of certain estates,

Pupuressa road to be repaired as a branch road.

Branch Roads.

and it is expedient to provide for its upkeep and repair as if it were a branch road constructed under this Ordinance: It is enacted that, henceforward, such road shall be treated as a road made under this Ordinance, and provision shall be made for its upkeep and repair as if it had been originally constructed under the provisions of this Ordinance.

SCHEDULE.

A.

(Section 4.)

- No. 13 of 1866—Entitled “An Ordinance to provide for the construction, upkeep, and repair of Branch Roads.”
 No. 4 of 1873—Entitled “An Ordinance to facilitate the recovery of the sums assessed under the Branch Roads Ordinance, 1866.”
 No. 23 of 1873—Entitled “An Ordinance to amend the Branch Roads Ordinance, 1866.”

B.

(Section 8.)

Office of the Provincial Committee,
Kandy, 187 .

To Proprietor (or Resident Manager) of Estate.

SIR,—It has been proposed to construct a branch cart road leading from the main road near the mile-post (or at the village of) to the District of in which your Estate is situated, under the provisions of “The Branch Roads Ordinance, 187 .” and I am therefore to request you will fill up the accompanying paper, and return the same to me before the day of next ensuing, in failure whereof you will be deemed to have concurred in the said proposal.

I am, SIR,
 Your obedient Servant,
 Chairman, Provincial Committee.

(Paper referred to in the foregoing Letter.)

To the Chairman of the Provincial Committee for the Central Province, *Kandy*.

SIR,—I hereby declare that I (do or do not) desire that the provisions of “The Branch Roads Ordinance, 187 .” should be extended to the district of , in which my estate (or, the estate under my management) called is situated, for the purpose of the construction of a branch cart road to the said district, from the main road to near the mile-post (or, at the village of).

I am, SIR,
 Your obedient Servant,
 Proprietor (or, Resident Manager or Agent)
 of Estate.

*Branch Roads.***C.**

(Section 19.)

Office of the Provincial Committee,

187 .

To

Proprietor (or Resident Manager or Agent)

of

Estate.

SIR,—THE Governor, with the advice and consent of the Legislative Council, having agreed to grant a moiety for the construction (or completion or repair *as the case may be*) of a branch cart road, leading from the main road near the mile-post, (or at the village of) to the District of in which your estate is situated, the Provincial Committee, acting under the provisions of "The Branch Roads Ordinance, 187 ," have assessed the portion due by your estate at Rs , which sum you are hereby required to pay into the Colonial Treasury on or before the day of 18 .

I am SIR,

Your obedient Servant,

Chairman, Provincial Committee.

D.

(Section 30.)

Whereas of was in default in the payment of the moneys due by him as contribution for constructing (or completing or repairing *as the case may be*), under the Branch Roads Ordinance, 187 , and became liable in the sum of Rs inclusive of costs, and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance, and sold, also in conformity therewith, on the day of and the same was purchased by for the sum of Rs which was been duly paid by the said

Now, know ye that I, *Chairman of the Provincial Committee*, by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property; to wit: (*here describe the property accurately*) has been sold and purchased by of for the sum of which he has duly paid, and that the right, title, and interest of the said in the said premises are and shall henceforward be vested in the said , his heirs, executors, administrators, and assigns, for ever.

Given under my hand, at this day of

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

JAMES SWAN,

Clerk to the Council.

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

ARTHUR N. BIRCH,

Colonial Secretary.

*Administration of Justice.***No. 7.***An Ordinance to amend "The Administration of Justice Ordinance, 1868."*

Preamble.

WHEREAS it is expedient to amend "*The Administration of Justice Ordinance No. 11 of 1868*;" IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

District Courts
bound to try
certain cases,

1. EVERY District Court (any law or custom heretofore to the contrary notwithstanding) shall have jurisdiction to try and shall be required to try, subject however to the provisions of section 4 of this Ordinance, all criminal charges arising wholly or in part within the district in which such court is held, which the Queen's Advocate, Deputy Queen's Advocate, or any Deputy to the Queen's Advocate for the province within which such District Court is held shall bring or prosecute before such court, except charges for any of the crimes or offences mentioned in the schedule hereto appended.

What cases
they cannot
try.

2. THE crimes and offences which the District Courts are not required to try, and over which they are hereby declared to have no jurisdiction, are specified in the schedule hereto appended.

What shall be
sufficient proof
that cases are
brought in a
District Court.

3. IT shall be sufficient proof that a criminal charge is brought or prosecuted in a District Court by the Queen's Advocate or Deputy Queen's Advocate or any such Deputy to the Queen's Advocate as aforesaid, if the Queen's Advocate or Deputy Queen's Advocate or any such Deputy as aforesaid appears in court in his official character to conduct the case, or if the District Court has before it the written direction of the Queen's Advocate or Deputy Queen's Advocate or any such Deputy as aforesaid, that the accused be committed for trial by, or bailed to appear before the District Court, or any direction to the like effect.

Summary
appeal to
Supreme Court
on question
whether case
should be tried
by District or
Supreme Court.

4. WHENEVER any person shall have been charged before a Justice of the Peace with any crime or offence (other than cattle stealing or any other offence which by any Ordinance now or hereafter to be passed is or may be rendered expressly triable by District Courts), and such accused person shall have been committed for trial before a District Court, it shall be lawful for such accused person, or for the complainant by whom he was charged, at any time within six days after the date of such committal, exclusive of Sundays and public holidays, to lodge with the committing Justice of the Peace a petition of appeal praying that the committal before the District Court may be discharged, and the Justice of the Peace ordered to commit the case for trial before the Supreme Court. Such petition of appeal when so lodged shall, together with the record, be forthwith transmitted by the Justice of the Peace to the Supreme Court or to any Judge of the Supreme Court on

Administration of Justice.

circuit, as the Justice of the Peace may consider most convenient. And on receipt of such petition of appeal and record, the Supreme Court or any Judge thereof may dispose of such appeal summarily with all convenient expedition in chambers, without hearing any argument. And if in the opinion of the Supreme Court or the Judge adjudicating upon such appeal, the case be too grave for trial before the District Court, the Supreme Court or such Judge as aforesaid may discharge the committal before the District Court, and direct the Justice of the Peace to commit the case for trial before the Supreme Court. Where, on such appeal as aforesaid, the Supreme Court or Judge thereof shall have declined to interfere with a committal, the date of committal, for the purposes of the third section of the schedule to the Ordinance No. 16 of 1871, shall be the date on which the order of the Supreme Court or Judge upon the appeal is received by the Justice of the Peace.

5. NOTHING herein contained shall diminish or affect the right of the Supreme Court, or any Judge thereof, to make order for the transfer of any criminal case from the District Court in which it is pending, to some District Court.

Right of
Supreme
Court not
affected.

6. ANYTHING in sections 20, 21, and 103 of "*The Administration of Justice Ordinance, 1868*," to the contrary notwithstanding, the appellate jurisdiction of the Supreme Court shall extend to the correction of all errors in fact committed by Police Courts, as amply as it now does to the correction of all errors in law committed by such courts. The appellate jurisdiction of the Supreme Court shall also extend to the alteration of sentences imposed by Police Courts.

Supreme Court
may correct
errors in fact
committed by
Police Courts.

7. IT is hereby declared that the Supreme Court or any Judge thereof hath jurisdiction to punish by fine in its discretion all appellants of false, frivolous or vexatious appeals from Police Court decisions. The Supreme Court when imposing any such fine as aforesaid may order the same to be enforced by the Police Court appealed from, in the manner provided by law for the enforcement of Police Court fines.

Jurisdiction of
Supreme Court
to impose fines
on false,
frivolous, and
vexatious
appeals—mode
of enforcement.

8. THIS Ordinance shall be read and constructed as if it were part of "*The Administration of Justice Ordinance, 1868*."

This Ordinance
to be deemed
part of
Ordinance
No. 11 of 1868.

SCHEDULE.

Treason, Misprision of Treason, Seditious Libel, Libel upon the administration of justice, Unlawful assemblies, Piracy, Murder, Manslaughter, Rape, Unnatural crime, Carnal abuse of children of tender age, Procuring or attempt to procure abortion or miscarriage.

Offences punishable under the Insolvency Laws with more than one year's imprisonment at hard labour:—Forgery of, or uttering with guilty knowledge when forged—Bonds, Bills of Exchange, Cheques, Bank Notes, Bills of Lading, Records

Administration of Justice. Coffee Stealing.

or any judicial process, Registers or Certificates of Registration, Marriage Licenses, Wills or Codicils, Powers of Attorney, Partnership Deeds, Deeds or documents creating, transferring, or releasing or cancelling any interest in any immoveable property, or any Notarial Deeds.

Any attempt or conspiracy to commit any of the above specified crimes and offences.

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

JAMES SWAN,
Clerk to the Council.

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

ARTHUR N. BIRCH,
Colonial Secretary.

No. 2.*An Ordinance to check Coffee Stealing.***Preamble.**

WHEREAS it is expedient to make further provision to suppress the crime of stealing coffee, and yet not to discourage the cultivation of and trade in coffee: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

**Commence-
ment.**

1. **THIS** Ordinance shall come into operation at the date of the passing thereof.

**Interpretation
clause.**

2. **FOR** the purposes of this Ordinance,

“Imprisonment” shall include imprisonment, with or without hard labour, as the Magistrate or Judge shall direct.

“Police Officer” shall include all Officers of the Police force, and all Headmen, Police, and Peace Officers.

“Labourer” shall include all persons (excepting resident managers) temporarily or permanently employed on a coffee estate in any capacity, whether agricultural, menial, or otherwise howsoever.

“Carrier” shall include all persons, for the time being, employed in the transport of coffee, whether by boat, or cart or other carriage, tavalam or elephant, or otherwise, and whether as contractors, drivers, or otherwise.

“Coffee estate” shall include any land on which coffee is growing.

“Coffee” shall include all coffee not roasted or otherwise prepared for immediate consumption.

**Loading or
unloading of
coffee at night
prohibited.**

3. **BETWEEN** the hours of half-past six in the evening and five in the morning no coffee shall be loaded or unloaded for any purpose whatever, or carried for any purpose whatever, except in boats, carts, wagons, or other carriages licensed under the

Coffee Stealing.

"Carriers Ordinance, 1865," or as hereinafter provided, or by tavalams or elephants in charge of drivers licensed as hereinafter provided. Any person committing a breach of this provision, or aiding or assisting any other person to commit such breach, shall be deemed guilty of an offence, and shall be liable, on conviction, to a fine of fifty rupees, or to imprisonment for any term not exceeding three months, or to both.

4. EVERY person found loitering or lurking about in a coffee estate, shall, unless he can prove satisfactory reason for such loitering or lurking, be guilty of an offence, and shall be liable, on conviction, to imprisonment for any term not exceeding one month, or to a fine not exceeding twenty rupees.

Loitering or lurking in coffee estates without satisfactory reason made an offence.

5. WHERE green gathered coffee shall be found in the possession of any person, such person may be presumed to have stolen such coffee, or unlawfully received it, knowing it to have been stolen, unless such person shall satisfactorily account for his possession thereof.

Presumption against possessors of green coffee.

6. IT shall not be lawful for any one to purchase, or take in barter or exchange, or receive coffee from any labourer employed on a coffee estate.

Restriction on purchases of coffee.

7. IT shall not be lawful for any one to purchase, or take in barter or exchange, or to receive coffee from any person other than a labourer employed on a coffee estate, unless the person so purchasing, taking in barter or exchange, or receiving such coffee shall thereupon enter or cause to be entered in a book to be kept by him for that purpose, a true record of such transaction, specifying (1) the name, residence, and occupation of the person from whom such coffee was so purchased, taken in barter or exchange, or received; (2) the date of the transaction; and (3) the quantity and description of coffee so purchased, taken in barter or exchange, or received.

Written record to be kept of all purchases of coffee.

PROVIDED always, that on any prosecution or proceeding on a charge of purchasing, taking in barter or exchange, or receiving coffee contrary to this section, the proof that such entry has been *bona fide* made shall lie on the person charged.

Proviso.

PROVIDED further, that this section shall not apply to coffee purchased, taken in barter or exchange, or received from any person other than a labourer employed on a coffee estate, and intended *bona fide* for consumption in the house or on the premises of the person purchasing, taking in barter or exchange, or receiving the same as aforesaid; but the onus of satisfying the court of such *bona fide* intention shall in every case lie on the party charged with an offence.

Further proviso.

8. IT shall not be lawful for any one to purchase or take in barter or exchange coffee from any carrier, or for any carrier to sell or given in barter or exchange any coffee, unless the person so

Restriction on purchase of coffee.

Coffee Stealing.

purchasing or taking in barter or exchange such coffee shall, besides making the entry required by the seventh section of this Ordinance, also enter, or cause to be entered in the book in the said seventh section of this Ordinance mentioned, the marks, if any, on the bags or other packages in which such coffee may be contained, and unless the entry required by this and the seventh section of this Ordinance be also correctly signed by such carrier in his own name, and attested by a police inspector or sergeant or by any headman of the district within which the transaction takes place.

Penalties for offences under clauses 6th, 7th and 8th.

9. ANY person committing any breach of any of the provisions contained in the sixth, seventh or eighth sections of this Ordinance shall be deemed guilty of an offence, and shall be liable on conviction to imprisonment for any term not exceeding three months, or to a fine not exceeding fifty rupees, or to corporal punishment not exceeding twenty lashes, or any two of those punishments.

Proviso.

PROVIDED that on a second conviction under this section the person convicted shall be liable to imprisonment for any term not exceeding six months, or to a fine not exceeding seventy-five rupees, or to corporal punishment not exceeding twenty-five lashes, or any two of those punishments.

Penalty on falsifying or tampering with book.

10. ANY person falsifying or fraudulently tampering with any entry which may have been made in any book kept pursuant to sections seven and eight of this Ordinance, shall be deemed guilty of an offence, and shall be liable on the first or subsequent conviction to the respective punishments prescribed in the preceding section,

Penalty for not producing book to police.

11. ANY person required under section seven of this Ordinance to keep any such book as therein referred to, and who shall without reasonable excuse refuse or fail to produce any such book to any police officer when reasonably required to do so, shall be deemed guilty of an offence, and shall be liable, on conviction, to a fine of fifty rupees, or to imprisonment for any term not exceeding three months, or to both.

Previous conviction admissible in evidence on subsequent charge.

12. UPON the trial of any person for unlawfully receiving stolen coffee knowing the same to have been stolen, or for the offence of purchasing, taking in barter or exchange, or receiving coffee contrary to the provisions of the sixth, seventh or eighth sections of this Ordinance; if such person shall at any time within five years of the date of the offence alleged have been convicted under the ninth or tenth sections of this Ordinance, or of coffee stealing or unlawfully receiving stolen coffee knowing the same to have been stolen, evidence of such previous conviction may be given at any stage of the proceedings, and on a trial for purchasing, taking in barter or exchange, or receiving coffee contrary to the provisions of the sixth, seventh, or eighth sections

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of this Ordinance, shall be admissible as evidence of such purchasing, taking in barter or exchange, or receiving, and on a trial for unlawfully receiving stolen coffee knowing the same to have been stolen, shall be admissible as evidence of his knowledge that such coffee has been stolen.

13. WHENEVER coffee is seized in the possession of any person or in any premises under his control or management, and such person is in respect thereof charged with any offence under this Ordinance, or with coffee stealing or unlawfully receiving stolen coffee knowing the same to have been stolen, it shall be competent to the court having jurisdiction to try the offence, or where such charge is dismissed by a Justice of the Peace without being committed for trial, for the Justice of the Peace dismissing the same (in addition to such criminal proceedings as shall have been taken, or such punishment as shall have been inflicted, or irrespective thereof) to make such order respecting the disposal of such coffee as the justice of the case may require. PROVIDED that such order shall not affect the right of any person to bring any civil action for or in respect of such coffee.

Summary civil proceedings for the disposal of coffee seized.

14. FOR the purposes of this Ordinance boats, carts, wagons or other carriages may be licensed under the "*Carriers Ordinance*, 1865," although the same may not be intended to be used for hire.

15. EVERY Government Agent or his assistant shall issue to any tavalam or elephant driver requiring the same and subscribing before such Government Agent or assistant a declaration in the form A. in the schedule to this Ordinance, or as near thereto as may be, a license in the form B. in the schedule to this Ordinance, or some similar form. All licenses so issued shall expire on the 31st of December next after the issuing thereof.

Government Agents to issue license to tavalam and elephant drivers.

16. ONLY one license shall be issued to any one individual in the same year. Provided, however, that if any license issued as above should, while in force, be lost or destroyed, the Government Agent or assistant by whom the same was issued may, on application made to him, and on the applicant subscribing a declaration in the form C. in the schedule to this Ordinance, or as near thereto as may be, issue to such applicant an exemplification of such license.

Government Agents may issue exemplifications of lost licenses.

17. EVERY person who shall wilfully make any false declaration of any of the matters by the fifteenth and sixteenth sections of this Ordinance required to be stated by declaration, or shall counterfeit, alter, falsify, or forge any license or part of any license, issued under this section, or shall knowingly and without lawful excuse (the proof of which excuse shall be on the person accused) have in his possession any false, forged, or counterfeit license, resembling or intended to resemble, either wholly or in part, any license, which at any time whatever may have been issued or used

Penalty for false declaration, forgery of license, &c.

Coffee Stealing.

under this section, shall be deemed guilty of an offence, and shall be liable on conviction to the punishment specified in section seventeen of the "*Carriers Ordinance, 1865.*" And every person wilfully aiding and abetting the commission of any such offence shall also be deemed guilty of an offence, and shall be liable on conviction to the punishment specified in section seventeen of the "*Carriers Ordinance, 1865.*"

Ordinance not
to affect
railway
employés.

18. NOTHING in this Ordinance shall be deemed to extend to any officer or servant of any Government railway receiving, delivering, or carrying any coffee in the course of his employment on such railway.

Stamp or
license on ex-
emplification.

19. EVERY license or exemplification issued under the provisions of the fifteenth and sixteenth sections of this Ordinance shall be on a stamp of fifty cents, to be provided by the tavalam or elephant driver applying for the same.

Duration of
Ordinance.

20. THIS Ordinance shall 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.

SCHEDULE.

A.

I (name of applicant in full) of (district and village of applicant) do truly declare that I reside at _____ and (that I am the holder of the license No. _____ issued to me at _____ by _____ Government Agent or Assistant Government Agent at _____ under the Ordinance _____ of 1874), or (that no license has been issued to me since the 31st of December in last year under the Ordinance _____ of 1874.)

B.

License.

day of	Number	the
WHEREAS A. B. of _____	in the District of _____	
(in pursuance of section 14 of the Ordinance No. _____ of 1874) has made and sub-		
scribed before me the declaration thereby required, license is hereby granted to the		
said A. B. to drive tavalams or elephants from the date hereof until the 31st day of		
December next.		

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

(Signed)

Government Agent.

Endorsed A. B.

Coffee Stealing. *Supplementary Supply, 1874.* *Tolls.*

C.

I (name of applicant in full) of (district and village of applicant) do truly declare that I reside at _____ and that I am the owner of the tavalam or elephant license No. _____ issued at the Kachcheri of _____ on the _____ of _____ and that the said license (here state the manner in which the license has been lost or destroyed.)

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

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-second day of December, One thousand Eight hundred and Seventy-four.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 9.

An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1873.

21st December, 1874.

No. 10.

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1874.

21st December, 1874.

No. 11.

An Ordinance to establish further Tolls.

WHEREAS it is expedient to establish the Tolls hereinafter specified: **IT IS HEREBY 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, tolls shall be established on and in respect of the roads and ferry hereinafter specified, at such rates and at such places as the Governor, from time to time, by Proclamation shall appoint: Provided that the same shall in no case exceed the rates specified in the 4th section of "*The Toll Ordinance, 1867.*"

*Tolls.**Supply, 1875.**Waterworks.*

ROADS.

Western Province.

1. On the road from Mirihana to Mattegoda, at the 12th mile-stone.
2. On the road from Alutgama to Radawana, at the 10th mile-stone and its junction with the Kandy road.
3. On the road from Veyangoda to Attanagalla, at the junction of the Kandy road.
4. On the road from Sellatahandiya to Alutapola, near the 5th mile-stone.
5. On the road from Kegalla to Hapuwita.

Central Province.

1. On the road from Arambekada to Bokawella.

FERRY.

North-Central Province.

1. Mahagantota, on the Mahaviliganga, in Tamandawa.

Passed in Council, the Twenty-third day of December, One thousand Eight hundred and Seventy-four.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-four.

ARTHUR N. BIRCH,

Colonial Secretary.

No. 12.

*An Ordinance for making provision for the
Contingent Services of the year 1875.*

23rd December, 1874.

No. 13.

*An Ordinance for making provision for the advance
of a sum of money, by way of loan, for the construc-
tion of Waterworks for the Municipalities of
Galle and Kandy.*

Preamble.

WHEREAS it is expedient that the Municipalities of Galle and Kandy should be respectively enabled to construct waterworks: And whereas it is expedient that the Governor of Ceylon, acting with the advice of the Executive Council thereof,

Waterworks.

should be empowered to advance to the Municipality of Galle a sum not exceeding one hundred and ten thousand rupees, and to the Municipality of Kandy a sum not exceeding two hundred and twenty thousand rupees for the construction of waterworks ;
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 Galle and Kandy Waterworks Loan Ordinance, 1874.*" Short title.
2. **THE** Governor, with the advice of the Executive Council, may from time to time advance to the Municipality of Galle any sum or sums not exceeding in the whole one hundred and ten thousand rupees, to be applied exclusively in the construction of waterworks for the said Municipality. Power to Governor to advance 110,000 rupees to Municipality of Galle.
3. **THE** Governor, with the advice of the Executive Council, may from time to time 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. Power to Governor to advance 220,000 rupees to Municipality of Kandy.
4. **FOR** the purpose of paying the principal of and interest on every several sum or instalment of money advanced under the powers contained in the 2nd and 3rd sections of this Ordinance to either of the Municipalities of Galle and Kandy, an annuity of seven and a-half per cent. shall be applied first 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 ; the payment of such annuity on every such several sum or instalment to be continued until such sum or instalment be repaid. Mode of repayment, by annuity.
5. **EVERY** several sum or instalment of money advanced under the provisions of this Ordinance to either of the Municipalities of Galle and Kandy shall (any law to the contrary notwithstanding) be deemed to be charged on the rates and taxes, rents and all other the income and property of the Municipality to which the same was advanced. And such charge shall take effect from the date when such several sum or instalment was advanced. Advances to be a charge on rates, taxes, and other property of the Municipalities.

Passed in Council, the Twenty-third day of December, One thousand Eight hundred and Seventy-four.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of December, One thousand Eight hundred and Seventy-four.

ARTHUR N. BIRCH,
Colonial Secretary.

*Warehouse Warrant.***No. 1.—1875.***An Ordinance to amend the Law as to Warehouse Warrants.***Preamble.**

WHEREAS it is expedient to amend the Ordinance No. 1 of 1871, entitled "*An Ordinance to amend the Customs Ordinance No. 17 of 1869, and to provide for the issue of Warehouse Warrants:*" IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

No goods warehoused in Government or Bonded warehouses to be delivered, save on surrender of the warrant, and no warrant once surrendered to be re-issued.

1. NO goods warehoused in any Queen's Warehouse or other place of deposit provided by Government, or in any Bonded Warehouse, shall be delivered out of such Queen's Warehouse or other place of deposit provided by Government, or Bonded Warehouse, except upon surrender of the warrant in which such goods are enumerated, to the Collector of Customs or to the keeper of such Bonded Warehouse, as the case may be; every such warrant, after being so surrendered, shall be defaced, and no such warrant, after being so surrendered, shall be re-issued.

But where partial delivery taken, a new warrant may be issued in respect of the goods remaining undelivered.

PROVIDED that whenever the holder or holders of any warrant issued under the 1st or 3rd sections of the Ordinance No. 1 of 1871, or under this present provision, shall be desirous of obtaining delivery of a part only of the goods enumerated in such warrant, it shall be lawful for the Collector of Customs or keeper of the Bonded Warehouse, as the case may be, upon the surrender of such warrant, to issue to the holder or holders by whom the same was surrendered, a new warrant in respect of the goods remaining undelivered.

Penalty on infringement of section one.

2. ANY person who shall deliver any goods warehoused as mentioned in the first section of this Ordinance, out of the place in which the same shall have been so warehoused, except upon the surrender, as therein mentioned, of the warrant in which such goods are enumerated, and any person who shall re-issue any warrant surrendered as aforesaid, shall be deemed guilty of an offence, and liable, on conviction, to a fine not exceeding fifty rupees.

Stamp duty on warrants altered to five cents.

3. THE fourth section of the Ordinance No. 1 of 1871 is hereby repealed, and in lieu thereof it is hereby enacted as follows :—

EVERY warrant, whether issued by a Collector of Customs or by the keeper of a Bonded Warehouse shall bear a stamp duty of five cents, and such duty shall be denoted by adhesive stamps to be provided by the Commissioner of Stamps for that purpose, and to be affixed to such warrants. And such warrants shall be liable, in all matters relating to stamp duty, to the provisions of the Ordinances relating to stamp duties, so far as the same shall be applicable thereto.

