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\* \* \* The following Laws have been repealed since they were printed for this edition.

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VOL. II.

	Page.
Ordinance No. 6 of 1835. ( <i>By Ordinance No. 7 of 1853.</i> ) . . . . .	28
Section 13 of Ordinance No. 1 of 1846. ( <i>By Ordinance No. 1 of 1854.</i> ) . . . . .	274

VOL. I.

Section 15 of Regulation No. 5 of 1833. ( <i>By Ordinance No. 9 of 1853.</i> ) . . . . .	380
--	-----

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The following were accidentally omitted.

- Ordinance No. 7 of 1844,—For determining the qualifications and making other provisions in respect of persons liable to serve as Jurors and Assessors. (*Disallowed, and not promulgated.*)
- Ordinance No. 3 of 1845,—Respecting escapes of persons in legal custody. (*Disallowed, and not promulgated.*)



# CONTENTS.

## *Legislative Acts in force on the 1st January 1854.*

	Page.
<b>1834.—Ordinances, &amp;c.</b>	
1—For abolishing certain Oaths and Affirmations taken and made in the Customs and other Revenue Offices in Ceylon, and to substitute Declarations in lieu thereof.—1st March	1
2—For repealing the Commutation Tax imposed by the Regulations No. 4 and No. 10 of 1825, and by the Regulation No. 5 of 1828 respectively.—1st March	2
3—Ordinance to assimilate, amend and consolidate the laws now in force in different parts of this Island regulating the Prescription of Actions.—20th Dec.	20
<b>1835.</b>	
1—For repealing the Regulation of Government No. 11 of the year 1814, and also such part of the Proclamation of the 19th January in the year 1818 as relates to the fraudulent purchase or possession of Soldiers' Necessaries, Arms, Ammunition or Equipments.—14th Dec.	22
2—To provide for the protection of cultivated and enclosed lands, and of the public Roads and Canals against the trespass and depredations of stray cattle, goats, sheep and pigs.—21st Dec.	23
<small>Clauses 11, 12, 13, and 14 repealed by Ordinance No. 16 of 1844.</small>	
4—To remove conditionally the exception to the validity of Deeds of Immoveable Property within the Islands of Delft and Two Brothers dated prior to the 25th January 1817, arising from their not having been duly stamped.—21st Dec.	27
5—To repeal with certain exceptions divers Proclamations and Regulations which have been in force since the 21st Dec.	28
7—To enable persons in the actual possession of Land or Immoveable Property to ascertain and bring to legal determination the claims of others thereto, and to bar the claims of all persons failing to prefer the same within a limited period.—29th Dec.	40
<b>1836.</b>	
1—To repeal Regulation No. 16 of 1824.—8th Nov.	41
2—For establishing the Imperial Weights and Measures as the standards of length, weight and capacity within these Settlements.—15th Nov.	ib.
3—For consolidating and amending the Laws for the protection of His Majesty's Revenue derived from Salt.—22d Nov.	43
<small>Section 17 repealed by Ordinance No. 26 of 1852.</small>	
4—For preventing the stealing and privately killing of Cattle.—22d Dec.	47
<b>1838.</b>	
1—An Ordinance to amend the Ordinance No. 3 of 1836.—24th July	50
2—An Ordinance to repeal the Ordinance No. 5 of 1836.—24th July	ib.
<b>1839.</b>	
1—To amend the Laws relative to Fiscals and their Officers.—18th Dec.	51
5—To regulate the printing and publishing of Newspapers in this Colony.—18th Dec.	59
<b>1840.</b>	
1—For abolishing the Tax upon Fish commonly called the Fish Rents, and for repealing the Regulation No. 24 of 1822.—4th Jan.	92
4—For the supply of Bullock Carts and other means of Transport required for Her Majesty's Forces and their Baggage on marches in this Colony.—13th Jan.	97
<small>Clauses 3, 4, 5, 6, and part of clause 2, regarding registration of Carts, repealed by Ordinance No. 3 of 1848.</small>	
7—To provide more effectually for the prevention of Frauds and Perjuries.—18th Jan.	101
<small>Part of Section 15, and Sections 16, 17, 18, and 19 repealed by Ordinance No. 16 of 1852.</small>	
11—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.—23d Oct.	104
12—To prevent encroachments upon Crown Lands.—27th Oct.	106
<small>Section 9 repealed by Ordinance No. 9 of 1841.</small>	
14—For securing the due collection of the Duties or Tax upon Paddy and dry Grain.—27th Oct.	111
17—To make further provision for the protection of Her Majesty's Revenue derived from Salt.—9th Nov.	115
<b>1841.</b>	
<b>ORDER IN COUNCIL—Confirming and amending Ordinance No. 12 of 1840</b>	
4—To amend the Law relating to Vagrants.—6th Sept.	118
5—For the better regulation of Servants, Labourers and Journeymen Artificers under contracts for hire and service, and of their employers.—6th Sept.	122
9—To repeal the 9th clause of the Ordinance No. 12 of 1840, and to re-enact certain of its provisions.—12th Oct.	127
<b>1842.</b>	
1—To make certain Regulations respecting the granting of Schedules on occasion of the execution of Deeds affecting Land in the Northern Province.—1st Aug.	128
2—To amend the Laws respecting the concealment of the Birth of Children.—1st Aug.	129

CONTENTS. (AFTER IN FORCE.)

	Page.
<b>1842.—Ordinances, &amp;c.</b>	
For the substitution of Solemn Affirmations in lieu of Oaths in certain cases.—15th Aug.	129
For the protection of Her Majesty's Rights in digging for dead Chanks.—15th Aug.	130
For the protection of Her Majesty's Crown Fishery.—19th Aug.	ib.
For the prevention of mischief by Dogs.—15th Sept.	134
To provide for a Church in Kandy.—29th Sept.	138
<b>1843.</b>	
LETTERS PATENT, empowering the Local Government to amend in certain respects the CHARTER of 18th Feb. 1833.—28th Jan.	142
To apply a sum of money for the erection of a Suspension Bridge over the Talato Oya on the lower road from Kandy to Badulla, and to establish a Toll thereon.—28th Sept.	145
For the creation of Justices of the Peace.—26th Oct.	147
To provide for the better holding of Inquests touching sudden and violent Deaths.—2d Nov.	149
To alter and amend in certain respects the constitution of the Supreme Court, the powers of the Judges thereof, and the manner of proceeding therein.—2d Nov.	153
Sections 9 and 16 repealed by Ordinance No. 20 of 1852.	
For the establishment of Courts of Inferior Civil Jurisdiction to be called Courts of Requests.—2d Nov.	156
Clause 17 and Schedule repealed by Ordinance No. 2 of 1848, and Sections 5, 9, 10, 11, 12, 13, and 22, by Ordinance No. 22 of 1852.	
For the establishment of Police Courts.—2d Nov.	161
To make certain alterations in the constitution of District Courts.—8th Nov.	164
For providing for the better security and recovery of debts due to the Crown.—8th Nov.	176
For providing in certain respects for the more efficient Administration of Justice in Criminal cases.—8th Nov.	178
For enabling the Governor to cause Surveys to be made and possession taken of Lands belonging to individuals for public uses, and also to cause Surveys to be made of such Lands under certain other circumstances.—27th Nov.	186
Sections 2 and 3 repealed by Ordinance No. 4 of 1850.	
To declare illegal the possession of certain Nets and Instruments within certain limits.—30th Nov.	191
<b>1844.</b>	
To make provision for the more easily ascertaining the boundaries of the several landed estates possessed by Her Majesty's Subjects within this Colony.—7th Jan.	ib.
To repeal the Regulation No. 5 of 1833.—24th June	195
LETTERS PATENT—Revoking the Proviso of the Letters Patent of 28th January 1843, and extending the powers of the Local Government.—July 2d.	196
To increase the remuneration assigned to Assessors.—8th July.	197
For the Suppression of Lotteries.—10th July.	198
To amend the Regulations for the Distillation and Sale of Arrack, Rum, and Toddy within these Settlements.—5th Aug.	201
To provide for the recovery of Pecuniary Fines, Penalties, and Forfeitures awarded after criminal convictions, and for Contempt, and of forfeited Recognizances taken before Justices of the Peace.—27th Aug.	213
For declaring what Witnesses shall be entitled to the payment of their expenses by the Fiscal in respect of their attendance at Criminal Sessions of the Supreme Court.—24th Sept.	215
To declare the mode in which the power vested in the Supreme Court of reviewing the proceedings of Police Courts and Courts of Requests, is to be exercised in certain respects.—15th Nov.	216
For the preservation and improvement of the Streets, Roads, Thoroughfares, and public places within Towns, and of the Public Roads, Navigable Rivers, Lakes and Canals of this Island.—15th Nov.	217
Repealed, except clauses 16, 17, 23 and 24, by Ordinance No. 8 of 1848.	
For establishing an efficient Police in certain Towns, &c.—27th Nov.	225
Section 47 repealed by Ordinance No. 4 of 1852, and Section 53 by Ordinance No. 4 of 1853.	
For the better regulation of Prisons.—9th Dec.	235
For determining the qualifications and making other provisions in respect of persons liable to serve as Jurors and Assessors.—20th Dec.	241
To provide for the total abolition of Slavery in Ceylon.—20th Dec.	244
To make better provision for the disposal of landed property.—23rd Dec.	245
Sections 7 to 19 inclusive repealed by Ordinance No. 11 of 1852.	
For exempting certain written instruments employed by persons carrying on the business of Bankers from payment of Stamp duties, and for enabling such persons to make composition in lieu of Stamp duties on certain Promissory Notes and Bills of Exchange.—31st Dec.	250
<b>1845.</b>	
To promote the building of places of Christian worship and to provide for the maintenance of Ministers of the Christian Religion.—25th Aug.	252
To amend the law in respect to the collection of Tolls.—4th Nov.	261
To regulate the Temporal Affairs of the Presbyterian Church in Kandy in the Island of Ceylon.—12th Dec.	268
An Ordinance relating to written contracts for the hire and service of Pioneers and others in the employment of certain Departments of Government.—12th Dec.	271
<b>1846.</b>	
To amend the law relating to the Post Office and for revising the rates of Postage.—5th Jan.	272
Section 13 repealed by Ordinance No. 1 of 1854.	
For improving the law of Evidence in this Colony.—9th Jan.	279
Section 4 repealed by Ordinance No. 9 of 1852.	
To remove certain doubts respecting the Jurisdiction of Criminal Courts in this Colony.—27th June.	283
An Ordinance relative to malicious injuries and to certain thefts of property.—27th June.	285
For making further provision touching the payment of the expenses of Witnesses attending at the Criminal Sessions of the Supreme Court, and touching the payment of Medical Practitioners under the provisions of the Ordinance No. 8 of 1843.—6th Oct.	289
For rendering the operations of Rule of Court contingent on their enactment by the Legislature.—6th Oct.	290
To repeal the Ordinance No. 8 of 1845.—17th Nov.	291