*Warehouse Warrants.**Railway Extension.*

4. THE power of making regulations created by the 8th section of the Ordinance No. 1 of 1871 shall be deemed to extend to the making from time to time of regulations prescribing new forms for the warrants mentioned in this Ordinance and the Ordinance No. 1 of 1871, and the manner in which such warrants are to be defaced, as hereinbefore mentioned.

Power to make regulations as to form of warrants and manner of defacing.

5. THIS Ordinance and the Ordinances No. 17 of 1869 and No. 1 of 1871 shall be read and construed as if they formed one Ordinance.

This Ordinance and the Ordinance No. 17 of 1869 and No. 1 of 1871 to be deemed one. Commencement of Ordinance.

6. THIS Ordinance shall come into operation on such day as shall be appointed by the Governor by Proclamation in the *Government Gazette*.

Passed in Council, the Sixth day of January, One thousand Eight hundred and Seventy-five.

JAMES SWAN,

Clerk to the Council.

Assented to by His Excellency the Governor, the Sixth day of January, One thousand Eight hundred and Seventy-five.

ARTHUR N. BIRCH,

Colonial Secretary.

NO. 2.

To apply a portion of the Surplus Revenues of past years to the Extension of Railway Communication.

WHEREAS it is expedient to apply a portion of funds which have accrued from the surplus revenues of past years to the construction of a railway from Colombo to Moratuwa :
IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof :

Preamble.

1. A SUM not exceeding Rs. 700,000 out of the said surplus revenues shall be issued and applied to the construction of a railway from Colombo to Moratuwa, in conformity with the details of the estimates to be submitted.

Rs. 700,000 to be charged upon the surplus revenues of the island.

2. THE Treasurer of the said island shall issue and pay the said several sums to such persons, 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 payable out of the said surplus revenues of the said island.

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

*Railway Extension.**Assessment Rates.*

Treasurer to
receive credit
in his accounts
for the
payments
made in
pursuance
thereof.

3. THE said 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 said Treasurer in passing his said accounts, for any such sum or sums as shall be therein mentioned, and he shall and may receive credit for the same accordingly.

Passed in Council, the Sixth day of January, One thousand Eight hundred and Seventy-five.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Sixth day of January, One thousand Eight hundred and Seventy-five.

ARTHUR N. BIRCH,
Colonial Secretary,

No. 3.

*An Ordinance to amend the Ordinances Nos. 16
and 17 of 1865 in respect of the Assessment of
certain Rates.*

Preamble.

WHEREAS by the 53rd section of the Ordinance No. 17 of 1865, Municipal Councils are empowered, subject to the provisos therein contained, to make and assess, as therein mentioned, rates on the annual value of all houses and buildings of every description, and all lands and tenements whatsoever within their respective Municipalities: and whereas the meaning of the words "annual value," as employed in the enactment aforesaid, has been lately restricted to be the nett annual value of the property in question, after deducting all expenses of repairs, or other expenses of maintenance or upkeep, and it is expedient that the rates authorized by the said enactment should be levied as heretofore on the gross annual value of the properties therein specified in that behalf: And whereas it is expedient that the rates authorized by the Ordinance No. 16 of 1865 should be also levied on the gross annual value of the properties therein specified in that behalf.

Basis of rating
under
Ordinance No.
17 of 1865, sec.
53, to be gross
annual value.

1. FOR the purposes of the 53rd section of "*The Municipal Councils Ordinance, 1865*," the "annual value" of houses, buildings, lands, and tenements, as a basis of rating, shall be the gross annual value, without any deduction for expenses, repairs, or other expenses for maintenance or upkeep.

Basis of rating
under
Ordinance 16 of
1865, sec. 34,

2. FOR the purposes of the 34th section of the Ordinance No. 16 of 1865, the "*bonâ fide* annual value" of all houses, buildings, lands, and tenements, as a basis of rating, shall be the

Assessment Rates.

gross annual value, without any deduction for expenses, repairs, or other expenses for maintenance or upkeep. to be gross annual value.

3. THIS Ordinance may be cited for all purposes as "*The Municipal and Police Assessment Ordinance.*" Title of Ordinance.

4. THIS Ordinance shall come into operation from the date of the passing thereof. Commencement of Ordinance.

Passed in Council, the Sixth day of January, One thousand Eight hundred and Seventy-five.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Sixth day of January, One thousand Eight hundred and Seventy-five.

ARTHUR N. BIRCH,
Colonial Secretary.

*Wharf and Warehouse.**Validity of Deeds.***No. 4.—1875.***An Ordinance to amend "The Wharf and Warehouse Ordinance, 1865."*

WHEREAS by the 34th clause of "*The Wharf and Warehouse Ordinance, 1865*," it is enacted that the master of every importing ship shall deliver at the office of the Company mentioned in the said clause, within twenty-four hours after he shall have reported his vessel at the Custom House, a true copy of the manifest or report of the cargo thereof, in like form as that required to be delivered at the Custom House by any Customs laws in force at the passing of the said Ordinance, or to be thereafter enacted: **AND** whereas it is expedient that for the future the aforesaid requirement should not exist: **IT IS HEREBY ENACTED** as follows:—

THE 34th clause of "*The Wharf and Warehouse Ordinance 1865*," is hereby repealed.

Repeal of clause
34 of Ordinance
No. 26 of 1865.

Passed in Council, the Second day of June, One thousand Eight hundred and Seventy-five.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Second day of June, One thousand Eight hundred and Seventy-five.

JOHN DOUGLAS,
Acting Colonial Secretary.

No. 5.—1875.

An Ordinance to declare the validity of certain Writings, Deeds, and Instruments purporting to be executed in conformity with the provisions of Ordinance No. 17 of 1852, and to amend the said Ordinance.

WHEREAS the Ordinance No. 17 of 1852, entitled an Ordinance "*To make further provision touching the execution of certain Deeds and Instruments*," provides for the execution of certain writings, deeds, and instruments before officers other than Notaries, in the manner therein prescribed, and divers writings, deeds, and instruments have since the passing thereof been executed in conformity with its provisions, except that they have been certified under the hand only, and not under the hand and seal of such officers; and whereas doubts have arisen as to the validity of such writings, deeds, and instruments, which it is expedient should be removed; and whereas it is also expedient that writings, deeds, and instruments hereafter to be executed

Preamble.

*Validity of Deeds.**Colombo Harbour.*

should not be invalidated merely by reason of their having been certified under the hand only and not under the hand and seal of such officers, if in other respects executed in conformity with the provisions of the said Ordinance: **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:

Writings, &c.,
otherwise duly
executed under
the provisions
of the
Ordinance
No. 17 of 1852,
declared valid,
notwithstanding
the want
of the seal.

1. EVERY writing, deed, or instrument, which shall have been heretofore or shall be hereafter otherwise duly executed in conformity with the provisions of the said Ordinance, shall be deemed and is hereby declared to be valid and effectual to all intents and purposes, so far as relates to the execution thereof, notwithstanding that the same shall not have been certified under the seal of the District Judge, Commissioner of the Court of Requests, or Justice of the Peace specially authorized by the Governor to act in that behalf. PROVIDED that nothing herein contained shall give any validity to any writing, deed, or instrument which may be invalid or ineffectual for any reason other than that arising from the same not being certified under such seal aforesaid, or to any writing, deed, or instrument which has heretofore been declared invalid or ineffectual by any competent court of law, in consequence of the same not having been certified under such seal as aforesaid.

Passed in Council, the Second day of June, One thousand Eight hundred and Seventy-five.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Second day of June, One thousand Eight hundred and Seventy-five.

JOHN DOUGLAS,
Acting Colonial Secretary.

No. 6.—1875.

*An Ordinance to repeal Ordinance No. 4 of 1874,
and to provide for the improvement of the
Colombo Harbour.*

Preamble.

WHEREAS it is expedient to repeal Ordinance 4 of 1874, intituled "*The Colombo Harbour Ordinance, 1874*," and to make provision for borrowing money from the Public Works Loan Commissioners in accordance with the terms of 37 and 38 Victoria, Ch. 4: **IT IS ENACTED BY THE GOVERNOR OF CEYLON**, with the advice of the Legislative Council thereof, as follows:—

Short title.

1. **THIS** Ordinance may be cited for all purposes as the "*Colombo Harbour Ordinance, 1875*."

Colombo Harbour.

2. ORDINANCE No. 4 of 1874 is hereby repealed.

3. IT shall be lawful for the Governor of Ceylon, with the advice of the Executive Council, to borrow from the Public Works Loan Commissioners in England, for the purpose of improving the Harbour of Colombo, upon such terms as those Commissioners may require, any sum or sums of money not exceeding in the whole Two hundred and Fifty thousand pounds sterling; the amount so borrowed and the interest thereon being charged on and made payable out of the general revenue of this Island.

Power to Government to borrow money for improving Harbour.

4. THE Governor of Ceylon may advance out of the general revenue of the Island such sums, not exceeding 250,000 rupees at any one time, chargeable against the loan to be made by the Public Works Loan Commissioners, as may be required for the purpose of improving the Harbour of Colombo; and the instalment of the said loan, which is received next after such payment, shall be applied in the first instance in repaying the sum so advanced.

Power to Governor to make advances out of the general revenue, not exceeding 250,000 rupees at any one time.

5. IT shall be lawful for the Governor to issue his warrant upon the Treasury, from time to time, for the payment in sterling, to the Public Works Loan Commissioners, of such an annuity or annuities as will repay the whole sums advanced by the said Commissioners, with interest on the principal sums from time to time remaining unpaid, at the rate of £3 10s. per cent. per annum, within 35 years from the date of the first advance.

Governor to issue his warrant for the payment of an annuity of 5 per cent. for payment of principal and interest.

6. THE money borrowed under the authority of this Ordinance shall be appropriated for the purpose of improving the said Harbour of Colombo, and for no other purpose.

Appropriation of moneys so borrowed.

7. IT shall be lawful for the Governor, with the advice of the Executive Council, to raise by taxation in the Colony such additional sums (if any) as may be required to pay the principal of and the interest on the said advances, and, either by taxation or by loan, such further sums as may from time to time be required for the purpose of completing the improvements of and for maintaining duly the said harbour; the amount borrowed in the case of a loan, together with the interest thereon, being charged on and made payable out of the general revenue of this Island, but subsequent to the charge becoming due under this Ordinance to the Public Works Loan Commissioners.

Power to Government to raise, if necessary, additional sums for completing improvements, and paying principal and interest of advances.

8. IT shall be lawful for the Governor, with the advice of the Executive Council, to levy when necessary, in lieu of the port dues now levied at Colombo, such increased dues as may from time to time be sanctioned by Her Majesty's Government, and notice of the dues to be so levied at Colombo shall always be made by Proclamation in the *Government Gazette*, and shall have the effect of law: PROVIDED always that the total revenue so raised from the shipping frequenting the Port of Colombo, inclusive of the pilotage dues levied under the "*Masters Attendant's Ordinance No. 6 of 1863*" shall not exceed the amount which

Power to levy increased port dues.

*Colombo Harbour.**Tolls.*

may be required : (1) for the payment of the annuity and of the interest on any further loan raised under section 5 of this Ordinance ; (2) for the maintenance of the works ; and (3) for defraying such charges as may be incidental to the efficient management, pilotage, and lighting of the port.

Crown Agents
to receive
moneys and
give acknow-
ledgments.

9. THE Crown Agents for the Colonies for the time being are hereby authorized to receive from time to time the moneys so borrowed, as before provided, from the Public Works Loan Commissioners, and to give acknowledgments on behalf of the Ceylon Government for the same, defining in such acknowledgments the times and terms of repayment with interest, in accordance with the provisions of this Ordinance ; and such acknowledgment so given shall operate to charge the general revenue of the Island with repayment, subject and according to the provisions of this Ordinance, of the sum mentioned in such acknowledgment, and the interest thereon at the times and upon the terms specified in such acknowledgment.

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

JAMES SWAN,
Clerk to the Council.

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

JOHN DOUGLAS,
Acting Colonial Secretary.

No. 7.—1875.

An Ordinance to amend "The Toll Ordinance, 1875."

Preamble.

WHEREAS the fourth section of "*The Toll Ordinance, 1867.*" provides for exemptions from toll, in manner therein appearing : and whereas it is expedient that the Governor should have power, from time to time, by Proclamation, with the advice of the Executive Council, to create further exemptions from toll : 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 for all purposes as "*The Toll Ordinance, 1867, Amendment Ordinance.*"

2. IT shall be lawful for the Governor, from time to time, with the advice of the Executive Council, by Proclamation in the *Government Gazette* to declare an exemption from toll in favour of any substance or substances in use for manuring purposes, and specified in such Proclamation.

Tolls. Supplementary Supply. Final Supplementary.

3. AFTER the publication in the *Government Gazette* of such proclamation, no toll shall be demanded or taken for or in respect of any horse, ox, vehicle, boat, or canoe, when employed or going to be, or returning from being, employed in carrying or conveying only the substance or substances specified for exemption from toll in such Proclamation, or only such substance or substances, together with any other substance or substances exempted from toll by the Toll Ordinance aforesaid, or by any Proclamation in force under this Ordinance, and the necessary implements used for filling manure, and, in the case of boats, the necessary tackle, apparel, and provisions of such boats and the crew thereof.

4. IT shall be lawful for the Governor, with the advice of the Executive Council, by further Proclamation in the *Government Gazette*, to revoke, alter, or amend any such Proclamation as aforesaid.

5. THIS Ordinance and the Ordinance No. 14 of 1867 shall be read and construed as one Ordinance.

Passed in Council, the Thirteenth day of October, One thousand Eight hundred and Seventy-five.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-seventh day of October, One thousand Eight hundred and Seventy-five, and published by his order.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 8.—1875.

*An Ordinance for making provision for the
Supplementary Contingent Charges
for the year 1875.*

19th November, 1875.

No. 9.—1875.

*An Ordinance for making final provision for the
Supplementary Contingent Charges for the
year 1875.*

24th November, 1875.

*Special Pension.**Supply, 1876.***No. 10. — 1875.**

*An Ordinance to provide for the payment of a
Special Pension to Sir Edward Shepherd Creasy,
late Chief Justice.*

WHEREAS Sir Edward Shepherd Creasy, Chief Justice of this Colony, owing to severe illness contracted during his residence therein, was forced to retire from office on the 12th day of June last: And whereas, having regard to the cause of the retirement of the said Sir Edward Shepherd Creasy, it is desirable that he should receive a pension after a higher rate than that provided under the Ceylon Pension Minute, to wit, after the rate of 16,000 rupees per annum: **IT IS ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

A Pension of
16,000 rupees
per annum for
Sir Edward
Shepherd
Creasy, Chief
Justice of
Ceylon,
charged upon
the revenues of
the Colony.

1. A pension after the rate of 16,000 rupees per annum shall be paid to the said Sir Edward Shepherd Creasy, from time to time, subject as to all particulars other than the amount of such pension, to all rules and conditions to which the said Sir Edward Shepherd Creasy's claim to pension would have been subject if this Ordinance had not been passed. Such pension of 16,000 rupees per annum shall be computed from the 12th day of June last, and shall be a charge upon the revenues of this Colony.

Passed in Council, the Twenty-ninth day of November, One thousand Eight hundred and Seventy-five.

JAMES SWAN,
Clerk to the Council.

Assented to by His Excellency the Governor, the Thirtieth day of November, One thousand Eight hundred and Seventy-five, and published by his order.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 11. — 1875.

*An Ordinance for making provision for the
Contingent Services of the year 1876.*

30th November, 1875.

*Colombo Harbour.***No. 1.—1876.***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.*

WHEREAS by the "*Colombo Harbour Ordinance, 1875,*" Preamble.
the Government of Ceylon were empowered to borrow from the Public Works Loans Commissioners in England any sum or sums not exceeding in the whole Two hundred and Fifty thousand pounds, for the purpose of improving the Harbour of Colombo, and also to raise, either by taxation or by loan, such further sums as might from time to time be required for the purpose of completing the improvements of, and for maintaining duly the said Harbour, the amount borrowed in the case of a loan, together with the interest thereon, being charged on and made payable out of the general revenues of this Island: And whereas a further sum is required for the purpose of the said improvements; and it is expedient to raise that sum by the creation and issue of debentures: And whereas by "*The Colombo Harbour (Supplemental) Ordinance, 1874,*" provision was made for raising that sum, but it is expedient that that Ordinance be repealed, and the provisions hereinafter contained substituted therefor: **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof, as follows:—

1. IT shall be lawful for the Governor of Ceylon to raise by the issue of debentures under this Ordinance, any sum or sums not exceeding in the whole Four hundred thousand pounds sterling, to be applied exclusively in the construction of a Breakwater and in other improvements of the Harbour of Colombo, and in the purchase of such material, plant, rolling stock, and other things, as may be required for or in connection with those works. Power to borrow £400,000 on debentures.
2. THE principal moneys and interest secured by the debentures issued under this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Government of Ceylon. Loan to be a charge upon general revenues.
3. EVERY debenture issued under this Ordinance shall be for a sum not less than One hundred pounds sterling, and shall bear interest at a rate not exceeding five per centum per annum. Amount of each debenture and rate of interest.
4. THE debentures shall be issued in London on behalf of the Government of Ceylon by the Crown Agents for the Colonies (in this Ordinance referred to as the Crown Agents), and shall be signed by them on that behalf. Issue and signature of debentures.
5. 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.

Colombo Harbour.

Interest
coupons.

6. THERE shall be attached to every debenture coupons for the payment 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 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 de-
bentures and
coupons
transferable by
delivery.

7. 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.

8. EVERY debenture and coupon, and the right to receive the principal and interest secured or represented thereby, shall be transferable by delivery.

Mode of pro-
viding for
payment of
interest and
principal.

9. SO long as any of the debentures remain outstanding, the Governor shall in each half-year ending with the day on which the interest of 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, and 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 expiration of five years from the day on which the first of the debentures is issued, and so long thereafter as any of the debentures remain outstanding, the Governor shall, in each half-year ending as aforesaid, appropriate out of the 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, and remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Application of
moneys remit-
ted to Crown
Agents.

10. 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.

11. 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.

Colombo Harbour.

12. 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.

Application of
Sinking Fund.

13. 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.

Debentures to
be redeemed
by purchase
or by annual
drawings.

14. SO long as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year, after the day on which the first of the debentures is issued, 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.

Appointment
of day for
drawing of
debentures.

15. 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.

Notice of time
and place
appointed for
drawing.

16. 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.

Mode of draw-
ing.

17. 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.

Notice of
debentures
drawn for
redemption.

18. 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.

Payment of
drawn debentures.

Colombo Harbour.

Cesser of
interest from
day appointed
for payment
of principal.
Redeemed
debentures
to be cancelled.

19. 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 have or have not been demanded.

20. 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.

Money repaid
not to be re-
borrowed.

21. NO money applied in redemption of a debenture shall be re-borrowed, and no debenture shall be issued in respect of, or in substitution for, any cancelled debenture.

Repeal of
Ordinance 5
of 1874.

22. "*The Colombo Harbour (Supplemental) Ordinance, 1874*," is hereby repealed.

Short title.

This Ordinance may be cited as "*The Colombo Harbour (Supplemental) Ordinance, 1876*."

Passed in Council, the Twenty-second day of June, One thousand Eight hundred and Seventy-six.

P. A. TEMPLER,
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of June, One thousand Eight hundred and Seven-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 2.—1876.

*An Ordinance to amend the Ordinance No. 6
of 1875.*

Preamble.

WHEREAS by the Proviso contained in the 8th section of the "*Colombo Harbour Ordinance, 1875*," it is provided as follows :—"PROVIDED always that the total revenue so raised from the shipping frequenting the Port of Colombo inclusive of the pilotage dues levied under the Masters Attendant's Ordinance No. 6 of 1865, shall not exceed the amount which may be required (1) for the payment of the annuity and of the interest on any further loan raised under section 5 of this Ordinance ; (2) for the maintenance of the works ; and (3) for defraying such charges as may be incidental to the efficient management, pilotage, and lighting of the port."

AND whereas in the said proviso the words "or annuities" were inadvertently omitted after the word "annuity," and the expression "section 5" inadvertently used instead of the expression "section 7," and it is expedient to amend and rectify the said

*Colombo Harbour.**Land Acquisition.*

proviso in this respect: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice of the Legislative Council thereof, as follows :—

1. THE said proviso in the said 8th section of the said Ordinance No. 6 of 1875 shall for all purposes be read and taken as if it consisted of the following words and figures (that is to say): "PROVIDED always that the total revenue so raised from the shipping frequenting the Port of Colombo, inclusive of the pilotage dues levied under the Masters Attendant's Ordinance No. 6 of 1865, shall not exceed the amount which may be required (1) for the payment of the annuity or annuities and of the interest on any further loan raised under section 7 of this Ordinance; (2) for the maintenance of the works; and (3) for defraying such charges as may be incidental to the efficient management, pilotage, and lighting of the port," instead of the words and figures now appearing therein (that is to say): "PROVIDED always that the total revenue so raised from the shipping frequenting the port of Colombo, inclusive of the pilotage dues levied under the 'Masters Attendant's Ordinance No. 6 of 1865,' shall not exceed the amount which may be required (1) for the payment of the annuity and of the interest on any further loan raised under section 5 of this Ordinance; (2) for the maintenance of the works; and (3) for defraying such charges as may be incidental to the efficient management, pilotage, and lighting of the port."

Passed in Council, the Twenty-second day of June, One thousand Eight hundred and Seventy-six.

P. A. TEMPLER,
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-third day of June, One thousand Eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 3.—1876.

*An Ordinance to provide for the Acquisition of
Land for Public Purposes.*

WHEREAS it is expedient to amend the law relating to the acquisition of land for public purposes, and for determining the amount of compensation to be made on account of such acquisition, IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

I.—PRELIMINARY.

1. THIS Ordinance may be cited for all purposes as "*The Land Acquisition Ordinance, 1876.*"

Short title.

Land Acquisition.

Repeal of
Ordinance No.
2 of 1863.

2 THE Ordinance No. 2 of 1863, intituled "*An Ordinance to enable the Crown to take possession of Private Lands for Public uses, and to survey and assess Lands wanted by private proprietors to secure access to their properties through the Lands of others,*" is hereby repealed, except so far as relates to any proceedings or matters which shall have taken place thereunder before this Ordinance shall come into force. All reference made to the said Ordinance No. 2 of 1863 in subsequent Ordinances, orders or contracts, shall be read as if made to this Ordinance.

Reference to
repealed Ordinance to apply
to this Ordinance.

Interpretation
clause.
"Land."

3. IN this Ordinance—

The expression "land" includes any interest in or benefits to arise out of land, and also things attached to the earth or permanently fastened to anything attached to the earth.

"Person interested."

The expression "person interested" includes all persons, corporations and companies claiming an interest in compensation to be made on account of the acquisition of land under this Ordinance, whether beneficially or in trust for other persons, corporations or companies, or for charitable, religious or other purposes.

"Government Agent."

The expression "Government Agent" means the Government Agent of the province or the Assistant Agent of the district wherein the land proposed to be taken is situated.

"District Judge" and
"District Court."

The expressions "District Judge" and "District Court" mean respectively the District Judge and District Court of the district within which such land is situated.

II.—ACQUISITION.

Survey of land
to be made.

4. WHENEVER it shall appear to the Governor that land in any locality is likely to be needed for any public purpose, it shall be lawful for the Governor to direct the Surveyor-General or other officer generally or specially authorized by the Governor in this behalf, to examine such land and report whether the same is fitted for such purpose. And it shall thereupon be lawful for the Surveyor-General or such officer and for his servants and workmen—

(a)—To enter upon and survey and take levels of any land in such locality :

(b)—To dig or bore into the sub-soil :

(c)—To do all other acts necessary to ascertain whether the land is adapted for such purpose :

(d)—To set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon :

Power of
surveyor.

Land Acquisition.

(e)—To mark such levels, boundaries and line by placing marks and cutting trenches :

(f) And, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence, or jungle.

PROVIDED that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without previously giving such occupier or leaving on the premises at least seven days' notice in writing of his intention to do so.

Proviso.

5. THE Surveyor-General or other officer so authorized as aforesaid shall pay for all necessary damage to be done as aforesaid, and in case of any dispute as to the sufficiency of the amount to be paid, he shall at once refer the dispute to the decision of the Government Agent, and such decision shall be final.

Compensation to be made for damage done by surveyor.

6. THE Surveyor-General or other officer so authorized as aforesaid shall then make his report to the Governor, whether the possession of the land is needed for the purposes, for which it appeared likely to be needed as aforesaid. And upon the receipt of such report it shall be lawful for the Governor, with the advice of the Executive Council, to direct the Government Agent to take order for the acquisition of the land.

Surveyor's report; proceedings thereupon.

7. THE Government Agent shall thereupon cause public notice to be published in the *Government Gazette*, and to be posted at convenient places on the land to be taken, or as near thereto as practicable, stating that the Government proposes to take possession of the land, and that claims to compensation for all interests in such land may be made to him. Such notice shall be published in the English, Sinhalese, and Tamil languages respectively, and shall state the particulars of the land so needed, and shall require all persons interested in the land to appear personally or by agent before the Government Agent at a time and place therein mentioned (such time not being earlier than twenty-one days after the date of publication of the notice) and to state the nature of their respective interests in the land and the amount and particulars of their claims to compensation for such interests.