**1846.—Ordinances.**

	Page.
11—For establishing a Toll on the Road from Kadooganava to the Gadadesse Estate in the Central Province.—17th Nov.	292
12—To regulate the Temporal Affairs of the Episcopal Churches in the Island of Ceylon which have been erected or are now in course of erection, or which may hereafter be erected in terms of the Ordinance No. 1 of 1845.—26th Nov.	294

**1847.**

1—To amend the Regulation No. 4 of 1833.—23rd Sept.	299
2—To declare the duties in certain respects of the Masters Attendant of the Ports of Colombo, Galle and Trincomalie, and to provide in certain respects for the better preservation of the said Ports, and for the better regulation of the Shipping therein.—28th Sept.	300
3—To prohibit Natives of India from entering into contracts in this Island for labour to be performed in any British or Foreign Colony beyond the limits of this Island, and without the territories of the East India Company and from emigrating from this Island to any such Colony for the purpose of employment as labourers.—28th Sept.	305
4—For authorizing the sale of Immoveable Property under Writs of Execution issued by Courts of Requests; and for giving legal effect and validity to past sales of such property by Fiscals in certain cases, and indemnifying such Fiscals and their officers against all actions in respect of such sales.—28th Sept.	306
<small>Section 2 repealed by Ordinance No. 11 of 1852.</small>	
6—To amend in certain respects the law of Marriages and to provide for the better registration of Marriages, Births and Deaths.—19th Oct.	308
11—For giving legal effect and validity to transfers of Immoveable property executed by Deputy Fiscals under Writs of Execution directed to Fiscals in this Island.—23d Nov.	327
12—For establishing Tolls to be levied at the Caltura Bridge.—30th Nov.	ib.

**1848.**

1—For authorizing the collection of Tolls at Pusselawa and Rambodde.—20th Jan.	331
6—For establishing a Toll on the Road from Kattoogastotte Ferry to the Pangwelle Swamp, on the Road to the Knuckles in the Central Province.—10th April.	352
7—For registering Palanquens and other Carriages let to hire.—10th April.	355
8—To make provision for the formation and improvement of the means of communication in this Island.—13th April.	358
<small>Clauses 27, 31, 38, 39, 41 and 42 repealed by Ordinance No. 14 of 1848.</small>	
10—To provide for the extension to certain places in this Island of certain of the provisions of the Ordinance No. 17 of 1844.—23rd Oct.	376
11—To indemnify the Governor, and all persons acting under his authority, for certain acts done during the existence of Martial Law in certain parts of this Island.—23rd Oct.	ib.
12—For making provision, in certain respects, touching the admission of Advocates and Proctors; and for the annual registration of practising Proctors.—23d Oct.	377
13—For determining the rate of Interest on monies lent by the Loan Board.—13th Nov.	379
14—To alter in certain respects the Ordinance No. 8 of the year 1848, and to extend its operation to the maintenance of Public Tanks and other means of Irrigation.—13th Nov.	380
16—To naturalize Gabriel Benedict Worms.—13th Nov.	383
17—To naturalize Maurice Benedict Worms.—13th Nov.	384
18—To remove doubts concerning the validity of Grants of Land in this Island.—13th Nov.	385
19—To repeal the Regulations No. 11 of 1806 and No. 2 of 1807.—18th Dec.	386
20—To amend the Ordinance No. 5 of 1848.—18th Dec.	ib.
21—To amend the Ordinance No. 9 of the year 1848.—18th Dec.	ib.
22—To amend in certain respects the Ordinance No. 13 of 1847, entitled "To regulate the possession of Fire Arms"—23d Dec.	387
23—To amend the Ordinance No. 3 of the year 1848, entitled "For the registration of Carriages and Boats used for the conveyance of goods and passengers for hire; and for declaring the rights and liabilities of the owners thereof."—23d Dec.	389
24—To regulate the felling and removal of Timber grown on the Crown Lands in this Island.—23d Dec.	395

**1849.**

1—To naturalize Johann Heinrich Sonnenkalb.—30th Jan.	399
2—To naturalize Gottlieb Arnold Crüwell.—3d Oct.	400
3—For preventing the sale and unlawful possession of clothes and other articles supplied to Pioneers.—3d Oct.	401
4—For authorizing the collection of Tolls at Ginigathena Pass.—3d Oct.	402
5—To give jurisdiction to the Police Courts in cases of Cattle trespass.—10th Oct.	403

**1850.**

2—For establishing Tolls to be levied at the Kottoogodde Bridge.—24th Sept.	405
3—For establishing Tolls to be levied at the top of the Newera Ellia Pass.—24th Sept.	406
4—To amend the Ordinance No. 16 of 1843.—17th Dec.	407
6—For the more effectual suppression of the crime of Cattle Stealing, and for authorizing District Courts to hear, try, and determine charges relating to the same.—20th Dec.	409

**1851.**

1—To provide for the transmission of Printed Books, Magazines, Reviews, and Pamphlets, between this Island and the United Kingdom.—2d Oct.	410
3—An Ordinance to naturalize Friedrich Ludwig Straube.—7th Nov.	412

*Legislative Acts Repealed, Expired, or otherwise Annulled, since the Charter of 1833.*