Notice to be given in "Gazette" of intention to take possession and hear claims for compensation.

8. ON the day so fixed the Government Agent shall proceed to enquire summarily into the value of the land, and to determine the amount of compensation, which in his opinion should be allowed therefor, and shall tender such amount to the persons interested, who have attended in pursuance of the notice. For the purpose of such enquiry the Government Agent shall have power to summon any witnesses he may think fit; and any witness disobeying such summons without sufficient cause shall

Summary enquiry as to value of land and amount of compensation to be made. Tender of compensation.

Land Acquisition.

be guilty of an offence and liable to a fine not exceeding Fifty rupees. PROVIDED always that the Government Agent may for any cause he thinks fit from time to time postpone the enquiry to a day to be fixed by him.

Matters to be taken into consideration in determining compensation.

9. IN determining the amount of compensation the Government Agent shall take into consideration the matters mentioned in section twenty-one, and shall not take into consideration any of the matters mentioned in section twenty-two.

Award of Government Agent where parties agree.

10. IF the Government Agent and the persons interested agree as to the amount of compensation to be allowed, such agreement shall be recorded in writing and signed by the Government Agent and the persons interested, and the Government Agent shall make his award in pursuance thereof. Such award shall be filed in the Government Agent's Office, and shall be conclusive evidence as between the Government and the persons interested of the value of the land and the amount of compensation allowed for the same.

Reference to the District Court in what cases.

11. WHEN the Government Agent proceeds to make the enquiry as aforesaid, whether on the day originally fixed for the enquiry or on the day to which it may have been postponed :—

If no claimant attends ;

Or if the Government Agent considers that further enquiry as to the nature of the claim ought to be made by the District Court ;

Or, if any person whom the Government Agent has reason to think interested does not attend ;

Or, if the Government Agent is unable to agree with the persons interested or any of them, who have attended in pursuance of the notice, as to the amount of compensation to be allowed ;

Or, if upon the said enquiry any question respecting the title to the land or any rights thereto or interests therein arise between or among two or more persons ;

The Government Agent shall refer the matter to the determination of the District Court in manner hereinafter appearing.

After award or reference to Court, Government to take possession of the land.

12. AT any time after the Government Agent has made an award under section ten, or a reference to the Court under section eleven, and has notified the same to the Governor, it shall be lawful for the Governor with the advice of the Executive Council, to direct that the land be taken possession of by some officer of the Crown for and on behalf of Her Majesty. And the said officer shall sign a certificate substantially in the form A. in the schedule hereto, and the said land shall thereupon vest absolutely in Her said Majesty free from all encumbrances.

Land Acquisition.

III.—REFERENCE TO COURT AND PROCEDURE THEREON.

13. IN making a reference under section eleven the Government Agent shall state for the information of the District Court in writing under his hand :—

Form of reference to the District Court.

- (a) The situation and extent of the land needed ;
- (b) The names of the claimants or of any other persons whom he has reason to think interested in such land ;
- (c) The amount awarded for damages under section five, the amount of compensation tendered for the land under section eight, or, if no claimant has attended pursuant to the notice mentioned, or if any claimant has failed to satisfy the Government Agent that he is entitled to receive the compensation, then the Government Agent shall state the amount which he is willing to give to the persons interested.

14. THE District Court shall thereupon cause to be served on each of the persons so named as aforesaid a notice requiring him (if he has not made a claim under section eight) to state to the Court on or before a day to be therein mentioned the sum which he claims as compensation for his interest in the land so needed. The Court shall also cause a notice to be served on the Government Agent and each of such persons, requiring them to appoint on or before a day to be therein mentioned two qualified assessors (one to be nominated by the Government Agent and the other by the persons interested, or, if they cannot agree, by a majority of such persons) for the purpose of aiding the District Judge in determining the amount of compensation. Such notice shall be served at least seven days before the day mentioned therein for claims to be made or assessors to be appointed. All persons of respectability who have attained the age of twenty-one years, and are not pecuniarily interested in determining the amount of compensation, are qualified to act as assessors.

Proceedings of Court on reference. Notices.

Notice to appoint assessors.

15. IF no claimant has attended pursuant to the notice mentioned in section seven, the District Court shall cause to be affixed on some conspicuous place on or near the land needed a notice to the effect that, if the persons interested in such land do not, on or before a day to be therein mentioned, appear in Court and state the nature of their respective interests in the land and the amount and particulars of their claims to compensation and nominate an assessor, the Court will proceed to determine such amount. Such notice shall be affixed at least seven days before the day mentioned therein for such appearance in Court.

Proceeding when no claimant has appeared.

Land Acquisition.

Power of Judge to appoint an assessor in default of appointment by either party.

Determination of amount of compensation.

Appointment of new assessor in event of death, &c.

Proceedings to be in open Court.

Proceedings may be consolidated in certain cases.

Matters to be considered in determining compensation.

16. IN case either party fail to nominate any assessor within the time so specified, the District Judge shall himself appoint an assessor in his stead.

17. AS soon as the assessors have been appointed, the District Judge and assessors shall proceed to determine the amount of compensation, having been first duly sworn or affirmed. And all proceedings in any District Court had under this Ordinance shall be taken up before any other business of the said Court, unless special circumstances of urgency in any particular case call, in the opinion of the Judge, for a relaxation of this rule.

18. IF before such amount is determined, any assessor dies or desires to be discharged, or refuses, or neglects or becomes incapable to act, the party by whom he was appointed may appoint some other qualified person to act in his place. If the assessor so dying or desiring to be discharged, or refusing or neglecting or becoming incapable were appointed by the Judge, or in the case of an assessor appointed by either party, if for the space of seven days after notice from the Court for that purpose, the party who appointed such assessor fails to appoint another, the Judge shall appoint some other qualified person as assessor. Every assessor so substituted shall have the same powers as were vested in the former assessor at the time of his so dying or desiring to be discharged or refusing or neglecting or becoming incapable.

19. EVERY proceeding under section seventeen shall take place in open Court, and any Advocate or Proctor entitled to practice in such District Court shall be entitled to appear, plead and act in such proceeding.

20. WHERE the lands of several different persons are proposed to be taken for the same public purpose, and two or more of such persons agree upon appointing the same assessor, the proceedings in the District Court for determining the amount of compensation for the lands of the persons so agreeing may be consolidated and form the subject of one and the same enquiry, where the Judge thinks that such a course will simplify or expedite the enquiry.

21. IN determining the amount of compensation to be awarded for land acquired under this Ordinance, the District Judge and assessors shall take into consideration—

First, the market value at the time of awarding compensation of such land ;

Secondly, the damage (if any) sustained by the person interested at the time of awarding compensation, by reason of severing such land from his own land ;

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Thirdly, the damage (if any) sustained by the person interested at the time of awarding compensation, by reason of the acquisition injuriously affecting his other property, whether moveable or immoveable, in any other manner, or his earnings ; and

Fourthly, if in consequence of the acquisition he is compelled to change his residence, the reasonable expenses (if any) incidental to such change.

22. BUT the Judge or assessors shall not take into consideration—

Matters to be neglected in determining compensation.

First, the degree of urgency which has led to the acquisition ;

Secondly, any disinclination of the person interested to part with the land acquired ;

Thirdly, any damage sustained by him which, if caused by a private person, would not render such person liable to a suit ;

Fourthly, any damage which, after the time of awarding compensation, is likely to be caused by or in consequence of the use to which the land acquired will be put ;

Fifthly, any increase to the value of the land acquired, likely to accrue from the use to which it will be put when acquired ;

Sixthly, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put ; or

Seventhly, any outlay or improvements on such land made, commenced or effected with the intention of enhancing the compensation to be awarded therefor under this Ordinance.

23. WHEN the person interested has made a claim to compensation, pursuant to any notice mentioned in section seven or in section fourteen, the amount awarded to him shall not exceed the amount so claimed or be less than the amount tendered by the Government Agent under section eight, or the amount which the Government Agent shall have offered to give under section thirteen. When the person interested has refused to make such claim or has omitted without sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him may be less than, and shall in no case exceed, the amount so tendered or so offered as aforesaid. When the person interested has omitted for a sufficient reason (to be allowed by the Judge) to make such claim, the amount awarded to him shall not be less than, and may exceed, the amount so tendered or offered as aforesaid.

Rules as to amount of compensation.

24. THE opinion of each assessor shall be given orally and shall be recorded in writing by the District Judge.

Record of assessors' opinions.

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Difference between Judge and assessors in questions of law.

Agreement as to amount of compensation.

Difference as to amount of compensation.

Payment of assessors.

Costs.

Form of award.

Appeal when Judge and assessors differ.

25. IN case of a difference of opinion between the Judge and the assessors or any of them upon any question of law or practice or usage having the force of law, the opinion of the Judge shall prevail, and there shall be no appeal therefrom.

26. IN case the Judge and one or both of the assessors agree as to the amount of compensation, their decision thereon shall be final.

27. IN case both the assessors agree together as to the amount of compensation, the decision of the assessors so agreeing shall prevail without right of appeal; should the assessors disagree with each other and with the Judge, the decision of the Judge shall prevail subject to appeal.

28. EVERY assessor appointed under this Ordinance shall receive such fee for his services as the Judge shall direct: PROVIDED that such fee shall not exceed Two hundred rupees; and such fee shall be deemed to be costs in the proceeding.

29. THE costs of all legal proceedings, when there has been a reference to the court, shall be taxed by the court. When the amount awarded does not exceed the sum tendered by the Government Agent or the sum which the Government Agent shall have offered to give under section thirteen, such costs shall be paid by the person or persons who shall have contested the amount. When the amount awarded exceeds the sum so tendered or offered as aforesaid, such costs shall be paid by the Government Agent. As between several persons interested, the court shall award the costs in such manner as shall appear just.

30. EVERY award made by the court shall be in writing, signed by the District Judge and assessors or assessor concurring therein, and shall specify the amount awarded under the first clause of section twenty-one, and also the amounts (if any) respectively awarded under the second, third, and fourth clauses of the same section, together with the grounds of awarding each of the said amounts. It shall also state the amount of costs incurred in the proceedings, and by what person and in what proportions they are to be paid. All costs (not deducted as hereinafter provided by section thirty-eight) may be recovered as if they were costs incurred in an ordinary suit, and as if the award were the decree therein.

31. IF the District Judge differs from both the assessors as to the amount of compensation, and the assessors do not agree together, he shall pronounce his decision, and the Government Agent or the person interested (as the case may be) may appeal therefrom to the Supreme Court. Every such appeal shall be presented within the time and in the manner and subject to the rules and practice provided for or observed in appeals from

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interlocutory orders of District Courts. PROVIDED, however, that no stamp duties shall be required in any proceedings before the Supreme Court relative to such appeal.

32. THE proceedings in any District Court taken under this Ordinance shall be subject, so far as the same can be made applicable, to the rules, practice and procedure provided for or observed at the time of such proceedings in ordinary civil suits, save and except that no stamp duties provided for law proceedings shall be required in proceedings taken under this Ordinance.

Proceedings in District Court analogous to those in ordinary civil suits.

IV.—APPORTIONMENT OF COMPENSATION.

33. WHEN there are several persons interested, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

Particulars of apportionment to be specified.

34. WHEN the amount of compensation has been settled under section ten, if any dispute arises as to the apportionment of the same or any part thereof, the Government Agent shall refer such dispute to the decision of the District Court.

Dispute as to apportionment when parties agree as to amount of compensation. Dispute as to apportionment when compensation settled by court.

35. WHEN the amount of compensation has been settled by the court, and there is any dispute as to the apportionment thereof, or when a reference to the court has been made under section thirty-four, the District Judge sitting alone shall decide the proportions in which the persons interested are entitled to share in such amount. And such decision shall be subject to appeal to the Supreme Court; and such appeal shall be prosecuted within the time and in the manner and subject to the rules and practice provided for or observed in appeals from interlocutory orders of District Courts.

Appeal

V.—PAYMENT.

36. PAYMENT of the compensation shall be made by the Government Agent according to the award to the persons named therein, or, in the case of an appeal, according to the decision on such appeal, and after such payment has been made according to such award or such decision no further claim against the Government in respect of compensation for the land so taken shall be allowed at the instance of any person whomsoever. PROVIDED that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Ordinance, to pay the same to the person lawfully entitled thereto.

Payment of compensation to whom made.

37. WHEN the land taken is subject to any entail, settlement, or *fidei commissum*, the compensation payable in respect thereof shall be subject to the same entail, settlement, or *fidei commissum*, so far as the different nature of the property will admit; and such compensation shall be paid into court to abide

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its further orders as to the disposal or investment thereof. It shall also be lawful for the District Judge in any case to require the compensation payable in respect of any land to be paid into court to abide its further orders, if the court shall think such course just or expedient.

Per-centage on
market value
to be allowed.

Interest when
payment de-
layed.

Costs to be
deducted.

38. IN addition to the amount of compensation finally awarded, the Government Agent may, in consideration of the compulsory nature of the acquisition, pay ten per centum on the market value mentioned in section twenty-one. When the amount of such compensation is not paid either to the persons interested or into court on taking possession, the Government Agent shall pay the amount awarded and the said per-centage with interest on such amount and per-centage at the rate of six per centum per annum from the time of so taking possession. PROVIDED, however, that the costs (if any) payable to the Government Agent by the person interested shall be deducted from such amount and per-centage. PROVIDED also that in cases where the decision of the District Court is liable to appeal, the Government Agent shall not pay the amount of compensation or the per-centage, or any part thereof, until the time for appealing against such decision has expired and no appeal shall have been presented against such decision, or until any such appeal shall have been disposed of.

VI.—MISCELLANEOUS.

39. IN any district in which the Government Agent or the Assistant Government Agent may also be District Judge, such Government Agent or Assistant Government Agent shall not act as District Judge in any proceedings had under this Ordinance.

Service of
notices.

40. WHENEVER it may be practicable, service of any notice under this Ordinance shall be made on the person therein named, or, in the case of his absence from the Island, upon his duly constituted attorney or agent. When any person, upon whom any such notice has to be served, cannot be found, the service may be made on any adult member of his family residing with him; and, if no such adult member can be found, the notice may be served by fixing the copy on the outer door of his present or last known place of dwelling or business within this Island. When any person interested is out of the Island, and the Government Agent has not, after reasonable enquiry, been able to ascertain whether such person has left any power of attorney or agent duly constituted, personal service of notice shall not be necessary for any of the purposes of this Ordinance.

Penalty for
obstructing
persons acting
under powers
given by this
Ordinance.

41. WHOEVER wilfully obstructs any person in the performance of any duty imposed upon him or in the exercise of any power vested in him by, under or by virtue of any of the provisions of this Ordinance, shall be guilty of an offence and liable on conviction to imprisonment with or without hard labour for any term not exceeding One month, or to fine not exceeding fifty rupees, or to both,

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* The paging has been commenced with this number in order that this book may be bound up with the volume commencing with Ordinance No. 5 of 1870.

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*Valid Registration of certain Births and Deaths.***No. 4.—1876.**

An Ordinance to provide for the validity of the Registration of certain Births and Deaths made by Asan Lebbe Mohammadu Tambi and Kasi Lebbe Usubu Lebbe respectively.

WHEREAS by the Ordinance No. 18 of 1867, intituled *Preamble.*
"An Ordinance relating to the Registration of Births and Deaths," it is provided that the Registrar-General, the provincial registrars, and the district registrars of marriages shall also respectively be and act as Registrar-General, provincial, and district registrars of births and deaths; and that the division of each province of this Island into districts for the registry of marriages shall also form the division for the registry of births and deaths: And whereas provision is further made by the said Ordinance for the registration by district registrars of births and deaths occurring within the several districts respectively: And whereas Asan Lebbe Mohammadu Tambi was appointed registrar of births and deaths for the town and gravets of Negombo, and after his decease Kasi Lebbe Usubu Lebbe was appointed such registrar in his place: And whereas each of them the said Asan Lebbe Mohammadu Tambi and Kasi Lebbe Usubu Lebbe on divers occasions, owing to inadvertence, acted as registrar of births and deaths which occurred out of his jurisdiction (to wit) in the Dasiya Pattu and the Dunagaha Pattu situate in Alutkuru Korala in the district of Negombo, Western Province, and did register as such registrar divers of such births and deaths: And whereas it is expedient to remove all doubts as to the validity and sufficiency for all purposes of such registration, notwithstanding such irregularity as aforesaid: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON** with the advice and consent of the Legislative Council thereof, as follows:—

1. THE registration of all births and deaths which have occurred in the said Dasiya Pattu and Dunagaha Pattu and have been registered either by the said Asan Lebbe Mohammadu Tambi or the said Kasi Lebbe Usubu Lebbe shall be as valid and effectual for all purposes intended by or relating to or connected with the provisions of the said Ordinance, No. 18 of 1867, as if the said Asan Lebbe Mohammadu Tambi and the said Kasi Lebbe Usubu Lebbe had been respectively duly appointed registrars of the district, wherein the said Dasiya Pattu and Dunagaha Pattu are situate, at the respective dates of such registration.

Irregular registration of births and deaths by the said persons declared valid.

2. **IT** shall be the duty of the Registrar-General to remove from the registers of births and deaths kept for the town and gravets of Negombo all the entries therein of the said births and

Registrar-General to rectify registers.

Public Defaulters.

No other
defect cured
in such
registration.

deaths so irregularly registered as aforesaid, and to cause the same to be inserted in the registers for the said districts of Dasiya Pattu and Dunagaha Pattu respectively.

3. NOTHING herein contained shall give any validity to the registration of the said births and deaths so irregularly registered as aforesaid, except so far as relates to defects thereof caused by the non-appointment of the said Asan Lebbe Moham-madu Tambi and the said Kasi Lebbe Usubu Lebbe to act as registrars respectively for the said districts of Dasiya Pattu and Dunagaha Pattu.

Passed in Council, the Fourth day of October, One thousand Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Eleventh day of October, One thousand eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 5. - 1876.

An Ordinance to amend the Ordinance No. 6 of 1873, intituled "An Ordinance to prescribe the order in which the property of public defaulters may in certain cases be seized and sold."

Preamble.

WHEREAS by the Ordinance No. 6 of 1873, intituled "*An Ordinance to prescribe the order in which the property of public defaulters may in certain cases be seized and sold,*" provision is made for the order of seizure and sale of the property of persons making default in the payment of tax for the maintenance of the police under *The Police Ordinance, 1865*, and the commutation of the paddy tax and the commutation for the performance of labour under the Ordinance No. 5 of 1866, intituled "*An Ordinance to facilitate the recovery of moneys due as commutation of the Paddy tax and of the performance of Labour:*" AND WHEREAS it is expedient that the provisions of the said Ordinance No. 6 of 1873 should be extended and made applicable to the recovery of certain other taxes, rates and moneys hereinafter more specifically mentioned: **IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Provisions of
Ordinance 6 of

THE provisions of the said Ordinance No. 6 of 1873 relating to the order and course to be observed in the seizure and sale

*Public Defaulters.**Sale of Poisons.*

of the property of the defaulters in the said Ordinance mentioned shall extend and be applicable to and observed in the recovery of any moneys due by any person for maintenance in prison under the 14th section of the Ordinance No. 18 of 1844, intituled "*An Ordinance for the better regulation of Prisons,*" and of any rates or taxes due by any person under the "*Municipal Councils Ordinance, 1865.*"

1873 to be extended to the recovery of jail maintenance and Municipal taxes.

Passed in Council, the first day of November, One thousand Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Eighth day of November, One thousand Eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 6. - 1876.

An Ordinance to regulate the sale of Poisons in Ceylon.

WHEREAS it is expedient for the safety of the public that due provision should be made to regulate the sale of poisons in this Island: **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 for all purposes as "*The Sale of Poisons Regulation Ordinance, 1876,*" and shall come into operation on such day as the Governor, acting with the advice of the Executive Council, shall by proclamation to be published in the *Government Gazette* appoint.

Short title.

2. THE several articles mentioned in the Schedule A. to this Ordinance annexed shall be deemed to be poisons within the meaning of this Ordinance; and the Governor may, from time to time, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, declare that any article other than those mentioned in the said schedule shall be deemed a poison within the meaning of this Ordinance, and on the expiration of fourteen days from the date of the publication of such proclamation the article therein named shall be deemed to be a poison within the meaning of this Ordinance.

What are to be deemed poisons under this Ordinance

Sale of Poisons.

No person to
sell poison
without a
license.
To whom such
license may be
granted.

3. IT shall be unlawful for any person to sell any poison either by wholesale or retail in any province of this Island without a license from the Government Agent of the province. Such license shall be granted to such persons only as the said Government Agent shall, after inquiry, be satisfied are persons of respectability ; and the right of selling thereunder shall be made subject to such restrictions, as the Government Agent shall deem expedient, having regard to the safety of the public. Such restrictions shall be inserted in and form part of the license.

License to be
operative for
one year from
date thereof.
Form of, and
stamp on.

4. EVERY such license shall be in force for one year from the date thereof, shall set out the name and place of abode of the licensee, the house or shop, in which the poisons may be sold, and the name of the poisons to be sold ; and shall bear a stamp of five rupees.

Receptacle of
poison to be
labelled.
Poison in first
part of sche-
dule not to be
sold to persons
unknown.

5. IT shall be unlawful to sell any poison either by wholesale or retail, unless it be contained in some box, bottle, vessel, wrapper or cover or other receptacle, distinctly labelled "*Poison*" in the English, Sinhalese, and Tamil languages, and also labelled in one of those languages at least with the name of the article and the name and address of the seller ; and it shall be unlawful to sell any of the poisons, which are named in the first part of the Schedule A, hereto annexed, or which may hereafter be added thereto under section two of this Ordinance, to any person unknown to the seller, unless such person is introduced by some person known to the seller. Any person introducing a purchaser under this clause, without *bona fide* knowing the name and place of abode of the person so introduced shall be guilty of an offence and liable to a fine not exceeding fifty rupees. And in the event of any person being prosecuted under this clause the burden of proof shall be thrown upon the person so introducing a purchaser as aforesaid, to establish that he *bona fide* knew the person so introduced.

Sale to be
entered in
book.

6. ON every sale of any poison the seller shall before delivery make or cause to be made an entry in a book to be kept for that purpose, stating in the form set forth in the Schedule B, hereto annexed the date of the sale, the name and quantity of the article sold, and the purpose for which it is stated by the purchaser to be required ; to which the signature of the purchaser and of the person (if any), who introduced him, shall be affixed.

Penalty for
selling poison.

7. ANY person selling poison without a license or contrary to the terms of his license or in any manner otherwise than is by this Ordinance provided, shall be guilty of an offence and

Sale of Poisons.

shall be liable to forfeiture of his license and to a fine not exceeding fifty rupees for the first offence, and to a like forfeiture and fine, or to imprisonment with or without hard labour for a term not exceeding three months, or to both, for the second or any subsequent offence. For the purposes of this Ordinance the person, on whose behalf any sale of poison is made by any shopman or servant in his employ, as well as such shopman or servant, shall be deemed a seller of such poison.

contrary to the provisions of this Ordinance.

8. NOTHING contained in this Ordinance shall apply to any articles to be exported from Ceylon by wholesale dealers, nor to sales by wholesale to retail dealers in the ordinary course of wholesale dealing, nor to any medicine supplied by or on the written prescription of any person, who has been duly qualified by any university, college or body, having legal authority in this behalf, in any part of the United Kingdom or any colony, or dependency thereof, to practise as a physician, surgeon, medical practitioner or veterinary surgeon, or who has received a certificate of competency from the Principal Civil Medical Officer or any colonial surgeon of this Island authorized by the Principal Civil Medical Officer to grant such certificates; provided such medicine be distinctly labelled with the name and address of the seller, and the ingredients thereof be entered with the name of the person, to whom it is sold or delivered, in a book to be kept by the seller for that purpose.

Poison sold medical prescription exempted from the Ordinance.

9. NOTHING in this Ordinance contained shall apply to any medicine dispensed or supplied in or by any Government or military hospital or dispensary or any dispensary established in pursuance of the Ordinance No. 14 of 1872, intituled "*An Ordinance to provide for the Medical Wants of the Coffee Districts*," or licensed by Government for the sale of medicines.

Medicines supplied by hospitals exempted.

10. NO prosecution shall be entertained for any offence under this Ordinance unless instituted within two months from the date of the commission of the offence.

Limitation of prosecution.

SCHEDULE A.**PART I.**

Arsenic and its preparations; prussic acid; cyanides of potassium and all metallic cyanides; strychnine, and all poisonous vegetable alkaloids and their salts; aconite, and its preparations; emetic tartar; corrosive sublimate; cantharides; savin, and its oil; ergot of rye, and its preparations.

PART II.