	Page.
<b>1833.—Ordinances, &amp;c.</b>	
1—For giving the sanction of a Legislative Enactment to such parts of certain Rules and Orders passed by the Supreme Court for regulating the practice of the District Courts, as may relate to matters of Law rather than of Practice.—(Disallowed.)	1
<b>1834.</b>	
3—For improving the Police within the Town, Fort, and Four Gravets and Port of Colombo; and for consolidating and amending the Laws relating to the same.—(Repealed by Ord. 17 of 1844.)	2
4—To consolidate and amend the several Regulations relating to the Assessment Tax on Houses, and the Tax on licensed Bullock Carts in Colombo and Point de Galle, and for making further provisions as to the future management and application of the said Taxes.—(Repealed by Ord. 17 of 1844, and 3 of 1848.)	7
5—For consolidating and amending the Laws now in force for securing the Revenue derived from the Duty imposed upon Stills used for the distillation of Arrack, and the retail sale of Arrack and Toddy.—(Repealed by Ord. 10 of 1844.)	10
6—Ordinance declaring English Rules of Evidence to be in force in this Island unless in cases otherwise expressly provided for by Law, and prescribing the course by which Evidence is to be obtained in certain cases.—(Repealed by Ord. 3 of 1846.)	16
7—To assimilate, amend, and consolidate the Laws now in force in different parts of this Island, for the prevention of Frauds and Perjuries.—(Repealed by Ord. 7 of 1840.)	19
<b>1835.</b>	
ORDER IN COUNCIL.—Reviving Order in Council of 1st Nov. 1830; 4th March.—(Expired.)	22
3—For altering, amending, and explaining the Ordinance No. 4 of the year 1834.—(Repealed by Ord. 17 of 1844, and 3 of 1848.)	26
6—Ordinance to amend and consolidate the Laws now in force in these settlements relating to Bankruptcy, the relief of Insolvent Debtors, and the privilege of Cessio Bonorum.—(Repealed by Ord. 7 of 1853.)	28
<b>1836.</b>	
5—For consolidating and amending the Laws concerning Auctioneers and the Duties on Auctions.—(Repealed by Ord. 2 of 1838.)	48
6—For revising the Stamp Duties, and making provision for the general use of Stamps throughout the Colony.—(Repealed by Ord. 2 of 1848.)	51
7—For establishing a new Tariff of Duties on Goods Exported and Imported.—(Repealed by Ord. 5 of 1837.)	55
8—For protecting the Revenue derived from the Post Office and for revising the rates of Postage.—(Repealed by Ord. 1 of 1846.)	57
9—For defining the powers, duties, and responsibilities of Fiscals and their Officers.—(Repealed by Ord. 1 of 1839.)	63
<b>1837.</b>	
1—For declaring the authority requisite to act in, and to make provision for the faithful discharge of the duties of the Office of Notary.—(Repealed by Ord. 4 of 1839.)	69
2—For providing for the better security and recovery of Debts due to the Crown.—(Repealed by Ord. 1 of 1843.)	71
3—For making provision for the registration of Slaves in those parts of the Island in which the same is not already provided for by Law.—(Repealed by Ord. 20 of 1844.)	78
4—For the better regulation of Servants, Labourers, and Journeymen Artificers under contracts for hire and service.—(Disallowed.)	77
5—An Ordinance to amend the Laws relating to the Ports and Customs.—(Repealed by Ord. 8 of 1840, 6 of 1842, 7 of 1843, 5 of 1847, 4 of 1848, and 18 of 1852.)	80
<b>1839.</b>	
2—For reducing the penalty on purchasing Soldier's necessaries and stores, &c.—(Disallowed.)	84
3—To establish Lunatic Asylums, and make general provisions for the safe custody and care of Insane persons.—(Repealed by Ord. 11 of 1840.)	85
4—To amend the Laws relative to the Office of Notary.—(Repealed by Ord. 16 of 1852.)	87
<b>1840.</b>	
2—To restrain gifts or dispositions of land for religious or charitable purposes, whereby the same become inalienable.—(Disallowed.)	92
3—For the suppression of Vagrancy, and the punishment of idle and disorderly persons, and rogues and vagabonds.—(Repealed by Ord. 4 of 1841.)	93
5—To prevent encroachments upon Crown lands.—(Disallowed.)	99
8—To amend the Ordinance No. 5 of 1837, and to regulate the Warehousing of Goods.—(Repealed by Ord. 7 of 1843, and 18 of 1852.)	104
9—For prohibiting the importation of Foreign Sugar.—(Repealed by Ord. 18 of 1852.)	ib.
10—To repeal the Duty on Coal and Coke, and to equalize the Duty on Cinnamon.—(Repealed by Ord. 18 of 1852.)	ib.
13—To amend the law relative to Toddy.—(Repealed by Ord. 10 of 1844.)	108
16—For the better regulation of Servants, Labourers and Journeymen Artificers under contracts for hire and service.—(Repealed by Ord. 5 of 1841.)	113
<b>1841.</b>	
1—To amend the Schedules annexed to the Ordinance No. 18 of 1840.—(Expired.)	116
2—For establishing a uniform rate of Tolls on the road from Colombo to Kandy and Gampola, and on the road from Kandy to Gampola.—(Repealed by Ord. 10 of 1842.)	ib.
3—For prohibiting the importation of Rum and Rum Shrub, the produce of certain places.—(Repealed by Ord. 18 of 1852.)	117
6—To require persons professing other than the Christian Religion to make solemn Affirmations in lieu of Oaths.—(Repealed by Ord. 3 of 1842.)	124
7—For making provision for the use of Stamps in certain Judicial Proceedings.—(Repealed by Ord. 2 of 1848.)	125
8—For regulating the collection of Tolls.—(Repealed by Ord. 10 of 1842.)	126