Oxalic acid; chloroform; belladonna, and its preparations; essential oil of almonds, unless deprived of its prussic acid;

*Sale of Poisons.**Local Boards.*

laudanum ; preparations of corrosive sublimate ; preparations of morphine ; red oxide of mercury (commonly known as red precipitate of mercury) ; ammoniated mercury (commonly known as white precipitate of mercury) ; every compound containing any of the poisons mentioned in this schedule, when prepared or sold for the destruction of vermin ; the tincture and all vesicating liquid preparations of cantharides.

SCHEDULE B.

Date.	Name of purchaser.	Name and quantity of poison sold.	Purpose for which it is required.	Signature of purchaser.	Signature of person introducing purchaser.

Passed in Council, the Fifteenth day of November, One thousand Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of November, One thousand Eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 7.—1876.

*An Ordinance to provide for the Establishment of
Local Boards of Health and Improvement
in certain Localities.*

Preamble.

WHEREAS it is expedient to provide for the establishment of Local Boards of Health and Improvement in certain towns, and to invest such Boards with certain powers for the maintenance of public health therein, and the general improvement and conservancy thereof: IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Local Boards.

I.—PRELIMINARY.

1. THIS Ordinance may be cited for all purposes as "*The Local Board of Health and Improvement Ordinance, 1876.*" Short title.
2. THE following words and expressions used in this Ordinance shall have the meaning hereby assigned to them, unless there be something in the subject or context repugnant to such construction :— Interpretation clause.
- The expression "Government Agent" in any section shall mean the Government Agent of the province wherein the town, to which such section is applied, is situated. "Government Agent."
- The expression "Assistant Government Agent" in any section shall mean the Assistant Government Agent for the district wherein the town, to which such section is applied, is situated. "Assistant Government Agent."
- The expression "annual value" shall mean the gross annual value without any deduction for expenses of repair, maintenance, or upkeep. "Annual value."
- The word "street" shall mean any road, street, square, court, alley or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway within the town. "Street."
- The word "board" used with reference to any town shall mean the Local Board of Health and Improvement constituted under this Ordinance for such town. "Board."
- The word "bridge" shall include all bridges, culverts, sluices, dams, and bunds. "Bridge."
- The word "person" shall include any association of persons, whether incorporated or not. "Person."

II.—CREATION AND CONSTITUTION OF LOCAL BOARDS.

3. IT shall be lawful for the Governor with the advice of the Executive Council by proclamation to be for that purpose published in the *Government Gazette* to bring any of the towns mentioned in the schedule hereunto annexed under the operation of this Ordinance, and to define the limits of such town or towns respectively for the purposes of this Ordinance, and such proclamation to amend, alter or revoke, as and whenever the Governor shall, with like advice, determine. Governor may bring towns in schedule by proclamation under the operation of this Ordinance.
4. IN every town brought under the operation of this Ordinance as aforesaid, there shall be a Local Board of Health and Improvement consisting of three official and three unofficial Boards how constituted.

Local Boards.

members. The official members shall consist of the Government Agent and two other persons to be appointed by the Governor. PROVIDED, however, that the resident Assistant Government Agent (if any) or (if none) then some person to be appointed in writing by the Government Agent in that behalf, may, whenever so directed by the Government Agent, exercise all the powers conferred upon the Government Agent by this Ordinance. All official members appointed by the Governor shall hold office during the Governor's pleasure. The unofficial members shall be elected or appointed as herein-after provided.

Qualification
of unofficial
members.

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

Qualification
of electors.

6. EVERY occupier of any house within any such town, either as proprietor or tenant, of the annual value or rent of not less than fifty rupees, or who shall be the husband of a wife or the eldest son of a widow, who is the proprietor or tenant of any such house, shall be entitled to vote at any election of unofficial members for the Board for such town: PROVIDED that when any such house as aforesaid shall be jointly occupied by more persons than one, as proprietors or tenants, each of such joint occupiers, the annual value of whose share (if a proprietor) amounts to not less than fifty rupees, or who (if a tenant) pays fifty rupees or more per annum for his occupation, shall be entitled to vote. If the annual value or rent of the entire house be not worth more than fifty rupees, the joint occupiers will elect among themselves one to vote for the rest, and, if they cannot agree in electing one, they shall not be entitled to vote at all. PROVIDED also that no male under the age of twenty-one years shall be entitled to vote, nor any female.

Notice of
election to be
published.

7. AS soon as convenient after the publication of the proclamation bringing any town under the operation of this Ordinance, the Government Agent shall give public notice of his intention to hold an election of unofficial members of the Board of Health and Improvement for such town. Such notice shall be published in the English, Sinhalese and Tamil languages not less than one calendar month before the day for holding the election, and shall be affixed on the walls of the kachchéri and district court (if any) and on such other conspicuous places in the said town, as the said Government Agent may think fit

Local Boards.

with a view to ensuring publicity. Such notice shall state the time and place of election.

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

Government Agent to enquire into qualification of electors. May administer oath.

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

Mode of election.

10. THE first members elected under this Ordinance shall go out of office on the last day of December of the second year from their election, and in place of such members so going out of office a like number of other members to be elected as hereinafter provided shall come into office and remain in office during the next ensuing two years, and at the expiration of such period of two years shall in like manner go out of office and be succeeded by other members for a like term of two years, and so on during the continuance of this Ordinance; PROVIDED that any outgoing members may be re-elected.

Members of Board to be elected biennially.

Outgoing members may be re-elected.

11. ON the first day of December, which shall precede the day on which any such term of two years shall expire, unless such day be Sunday, and then on the Monday following, a meeting shall be holden for the election of members for the two years next succeeding, reckoned from the first day of January next following the day of such election. Every such

Mode of future elections.

Local Boards.

election shall be held in the manner and shall be subject to the rules and regulations hereinbefore provided in sections 7, 8, and 9.

How membership vacated.

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

Mode of filling casual vacancies.

Irregular election to be again holden.

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

No objection to an election to be entertained after 14 days.

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

14. IN case the electors shall, after due notice of election has been given as provided by this Ordinance, fail to elect the requisite number of unofficial members, it shall be lawful for the Governor to appoint any person or persons, whether holding any office of emolument, under Government or not, to be a member or members in order to make up the number of unofficial members required for the Board. Members so appointed shall be deemed to be unofficial members for the purposes of this Ordinance. PROVIDED, however, that, in case the electors fail to elect as aforesaid, it shall not be incumbent upon the Governor to appoint any unofficial member or members, but the

Proviso.
Board to be complete without any such appointment.

Local Boards.

Board shall be complete for all the powers, functions and purposes of this Ordinance, notwithstanding the non-election or non-appointment of any unofficial members or member.

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

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

16. THE Government Agent shall be *ex officio* chairman and treasurer of the Board, and shall, when present, preside at every meeting thereof. In his absence the resident Assistant Government Agent (if any) or (if none) then the person appointed by the Government Agent, as provided for by section 4, shall preside at the meeting as *ex officio* chairman. If the *ex officio* chairman is absent at any meeting, the members present shall appoint their own chairman to preside at such meeting.

Government Agent to be *ex officio* chairman and treasurer.

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

III.—MEETINGS OF THE BOARD.

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

Meetings of the Board, how and when convened.

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

Powers of Board to be vested in the majority.

Quorum.

Chairman to have a casting vote.

IV.—ACTIONS BY AND AGAINST BOARDS.

19. IN any suit, action, or legal proceeding, which may be brought by or against any Board, such Board may sue and be

Board may sue and be sued.

Local Boards.

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

Service of process to be made on the secretary.

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

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

Annual account to be prepared and deposited with Board and an abstract published in the "Government Gazette."

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

V.—BOOKS AND ACCOUNTS.

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

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

22. IN the month of January in every year a true account of all money's received and paid by virtue of this Ordinance during the preceding year ending on the 31st day of December, and a statement of the assets and liabilities existing at that date shall be made in writing, and a copy or duplicate of such account and statement, verified on oath before any Justice of the Peace by the said treasurer and certified by one of the members, shall be deposited with the Board and shall be open to the inspection of any resident householder within the town or any party interested; and an abstract thereof shall be published in the *Government Gazette*, for general information, before the first day of March following.

Local Boards.

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

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

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

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

VI.—FUNDS OF BOARDS.

25. ALL such moneys, as shall be levied for the purposes of any Board under the authority of this Ordinance or any Ordinance to be hereafter enacted, or which may be made over at any time from the general revenue to any Board for the purposes of this Ordinance, and all fines levied and penalties recovered under authority of this Ordinance or "The Nuisances Ordinance, 1862," or in promotion of the duties cast upon any Board by this Ordinance, shall form a Local Fund, of which the members of such Board shall be trustees, and be applied by them to the conservancy and improvement of the town, for which such Board is constituted, and to the maintenance of the public health therein and the payment of the salaries and wages of the officers and servants employed by the Board and all other expenses incurred in and about the carrying out of the provisions of this Ordinance.

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

26. THE Board of any town shall be entitled to take and receive for the Local Fund the following duties and sums payable under the Ordinances hereinafter cited, or any other Ordinance or Ordinances to be hereafter enacted for the purposes or instead of the said cited Ordinances respectively or any of them (that is to say):—

Other constituents of Local Fund.

- (1) All stamp duties payable for or in respect of the licenses of any boats licensed by the Master Attendant of the port of such town (if the town is a sea-port), under or by virtue of "The Masters Attendant Ordinance 1865;" all stamp duties payable for or in respect of the licenses of any carts, boats, or coaches registered in the kacheheri of such town, under or by virtue of

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"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 30th section 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*;" under the 4th and 8th sections of the Ordinance No. 14 of 1859, intituled "*An Ordinance to amend the law relating to Butchers and the private killing of cattle and to provide for the establishment of public slaughter-houses*;" under the fourth section of "The Nuisances Ordinance, 1862;" under the Ordinance No. 19 of 1867, intituled "*An Ordinance to restrict the use of Opium and Bang*;" under Ordinance No. 19 of 1869, intituled "*To make provision relating to the possession and use of Fire-arms*;" under "The Licensing Ordinance, 1873;" and under "The Sale of Poisons Regulation Ordinance, 1876," or under any of the above enactments.
- (3) All such sum 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. 16 of 1852, intituled "*To amend the law relating to Notories*;" and for articles of clerkship or contract to serve as clerk for admission as an advocate, proctor, notary or apothecary under "The Stamp Ordinance, 1871," or under any of the above enactments.

Board may assess rates on property.

27. IT shall be lawful for each Board, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to make and assess, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description and all lands and tenements whatsoever within the town, for which such Board is constituted; such rate or rates to endure for any period not exceeding twelve months. PROVIDED, that such rates shall not exceed the sum of two and one-half per centum per annum on such annual value over and above the sum necessary for the maintenance of the police for such

Such rates not to exceed 2½ per cent. per annum.

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town. 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.

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

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

29. THE assessment rate imposed under this Ordinance shall be paid and recovered in the same manner as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said last mentioned Ordinances relating to the payment and recovery of such police tax. The Government Agent shall collect and recover the assessment rate payable under this Ordinance, together with the police tax, and shall pay such assessment rate over to the Board.

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

30. FROM and after the first day of January next, after the day on which this Ordinance comes into force in any town, no person residing within the limits of such town shall be liable to perform labour upon the roads or other means of communication by land or by water in this colony, or to pay any sum of money in commutation of such labour under the provisions of the Ordinance No. 10 of 1861, intituled "*An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony.*" But it shall be lawful for any Board, acting under the authority of this Ordinance, to impose and enforce a rate, payable in labour or in money in commutation of such labour, upon all persons residing within the limits of the town, who would have been liable to the performance of labour under the Ordinance hereinbefore mentioned, if this Ordinance had not been passed, or the maintenance of roads or other public means of communication within the town. PROVIDED that not more than six days' labour nor a commutation in lieu thereof exceeding two rupees and fifty cents for one year shall be enforced or recovered.

Inhabitants of town not liable to labour or commutation under Ordinance No. 10 of 1861, but may enforce a rate payable in labour or money.

VII.—PROPERTY VESTED IN BOARDS.

31. ALL waste ground or land situate within the town, and all stone, cabook or gravel quarries therein situate, which may

Certain lands to be vested in

Local Boards.

the Board.

be handed over to the Board with the sanction of the Governor (and of which handing over a record in writing shall be made, signed by the persons authorized to hand the same over and by the Chairman of the said Board), and all right, title and interest in such ground, land and quarries 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.

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

Public streets and bridges to be vested in Board.

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

VIII.—POWERS, DUTIES, AND FUNCTIONS OF BOARDS.

Powers given to Boards of Health under Ordinances No. 15 of 1862 and No. 8 of 1866 to be vested in these Boards.

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

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35. IN addition to the power of enacting bye-laws expressed to be conferred upon the Board of Health by the 5th section of "The Nuisances Ordinance, 1862," and now vested in the Board, it shall be lawful for every Board from time to time to make such bye-laws, as it may deem expedient, for any of the following purposes :—

Power to make
bye-laws.

- (1) For regulating the time and place of its own meetings, and the order to be observed thereat :
- (2) For making, repairing, cleaning, watering and lighting the streets, roads, canals and bridges of the town :
- (3) For regulating weights and measures :
- (4) For the assize of bread :
- (5) For the establishment and regulation of markets :
- (6) For the establishment and regulation of slaughter-houses :
- (7) For the regulation of dangerous or offensive trades :
- (8) For the seizure and forfeiture of unwholesome flesh, fish or other provisions introduced into the town or exposed for sale therein :
- (9) For the suppression of cruelty to animals :
- (10) For regulating the mode and times of fishing :
- (11) For taking care of waste or public lands :
- (12) For the putting up and preservation of boundaries and fences of lands, whether public or private :
- (13) For the setting apart and regulation of bathing-places :
- (14) For the destruction of dogs :
- (15) For the calling out and compelling the performance of labour and payment of commutation under section 30, and for the recovery of any taxes payable under this Ordinance.
- (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 to be constructed :
- (18) For every other purpose which may be necessary or expedient for the due conservancy of the town, the preservation of the public health therein, and the promotion of the comfort and convenience of the people thereof.

PROVIDED that such bye-laws shall not be contrary to any of the provisions of this Ordinance. PROVIDED also that

Rules to be
confirmed by

Local Boards.

the Governor
and published
in the
"Gazette."

Until rules
made Ordinance
10 of 1861 to apply
to calling
out labour and
effecting
commutation.

Board may
appoint
secretary and
other officers.

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

To purchase
and sell lands.

To tax dogs.

If necessary,
land may be
acquired under

such bye-laws 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 bye-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. PROVIDED also that, until the Board of any town shall have made bye-laws relative to the calling out and performance of labour, and the commutation thereof, the provisions of the Ordinance No. 19 of 1861 shall, so far as the same can be made applicable, be acted upon with reference to the calling out and performance of labour in such town and the commutation thereof, anything in section 30 of this Ordinance to the contrary notwithstanding; and all powers vested or expressed to be vested in Provincial and District Committees by the said Ordinance No. 10 of 1861 shall, so far as relates to any town brought under the operation of this Ordinance and the inhabitants thereof, be vested in the Board, and all powers vested or expressed to be vested in division officers by the said Ordinance shall be vested in such persons as may be appointed by the Board in this behalf.

36. IT shall be lawful for the Board of any town to appoint a secretary and such other officers or servants as may be necessary for carrying out the purposes of this Ordinance, and to pay such secretary, officers and servants out of the Local Fund such salary or wages as to such Board may seem fit.

37. IT shall be lawful for the Board, with the sanction of the Governor and Executive Council, to do any of the things following:—

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

(2) To purchase or take or lease land or buildings for the purposes of this Ordinance and pay for the same out of the Local Fund and sell the same or any other property vested in the Board:

(3) To levy a tax upon dogs.

38. WHEN there is any hindrance to the acquisition by purchase of any land or building required for the purpose of this Ordinance, the Governor, upon the application of the Board, and

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

the law for the acquisition of land for public purposes.

39. IT shall be lawful for the Board, in addition to any other powers vested in it, to do any of the things following :—

Other powers of the Board.

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

40. IT shall be the duty of the Board to abate all nuisances in the town, to cleanse and keep and maintain in proper cleanliness, order and repair all public streets and bridges (except such as shall be exempted by the Governor under section 33) and all public wells and tanks within the limits of the town.

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

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

Board may regulate processions and music in the streets.

42. 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," shall be vested in the Board, within and so far as relates to any town brought under the operation of this Ordinance and the inhabitants thereof, except so far as such powers, duties and responsibilities are inconsistent with any of the provisions of this Ordinance.

Powers of Provincial and District Committees vested in Board.

43. 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

Erection of new huts to be under the

Local Boards.

control of the
Board.

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; 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 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.

Power of the
Board as to
existing huts.

44. WHENEVER the Board 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 or 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 officer 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 officer 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 treasurer, until the person interested therein shall obtain the order of a competent court for the payment of the same. PROVIDED always that in case any huts, sheds or buildings

Proviso.

Local Boards.

existing at the time when this Ordinance comes into operation should be pulled down under this section by order of the Board, or in pursuance of its notice, compensation shall further be made to the owner thereof, and the amount thereof in case of dispute shall be ascertained and determined as hereinafter provided.

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

Houses in a ruinous and dangerous state.

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

Sale of materials of ruinous houses

Proviso.

47. WHENEVER it shall appear to the Board that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, or of the neighbourhood, and the inhabitants shall consist of more than one family, the Board

Overcrowding of houses.

Local Boards.

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.

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

Penalty for making unauthorized drains into public sewers.

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

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

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

Board may order or cause additional latrines to be constructed.

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

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

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

53. THE owner or occupier of any house or building or land having a latrine on his premises shall have such latrine shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any latrine open with a door or trap-door opening on to any street. Every owner or occupier, who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach : PROVIDED that the Board may, in its discretion, permit the continuance for such time, as it may think fit, of any such latrine open or with a door or trap-door opening on to any street, where such latrine already exists and does not create a nuisance.

Neglecting to enclose private latrine.

Proviso

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

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

55. 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 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, re-build 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 amend-

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

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ment 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, re-built or unstopped, and shall be recoverable from him as hereinafter provided.

Inspection of
drains and
latrines.

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

Power to fill up
unwholesome
tanks on
private
premises.

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

Place of
deposit for
filth.

Proviso.

58. THE Board from time to time shall provide places convenient for the deposit of the night soil, dung and other filth and the dust, dirt, ashes and rubbish collected and removed under the authority of this Ordinance, and for keeping all cattle, carts, implements and other things required for the above or any of the purposes of this Ordinance. PROVIDED that no such dust, dirt, ashes, rubbish, night soil, dung and other filth collected

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and removed under the authority of this Ordinance shall be deposited in the neighbourhood of populous localities nor within the limits of the town.

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

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

IX.—MISCELLANEOUS.

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

Board may enter into contracts.

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

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

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

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

Proviso.

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

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

Local Boards.

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

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

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

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

Proviso.

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

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

Proceedings if an occupier opposes the execution of the Ordinance.

67. IF the occupier of any house, building or land prevent the owner thereof from carrying into effect, in respect of such house, building or land, any of the provisions of this Ordinance, after notice of his intention so to do has been given by the owner to such occupier, the Board, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land, as may be necessary for carrying into effect the provisions of this Ordinance, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order, and if, after the expiration of eight

Local Boards.

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.

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

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

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

Right of entry in houses.

70. THE Board may direct any prosecution for any nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Ordinance, and may order the expenses of such prosecution or other proceedings to be paid out of the Local Fund.

Board may direct prosecution.

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

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

Local Boards.

Board may make compensation out of Local Fund.

72. THE Board may make compensation out of the Local Fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Board, its officers or servants, under and by virtue of this Ordinance.

Compensation, damages and costs to be determined by court.

73. 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.

74. 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.

75. 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.

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

Recovery of expenses on account of improvement to private property.

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

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

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

Punishment for breach of bye-laws.

79. The breach of any bye-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

*Local Boards.**Weights and Measures.*

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.

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

Punishment
for obstructing
officers of
Board.

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

Penalty for
misuse of
powers by
officers.

SCHEDULE.

WESTERN PROVINCE.—Negombo ; Kalutara ; Ratnapura.

NORTH-WESTERN PROVINCE.—Kurunegala ; Puttalam.

SOUTHERN PROVINCE.—Matara.

NORTHERN PROVINCE.—Jaffna.

EASTERN PROVINCE.—Batticaloa ; Trincomalee.

CENTRAL PROVINCE.—Matale ; Gampola ; Badulla.

Passed in Council, the Eighth day of November, One thousand Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of November, One thousand Eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 8.—1876.

An Ordinance to amend the Law as to Weights and Measures, and to provide for the more effectual prevention of false Weights, Measures and Balances.

WHEREAS it is expedient to amend the Law as to Weights and Measures, and provide for the more effectual prevention of false Weights, Measures and Balances :
IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Preamble.

Weights and Measures.

Imperial standard weights and measures declared to be the standards in this Island.

1. FROM and after the time when this Ordinance shall come into operation within every part of the Island of Ceylon the imperial standard yard established by the statute of the British Legislature of the 18th and 19th Vict. c. 72, intituled "*An Act for legalizing and preserving the restored standards of Weights and Measures*," shall be and is hereby declared to be the only standard measure of extension, from which all other measures of extension, whether lineal, superficial or solid, shall be derived and computed; and the imperial standard pound avoirdupois by the said statute established shall be and is hereby declared to be the only standard measure of weight, from which all other weights shall be derived and computed; and one equal seven-thousandth part of such pound avoirdupois shall be a grain, and 5,760 such grains shall be and be deemed to be a pound troy: and the imperial standard gallon established by the statute of the British Legislature of the 5th George IV., c. 74, intituled "*An Act for ascertaining and establishing uniformity of Weights and Measures*," shall be and is hereby declared to be the only standard measure of capacity, from which all other measures of capacity shall be derived and computed: and the parts or multiples or proportions of the said standards shall be respectively computed according to the schedule to this Ordinance annexed.

Copies of imperial standards to be preserved in Municipalities by the Municipal Chairman; in towns incorporated under the Local Health and Improvement Ordinance by the Chairman of the Local Health and Improvement Board; and at all Kachcheries.

2. FOR the purpose of enabling every person to ascertain with certainty whether any weights and measures in use or intended for use do conform to the standards hereby declared, copies of the standard weights and measures of brass, or of some other material or materials best adapted for preserving accuracy in the climate of this Island, shall be provided by Government and shall be preserved as hereinafter provided: that is to say,—

For each Municipality, such standard weights and measures shall be preserved by the Chairman of the Municipal Council at the office of the Municipality.

For any town possessing a Local Health and Improvement Board established under the provisions of "The Local Health and Improvement Ordinance, 1876," such standard weights and measures shall be preserved by the Chairman of such Board at the office of such Board.

And the Government Agent of each province shall likewise preserve such standard weights and measures at each and every Kachcheri of his province.

Liberty to the public to have weights and measures tested by the standards.

3. EVERY person shall be at liberty, on giving reasonable notice, to have any weights or measures, which he may bring for that purpose, tested by comparison with the standards aforesaid and duly stamped in manner hereinafter provided.

Power to the Governor in Executive Council to prescribe fees for testing weights and measures.

4. IT shall be lawful for the Governor, by proclamation published in the *Government Gazette*, with the advice of the Executive Council, from time to time to prescribe fees to be paid for the testing and stamping of weights and measures in any place as provided by this Ordinance; and any such proclamation from time to time, with the like advice, to amend, alter or revoke.

Weights and Measures.

PROVIDED that such fees shall in no case exceed 25 cents for each weight or measure tested and stamped, and that in the absence of any proclamation prescribing such fees, or in so far as any such proclamation may not extend, such testing and stamping shall be free of charge.

In the absence of any proclamation prescribing fees, testing to be gratis.

5. All contracts and dealings, which shall be made or had within any part of this Island for any work to be done, or for any articles or things to be sold, delivered, done or agreed for by weight or measure, where no special agreement shall be made to the contrary, shall be deemed to be made and had according to the standard weights and measures hereby established ; troy weight being the measure of weight applicable to contracts and dealings relating to gold, silver, platina, diamonds and other precious stones ; apothecaries' weight applicable to contracts and dealings relating to the sale by retail of drugs ; and avoirdupois weight applicable to contracts and dealings relating to all other articles.

Contracts to be construed with reference to standard weights and measures except where the contrary is specified.

6. ALL weights representing or intended to represent or be used as any of the weights mentioned in the schedule hereto which shall be made after this Ordinance comes into operation of the weight of one ounce avoirdupois or more, shall have the number of pounds or aliquot parts or multiples thereof contained in every such weight stamped or cast on the top or side thereof in legible figures and letters in the English, Sinhalese or Tamil language ; and all measures of capacity representing or intended to represent or be used as any of the measures of capacity mentioned in the said schedule shall, if made after this Ordinance comes into operation, have their contents denominated, stamped or marked on the outside of such measures in legible figures and letters in the English, Sinhalese or Tamil language.

Contents of weights and measures to be stamped on them.

7. FROM and after the passing of this Ordinance examiners of weights and measures shall be appointed as follows :—

Examiners may be appointed.

The examiners for any Municipality shall be appointed by the Chairman of the Municipal Council thereof.

Examiners in Municipalities to be appointed by the Chairman in towns incorporated under the Local Health and Improvement Ordinance by the Chairman of the Local Health and Improvement Board, and in other towns by the Government Agent.

The examiners for any town possessing a Local Health and Improvement Board incorporated under the provisions of the Local Health and Improvement Ordinance, 1876, shall be appointed by the Chairman of such Board.

The examiners for any other locality shall be appointed by the Government Agent of the province, within which such locality may be situated.

The number of examiners for any Municipality, town or other locality shall be in the discretion of the authority empowered to appoint them and may from time to time be increased or diminished at such discretion.

8. AN examiner appointed under the 7th section of this Ordinance may be removed by the authority by which he was appointed.

Removal of examiners.

Weights and Measures.

Weights and
measures to
be examined
and stamped.

9. GOOD and sufficient stamps or dies of a pattern to be approved of by the Governor acting with the advice of the Executive Council for the stamping or sealing weights and measures shall be provided and kept by the Municipal Council of every Municipality and by the Local Health and Improvement Board in every town possessing such Board, and at every Kachecheri; and all weights and measures representing or intended to represent or be used as any of the weights or measures mentioned in the schedule hereto or any multiple or aliquot part thereof (except as hereinafter excepted), which shall be used for buying, selling or receiving any goods or merchandize by weight or measure, shall be examined and compared with one or more of the copies of the standard weights and measures, provided under the authority of this Ordinance, by such examiners aforesaid, or by such other persons as shall be authorized in that behalf by such Municipal Council or Local Board or by the Government Agent of the province in places therein situate, where there is no Municipality or Local Board, and such examiners or other authorized persons shall stamp in such manner as best to prevent fraud such weights and measures when so examined and compared, if found to correspond with the said copies. PROVIDED that nothing herein contained shall extend to require any single weight above fifty-six pounds to be inspected or stamped; and that nothing herein contained shall extend to require any wicker measure used in the sale of lime or other articles of a like nature, or any jug or drinking cup made of glass or earthenware or partly of metal and partly of glass or earthenware, though represented as containing the amount of any imperial measure or of any multiple or aliquot part thereof, to be stamped; but any person buying by any vessel represented as containing the amount of any imperial measure or of any multiple or aliquot part thereof is hereby authorized to require the contents of such vessel to be ascertained by a comparison with a stamped measure, such stamped measure to be found and provided by the person, who shall use such wicker measure, glass, jug or drinking cup, as aforesaid; and in case the person who shall use the last mentioned measure or vessel, shall refuse to make such comparison, or if, upon such comparison being made, such wicker measure, glass, jug or drinking cup shall be found to be deficient in quantity, the person who shall use the same shall be guilty of an offence, and on conviction be subject to the forfeitures and punishment hereinafter imposed on any person using light or unjust or unstamped weights or measures. PROVIDED also that nothing herein contained shall extend to require any weights or measures to be re-stamped if the same shall have been constructed in England and shall bear the imperial stamp as provided by the 21st section of the Imperial Statute 5 and 6 William IV. c. 63, intituled "An Act to repeal an Act of the fourth and fifth year of His present Majesty relating to weights and measures, and to make other provisions instead thereof," or any other Imperial Statute to be enacted in that behalf.

Proviso.

Weights and Measures.

10. SUCH examiners may at any time and shall at least twice in every year (having first been sworn or affirmed duly and faithfully to exercise such office) enter into or upon the store, shop, boutique, house, stall or standing place of every person buying, selling or receiving by weight or measure any wares or goods within the district or locality, for which such examiners are appointed, and then and there shall search for, view and examine all weights, measures and balances in such premises, and shall seize any weight or measure not being according to the standards prescribed in the manner provided by the 2nd section, or not duly stamped as required by the 6th and 9th sections respectively, or any false or unequal balance, which may upon such search be found therein, and shall detain the same to be produced before the court at the trial of the offender under the 11th section.

Examiners to examine weights and measures, and seize false ones.

11. ANY person buying, selling or receiving by weight or measure, who shall use or in whose store, shop, boutique, house, stall or standing place shall be found any weight or measure representing or intended to represent or be used as any of the weights or measures mentioned in the schedule hereto, and not being in conformity with the standards established under this Ordinance or not stamped as hereinbefore provided by the 6th and 9th sections respectively, or any false or unequal balance, shall be guilty of an offence and shall be liable to a fine not exceeding fifty rupees, or to imprisonment for any term not exceeding three months, with or without hard labour, or to both.

Penalty on use and possession of false and unstamped weights and measures.

12. UPON any such conviction as in the preceding section mentioned, the court shall order the defective weight or measure or weights or measures, or the false or unequal balance or balances as the case may be, to be forfeited; and all weights or measures or balances so forfeited shall be broken and rendered useless.

False weights and measures to be forfeited and broken up.

13. ANY examiner of weights and measures and any person legally authorized to examine and stamp any weights or measures who shall stamp any weights or measures without duly verifying the same by comparison with a copy of the imperial standard in manner aforesaid, or shall be guilty of a breach of any duty imposed upon him by this Ordinance, or shall otherwise misconduct himself in the execution of his office, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding fifty rupees for each offence.

Penalty on examiners who are guilty of a breach of duty.

14. ANY person or persons who shall make, forge or counterfeit, or cause or procure to be made, forged or counterfeited, or knowingly act or assist in the making, forging or counterfeiting any stamp, which may be used for the stamping or marking of any weights or measures under this Ordinance, shall be guilty of an offence, and shall be liable to a fine not exceeding five hundred rupees or to imprisonment with or without hard labour for any

Penalty or counterfeiting stamps, weights or measures.

Weights and Measures.

Cattle Trespass.

APOTHECARIES WEIGHT.

Grains.					
20	=	1	Scruple.		
60	=	3	=	1	Dram.
480	=	24	=	8	= 1 Ounce.
5760	=	288	=	96	= 12 = 1 Pound.

MEASURES OF CAPACITY.

Dry Measure.

Pints.						
2 ==	1 Quart.					
8 ==	4 ==	1 Gallon.				
16 ==	8 ==	2 ==	1 Peck.			
64 ==	32 ==	8 ==	4 ==	1 Bushel.		
512 ==	256 ==	64 ==	32 ==	8 ==	1 Quarter.	

Liquid Measure.

Pints.							
2	=	1	Quart.				
8	=	4	=	1	Gallon.		
504	=	252	=	63	=	1	Hogshead.
1008	=	504	=	126	=	2	= 1 Pipe.
2016	=	1008	=	252	=	4	= 2 = 1 Tun.

Passed in Council, the Twenty-fifth day of October, One thousand Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth,
day of November, One thousand Eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 9.—1876.

*An Ordinance to amend the Law relating to
Cattle Trespass.*

WHEREAS it is expedient to amend the Law relating to Cattle Trespass : **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 for all purposes as the Short title.
"Cattle Trespass Ordinance, 1876."
2. THE Ordinance No. 2 of 1835, intituled "*To provide for the protection of cultivated and enclosed lands and of public roads and canals against the trespass and depredations of stray cattle, goats, sheep, and pigs,*" and the Ordinance No. 5 of 1849, intituled "*To give jurisdiction to the Police*"
- Repeal of Ordinances No. 2 of 1835 and No. 5 of 1849.

Preamble.

Repeal of
Ordinances
No. 2 of 1835
and No. 5 of
1849.

Cattle Trespass.

Courts in cases of cattle trespass," are hereby severally repealed, except so far as they or either of them repeal other Ordinances or parts thereof, and except so far as relates to any acts which may have been done, liabilities incurred, or proceedings had or commenced before this Ordinance comes into operation.

Interpretation
clause.

"Cattle."

"Animals."

"Irrigation
works."

"Duly
authorized
person."

Cattle
trespassing on
fenced or
cultivated
lands may be
seized.

Cattle found
trespassing on
irrigation
works may be
seized or
pursued off
the works and
seized.

Liability of
owner of stray
cattle for
damages and
penalty.

3. THE word "cattle," when used in this Ordinance, means bulls, cows, oxen, heifers, calves and buffaloes :

The word "animal" means, except when it is otherwise expressed, cattle, sheep, goats and swine :

The expression "irrigation works" means tanks, bunds, anicuts, sluices, channels and other works used for irrigation purposes :

The expression "duly authorized person" means any person specially or generally authorized to act under the provisions of this Ordinance by the Government Agent for the province or the Assistant Government Agent for the district, wherein such person resides.

4. IT shall be lawful for any proprietor or occupier (or any other person by his direction) of any land, which shall be fenced in such manner as the local custom may prescribe, and of any land under cultivation, whether fenced or not, if by local custom no fence is prescribed, to seize any animals found trespassing therein or thereupon, and to tie up and detain them until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention shall be paid or recovered as hereinafter mentioned.

5. IT shall be lawful for any duly authorized person to seize any animals found trespassing in or upon any irrigation works and, if unable to seize them while so trespassing, to pursue and seize them elsewhere and to tie them up and detain them, until the damages, if any, occasioned by such trespass, assessed in manner hereinafter mentioned, and the fair expense of the keep of such animals during their lawful detention shall be paid or recovered as hereinafter mentioned.

6. THE owner or person in charge of any animals trespassing as aforesaid shall, in the case of such private lands as aforesaid, be liable to pay to the proprietor or occupier thereof, and, in the case of such irrigation works as aforesaid, be liable to pay to the Government Agent of the province or the Assistant Government Agent of the district, within which such works are situated, the full amount of damages arising by reason of such trespass ; and, if such trespass shall have been committed in the night time, he shall be further liable to pay a fine to Her Majesty equal to the amount of the damages awarded.

Cattle Trespass.

7. NOTICE of the seizure of such animals shall, with as little delay as possible, be given to some police constable or local headman having jurisdiction in the district, who shall, as soon as may be, inspect the spot, where the damage has been done, and the animals, which have been seized, and with the assistance of three or more respectable persons of the neighbourhood, if their attendance can be procured (otherwise, without such assistance), endeavour to ascertain to whom the animals belong and assess the amount of damages sustained by such trespass, and shall forthwith, in the case of trespass upon private lands, furnish the proprietor or occupier thereof or some other person in his behalf and, in the case of irrigation works, furnish some duly authorized person or some other person on his behalf with a report of the particulars of the trespass, the amount of such assessment and the names of the owners of the animals, if such have been ascertained, and also the names of the persons by whom such assessment shall have been made. The police constable or headman shall, unless the amount of the assessment be immediately paid, take charge of the animals so seized, and, if the owner or person entitled to the charge thereof at the time of the trespass shall not, within forty-eight hours from the time of the police constable or headman so taking charge, tender the amount of damages so assessed as aforesaid and the fair and reasonable cost of keeping the said animals during detention, the proprietor or occupier of the land so trespassed upon or, in the case of trespass upon irrigation works, some duly authorized person shall produce before the Police Court or Village Tribunal, if any, having jurisdiction in the district the aforesaid report, which, if verified by the oath or affirmation of such constable or headman in open court, shall be received in evidence; and the said court or Village Tribunal, after causing such notice to be served upon or left at the last known place of abode of the owner of the animals when such owner has been ascertained, as such court or Village Tribunal shall deem reasonable, or, if such owner has not after reasonable enquiry been ascertained, then without any notice, summarily enquire into the case and, after hearing such evidence as to the court or Village Tribunal may seem expedient, shall award such damages, as shall have been proved to have been sustained, together with the fair and reasonable costs and charges for keep during the detention, and further a fine of an amount equal to such damages, in case the trespass shall have been committed in the night time; and the said damages, charges and penalty, unless within twenty-four hours paid, shall be levied by sale of the animal so seized and, if necessary, by distress on the other property of the person liable to pay the same as aforesaid, and shall be paid to the person or persons entitled thereto.

8. IN any case, when any trespass by animals shall be proved to have been committed as aforesaid, whether any damage shall

Procedure.

In cases.
where no

Cattle Trespass.

damages have been proved, a fine may be imposed.

be proved to have been sustained in consequence of such trespass or not, it shall be lawful for the Police Court or Village Tribunal to award a fine not exceeding five rupees for each animal, which shall be proved to have been trespassing, to be paid by the owner or person in charge thereof; and it shall be competent for such court or tribunal in its discretion, in the case of trespass on private land, to direct that a share, not exceeding one-half of such fine, be paid to the owner or occupier of the land and the remainder to Her Majesty.

Liability of owners of stray cattle which are not seized.

9. WHEN, in the case of trespass on any private land, the proprietor or occupier thereof or other person acting in his behalf and when, in the case of any trespass on any irrigation works the person in charge thereof or other duly authorized person is unable to seize and secure animals trespassing as aforesaid, but can prove the trespass and whose or in whose charge the said animals were at the time of such trespass, the owners or persons in charge thereof shall be liable, notice being given of the trespass in the manner directed in section 7 of this Ordinance, to the same penalty costs and damages as in the case of seizure and the course of proceeding in respect thereof shall be similar, as far as the circumstances admit, to that prescribed by section 7.

All rights under Ordinance forfeited unless due notice is given to headman.

Ordinance not to apply to unfenced lands, where custom requires a fence.

Common law right reserved.

10. ALL right to the benefit of any of the provisions of this Ordinance shall be forfeited, unless the notice required by section 7 shall have been given within 48 hours from the time of seizure (if any) or of trespass (if no seizure) to some police constable or local headman having jurisdiction in the district, if any such shall be resident within ten miles, or if no police constable or headman be resident within that distance, then within a reasonable period after such seizure or trespass. And nothing herein contained shall be held to apply to any trespass on any private land, which shall not be protected by such fence as the local custom prescribes, if such custom prescribes any fence. PROVIDED always that nothing herein contained shall be held to take away or affect any right, which the Crown or any person may have at common law for redress in respect of any damage sustained by trespass of animals.

All cattle over eighteen months old to be branded.

11. EVERY person possessing cattle not already branded and being eighteen months old or upwards shall cause the same to be branded and shall furnish in the month of January of every year a correct description of the mark or marks, with which his cattle are branded, to the chief headman of the district, wherein he resides, and in default thereof shall be liable to a penalty not exceeding twenty-five cents for every head of cattle not branded and to a penalty not exceeding two rupees for every omission to furnish such description. It shall be the duty of such chief headman of the district to cause the description of such brand-marks and the names of the persons using the same to be entered

Cattle Trespass.

in a book to be kept for that purpose, which book shall be transmitted to the Kachcheri of his province on or before the 1st of March in each year. The moiety of any penalty recovered under this section shall go to the informer. PROVIDED always that nothing in this section contained shall extend or be applicable to any chief headman's division or part thereof, which shall be within the operation of the "*Village Communities Ordinance, 1871.*"

12. ANY person without lawful right removing or taking away or causing to be removed and taken away any cattle from the custody of the person entitled to keep or detain the same under the provisions of the Ordinance shall be guilty of an offence and liable on conviction to such punishment, as a Police Court has jurisdiction to award.

Penalty for unlawful removal.

13. ANY person without lawful right driving any animals upon any land in the occupation of or cultivated by others, with intent that such animals should feed upon or otherwise injure any growing crop or produce thereof; and any person driving any animals into or upon any irrigation works; and any person driving the animals of others upon his own land or conniving at such animals being so driven, with intent to take proceedings for cattle trespass under the provisions of this Ordinance, shall be guilty of an offence and liable on conviction to such punishment, as a Police Court has jurisdiction to award.

Penalty on causing animals to trespass.

14. IT shall be lawful for the Government Agent or the Police Magistrate to grant permission in writing for the shooting of any stray cattle within his province or district, if it shall be shewn to his satisfaction that stray cattle are in the habit of trespassing upon or in any such private land as aforesaid or any irrigation works and cannot be seized or identified, so that the owner or owners thereof may be ascertained and proceeded against; and thereupon such Government Agent or Police Magistrate may, at his discretion, direct some fit person to proceed to such land or irrigation works; and such person, if, after every reasonable exertion he shall find it impracticable to seize or identify such animals, then and not otherwise shall shoot or otherwise destroy the same or cause the same to be shot or otherwise destroyed in his presence; and this notwithstanding that in the endeavour to seize the animals they may have been driven off such land or irrigation works. PROVIDED that such order shall not be in force for more than one month from the date thereof. PROVIDED further that it shall at all times be lawful for any proprietor or occupier of any cultivated field or enclosed garden, or any other person by his direction, to destroy any pigs found straying therein; and for any duly authorized person to destroy any pigs found straying in or upon any irrigation work or any land set apart or lawfully used for the recreation of the public.

When animals may be shot.

Order for shooting not to be in force for more than one month.

Proviso: pigs trespassing may be shot without any order.

*Cattle Trespass.**Wharf and Warehouse.*

Disposal of
carcass.

15. THE carcass of any stray animal shot under the provisions of the preceding clause shall be the property of the owner of such animal, and shall be entitled to remove the same; but, if no owner be found nor any claim made therefor by any person entitled to it, then the carcass shall be sold by the local headman where such animal was shot, and the proceeds of such sale shall be paid to the nearest Kachcheri to be carried to the credit of the general revenue.

Wild buffaloes
trespassing on
irrigation
works may be
shot at all
times without
a license.

16. IT shall be lawful for any duly authorized person to shoot or otherwise destroy, at all times of the year and without any license, any elephants or wild buffaloes found trespassing in or upon any irrigation work, anything in the Ordinance No. 13 of 1869, entitled "*An Ordinance to prevent the wanton destruction of Elephants*," or in Ordinance No. 6 of 1872, intituled "*An Ordinance to prevent the wasteful destruction of Buffaloes and Game throughout the Island*," to the contrary notwithstanding.

Police Court
or Village
Tribunal may
impose full
amount of
damages or
penalty.

17. IT shall be competent for the Police Court or Village Tribunal, taking cognizance of any case of trespass by animals under the provisions of this Ordinance, to award and impose the full amount of the damages, charges and penalties payable under the 7th, 8th, and 9th sections hereof or any of them, notwithstanding that such amount might otherwise be beyond the jurisdiction of such court or tribunal to award or impose.

Passed in Council, the Fifteenth day of November, One thousand Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of November, One thousand Eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 10.—1876.

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.

WHEREAS a company called "The Wharf and Warehouse Company, Limited," has been formed in Colombo under the provisions of *The Wharf and Warehouse Ordinance, 1865*, and has been duly incorporated with limited liability under the provisions of *The Joint Stock Companies Ordinance, 1861*, and has already commenced to carry on the business of Wharfingers

Wharf and Warehouse Company.

and Warehousemen in Colombo : AND WHEREAS by a deed of lease dated the 4th day of March, 1875, and made between the Government of this Island of the one part, and the said company of the other part, certain warehouses, sheds, offices, and other buildings and property belonging to our Lady the Queen, and formerly used by the Customs Department of this Island, have been demised by the said Government to the said company, upon certain conditions and stipulations in the said deed contained, from the respective dates therein mentioned until the 30th day of June, 1880, or until the date of a breach by the said company of the said stipulations therein contained or any of them : AND WHEREAS the said *Wharf and Warehouse Ordinance*, 1865, has never come into operation, the same never having been proclaimed as provided by the second section thereof : AND WHEREAS in view of the alteration in the law relating to the Customs, which has taken place since the said last mentioned Ordinance was passed, and for divers other reasons, it is inexpedient now to bring the said Ordinance into operation : AND WHEREAS it is expedient to amend the law and to make certain other provisions for the establishment and regulation of the said company and for the carrying on of its business of wharfingers and warehousemen as aforesaid : IT IS 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 for all purposes as *The Wharf and Warehouse Ordinance*, 1876. Short title.

2. *The Wharf and Warehouse Ordinance*, 1865, and the Ordinance No. 4 of 1875, intituled *An Ordinance to amend the Wharf and Warehouse Ordinance*, 1865, are hereby severally repealed. Repeal of Ordinances Nos. 26 of 1865 and 4 of 1875.

3. THIS Ordinance shall come into operation on the date of the passing thereof, and shall continue in force until the 30th day of June, 1880. PROVIDED that it shall be lawful for the Governor, acting with the advice of the Executive Council, by proclamation, to terminate the operation of this Ordinance before the said 30th day of June, 1880, in the event of a breach of any of the stipulations contained in the said hereinbefore mentioned deed of lease of the 4th day of March, 1875, being committed by the said company. Operation of Ordinance.

4. THE following terms used in this Ordinance shall have the respective meanings hereby assigned to them, if not inconsistent with the context or subject matter ; that is to say :— Interpretation of terms.

The word “company” shall mean the aforesaid Wharf and Warehouse Company, Limited.

Wharf and Warehouse Company.

The word "goods" shall include every description of goods, wares and merchandize.

The word "premises" shall mean all lands and buildings used by the said company for the carrying on of their business as wharfingers, warehousemen and carriers.

The word "wharf" shall include all wharves and quays, used by the said company, in or upon which any goods, when landed from vessels or brought for shipment, may be lawfully placed.

The word "warehouse" shall include all warehouses, buildings and premises used by the said company, in which goods, when landed from vessels or brought for shipment, may be lawfully placed.

The word "shipowner" shall include the master of the ship and every other person authorized to act as agent for the owner or entitled to receive the freight, demurrage or other charges payable in respect of such ship.

The word "entry" shall mean the entry required by any Customs laws to be made for the delivery of goods.

The expression "owner of goods" shall include every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject in the case of lien, if any, to such lien.

Company's power and responsibilities to be deemed to have commenced on 1st January, 1876.

5. THE company shall be deemed to have lawfully commenced business as wharfingers and warehousemen on the first day of January last; and all powers, duties and responsibilities vested in the company under or by virtue of this Ordinance shall be deemed to have been vested in them on and since the said first day of January last; and all rates and charges imposed by the company in respect of any goods entrusted to or taken charge of by them, and all acts, matters and things done by the company or the directors thereof, on and since the said first day of January last, shall be as valid and binding on all persons, corporations and companies concerned therewith or affected thereby, as if this Ordinance had come into operation on the said first day of January last.

Rules and regulations.

6. THE company shall be entitled to act as wharfingers and warehousemen, and the directors thereof for the time being shall be empowered to make, ordain and establish rules and regulations, as to them shall seem expedient, for any of the following purposes:—

- (1) For the good government of the company and its officers.
- (2) For the regulating, conducting, governing and managing the business of the company and the several works from time to time carried on by them.

Wharf and Warehouse Company.

- (3) For the safe and convenient shipping and lading, landing and discharging, carrying and conveying, laying, warehousing and depositing of goods upon, to or from the quays, wharves and premises of the company.
- (4) For regulating the hours during which the premises of the company shall be open.
- (5) For preventing accidents by fire, and in particular as to the lighting or using of candles, fires and lamps, and as to the smoking of tobacco or herbs within the premises of the company.
- (6) For governing and regulating porters, coolies, cartmen and others carrying goods or using or driving horses, bullocks, trucks, carts, sledges or other carriages within the premises of the company.
- (7) For preventing damage being done to any goods.

And such rules and regulations from time to time to alter, amend and revoke. PROVIDED that such rules or regulations shall not be inconsistent with this Ordinance, and that they shall not come into force until the same shall have been submitted to and confirmed by the Governor, acting with the advice of the Executive Council; and the Governor, with such advice as aforesaid, shall have the power to disallow any rules or regulations after they shall have come into force.

7. THE company shall be empowered, with the sanction of the Governor previously obtained, to lay down within any premises occupied by them and on any of the roads and streets of Colombo tramways to connect their warehouses with each other, with landing and shipping places and with the railway terminus. Tramways.

8. THE company shall and may take or receive for every article of goods, which shall be brought into or landed or deposited within or delivered or shipped from their premises, such reasonable rates, rent or charges, as the said Directors shall from time to time appoint, for and in respect of wharfage, receiving into boats, landing, conveying to the company's warehouses at the wharf, and warehousing, examining and weighing as required for Customs purposes, loading into carts, conveying to and warehousing in the company's warehouses, and after delivery, from the company's warehouses; and all such rates, rent or charges shall be and are hereby vested in the said company to and for their own proper use and behoof for the purposes of this Ordinance. PROVIDED that the rates, rent or charges to be enforced by the company shall not exceed the maximum rates, rent or charges set out in schedule A. to this Ordinance annexed. Power to take rates and charges on goods.

Wharf and Warehouse Company.

Rules and regulations to be published.

9. THE directors of the company shall cause all rules and regulations and all rates, rents and sums chargeable by them as aforesaid to be printed in the *Government Gazette*, and separate copies thereof to be printed and distributed in Colombo, in the English and native languages, and affixed upon or to some public and conspicuous part of the wharves and premises, and shall renew the same as often as they shall become obliterated or defaced.

Breach of the rules made penal.

10. ANY person committing a breach of the said rules shall be liable to a fine not exceeding ten rupees.

Company to provide suitable accommodation and buildings.

11. THE company shall during the time that it shall perform the duties of wharfingers and warehousemen, provide the public with such suitable means and accommodation for the landing and shipping of goods and such suitable buildings and lands for storing and warehousing the same as the exigencies of trade may require and the capabilities of their premises will admit of.

Collector may require security.

12. IT shall be lawful for the Principal Collector of Customs before any goods shall be landed, deposited or warehoused on or in any premises of the company, and from time to time thereafter, as to him shall seem necessary, to require the company to give due and sufficient security by bond, with two sufficient sureties, or by two bonds each with one sufficient surety, or such other security as the said Collector may approve, for the payment of the full duties of importation on, or for the due entry for exportation of, all such goods as shall at any time be landed, deposited or warehoused in the premises of the company.