	Page.
<b>1841.—Ordinances.</b>	
10—To provide for the transmission of Letters to and from this Island by extraordinary Express.—(Repealed by Ord. 1 of 1846.)	127
11—To apply a sum not exceeding One hundred and Sixty-one thousand Six hundred and Eighty pounds and Eighteen shillings to the Contingent Service of the year 1842.—(Expired.)	128
<b>1842.</b>	
6—To amend the laws relating to the Customs.—(Repealed by Ord. 18 of 1852.)	132
7—For making further provision for the Registration of Slaves in those parts of the Island formerly termed the Maritime Provinces.—(Repealed by Ord. 20 of 1844.)	ib.
8—To apply a sum not exceeding One hundred and Forty-one thousand and Sixty-three pounds to the Contingent Service of the year 1843.—(Expired.)	134
10—For making provision for the collection of Tolls to be established in this Island.—(Repealed by Ord. 9 of 1845.)	135
<b>1843.</b>	
1—For providing for the better security and recovery of Debts due to the Crown.—(Repealed by Ord. 14 of 1843.)	143
2—To apply a sum not exceeding One hundred and Fifty thousand and Six hundred and Twenty-three pounds to the Contingent Service of the year 1844.—(Expired.)	145
4—To apply a sum of money for the repairs of certain Wharves and for the construction of a new Wharf in Colombo, and to impose Wharfage and Cranage dues on certain Goods imported into or exported from the Port of Colombo during a certain period.—(Expired.)	ib.
5—To apply a sum not exceeding Fifteen thousand and Eighty pounds to defray the Supplementary Contingent charges of the year 1843.—(Expired.)	147
7—To alter the law relating to the deposit of Bullion, Coin, or Gold or Silver articles as security for Duties of Customs.—(Repealed by Ord. 18 of 1852.)	149
13—For establishing an efficient Police in certain Towns, &c.—(Repealed by Ord. 17 of 1844.)	168
17—To make certain provisions respecting the delivery of Salt sold by Government.—(Repealed by Ord. 16 of 1852.)	190
<b>1844.</b>	
4—To establish a Toll on the road from Jaffna to Vattacotte.—(Repealed by Ord. 9 of 1845.)	197
5—To apply a sum not exceeding Nine thousand Nine hundred and Seventy-five pounds to defray the Supplementary Contingent charges of the year 1844.—(Expired.)	198
6—To appropriate a portion of the Surplus Revenue of 1843 for the execution of certain Public Works.—(Expired.)	ib.
9—To promote the building of places of Christian Worship, and to provide for the maintenance of Ministers of the Christian Religion.—(Repealed by Ord. 1 of 1845.)	199
12—To apply a sum not exceeding One hundred and Sixty-eight thousand Four hundred and Sixty-nine pounds to the Contingent Service of the year 1845.—(Expired.)	215
14—To establish a second Toll on the road from Jaffna to Point Pedro.—(Repealed by Ord. 9 of 1845.)	216
22—To amend in certain respects the law of Marriages, and to provide for the better registration thereof.—(Not promulgated.)	250
<b>1845.</b>	
2—To remove certain doubts respecting the Jurisdiction of Criminal Courts and of Justices of Peace in this Colony.—(Disallowed.)	255
4—An Ordinance relative to malicious injuries and to certain thefts of property and cruelty to animals.—(Disallowed.)	257
5—To appropriate a portion of the Surplus Revenue of 1844 for the execution of certain Public Works.—(Expired.)	260
6—To apply a sum not exceeding Forty-four thousand Five hundred and five pounds to defray the Supplementary Contingent charges of the year 1845.—(Expired.)	ib.
7—To apply a sum not exceeding One hundred and Sixty-six thousand One hundred and nineteen pounds, to the Contingent Service of the year 1846.—(Expired.)	ib.
8—Ordinance to vest in the Principal Officer in the actual Superintendence of the Surveying Department and his Assistant, &c. certain powers vested in the Surveyor General and his Assistants, &c.—(Repealed by Ord. 10 of 1846.)	ib.
10—To apply a sum not exceeding Seventeen thousand Six hundred and Forty-three pounds, to defray the Supplementary Contingent charges for the year 1845.—(Expired.)	266
11—To allow Appeals to be heard with consent of parties at Colombo; and to allow in certain cases an Appeal to the collective Court from the decision of a single Judge of the Supreme Court, &c.—(Repealed by Ord. 20 of 1852.)	ib.
12—To enable the Officers of the Customs to remove Packages left on the Wharf at Colombo.—(Repealed by Ord. 18 of 1852.)	267
<b>1846.</b>	
2—To provide for the management of Budhist Wihares and Dewales in the Kandyan Provinces.—(Disallowed.)	279
4—For determining and declaring the Rank and Precedence of the Bishop of Colombo, and of the Chief Justice of the Island of Ceylon.—(Disallowed.)	282
9—To apply a sum not exceeding Fifty-seven thousand Nine hundred and Thirty-six pounds, to defray the Supplementary Contingent charges of the year 1846.—(Expired.)	291
13—To apply a sum not exceeding One hundred and Sixty-eight thousand Seven hundred and Fifty-six pounds, to the Contingent Service of the year 1847.—(Expired.)	299
<b>1847.</b>	
5—To repeal the Regulation No. 8 of 1809, and to remove certain restrictions peculiar to the Tenure of Service Parvany Lands.—(Disallowed.)	307
7—To repeal so much of the Charter of Justice as relates to the Precedence of the Chief Justice and Judges of the Supreme Court.—(Disallowed.)	325
8—To require Returns of Lands under Coffee cultivation.—(Expired.)	326
9—For regulating the Duties of Customs payable on Goods imported into and exported from this Island.—(Repealed by Ord. 18 of 1852.)	327
10—To make provision for the more convenient and speedy trial of cases in which the Crown is interested.—(Disallowed.)	ib.