Goods in company's premises subject to Customs laws.

13. ALL goods, which shall come into or upon the premises of the company, shall be subject to the duties imposed and the regulations and the restrictions prescribed by the Customs laws now in force or hereafter to be enacted. And the company shall not part with any goods, which shall come into or upon their wharves and premises, without an order authorizing their delivery from the Principal Collector of Customs or person duly authorized by him in writing, or the production of an entry countersigned by him.

Rents and charges due to the Government at the transfer under their aforesaid lease.

14. ALL goods warehoused in any of the Customs premises at the time of the handing over of such premises to the company, which shall have been delivered to the custody of the company on their paying the warehouse rents and charges due thereon, or engaging to pay the same previous to the delivery of such goods to the owners or consignees thereof, shall be deemed to have been lawfully delivered; and the company shall in such case have power to demand and to enforce payment of the said rents and charges so due as well as the rent and charges due to them subsequent to such handing over.

Wharf and Warehouse Company.

15. ALL rates, charges and rent, which shall be payable to the company in respect of any goods, shall be paid to the company within the periods and in manner following (that is to say): if the said goods shall be of a perishable or hazardous nature, then within ten days next after any such goods shall have been brought into or upon the premises of the company; and, if the said goods shall not be of a perishable or hazardous nature, then at or before three months after any such goods shall have been brought into or upon the premises of the company, or previous to the removal of such respectively, from the premises of the company, whichever shall first happen; and, in case default be made in payment of the said rates, rent, or charges or any part thereof (whether such goods be of a perishable or hazardous nature or not), it shall be lawful for the company to retain and sell or cause to be sold all or any part of such goods; and out of the moneys thence arising to pay first the amount of the duties due in respect of such goods, and then to pay the rates, rent or charges, which shall be payable to the said company in respect of such goods, and all charges and expenses of such sale, rendering the overplus (if any) of the moneys arising by such sale, and such of the said goods, as shall remain unsold, to the person or persons entitled thereto, upon demand; and, in case such goods shall happen to be removed before the rates, rent or charges payable to the company in respect of the same shall be fully paid, then it shall be lawful for the company to take, distrain and sell in manner and for the purposes aforesaid any other goods on their premises belonging to the owner or owners or consignee or consignees of the goods so removed as aforesaid. PROVIDED ALWAYS that it shall and may be lawful for the company in all or any of the several cases aforesaid to recover the amount of the rates, rent or charges by action at law.

Recovery of
rates payable
on goods.

16. THE officers of Customs shall, in the performance of their duties, have power and authority at all times to enter into and remain upon any premises in the possession of the company. Any person, who shall oppose any officer in the exercise of such power, shall be guilty of an offence and be liable to such punishment by fine or imprisonment with or without hard labour, as it shall be competent for a Police Court to award.

Right of entry
of Customs
officers.

17. IF at the time when any goods are landed from any ship and placed in the custody of the Company, the shipowner gives to the Principal Collector of Customs notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowners to an amount to be mentioned in such notice, the goods so landed shall, while in the custody of the Company, continue liable to the same lien for such charges as they were subject to before the landing thereof; and the Company receiving such goods shall retain them until the lien is discharged

Lien for freight
reserved.

Wharf and Warehouse Company.

as provided for in section 80 of the Ordinance No. 17 of 1869, intituled "*An Ordinance for the general regulation of Customs in the Island of Ceylon*," or any Ordinance to be hereafter in that behalf enacted.

Company not bound to receive all goods or see to the validity of any claim for lien.

18. NOTHING herein contained shall compel the company to take charge of any goods, which it would not be liable to take charge of if this Ordinance had not passed, nor shall it be bound to see to the validity of any lien claimed by any shipowner.

Company to do acts necessary for proper custody and preservation of goods.

19. WHENEVER goods are placed in the custody of the company, they shall have power, from time to time, at the expense of the owner of the goods, to do all such reasonable acts as, in the judgment of the company, are necessary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses.

Goods of dangerous quality.

20. EVERY person, who shall bring or send, or cause to be brought or sent to the premises of the company, for shipment or deposit, any aqua fortis, oil of vitriol or other goods of dangerous quality, shall distinctly mark or state in the English language the nature of such goods on the outside of all packages containing the same, and shall likewise give notice thereof in writing to the chief officer of the company at the time of bringing or sending the said goods to the company's wharf or premises. Any person failing to mark or state as aforesaid or to give such notice shall be liable to a fine not exceeding two hundred rupees; and the company may detain such goods until such fine be paid.

Penalty for not removing combustibles when required.

21. IF the owner or person having the charge of any tar, pitch, spirituous liquors, turpentine or any combustible matter whatsoever shall suffer the same to remain on the quays or wharves of the company or any part of their premises above the space of five hours, after he shall have been required by any officer of the company to take away or remove the same therefrom, then and in every such case every such person so offending shall for every such offence be liable to a fine not exceeding fifty rupees, nor less than the sum of ten rupees, for every hour, during which any of the articles hereinbefore specified or any other combustible matter shall be or remain in the place or situation aforesaid after the expiration of the said five hours. Provided that the owner or person having charge as aforesaid shall be allowed five hours from the reported landing of the goods, within which to pass Customs entries.

Combustibles to be guarded during the night.

22. IF any tar, pitch, spirituous liquors, turpentine, oil or other combustible thing shall remain on any part of the wharves or premises occupied by the company after sunset, and the owner or person having the charge of the same shall not provide a sufficient number of persons to guard the same from half-an-hour before sunset to half-an-hour after sunrise, it shall be lawful for

Wharf and Warehouse Company.

the company to provide such persons, and the expense thereof, if not paid by the said owner to the company on demand, shall be recovered by the sale of such portion of the said articles, as shall be sufficient to meet such expenses.

23. THE company may issue warrants in substantially the form set out in the schedule B. to this Ordinance annexed to the owner of any goods enumerated therein, which may be in their custody; and such warrants shall be transferable once or oftener by endorsement, and the right and title to the goods enumerated in such warrants shall vest in the possessors thereof without any endorsement save that of the original grantee. Each warrant shall be on a stamp of five cents, and shall be subject in all matters relating to stamp duty to the provisions of the Stamp Ordinance, 1871, or any other Ordinance to be hereafter in that behalf enacted.

Dock
warrants.

24. NO cargo or goods shall be unladen from any ship on or into the premises of the company until a sufferance shall have been granted by the Principal Collector of Customs for the landing of the same, in manner provided by section 27 of the Ordinance No. 17 of 1869, entitled "*An Ordinance for the general regulation of Customs in the Island of Ceylon*," or any Ordinance to be hereafter in that behalf enacted; and no goods shall be landed except at the places appointed and expressed in such sufferance, and only such goods shall be landed as are sanctioned by such sufferance, and all goods so landed shall be taken and deposited in some warehouse appointed therein; and within three clear days from the date of landing, exclusive of Sundays and holidays, the importer shall make a full and complete entry thereof and shall either pay down all duties which shall be due and payable on such goods, or shall duly warehouse the said goods, or, if such goods be free of duties, duly clear the same; and all goods unladen, landed or removed without such sufferance or contrary to the directions in such sufferance shall be liable to be forfeited.

General
sufferance of
goods.

Goods to be
removed or
warehoused
within three
clear days from
the date of
landing.

25. IF the owner or consignee of any goods shall fail to make entry thereof and remove the same within ten clear days, as provided by the foregoing section it shall be lawful for the company to cause a warehousing entry to be passed for such goods and to remove the same to their warehouse; and the reasonable expenses of such entry, removal and warehousing shall be reimbursed to the said company by the owner or consignee of the goods, so entered as aforesaid, and shall and may be recoverable in the like manner as the rates, rent or charges due and payable to the company in respect of such goods. PROVIDED that the goods be such as may by law be warehoused, and that no goods entered by the company as aforesaid shall be liable to seizure by reason of any inaccuracy in the passing of any such entry, if it

Goods landed
contrary to or
without
sufferance,
forfeited.
Company may
pass entries
when the
owners of
goods neglect
or refuse to
pass them.

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shall appear to the Principal Collector of Customs that such inaccuracy was not intentional or occasioned by wilful or culpable negligence.

Goods
consigned to
public Depart-
ments not liable
to rent if
removed within
three days.

26. ALL goods, which the Principal Collector of Customs shall pass free of duty under the provisions of section 37 of the said Ordinance No. 17 of 1869, or any Ordinance to be hereafter in that behalf enacted, shall be exempt from warehouse rent if entered and removed within three days from the date of landing, in terms of clause 9 of the said deed of lease of 4th March, 1875.

Right of public
to land their
own goods
reserved.

27. NOTHING in this Ordinance contained shall be held to interfere with the right of the public to employ boats other than those to be provided by the company for the landing and shipping of goods, and for such purposes and other lawful business to have access, subject to the rules and regulations of the company, to or from the landing places. PROVIDED however that all works within the premises of the company may, if the company so require it, be performed by the servants of the company at the prescribed rates.

SCHEDULE A

CONSOLIDATED LANDING AND SHIPPING
CHARGE.

These rates include the following operations, viz., receiving into boats, loading, conveying to the Company's warehouses at the wharf, warehousing, examining and weighing as required for Customs purposes, loading into carts, conveying to and warehousing in the Company's warehouses and after delivery from the Company's warehouses. When goods are removed from the Company's premises at the wharf by owners or consignees and not placed in the Company's warehouses, a reduction of ten per centum will be made in the undermentioned rates.

IMPORTS.

	Rs.	Cts.
Butts, pipes, puncheons of wine and spirits ...	2	0
Hogsheads in bulk and barrels of bottled beer ...	0	75
Quarter casks ...	0	50
Wines and spirits in cases of 3 dozens each ...	0	75
Do. do. 2 do. ...	0	50
Do. do. 1 do. ...	0	25
Crates or casks of earthen or glassware ..	1	25

Wharf and Warehouse Company.

	Rs.	Cts.
Bales and cases of cotton goods ...	0	50
Jute in bales and manufactured, per bale ...	0	50
Barrels of cement, tar, flour, &c. ...	0	50
Small packages under 25 lbs. in weight ...	0	25
Metals and manure, per ton ...	1	50
Coke and asphalte, per ton ...	1	75
Coal, receiving, landing and stacking, per ton ...	1	75
Hogshead staves in packages, per 100 bundles ...	10	0
Puncheon do. do. ...	11	50
Rice or grain, per bag ...	0	10
Sugar, per bag ...	0	10
Packages containing piano, carriages or machinery, &c., to be charged according to sizes, either by weight or measurement.		
Heavy machinery by agreement according to weight.		
Potatoes and onions in baskets, per cwt. ...	0	8
Potatoes in bags, per cwt. ...	0	8
Potatoes, poonac, onions, prawns, ginger, pepper, saffron, arrowroot, &c., per robbin of 1 cwt. ...	0	8
Dried fish in bundles not exceeding per cwt. ...	0	8
Other goods of like size or weight to be charged in proportion to these rates.		
Live stock by agreement.		

EXPORTS.

Consolidated Rates receiving and shipping Goods and weighing and examining them for Customs purposes.

Rs. 6.75 per	{	18 Casks ...	} Coffee.
		30 Tierces or hogsheads ...	
		40 Barrels, or ...	
		120 Bags of 1 to 1½ cwt. ...	
	{	12 Pipes ...	} Cocoanut oil.
		20 Puncheons ...	
		30 Hogsheads ...	
	{	60 Bales cinnamon ...	} Per boat-load.
		Bags cinnamon chips ...	
		Barrels plumbago ...	
		Bales cotton wool ...	
		Jute or gunnies ...	

Rs. 8 Coir Yarn, fibres, &c., per boat-load.

„ 8 Ebony, per boat-load.

„ 9 Cocoanuts, dye wood and horns, per boat-load.

„ 2 Coal, weighing and delivering into bunkers in the roads, per ton.

„ 9 Transshipping cargo from one ship to another, per boat.

Machinery, timber, coke and ballast by agreement.

N.B.—No quantity, however small, can be charged less than half-boat. Goods sent to the wharf for export will be a lowed two days free of rent, after which time rent will be charged.

Wharf and Warehouse Company.

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	...	50
" Half pipe or hogshead	"	...	25
" Barrel or quarter-cask	"	...	15
" Cask or keg of smaller size	"	...	10
" Crate, cask 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
For each bale, case or box measuring 15 cubic feet and under 25 cubic feet		...	12
" 10 " " 15	"	...	8
" 5 " " 10	"	...	6
" small box or package	"	...	4
" Bag of rice or sugar	"	...	4
" 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.

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

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			Cts.
For each Barrel or quarter cask	For a week	...	12
" Octave or cask of like size	"	...	8
" Crate, cask, or case of hard-ware, earthenware, or ironmongery	"	...	20
" Bale, case, or package measuring 60 cubic feet or upwards	"	...	20
" Bale, case, or package measuring 40 cubic feet and under 60	"	...	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 two clear days free of rent, after which they will become liable to the payment of rent. A week's rent will be charged on all fractions of a week. Goods brought for shipment, but removed without being shipped, shall be liable to rent from and for the day on which they are brought.

			Cts.
For each Leaguer, pipe, or cask of like size	For a week	...	25
" Hogshead or cask of like size	"	...	12
" Cask or barrel of coffee, not weighing more than 3 cwt. gross	"	...	6
" Do. weighing more than 3 and less than 7 cwt. gross	"	...	8
" Do. weighing more than 7 cwt. gross	"	...	12
For each barrel of plumbago	"	...	7
" Bale, case, or package measuring 60 cubic feet and upwards	"	...	25
" 40 " and under 60 cubic feet	"	...	20
" 25 " " 40	"	...	15
" 15 " " 25	"	...	12
" 10 " " 15	"	...	8
" 5 " " 10	"	...	6
For each smaller box or package	"	...	2
" Bag of coffee	"	...	4
Coir goods in ballots or bundles, per cwt.	"	...	4

Wharf and Warehouse Company. Entail and Settlement.

SCHEDULE B.

No. of Entry	No. of Entry	WARRANT No.	
No. of Warrant	Le'ger Fol.		Warehouse No.
Date	WARRANT for		
Ship	imported in the	date	Master from
Master	Entered by		
From	Deliverable to		
Entered	or to any possessor of this warrant without		
By	any endorsement save that of the said		
Rent	Rent commences	and all other charges	
begins } Goods			
Marks & Nos.			



CUSTOMS TARE.

Warehouse No.

Examination.

Deliver the within to C. D.

A. B.

C. D.

Passed in Council, the Twenty-second day of November, Onethous and Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Twenty-ninth day of November, One thousand Eight hundred and Seventy-six.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 11.—1876.

*An Ordinance to amend the Law regulating the
Entail and Settlement of Immoveable
Property.*

Preamble.

WHEREAS it is expedient to amend the law regulating the entail and settlement of immoveable property: IT IS 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 Entail and Settlement Ordinance, 1876*," and shall come into operation from the date when the confirmation thereof by Her Majesty shall be proclaimed in the *Government Gazette*.

Entail and Settlement.

2. NO prohibition, restriction or condition against the alienation of any immoveable property declared by or contained in any will, deed or other instrument, which shall be executed after the proclamation of this Ordinance, shall be effectual to prevent or restrict the alienation of such property for a longer period than the lives of persons who are in existence or *en ventre sa mère* at the time when such will, deed or instrument is executed, and are named, described or designated in such will, deed or instrument, and the life of the survivor of such persons.

Prohibition against alienation limited to existing lives.

3. ANY such prohibition, restriction or condition against alienation as aforesaid shall be null and void, so far as it prohibits or restricts alienation for a longer period than that limited in the preceding section. But where the will, deed or instrument, in which any prohibition, restriction or condition against alienation is contained, does not name, describe or designate the person or persons, in whose favour or for whose benefit such prohibition, restriction or condition is provided, such prohibition, restriction or condition shall be absolutely null and void.

Such prohibition void as to the excess beyond existing lives. Persons, in whose favour prohibition is created must be designated.

4. WHENEVER any immoveable property is now or shall hereafter be held under or subject to any entail, *fidei commissum* or settlement, whereby the alienation of such property is prohibited or in any way restricted, it shall be lawful for the District Court of the district, in which such property is situate, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under such entail, *fidei commissum* or settlement, and subject to the provisions and restrictions hereinafter contained, from time to time to authorize a lease, exchange or sale of the whole or any part or parts of such property, upon such terms and subject to such conditions as the said court shall deem expedient. PROVIDED that every such lease shall be made to take effect in possession at or within one year next after the making thereof, and shall be for a term not exceeding twenty-one years; and that on every such lease shall be reserved the best rent or reservation in the nature of rent, that can be reasonably obtained, to be made payable half-yearly or oftener to the person or persons then lawfully entitled to the same, without taking any fine or foregift or other benefit in the nature of a fine or foregift.

Entailed property may be leased or sold by order of the court.

5. ANY person entitled to the possession or to the receipt of the rents and profits of any immoveable property now or which may hereafter become subject to such entail, *fidei commissum* or settlement as aforesaid, or of any share thereof, may apply to the District Court by petition in a summary way to exercise the powers conferred by this Ordinance.

Persons in possession may apply for a lease or sale.

6. BEFORE making any order authorizing any such lease, exchange or sale as aforesaid, the District Court shall require such notice, as it shall deem expedient, of the application to be given to all persons interested under the entail, *fidei commissum* or

Notice of application to parties interested.

Entail and Settlement.

settlement, who may be living at the time, and whose place of abode can, after reasonable enquiry, be ascertained. Such notice shall be sufficient, if left at the last known place of abode in the island of the person to be affected thereby. PROVIDED that if any person, to whom notice has to be given, shall be under the disability of minority, idiocy or lunacy, it shall be sufficient if the notice is given to the guardian or curator of such person. It shall be competent for any person interested under the entail, *fidei commissum* or settlement to appear before the court and shew cause against any such lease, exchange or sale being authorized.

Application
of proceeds of
sale of
entailed
property.

7. ALL money received under or by virtue of any sale effected under the authority of this Ordinance shall be applied, as the District Court shall from time to time direct, to some one or more of the following purposes (that is to say) :—

- (1) The discharge or redemption of any charge or incumbrance affecting the property, or affecting any other property subject to the same entail, *fidei commissum* or settlement : or
- (2) The purchase of other immoveable property to be settled in the same manner as the property in respect of which the money was paid : or
- (3) Investments in the Loan Board or in Government securities, the interest thereof being made payable to the party for the time being otherwise entitled to the rents and profits of the land sold : or
- (4) The payment to any person becoming absolutely entitled.

Property
received in
exchange to
become affected
by the same
settlement as
that for which it
was exchanged.

8. ANY property taken in exchange for any property exchanged under the provisions of this Ordinance shall become subject to the same entail, *fidei commissum* or settlement, as the property, for which it was given in exchange was subject to at the time of such exchange.

Court to direct
what persons
should
execute the
lease or
transfer.

9. ON every lease, exchange or sale to be effected as hereinbefore mentioned the court may direct what person or persons shall execute the deed of lease, transfer or assurance; and the deed executed by such person or persons shall take effect as if all the persons interested or who might become interested in the property under the will or instrument, by which the entail, *fidei commissum* or settlement was created, had joined in such lease, transfer or assurance. The court may also direct by whom and in what proportions the cost of such lease, transfer or assurance, and of the proceedings taken under this Ordinance shall be paid. Such costs may be recovered in the same way as costs in ordinary civil actions brought in District Courts.

Entail & Settlement. Supplementary Supply. Coffee Stealing.

10. EVERY order or direction of the District Court made under any of the provisions of this Ordinance shall be subject to appeal to the Supreme Court, and such appeal shall be subject to and governed by the same rules and procedure as are applicable to appeals from interlocutory orders of District Courts.

Orders of District Court subject to appeal.

11. EVERY petition to the District Court made under section 5 shall bear a stamp of ten rupees : but no other stamps shall be required for any legal proceedings under this Ordinance.

Stamp duty on petition to court.

12. NOTHING in this Ordinance contained shall be held to apply to any immoveable property held or possessed or which may hereafter be held or possessed by, or to any grant, devise or conveyance to or for the benefit of, any corporation, joint stock company, church or temple, or any charitable, religious or educational institution.

Ordinance not to apply to corporations, &c.

Passed in Council, the Twenty-ninth day of November, One thousand Eight hundred and Seventy-six.

J. A. SWETTENHAM,
Clerk to the Council.

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

ARTHUR N. BIRCH,
Colonial Secretary.

No. 12.—1876.

An Ordinance for making provision for the Supplementary Contingent Charges for the year 1876.

6th December, 1876.

No. 13.—1876.

An Ordinance for continuing the Ordinance No. 8 of 1874, intituled "An Ordinance to check Coffee Stealing."

WHEREAS by the 20th section of the Ordinance No. 8 of 1874, intituled "*An Ordinance to check Coffee Stealing*," it is 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 it is expedient to continue the operation of the said Ordinance for the further time hereinafter specified :

Preamble.

*Coffee Stealing.**Tolls.*

IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Continuance of
Ordinance
No. 8 of 1874
till 31st
December
1878.

THE said Ordinance No. 8 of 1874, intituled "*An Ordinance to check Coffee Stealing*," shall be continued and shall remain in force until the 31st day of December, 1878.

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

J. A. SWETTENHAM,
Clerk to the Council.

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

ARTHUR N. BIRCH,
Colonial Secretary.

No. 14.—1876.

An Ordinance to establish further Tolls.

Preamble.

WHEREAS it is expedient to establish the Tolls hereinafter specified: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

1. FROM and after the passing of this Ordinance, tolls shall be and the same are hereby established in respect of the under-mentioned ferries and road (that is to say):—

At the ferry at Wewella, between Mampe and the 10th mile stage on the Galle road, in the Western Province.

At Mahawela, on the road between Golahenwatta and Galewela, in the Central Province.

At the ferry at Etanamada, on the minor road from Desestara Kalutara to Etanamada, in the Western Province.

At the ferry at Ondaatje Madam, on the South Coast road from Batticaloa to Kalmunai, in the Eastern Province.

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

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand eight hundred and Seventy-seven.

ARTHUR N. BIRCH,
Colonial Secretary.

*Matrimonial Rights.***No. 15.—1876.***An Ordinance to amend the Law relating to the
Matrimonial Rights of Married Persons
with regard to Property and the
Law of Inheritance.*

WHEREAS it is expedient to amend the law relating to the matrimonial rights of married persons with regard to property and the law of inheritance: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

I.—PRELIMINARY.

1. THIS Ordinance may be cited as “*The Matrimonial Rights and Inheritance Ordinance, 1876*,” and shall come into operation at such time as Her Majesty’s confirmation thereof shall be proclaimed in the *Government Gazette* of this Island.

2. **WHENEVER** a woman marries, after the proclamation of this Ordinance, a man of different race or nationality from her own, she shall be taken to be of the same race and nationality as her husband for all the purposes of this Ordinance, so long as the marriage subsists and until she marries again. Save as aforesaid, this Ordinance shall not apply to Kandians or Mohammedans or to Tamils of the Northern Province who are or may become subject to the Tesavalamai.

Where persons of different race intermarry laws to which the husband is subject, to prevail. Ordinance not otherwise not apply to Kandians or Mohammedans or Tamils under the Tesavalamai.

3. In this Ordinance, unless there shall be something repugnant in the subject or context:—

Interpretation clause.

The expression “immoveable property” includes land, incorporeal tenements and things attached to the earth or permanently fastened to anything which is attached to the earth, and any interest in land except that of a mortgagee.

The expression “moveable property” means property of every description except immoveable property.

The expression “matrimonial rights” means the respective rights and powers of married parties in and about the management, control, disposition and alienation of property belonging to either party, or to which either party may be entitled during marriage.

The word “unmarried” means not having a husband or wife living.

All words expressive of relationship shall apply to a child in the womb at the time in question, who is afterwards born alive.

Matrimonial Rights.

Repeal of
certain sections
of former
Ordinances.

4. THE sixth section of Ordinance No. 21 of 1844, intituled "*An Ordinance to make better provision for the disposal of Landed Property*," and the eighth section of the Ordinance No. 5 of 1852, intituled "*To introduce into this Colony the Law of England in certain cases and to restrict the operation of the Kandyan Law*," are hereby repealed, so far as the same are inconsistent with the provisions of this Ordinance.

II.—MATRIMONIAL RIGHTS OF HUSBAND AND WIFE IN
RESPECT OF PROPERTY.

This Ordinance
not to affect
rights acquired
under
marriages
solemnized
before the
proclamation
of this
Ordinance.

5. THE respective matrimonial rights of any husband and wife with regard to property or status arising under or by virtue of any marriage solemnized before the proclamation of this Ordinance, and all rights, which any other person may have acquired or become entitled to under or by virtue of any such marriage, shall (except where hereinafter otherwise expressly provided) be governed by such law as would have been applicable thereto if this Ordinance had not been passed.

Rights of
husband and
wife domiciled
or resident in
Ceylon in respect
of moveable
property to be
governed by this
Ordinance.

6. THE respective matrimonial rights of every husband and wife, domiciled or resident in this Island, and married after the proclamation of this Ordinance, in, to or in respect of moveable property shall, during the subsistence of such marriage and of such domicile or residence, be governed by the provisions of this Ordinance.