	Page.
<b>1847.—Ordinances.</b>	
13—To regulate the possession of Fire Arms.—(Repealed by Ord. 22 of 1848.)	328
14—To apply a sum not exceeding Fifty-nine thousand One hundred and Sixteen pounds, to defray the Supplementary Contingent charges of the year 1847.—(Expired.)	331
15—To apply a sum not exceeding One hundred and Ninety-seven thousand Nine hundred and Fifty pounds, to the Contingent service of the year 1848.—(Expired.)	ib.
<b>1848.</b>	
2—To repeal the existing Stamp Duties, and to impose certain other Duties in lieu thereof.—(Repealed by Ord. 19 of 1852.)	ib.
3—For the registration of Carriages and Boats used for the conveyance of Goods and Passengers for Hire, and for declaring the rights and liabilities of the Owners thereof.—(Repealed by Ord. 23 of 1848.)	346
4—To alter and amend the law relating to Port Dues.—(Repealed by Ord. 18 of 1852.)	350
5—To make provision for the registration and licensing of certain Traders.—(Repealed by Ord. 20 of 1848.)	351
9—To require the Owners of Dogs to take out Licences for the same.—(Repealed by Ord. 21 of 1848.)	374
15—To enable Etienne Amy, an alien, to hold Lands in this Island.—(Disallowed.)	382
25—To apply a sum not exceeding Thirty-three thousand Six hundred and Thirty-four pounds to defray the Supplementary Contingent charges of the year 1848.—(Expired.)	399
26—To apply a sum not exceeding One hundred and Eighty-one thousand and Forty pounds to the Contingent Service of the year 1849.—(Expired.)	ib.
<b>1849.</b>	
6—To apply a sum not exceeding Thirty-nine thousand Three hundred and Eighty-four pounds to defray the Supplementary Contingent charges of the year 1849.—(Expired.)	408
7—To apply a sum not exceeding One hundred and Fifty-one thousand Two hundred and Eleven pounds to the Contingent Service of the year 1850.—(Expired.)	ib.
<b>1850.</b>	
1—For enabling the Governor to appoint Commissioners to make inquiry touching certain Documents presented to a Committee of the Commons House of Parliament.—(Expired.)	404
5—To apply a sum not exceeding Thirty-one thousand One hundred and Ninety-one pounds to defray the Supplementary Contingent charges of the year 1850.—(Expired.)	409
7—To apply a sum not exceeding One hundred and Sixty-eight thousand Eight hundred and Fifty-nine pounds to the Contingent Service of the year 1851.—(Expired.)	410
<b>1851.</b>	
2—To amend the 47th Section of the Ordinance No. 17 of 1844, and to make other provisions concerning the same.—(Disallowed.)	411
4—To apply a sum not exceeding One hundred and Sixty-two thousand Nine hundred and Seventeen pounds One shilling and Eleven pence half-penny to the Contingent Service of the year 1852.—(Expired.)	413
5—To apply a sum not exceeding Thirty-three thousand Nine hundred and One pounds to defray the Supplementary Contingent charges of the year 1851.—(Expired.)	ib.