Rights of
husband and
wife in respect
of immoveable
property situate
in Ceylon to be
governed by
this Ordinance.

7. THE respective matrimonial rights of every husband and wife, married after the proclamation of this Ordinance, in, to or in respect of any immoveable property situate in this Island shall, during such marriage, be governed by the provisions of this Ordinance.

Community of
goods not a
consequence of
marriage.

8. THERE shall be no community of goods between husband and wife, married after the proclamation of this Ordinance, as a consequence of marriage, either in respect of moveable or immoveable property.

Immoveable
property of the
wife.

9. ANY immoveable property, to which any woman married after the proclamation of this Ordinance, may be entitled at the time of her marriage, or may become entitled during her marriage, shall, subject and without prejudice to the trusts of any will or settlement affecting the same, belong to the woman for her separate estate, and shall not be liable for the debts or engagements of her husband, unless incurred for or in respect of the cultivation, upkeep, repairs, management or improvement of such property or for or in regard to any charges, rates or taxes imposed by law in respect thereof, and her receipts alone or the receipts of her duly authorized agent shall be a good discharge for the rents, issues and profits arising from or in respect of such property. Such woman shall, subject and without prejudice to any such trusts as

Matrimonial Rights.

aforesaid, have as full power of disposing of and dealing with such property, by any lawful act *inter vivos* with the written consent of her husband, but not otherwise, or by last will without such consent, as if she were unmarried.

10. THE wages and earnings of any married woman, whether married before or after the proclamation of this Ordinance, which may be acquired or gained by her after the proclamation of this Ordinance in any employment, occupation or trade, in which she is engaged or which she carries on separately from her husband, and also any money or property so acquired by her through the exercise of any literary, artistic or scientific skill, shall be deemed and taken to be her separate property, independent of the debts, control or engagements of her husband, and she shall have as full power of dealing with and disposing of the same or any investment thereof, as if she were unmarried, and her receipts alone shall be a good discharge for such wages, earnings, money and property and the principal and interest of any investments thereof.

Wages and earnings of the wife.

11. All jewels, and all personal or household ornaments and wearing apparel belonging to a woman, married after the proclamation of this Ordinance, at the time of her marriage, and also all jewels, personal ornaments and apparel suitable in respect of value to her rank and condition of life, which she may acquire during her marriage, whether by gift from her husband or otherwise, and all tools, implements and appliances belonging to her during marriage, which may be requisite for the carrying on of any employment or trade, in which she may be engaged separately from her husband, and all implements of husbandry, machinery, live and dead stock belonging to her during marriage and *bona fide* kept upon and employed for the cultivation or proper uses of any immoveable property belonging to her for her separate estate, shall, subject and without prejudice to the trusts and provisions of any will or valid settlement affecting the same, belong to the woman for her separate estate independent of the debts, control and engagements of her husband, and she shall have as full power of disposing of and dealing with the same by any lawful act *inter vivos* with the consent of her husband or by last will without such consent, as if she were unmarried.

Wife's jewels, implements of trade and agriculture to form part of her separate estate.

12. IF in any case, in which the consent of a husband is required by this Ordinance for the valid disposition of or dealing with any property by the wife, the wife shall be deserted by her husband or separated from him by mutual consent, or he shall have lain in prison under the sentence or order of any competent court for a period exceeding two years, or if he shall be a lunatic or idiot, or his place of abode shall be unknown, or if his consent is unreasonably withheld or the interest of the wife or children of the marriage require that such consent should be dispensed with,

When husband's consent may be dispensed with.

Matrimonial Rights.

it shall be lawful for the wife to apply by petition to the District Court of the district in which she resides, or in which the property is situate, for an order authorizing her to dispose of or deal with such property without her husband's consent; and such court may, after summary inquiry into the truth of the petition, make such order, and that subject to such conditions and restrictions, as the justice of the case may require; whereupon such consent shall, if so ordered and subject to the terms and conditions of such order, become no longer necessary for the valid disposition of or dealing with such property by such woman. Every such petition shall require a stamp of ten rupees, but no further stamps shall be required for any legal proceedings under this section. Such order shall be subject to appeal to the Supreme Court in the same manner and subject to the same rules and procedure as interlocutory orders of District Courts. PROVIDED however that in any case, when a separation *a mensa et thoro* has been decreed by a competent court, the consent of the husband shall not be necessary to enable the wife, so separated, to deal with or dispose of her property.

Power of spouses to settle or gift property during marriage.

13. IT shall be lawful for any husband or wife, whether married before or after the proclamation of this Ordinance, notwithstanding the relation of marriage and notwithstanding the existence of any community of goods between them, to make or join each other in making, during the marriage, any voluntary grant, gift or settlement of any property, whether moveable or immoveable, to, upon or in favour of the other; but all property so granted, gifted or settled, and all acquisitions made by a husband or wife out of or by means of the moneys or property of the other, shall, except as otherwise provided by section 11, be subject to the debts and engagements of each spouse in the same manner and to the same extent as if such grant, gift, settlement or acquisition had not been made or occurred.

Burden of proof on the wife.

14. WHENEVER any question shall arise between any woman, married after the proclamation of this Ordinance, or any person claiming under her and any creditor or alienee of her husband, as to the mode and time of the acquisition of any property claimed by such woman, it shall be incumbent upon such woman or person claiming under her to prove in what manner and at what time she became entitled to such property.

In case of divorce the court may order a settlement of the property of either spouse.

15. IN any case of divorce *a vinculo matrimonii* or of separation *a mensa et thoro*, in respect of marriages solemnized after the proclamation of this Ordinance, it shall be lawful for the court decreeing the same to order such settlement to be made of the property of either spouse for the benefit of the other or of the issue of the marriage, as such court shall deem just and expedient, and such court shall have a like power in respect of marriages solemnized before the proclamation of this Ordinance, if either

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spouse shall have been benefited by any grant or settlement made in his or her favour by the other spouse during subsistence of the marriage. Such order shall be subject to appeal to the Supreme Court in the same manner as any other order in a matrimonial cause.

16. IF any question or dispute shall arise between any husband and wife (whether married before or after the proclamation of this Ordinance) relative to any property declared by this Ordinance to be the separate property of the wife, either party may apply by motion in a summary way to the District Court of the district in which either party resides; and thereupon the District Judge may make such order, direct such inquiry, and award such costs, as he shall think fit; and the District Judge may, if either party so require, hear the application in his private room. Any order so made shall be subject to appeal to the Supreme Court, and for the purposes of such appeal shall be regarded as an interlocutory order of the District Court. Every such motion shall require a stamp of ten rupees, but no further stamps shall be required for any other legal proceedings under this section.

Disputes between husband and wife as to wife's estate to be settled summarily by District Court.

17. A MARRIED woman (whether married before or after the proclamation of this Ordinance, may after the proclamation of this Ordinance effect a policy of insurance upon her own life or the life of her husband for her separate use; and the same and all benefits thereof, if expressed on the face of it to be so effected, shall enure accordingly, and the contract in such policy shall be as valid as if made with an unmarried woman.

Wife may effect a policy of insurance.

18. A POLICY of insurance, whether effected before or after the proclamation of this Ordinance by any married man (whether married before or after the proclamation of this Ordinance) on his own life, and expressed upon the face of it to be for the benefit of his wife or of his wife and children or any of them, shall enure and be deemed a trust for the benefit of his wife for her separate use and of his children or any of them, according to the interests so expressed, and shall not, so long as any object of the trust remains, be subject to the control of the husband or his creditors or form part of his estate. PROVIDED that if it shall be proved that the policy was effected and the premiums paid by the husband with intent to defraud his creditors, they shall be entitled to receive out of the sum secured an amount equal to the premiums so paid.

Husband may insure his life for the benefit of his family.

19. ALL moveable property, to which any woman, married after the proclamation of this Ordinance, shall be entitled at the time of her marriage or may become entitled during her marriage, shall, subject and without prejudice to any settlement affecting the same, and except so far as is by this Ordinance otherwise provided, vest absolutely in her husband.

All other moveable property of the wife to vest in the husband.

Matrimonial Rights.

Wife may use
in her own
name for her
separate
property.

20. A MARRIED woman, whether married before or after the proclamation of this Ordinance, may maintain or defend in her own name any action or other legal proceeding in respect of any property belonging to her as her separate property, and shall have in her own name the same remedies, both civil and criminal, against all persons whomsoever for the protection and security of such property and of any other property purchased or obtained by means thereof for her separate use, as if she were an unmarried woman. PROVIDED always, that her husband may with her consent in writing maintain or defend any such action or legal proceeding in her behalf.

Husband's
liability for
debts of his
wife contracted
before
marriage.

21. A HUSBAND, married after the proclamation of this Ordinance, shall not by reason of his marriage be liable for the debts, defaults or engagements of his wife contracted or arising before marriage, except to the extent of the property derived by him from his wife; but the wife shall be liable to be sued for, and any property belonging to her for her separate estate shall be liable to satisfy and make good such debts, defaults or engagements, in the same manner as if she had continued unmarried. PROVIDED that nothing in this Ordinance contained shall render her person liable to arrest on civil process.

Wife with
separate
property liable
for the
maintenance of
her children.

22. A MARRIED woman having separate property adequate for the purpose shall be subject to all such liability for the maintenance of her children as a widow is now by law subject to for the maintenance of her children. PROVIDED that nothing in this Ordinance shall relieve her husband from any liability at present imposed upon him by law to maintain her children.

Sixth section
of Placaat of
Charles V. of
1540 declared
to have no
operation in
Ceylon.

23. WHEREAS doubts have been entertained whether the sixth section of the Placaat or Edict of the Emperor Charles V., dated the 4th day of October, 1540, relating to marriage settlements, is operative in this island, it is hereby enacted that the said section of the said Placaat has no force or operation in said island.

III.—INHERITANCE.

Following
sections, to
whom
applicable.

24. THE following sections of this Ordinance shall apply to the estates of such persons only as shall die after the proclamation of this Ordinance and shall be then unmarried or (if married) shall have been married after the proclamation of this Ordinance.

Inheritance to
immoveable prop-
erty in Ceylon
to be governed
by this Ordinance.
Inheritance to
moveable
property to be
governed by the
law of the
domicile.
Proviso.

25. INHERITANCE *ab intestato* to the immoveable property in Ceylon of a person deceased shall be governed and regulated by the following provisions of this Ordinance wherever such person may have or have had his actual or matrimonial domicile. Inheritance *ab intestato* to the moveable property of a person deceased shall be governed and regulated by the law of the country in which he had his domicile at the time of his death. PROVIDED that when any person shall have his domicile in any

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part of this island, such domicile shall, so far as relates to the inheritance to his moveable property, be deemed to be in the maritime provinces. PROVIDED also that, if a person dies leaving moveable property in Ceylon, in the absence of proof of his domicile elsewhere, the inheritance to such property shall be governed by the following provisions of this Ordinance.

26. WHEN any person shall die intestate as to any of his or her property, leaving a spouse surviving, the surviving spouse shall inherit one-half of the property of such person. Surviving spouse inherits one-half.

27. SUBJECT to the right of the surviving spouse in the preceding section mentioned, the right of inheritance is divided in the following order as respects (1) descendants, (2) ascendants, (3) collaterals. Order of devolution of property.

28. CHILDREN, grand-children and remoter descendants are preferent to all others in the estate of the parents ; all the children take equally *per capita*, but the children or remoter issue of a deceased child take *per stirpes* or by representation. Preferential right of children.

29. THE children and remoter descendants failing, the inheritance of the deceased goes to his father and mother in case they are both alive ; but if only one of the parents be alive, the surviving parent takes half, and the brothers and sisters of the deceased of the full blood, and the issue of any deceased brother or sister of the full blood by representation, and the brothers and sisters of the half blood, who are related to the intestate by the side of the deceased parent, and the issue of any such deceased brother or sister of the half blood by representation, take the other half. In case there is no full or half brother or sister alive at the death of the deceased the surviving parent inherits the whole, although there may be children or other issue of deceased brothers or sisters. When descendants fail.

30. FATHER and mother both failing, the property of the intestate goes to his brothers and sisters, whether of the whole or half blood, and their children and other issue by representation. In case of parents failing.

31. THE division however in the case of half brothers and sisters is as follows :—The inheritance is divided into two parts : the one-half the full brothers and sisters and the issue of such as are deceased by representation divide with the half brothers and sisters of the father's side and the issue of such as are deceased by representation ; and the other half they divide with those of the mother's side and the issue of such as are deceased by representation ; but if there are only half brothers and sisters or such issue of one side, the full brothers and sisters and the issue of deceased full brothers and sisters by representation take then in the first place one-half of the property, and divide the other half with the half brothers and sisters and their issue by representation. Division in case of half brothers and sisters.

Matrimonial Rights.

When full brothers and their children fail.

32. WHEN full brothers and sisters or their children or remoter issue fail, and there are half brothers' and sisters' children or remoter issue on both sides alive, then one-half of the property goes to the half brothers and sisters or their children and remoter issue by representation on the father's side, and the other half to the half brothers and sisters on the mother's side and their children and remoter issue by representation.¹

In case of half brothers only on one side.

33. IN case all the half brothers and sisters, their children and remoter issue, are related to the intestate on one side only, they take the whole of the inheritance, unless there be a grandfather or grandmother or higher ascendant yet alive, related to the intestate on the other side, in which case such half brothers and sisters, their children and remoter issue by representation take one-half only, and the next ascendants *per capita* the other half.

Where all who succeed are nearly equal in degree.

34. EXCEPT when otherwise expressly provided, if all those who succeed to the inheritance are equally near in degree to the intestate, they take *per capita* and not *per stirpes*.

All persons above enumerated failing.

35. All the persons above enumerated failing, the inheritance goes first to the nearest in the ascending line *per capita*, although it should happen that on the one side both the grandfather and the grandmother, and on the other side only one of these parents should be alive. Afterwards to uncles and aunts and the children of deceased uncles and aunts *per stirpes*. Uncles and aunts failing, then to their children and also great-uncles and aunts with them *per capita*.

All persons above enumerated failing, surviving spouse takes.

36. ALL the persons above enumerated failing, the entire inheritance goes to the surviving spouse, if any, and, if none, then to the next heirs of the intestate *per capita*.

Illegitimate children.

37. ILLEGITIMATE children inherit the property of their intestate mother, but not that of their father or that of the relatives of their mother. Where an illegitimate person leaves no surviving spouse or descendants, his or her property will go to the heirs of the mother, so as to exclude the Crown.

On failure of heirs Crown takes.

38. IF any one dies intestate without heirs, his or her estate escheats to the Crown. If, however, any heirs can be found, even beyond the tenth degree, they take the inheritance.

Collation by children or grand-children advanced by intestate.

39. CHILDREN or grandchildren by representation becoming with their brothers and sisters heirs to their deceased parents are bound to bring into hotchpot or collation all that they have received from their deceased parents above the others either on the occasion of their marriage or to advance or establish them in life, unless it can be proved that the deceased parent, either expressly or impliedly, released any property so given from collation.

*Matrimonial.**Supply, 1877.**Notaries.*

40. IN all questions relating to the distribution of the property of an intestate, if the present Ordinance is silent, the rules of the Roman Dutch Law as it prevailed in North Holland are to govern and be followed.

Casus omitti to be governed by law of North Holland.

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

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Seventy-seven.

ARTHUR N. BIRCH,
Colonial Secretary.

No. 1.—1877.

An Ordinance for making provision for the Contingent Services for the year 1877.

6th January, 1877.

No. 2.—1877.

An Ordinance to amend and consolidate the Law relating to Notaries.

WHEREAS it is expedient to amend the Law relating to Notaries and to make further provision for the proper qualification of notaries and for the more efficient and faithful discharge of the duties appertaining to the office of a notary, and to consolidate the law now in force relative thereto: **IT IS ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. SO much of the Ordinance No. 16 of 1852, as is now in force, and the Ordinance No. 16 of 1873 are hereby repealed, save and except so far as relates to any acts which shall have been done, appointments which shall have been made, liabilities which shall have been incurred, and offences which shall have been committed prior to this Ordinance coming into operation. **PROVIDED**, however, that such repeal shall not affect the right of admission to the office of notary or the qualification for such office of any person who shall before the passing of this Ordinance have been duly articulated as a clerk to an advocate or proctor of the Supreme Court under the 2nd section of the said Ordinance No. 16 of 1873. The right of admission and qualification of

Repeal of former Ordinances.

Proviso.
Repeal not to affect person articles before the passing of this Ordinance.

Notaries.

such persons aforesaid shall continue to be determined and governed by the said Ordinance No. 16 of 1873.

Mode of
application
for admission
to articles.

2. EVERY person intending to be an articulated clerk with the view of qualifying himself for the office of notary shall give at least three months notice of such his intention to the Government Agent of the province in which he resides, and at the expiration of such notice he shall apply to the Governor for permission to enter into articles. Every such application shall be in the form of a petition to the Governor, in the English language, and in the native language, if any, in which the applicant proposes to practise, and in his handwriting, and shall contain the following particulars:—

- (1) The place in which the applicant resides.
- (2.) His age.
- (3.) The name of the advocate or proctor under whom he intends to serve.
- (4.) The district and the language or languages, in which he proposes to practise.

And such petition shall be accompanied with any such certificate of character and qualification as the applicant can produce.

Examination
of applicant
and license for
admission to
articles.

3. IT shall be lawful for the Governor, at his discretion, on receipt of such petition, to refer the same to some person or board to be named by the Governor to enquire into and report upon the character and general attainments of the applicant, and, if such applicant shall be reported by such person or board as being qualified and of good character, it shall be lawful for the Governor to allow such applicant to become an articulated clerk, and such leave or license shall be certified in writing under the hand of the Colonial Secretary. And no person shall be an articulated clerk, unless he shall have obtained the leave or license of the Governor as herein provided. PROVIDED however that the number of articulated clerks to be licensed for and in each district shall be limited and determined by proclamation to be issued from time to time by the Governor, acting with the advice of the Executive Council.

Transfer of
articles.

4. IN the event of the advocate or proctor, to whom any person shall be articulated under the provisions of this Ordinance, dying or discontinuing to practise in the district, in which he practised when such articles were entered into, it shall be lawful for such articulated clerk to transfer his articles to some other advocate or proctor, in which case the time, during which he shall have served under his original articles, shall be reckoned as part of the term of his apprenticeship, notwithstanding such transfer.

Notaries.

5. NO artied clerk shall, during his service under articles or during any part thereof, in any way follow or be engaged in any trade or commercial business whatever.

Artied clerk
forbidden to
trade.

6. ALL advocates and proctors of the Supreme Court shall be qualified for admission as notaries without any further qualifications as hereinafter required in respect of other persons.

Advocates and
proctors of
Supreme Court
qualified for
admission.

7. NO person, other than an advocate or proctor of the Supreme Court, shall be capable of being admitted to practise as a notary, unless he possesses the following qualifications :—

Qualification
of other
persons for
admission as a
notary.

(1) He shall be of good repute.

(2) He shall be of the full age of 21 years.

(3) He shall have been an artied clerk, licensed in the manner provided by the 3rd section, of an advocate or proctor of the Supreme Court, and shall have duly served as such for three years. PROVIDED that, if the applicant intends to practise in any of the native languages, he shall serve for two years as a licensed artied clerk of such advocate or proctor and for one subsequent year as a clerk in the office of a notary practising in the language in which the applicant intends to practise.

Proviso.

(4) He shall be reported duly qualified by the person or board, to whom the application shall have been referred by the Governor, as hereinafter provided, both as to the above qualifications and also as to his competency to perform the duties of notary and as to his knowledge of the language, in which he means to practise as such.

PROVIDED that it shall be lawful for the Governor, with the advice of the Executive Council, to grant a warrant empowering a person of good repute and full age, who shall pass such an examination as the Governor with like advice shall prescribe, to practice as a notary in any district, where from the paucity of duly qualified notaries, it is expedient, with a view to the convenience of the inhabitants thereof to relax the ordinary rules as to the qualifications of a notary.

Proviso as to
districts where
there is a
paucity of
notaries.

8. EVERY person (other than an advocate or proctor of the Supreme Court), who shall intend to apply for admission as a notary, shall three months at least before he shall so apply give notice of such his intention to the District Court of the district and the Government Agent of the province, in which he resides and in which he intends to practise, and shall cause notice of his intended application, in the English, Sinhalese, and Tamil languages respectively, to be affixed in some conspicuous part of such court, and to be published three times in the *Government*

Mode of
application for
admission as
a notary.

Notaries.

Gazette and once at least in some local newspaper, between the dates of notice and of application. Every such application shall be in the form of a petition to the Governor and shall contain the following particulars :—

- (1) The place, in which the applicant resides, and the district, in which he intends to practise.
- (2) The name of the advocate or proctor and notary (if any), under whom he has served his articles :
- (3) The language or languages in which he purposes to draw, authenticate or attest deeds or other instruments :
- (4) The nature of the security he intends to offer and all particulars connected therewith.
- (5) Such application shall be accompanied with the certificate of the Colonial Secretary mentioned in the 3rd section, a copy of the local newspaper in which such notice as aforesaid was published, and also a certificate from the advocate or proctor and notary (if any), to whom he has been apprenticed, that he has duly served his articles and that in the opinion of such advocate or proctor and notary (if any) the applicant is a fit and proper person to be appointed a notary.

Reference of
application.

9. IT shall be lawful for the Governor on receipt of any such petition to refer the same to some person or board, to be named by the Governor, to enquire into and report upon the fitness and attainments of the applicant to be appointed a notary, and whether he is duly qualified as required by this Ordinance.

Articled clerk bound to furnish yearly on or before the 30th June particulars as to his articles to Registrar-General. The Registrar shall forward such statements for publication in the *Gazette* on or before 31st July in each year. Consequence of not furnishing statements.

10. EVERY articled clerk shall on or before the 30th day of June in each year furnish to the Registrar-General of Lands a statement setting out his name and address, the date of his articles, the advocate or proctor and notary (if any), under whom he serves, and the district and language in which he intends to practise. It shall be the duty of such Registrar to forward, on or before the 31st day of July in each year, an abstract of such statements, distinguishing them into provinces and districts, for publication in the *Government Gazette*. Any such articled clerk failing to furnish such statement shall not be allowed, unless he can explain such failure to the satisfaction of the person or board, to whom his application to be admitted to practise as notary shall be referred by the Governor, as hereinbefore provided, to count the year or years, in which he shall have so failed, but shall be required to serve another year for every fresh year of failure.

Notaries.

11. EVERY appointment for the office of notary shall be by warrant under the hand and seal of the Governor, and shall specify and define the district, within which alone the person thereby appointed is to practise, and the language or languages in which he is authorized to draw, authenticate, or attest deeds or other instruments.

Appointment
by warrant.

12. EVERY notary shall be bound to reside and have his office within the district, in which he is allowed to practice, and any notary infringing this rule shall be liable to have his warrant withdrawn by the Governor acting with the advice of the Executive Council.

Notary shall
be bound to
reside in
district for
which he is
appointed.

13. IT shall not be lawful for any person admitted to act as a notary to commence practising as such, until he shall have made and signed before the District Judge of the district, where such person resides, a declaration in the words or to the effect following, that is to say: "I, A. B., do sincerely promise and declare that I will truly and faithfully and to the best of my ability execute the office of a notary in pursuance of and in conformity with the authority given to me by warrant of the Governor bearing date day of ;" and until he

Notary to
make
declaration
and give
security.

shall have executed before the said Judge a bond to her Majesty, her heirs and successors, in such amount as the said Judge shall consider reasonable, not exceeding the sum of 1,000 rupees, conditioned for the due and faithful discharge of his duties as a notary, which amount shall be secured to Her Majesty, her heirs and successors, either by the hypothecation of immovable property or by deposit of moveable property, or by the personal undertaking of two or more sufficient sureties in that behalf to the satisfaction of such District Judge; and until he shall have filed in the District Court of such district an attested copy of his warrant. And, if any person shall practise or act as or exercise the office or functions of a notary without having obtained such warrant as aforesaid, or without having made and signed such declaration and given such bond and security as aforesaid, or without having filed an attested copy of his warrant, every such person shall in any such case be guilty of an offence and liable on conviction thereof to any fine not exceeding 1,000 rupees or to imprisonment with or without hard labour, at the discretion of the court, for any period not exceeding three years, or to such fine as well as such imprisonment.

Penalty for
practising
without
warrant, &c.

14. ANY person, who has or shall hereafter become bound as a surety for the due and faithful discharge by any notary of his duties as such, may upon application in the District Court of the district, in which such notary resides, be discharged from any further liability as such surety, upon proof to the satisfaction of such court that he has given six weeks' notice to such notary of his intended application. And thereupon the said court shall

Sureties may
obtain
discharge from
future
liability.

MERRILL PEREIRA & GUNASEKARA
Proctors & Notaries Public.

Notaries.

make an order discharging such surety from any liability in respect of any act of such notary done or committed after the date of such order; and such order shall be endorsed on the bond, by which such surety had become bound, under the hand of the District Judge.

On loss of security or death, insolvency, discharge or departure from the island of sureties, notary to furnish other securities.

Names of notaries to be enrolled in the District Court.

15. IF at any time the security given by any notary shall perish or be lost, or if the sureties, who became bound for him, shall die or depart from this island or become insolvent or be discharged from their obligation as such sureties, the District Judge shall call upon such notary forthwith to furnish other sufficient security; and if any notary, after being so required to furnish security, shall before having complied with such demand, practise or act as a notary, he shall be liable on conviction thereof to the punishment provided in section 13 of this Ordinance.

16. IT shall be the duty of every District Judge in his own district, on the production to him by any person of any such warrant as aforesaid, authorizing him to act as a notary in such district, and after the person therein named shall have made and signed the declaration and given the security hereinbefore mentioned, without fee or reward to enrol the name of such person and the date of his admission as a notary licensed to act as such in virtue of the said warrant in a roll or book to be provided and kept for that purpose in the District Court. And the said declaration and bond, together with an attested copy of such warrant, shall be filed of record in the said court; and a list of all notaries heretofore authorized to act as such within any such district, or who may at any time hereafter be enrolled in such court as aforesaid, and who may be authorized to act within any such district, shall be kept at all times appended in some conspicuous place on the wall of the court-house for general information. And the secretary of such court shall from time to time, as occasion may require, correct the said list by striking therefrom the names of any notaries who have died or been struck off the roll of notaries, or have removed from the said district or ceased to practise as notaries therein. And the secretary shall forward to the Registrar-General of Lands on the 30th day of June and the 31st day of December in each year a copy of such list corrected up to date, and shall also forward on such days as aforesaid to each of the several Commissioners of Courts of Requests within the district a corrected list of notaries entitled to practise within the jurisdiction of such Courts of Requests respectively. Each Commissioner shall cause the list so received by him to be affixed on some conspicuous place on the wall of his court.

Notary when disqualified for his office.

17. IF any person, who now is or hereafter may be authorized to act as a notary, shall be lawfully convicted of any crime or offence, which in the opinion of the Governor acting with the

Notaries.

advice of the Executive Council, renders him unfit to be entrusted with any responsible office in the district, or of any crime or offence punishable under the provisions of the 29th section of this Ordinance, or if any such person, being an advocate or proctor, shall be duly removed from his office as such, every such person shall become disqualified for the said office of notary, and the warrant granted to him shall thereupon be cancelled. Or, if any such person, being an advocate or proctor, be suspended from his office as such, he shall during the period of such suspension be disqualified for discharging the duties of a notary.

18. IT shall be the duty of the Registrar-General and also of the District Court or Court of Requests of the district, in which any notary resides, upon proof to the satisfaction of such Registrar or such court of gross misconduct in the discharge of the duties of his office by such notary, or that such notary has proved himself to be incapable of discharging them with advantage to the public, or that he has so conducted himself by repeated breaches of any of the rules set out in the 26th section of this Ordinance or otherwise, that he ought not to be any longer entrusted with the performance of the said duties, to report the same in writing, with the evidence taken by such Registrar or court, to the Governor; and thereupon it shall be lawful for the Governor, with the advice of the Executive Council, to cancel the warrant granted to such notary.

In cases of gross misconduct or incapacity Governor may remove a notary from his office.

19. WHENEVER any such warrant has been cancelled or notary suspended, notice thereof shall be given in the *Government Gazette*, and a certificate that such warrant has been cancelled or notary suspended shall be transmitted by the Colonial Secretary to the District Court and Court of Requests of the district within which such notary shall have been authorized to act, and to the Registrar-General. And it shall be the duty of the Judge of the court, in which the name of such notary is enrolled, to cause his name to be immediately struck off the roll of notaries. And a copy of such certificate, with a translation in the Sinhalese and Tamil languages subjoined thereto, shall be kept appended in some conspicuous place on the wall of every such District Court and Court of Requests for such period as the court may direct.

Certificate of cancelling of warrant to be transmitted to the local courts.

20. IT shall be lawful for the Governor, on the application of the Queen's Advocate, in any case in which any notary shall have been duly committed to take his trial for any crime or offence in the 17th or 29th sections of this Ordinance mentioned, to suspend such person from his office of notary pending his trial for such crime or offence; and in any such case of the suspension of any notary, a certificate thereof shall be forthwith transmitted by the Colonial Secretary to the District Court and Court of Requests of the district, within which such notary shall have been authorized to act, and to the Registrar-General, and a copy

Notary may be suspended from his office by the Governor in certain cases.

Notaries.

of such certificate, with a translation in the Sinhalese and Tamil languages subjoined thereto, shall, so long as such suspension shall be in force, be kept appended in some conspicuous place on the wall of such District Court and Court of Requests. Provided that, if such notary shall not be brought to trial within six months after such suspension, the same shall cease to be any longer in force and shall be deemed to be removed.

Penalty on
notary
practising
after notice of
suspension, &c.

21. IF any person shall act as or exercise the office or functions of a notary, after having received notice of any such suspension as aforesaid, and before the same shall have been removed; or after he shall have been convicted of any crime or offence disqualifying him for the said office; or after he shall have been removed from the office of advocate or proctor as hereinbefore mentioned; or after he shall have received notice that the warrant granted to him has been cancelled as aforesaid; he shall be guilty of an offence and be liable on conviction thereof to any fine not exceeding 1,000 rupees, or to imprisonment with or without hard labour, at the discretion of the court, for any period not exceeding three years, or to such fine as well as such imprisonment.

Certificates to
be granted
yearly to
notaries.

22. IT shall be the duty of every secretary of a District Court in his district to grant or issue to every person entitled to practise as a notary in such district, who shall apply for the same, a certificate that such person is a notary and duly authorized to practise as such in such district. And all such certificates shall be applied for and granted on or before the first day of March in every year, and shall be in force for one year and no longer. PROVIDED however that if such certificate shall not be applied for within the time limited and it shall be shewn to the satisfaction of the District Judge that such default was not due to any negligence on the part of the notary, the District Judge shall direct the secretary to issue the required certificate notwithstanding such delay as aforesaid. And such certificate shall be in the form in the schedule to this Ordinance annexed marked A. and shall bear a stamp duty of five rupees. PROVIDED that it shall be lawful for the Governor, with the advice of the Executive Council to authorize the issue of any such certificate on unstamped paper in any case, in which the circumstances of any district or place appear to him to render such a proceeding necessary or advisable.

Notaries
applying for
certificates to
make
declaration.

23. FOR the purpose of obtaining such certificate as aforesaid, a declaration in writing, signed by such notary, containing his name and place of residence, and the district in which he is authorized to practise, shall be delivered to the said secretary, who shall, as soon as conveniently may be after the delivery of such declaration (unless he shall see cause and have reason to believe that the party applying for such certificate is

Notaries.

not upon the roll of notaries or not authorized to practise as such in such district), deliver to the said notary such certificate as aforesaid. And, if any person shall make any false statement in any such declaration, he shall be guilty of an offence and be liable on conviction thereof to a fine not exceeding five hundred rupees.

24. IF any person shall act as a notary without having obtained such certificate as aforesaid, he shall for or in respect of every deed or instrument executed or acknowledged before him as such notary, whilst he shall have been without such certificate, incur and be liable to a fine not exceeding fifty rupees.

Penalty on notaries practising without certificate.

25. IN case the said secretary shall decline to issue any such certificate to any notary as aforesaid, the party so applying for the same may apply to the District Court, which is hereby authorized to make such order in the matter as shall be just. PROVIDED always that any party aggrieved by any such order may appeal against the same to the Supreme Court. Such appeal shall be regarded as an appeal from an interlocutory order of a District Court.

On refusal to grant any certificate application to be made to the District Court.

26. IT is and shall be the duty of every notary strictly to observe and act in conformity with the following rules and regulations, that is to say :

Rules to be observed by notaries.

- (1) He shall not divulge the secrets confided to him or of which he becomes possessed in the execution of his office, unless with the express permission of his employer, or when required to be so by law :
- (2) He shall not authenticate or attest any deed or instrument whatever, unless the person executing the same be known to him or to at least two of the attesting witnesses to the said deed or instrument :
- (3) He shall not authenticate or attest any deed or instrument whatever in any case, in which both the person executing the same and the attesting witnesses thereto are unknown to him :
- (4) He shall not authenticate or attest any deed or instrument whatever, to which two witnesses at least have not subscribed their signatures in letters :
- (5) He shall not authenticate or attest any deed or instrument whatever, unless the person executing the same and the witnesses shall have signed the same in his presence and in the presence of one another :
- (6) He shall correctly insert in every deed or instrument whatever executed before him the day, month and year on which and the place where the same is executed, and the names and residences of the

del.

Notaries.

attesting witnesses on the day on which it is so executed :

- (7) When any deed or instrument whatever shall be acknowledged before him, he shall correctly insert in the attestation thereto the day, month and year on which and the place where the same is acknowledged, and the names and residences of the attesting witnesses on the day in which it is so acknowledged :
- (8) He shall not attest any deed or instrument whatever in any case, in which the person executing or acknowledging the same shall be or profess to be unable to read the same, or in which such person shall require him to read over the same, unless and until he shall have read over and explained the same, or caused the same to be explained in the presence and hearing of such person and of the attesting witnesses thereto :
- (9) He shall not require, permit or suffer any party to any deed or instrument executed or to be executed before him or any witness thereto to sign his name or make his mark to or acknowledge any such deed or instrument or any duplicate or other part thereof or any draft or minute thereof intended to be preserved in his protocol, or to sign his name or make his mark upon any paper or other material intended to be afterward used for any such purpose, until the whole of such deed or instrument shall have been written or engrossed thereon.
- (10) He shall duly attest every deed or instrument whatever, which shall be executed or acknowledged before him, and in such attestation shall state that the said deed or instrument was signed by the party and the witnesses thereto in his presence and in the presence of one another, and shall also in such attestation state whether the person executing or acknowledging the said deed or instrument, or the attesting witnesses thereto (and in the latter case he shall specify which of the said witnesses) were known to him ; and whether the same was read over by the person executing the same, or by him, the said notary, to the said person ; and he shall sign and seal every such attestation. He shall state in his attestation the amount of the stamp affixed to the duplicate of such deed or instrument, and shall cancel the stamp thereon as directed by law. And such attestation shall be in

Notaries.

the following form of words, or in any other form of words to the same effect, as the case shall happen; that is to say,

I, A. B., Notary Public, do hereby certify and attest that the foregoing instrument having been read over [*and explained*] by me, the said notary, to the said D. E. [*here insert the name of the person or persons executing such instrument*] who is [*or are*] known to me [*if the case be so*] in the presence of [*insert the name of the witnesses in full with their residence*], the subscribing witnesses hereto, both of whom are known to me [*if the case be so*] the same was signed [*or acknowledged*] by the said D. E., and also by the said witnesses, in my presence and in the presence of one another, all being present at the same time, on the day of at

I further certify and attest that that Rs. the consideration [*or part consideration as the case may be*] was paid in my presence, and that the duplicate of this deed bears a stamp of Rs.

(Seal)

Date of attestation.

Notary Public.

Such attestation shall be legibly signed by him in the language in which the deed or instrument is written, and also with his usual signature, if the language or form of that signature be different from that in which such deed or instrument is written :

- (11) He shall on or before the 15th day of every month deliver or transmit to the registrar of lands of the district, in which he resides, the duplicate of every deed or other instrument (except wills and codicils) executed or acknowledged before or attested by him during the preceding month, together with a list in duplicate signed by him, of all such deeds or instruments, and shall at the same time forward a copy of such list so signed to the Registrar-General of Lands. PROVIDED that, where any deed shall be executed or acknowledged by two or more parties residing in different districts and before different notaries, the duplicate of such deed shall be delivered or transmitted by the notary, by whom the same was drawn up, to the registrar of lands of the district in which he resides; and it shall not be necessary for the other notary or notaries employed in the execution of such deed to deliver or transmit any duplicate thereof to such registrar.

Notaries.

And if the land referred to in any deed or instrument, which by the Ordinance No. 7 of 1840, intituled "*To provide more effectually for the prevention of Frauds and Perjuries*," is required to be executed before a licensed notary be situated in any district other than that in which the notary, before whom the same is signed and by whom the same is attested, shall reside, such notary shall on or before the 15th day of the month next following that in which the same was executed (besides transmitting the duplicate in manner aforesaid) deliver or transmit to the registrar of the district in which such land shall be situated, an attested copy thereof, together with a list in duplicate signed by him of all such deeds or instruments as relate to lands in such last mentioned district :

- (12) He shall carefully preserve in his protocol a draft, minute or copy of every deed or instrument executed or acknowledged before him, to which shall be attached his signature and those of the party and witnesses to the original deed or instrument, and he shall keep a register thereof with a convenient index for the purpose of easy reference :
- (13) He shall not attest any deed or instrument which is insufficiently stamped :
- (14) Before attesting any deed affecting any interest in land, he shall endeavour to ascertain, whether any prior deed affecting any interest in such land has been registered. And, if any such prior deed has been to his knowledge registered, he shall insert at the head of the deed attested by him the number of of the registration volume and the page of the folio, in which the registration of such prior deed has been entered :
- (15) He shall number consecutively all the documents attested by him, except last wills, according to the order in which they are executed before him. If he shall change his district, as provided by the 33rd section of this Ordinance, he shall number consecutively the deeds attested by him in the new district, commencing with No. 1 :
- (16) He shall not attest any deed, will or other instrument, which is written on more than one entire or undivided sheet or piece of paper, parchment or other material, unless each of the sheets or pieces

Notaries.

used has been previously produced before the registrar of lands for the district, in which the notary resides, and has been marked or signed or initialed by such registrar in such manner, as such registrar shall determine, in order to prevent the sheets being used for any other purpose than the deed, will or instrument intended to be executed, or unless the parties executing the same and the notary shall sign every sheet or piece in which any part of the instrument is written :

- (17) He shall not attest any deed or instrument written on paper which is not of a reasonably durable description and suitable for the purpose of documents of this kind, nor shall he attest any deed or instrument written on olah :
- (18) Whenever any money shall be paid in his presence as the consideration or part of the consideration for any instrument, he shall make a note of such payment in his attestation :
- (19) If he attest any deed executed before him by means of an attorney he shall preserve a true copy of the power of attorney with his protocol, and shall forward a like copy thereof with the duplicate deed to the registrar of lands :
- (20) He shall not attest any instrument in any district other than that in which he is authorized to act nor in any language other than that in which he is authorized to practise :
- (21) He shall give one month's notice to the District Judge of the district, in which he is authorized to act, and also to the Registrar-General, of his intention to change his residence or to discontinue his practice, and shall affix a written notice to that effect, signed by him, on the outside door or wall of the District Court of every such district :
- (22) He shall give notice to the District Judge with as little delay as possible of the death, departure from the Island or insolvency of any person bound as a surety for the due and faithful discharge by such notary of his office :
- (23) Whenever he shall change his residence, he shall without delay give notice of such change to the registrar of lands of the district and the Government Agent of the province, in which his new residence is situated :

Notaries.

Penalty
for non-
observance of
rules.

Proviso.

And if any notary shall act in violation of or shall disregard or neglect to observe any of the foregoing rules and regulations, he shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding 200 rupees, in addition to any civil liability he may incur thereby. PROVIDED that no instrument shall be deemed to be invalid in consequence of the non-observance by the notary of the foregoing rules and regulations, or of any of them, in any matter of form. But nothing in this proviso contained shall give any validity to any instrument which may be invalid by reason of the provisions of any other law not having been complied with.

Notary to use
diligence in
registering
deeds.

27. WHENEVER a notary has received instructions and a sufficient sum to meet the necessary expenses for registering any deed or instrument drawn or attested by him and shall, in such case, fail to use due diligence in effecting such registration, he shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand rupees in addition to any civil liability which he may incur by reason of his default.

Notary to try
and ascertain
true
consideration.

28. IT shall be the duty of every notary to endeavour to ascertain the true and full consideration for the execution of any deed or instrument, and to insert and set forth the same in such deed or instrument. And any notary, who shall knowingly and wilfully insert or set forth, or cause to be inserted or set forth, in or upon any such deed or instrument any other than the full and true consideration or money directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the actual value of the same, or shall in any wise aid or assist in the doing thereof, respectively, shall be guilty of an offence and liable to a fine not exceeding one thousand rupees for every such offence, in addition to any civil liability which he may incur thereby.

Penalty on
notary acting
fraudulently.

29. IF any notary shall attest any fraudulent deed or instrument whatsoever knowing the same to be fraudulent or shall knowingly and wilfully insert in any deed or instrument whatsoever any word, letter, figure, matter or thing, which ought not to have been inserted therein, or shall knowingly and wilfully omit to insert therein any word, letter, figure, matter or thing, which ought to have been inserted therein, with intent to prejudice or defraud any person; or shall attest any deed or instrument whatsoever without the person who executed or acknowledged it and the attesting witnesses thereto having appeared personally before him at the time when it was so executed or acknowledged; or shall knowingly and wilfully make any false statement in the attestation to any deed or instrument executed or acknowledged before him; or shall wilfully, maliciously or fraudulently mis-state or misrepresent to any party thereto the contents or effect of any deed or instrument whatsoever executed or acknowledged before him; or shall by any other wilful act, either of commission or

Notaries.

omission, commit or attempt to commit any fraud in the execution of his office; or shall wilfully, maliciously or fraudulently deface, mutilate, injure, destroy or make away with any deed or instrument whatever, or any draft, minute or copy of any deed or instrument which had been left in his charge or custody, or which he was bound to preserve; every such notary shall in any of such cases be guilty of an offence, and shall be liable on conviction thereof to imprisonment with or without hard labour at the discretion of the court, for any period not exceeding five years.

30. THE several fees specified in the table to this Ordinance annexed marked B. shall and may be lawfully demanded and taken by notaries for the performance of the duties of their office as therein expressed. And a correct table in the English, Sinhalese, and Tamil languages of the fees chargeable by notaries shall be at all times appended in some conspicuous place on the wall of every District Court and Court of Requests throughout the island. And if any notary shall without just and reasonable cause refuse or neglect at any proper time, and on being tendered his proper fees, to discharge any of the duties or functions of his office, or shall demand or insist upon receiving a higher fee than he is authorized to demand, he shall be guilty of an offence and be liable on conviction thereof to a fine not exceeding two hundred rupees.

Fees to be
taken by
notaries.

31. IF any person being removed from or ceasing to act in the office of notary, or, in case of the death of any such notary, if any of his heirs, executors or administrators, or any other persons, into whose possession the same shall have come, shall wilfully lose or injure or destroy, or shall without just and lawful cause wilfully neglect or refuse to deliver over, as soon as conveniently may be, to the registrar of lands for the district, in which such notary was resident, any drafts, minutes or copies of any deeds or other instruments executed or acknowledged before such notary, or any register, index, deed, instrument or document whatever, possessed by such notary in right of his said office, every such person shall be guilty of an offence and shall on conviction thereof be liable to imprisonment with or without hard labour for any period not exceeding twelve calendar months, or to a fine not exceeding two hundred rupees, or to both.

On removal
or death of
notary
documents to
be delivered
to registrar.

32. WHENEVER the duplicate of any instrument shall be transmitted to the registrar by any notary under the 26th section of this Ordinance, sub-section 11, or whenever any documents shall be delivered up to any registrar under the preceding section, such notary or other person transmitting or delivering the same shall tender to the registrar two lists thereof, and the said registrar shall, after ascertaining the correctness thereof, sign the said lists, and return one of them to the said notary or other party, and file

Notary to
deliver to the
registrar lists
of duplicate
deeds filed.

Notaries.

the remaining list and securely keep and preserve the same and the documents specified therein with the other records of his office.

Governor may
authorize
notary to
change his
district.

33. IT shall be lawful for the Governor upon the application of any notary, by a new warrant to authorize any notary to change his district and to act as a notary in a district other than that specified in his original warrant, whenever such shall seem expedient to the Governor.

Ordinance
when to take
effect.

34. THIS Ordinance shall come into operation on the thirty-first day of March, in the year of our Lord One thousand Eight hundred and seventy-seven.

SCHEDULE.

A.

I, A. B., Secretary of the District Court of ——— do hereby certify that C. D. of ——— hath this day delivered and left with me the declaration in writing signed by him required by the Ordinance No. 2 of the year 1877, and I further certify that the said C. D. is duly enrolled as a notary and authorized to practice as such in the district of ———.

In witness whereof I have this ——— day of ——— at ——— set my hand on this stamped certificate.

(Signed) A. B., Secretary.

B.

Table of Notaries' Fees.

For drawing, engrossing and attesting any deed of transfer of property, moveable or immoveable, and any mortgage or bond in common form, wherein the value or consideration is expressed, or any lease in common form without special covenants, wherein the rent value or consideration is expressed :

Where such value or consideration (or in the case of a lease the rent comprised during the whole term),		Rs. Cts.	
does not exceed Rs.		25	...
exceeds Rs.	25 and does not exceed Rs.	50	...
"	50	75	...
"	75	100	...
"	100	200	...
"	200	350	...
"	350	500	...
"	500	750	...
"	750	1000	...
"	1000	1500	...
"	1500	2000	...
"	2000	3000	...
"	3000	4000	...
"	4000	5000	...
"	5000	10000	...
"	10000	—	...
		20	0

Provided that where the term of lease exceeds five years the fees payable on a lease in common form shall not exceed such as would be payable on a lease for 5 years.

Notaries.

For drawing, engrossing and attesting any deed of transfer, mortgage or lease, or any bond, which is not in common form but contains various covenants, recitals or conditions, or which includes the description of several parcels of lands, whether the consideration is therein expressed or not, and all agreements, deeds, powers of attorney, or other instruments including last wills, and other testamentary dispositions :—

For every such document per folio of 120 words Rs. 2 50 cts.

	Rs.	Cts.
For attesting, in duplicate, any deed or instrument, not drawn by the notary himself	1	50
For examining, at the request of any party, the title of any property to be transferred, demised, or mortgaged, if there is only one deed ...	1	0
If there are more deeds than one, then for each additional deed ...	0	50
For preparing abstract of title at the request of any party, for each deed abstracted	1	0
For registering at the request of any party any deed in the office of the Registrar of Lands, half of the charges allowed for drawing, engrossing and attesting such deed; provided that the maximum charge shall not exceed	5	0
For noting each bill of exchange or promissory note, including the copying of it in the book of registry or protest book and presentment ..	1	25
Protesting ditto	3	75
For every duplicate protest	2	50
For every act of honor on acceptance or payment supra protest ...	1	50
For every duplicate of such protest	0	75
For copy of a bill paid in part and of receipt	1	50
For noting protest of ship or vessels, including the copying of it in the book of registry or protest book	5	0
For drawing, engrossing, attesting, and recording protest of ships or vessels, for every folio of 120 words or less	2	50
For every notarial copy or extract of deeds where parties require same (excepting the attestation), for every folio of 120 words	0	50
Fee for attesting same	2	50
For every duplicate deed engrossed, attested, and transmitted to the Registrar of Lands, half of the charges allowed for drawing, engrossing and attesting such deed.		
For preparing certificate of the Colonial Secretary or other officer to any document intended to be sent abroad	2	50
For attendance, either at the notary's office or elsewhere, in case of unusual difficulty or importance, for the purpose of reading and settling instruments before execution	1	75
For attendance at the Registrar's Office for the purpose of ascertaining the existence of incumbrances or writing a letter for that purpose ...	1	0
For attendance on counsel for advice, if required	1	75
For attendance at any place other than the notary's house or office, a charge of Rs. 1 per mile, or for any distance under a mile, shall be allowed as travelling expenses.		

Passed in Council, the Ninth day of January, One thousand Eight hundred and Seventy-seven.

J. A. SWETTENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor, the Tenth day of January, One thousand Eight hundred and Seventy-seven.

ARTHUR N. BIRCH,
Colonial Secretary.

*Final Supplementary, 1875.**Surplus Revenues.***No. 3.—1877.**

*An Ordinance for making final provision for the
Supplementary Contingent Charges for
the year 1875.*

10th January, 1877.

No. 4.—1877.

*To apply a portion of the Surplus Revenues of
past years to the Extension of Railway
Communication.*

Preamble.

WHEREAS it is expedient to apply a portion of funds which have accrued from the Surplus Revenues of past years to the completion of the railway from Colombo to Moratuwa, and its extension to Kalutara : **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof :

Rs. 1,200,000 to
be charged upon
the surplus
revenues of the
island.

1. A sum not exceeding Rs. 1,200,000 out of the said surplus revenues shall be issued and applied to the completion of the railway from Colombo to Moratuwa, and its extension to Kalutara, in conformity with the details of the estimates submitted.

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

2. THE Treasurer of the said Island shall issue and pay the said several sums to such persons, 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 payable out of the said surplus revenues of the said Island.

Treasurer to
receive credit
in his accounts
for the
payments
made in
pursuance
thereof.

3. THE said 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 said Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned, and he shall and may receive credit for the same accordingly.

Passed in Council, the Tenth day of January, One thousand Eight hundred and Seventy-seven.

J. A. SWETTENHAM.

Clerk to the Council.

Assented to by His Excellency the Governor, the Tenth day of January, One thousand Eight hundred and Seventy-seven.

ARTHUR N. BIRCH,

Colonial Secretary