# INDEX.

	Page.		Page.
ACTION, Notice of, to be given to Government Agents	233	ADMINISTRATION OF JUSTICE.	
Justices of the Peace.	148	<i>District Courts:</i> ministerial officers of, may be suspended by Judge	167
ADMINISTRATION OF JUSTICE.		<i>Justices of the Peace:</i> creation of	147
— <i>Charter, Supplementary, January 28, 1843.</i>		— to be appointed by Governor	ib.
Governor and Council authorised to make certain amendments in the Charter of 1833.	142	— to take oaths of office before District Judges	ib.
Such amendments not to come of force till ratified by Her Majesty, unless the Council and Supreme Court vote unanimously therefor	ib.	— their duties and powers	147, 178—184
— <i>Charter, Supplementary, 2d July, 1844.</i>		— may arrest or order arrest of, persons committing offences before him	178
Governor and Council authorised to abrogate all or any of the provisions of the Charter of 1833.	197	— may summon and grant warrant against persons charged with offences	ib.
Necessity for the unanimous vote of the Council and Supreme Court to make the law of force removed	ib.	— requisites of warrant	179
<i>District Courts.</i>		— may grant search warrants	181
— Governor may appoint more Judges than one for the same Court	164	— proceeding of, where offenders are brought before him	182
— criminal jurisdiction increased	ib.	— must certify as to materiality of Witnesses for the defence	ib.
all offences against the Revenue, made cognizable by	ib.	— may commit for further examination	ib.
ditto all cases of	ib.	— for trial	ib.
Cattle Stealing	409	— requisites of commitments	182, 183
— empowered to award imprisonment and corporal punishment, or imprisonment and fine for the same offence	283	— may proceed with examination of party committed to the Gaol of his District by another Justice	183
— where one of two punishments is within, the other without jurisdiction, case made cognizable by	ib.	— when he may grant warrant to remove a prisoner to another Gaol District	ib.
— where Court can impose fine but not imprisonment in case of default, or <i>vice versa</i> , case made cognizable by	ib.	— must inspect place where offence was committed	ib.
— where it may abate nuisances	284	— may refer cases of peculiar difficulties to Queen's Advocate	ib.
— Queen's Advocate need not prosecute offences before District Courts	165	— transmission of examinations by	184
— but he may intervene and stop proceedings	165, 186	— taking of further examinations when applied to by Queen's Advocate	ib.
— effect of stopping proceedings where prisoner has pleaded	186	— when bail may be taken by	ib.
— appeal not allowed to complainants where prisoner is acquitted, without certificate from the Queen's Advocate	185	— oaths taken before, to be filed in Supreme Court	147
— Queen's Advocate may elect to try before Supreme Court, a party committed for trial before	186	— District Judges not to exercise powers transferred to	ib.
— proceeding where it appears at the trial before, that charge is cognizable by Supreme Court	185	— processes of, how to be executed	179
— matrimonial jurisdiction, declared to exist in	167	— one month's notice of action to be given to	148
— testamentary jurisdiction, when it should be granted to, by Supreme Court	185	— amends tendered by	ib.
— crown suits to be in the name of the Queen's Advocate	186	— actions against, barred after 6 months	ib.
— penalty for proceeding in, where case is cognizable by Courts of Requests	166	— Governor may remove	ib.
— objection to jurisdiction of	ib.	<i>Police Courts,</i> creation of	161
— execution of process of	ib.	— Governor to appoint Magistrates	ib.
— abolition or alteration of limits of	ib.	— power given to suspend them from office	ib.
— transfer of pending cases from, to Courts of Requests	167	— Magistrates to take certain oaths	ib.
— Police Courts	ib.	— jurisdiction, criminal	163
— Judge of, may state his opinion before or after Assessors stating theirs	ib.	— given in cases where one of two punishments is within and the other without	283
— judgments in appeal to be carried out by	ib.	— where Court can impose fine but not imprisonment on default of payment of fine, or <i>vice versa</i>	284
— parties to suits before, may be examined	ib.	— where first offence is cognizable by, jurisdiction given on subsequent offences	ib.
		— offences against Revenue laws and other statutable offences made cognizable by, upon certificate of Queen's Advocate	ib.
		— may abate nuisances	ib.
		— exclusive, in cases of Cattle Trespass	403
		— offences under 2 of 1847 made cognizable by	304
		— processes of, to be executed everywhere	162
		— proceedings in	ib.
		— summonses and examinations by	ib.
		— penalty on disobedience of summons of	ib.
		— perjury of witnesses in, to be made known to Queen's Advocate	ib.

## ADMINISTRATION OF JUSTICE.

<i>Police Courts</i> : Queen's Advocate may stop all proceedings before . . . . .	162, 186
— effect of stopping where prisoner has pleaded . . . . .	186
— proceeding where it appears at trial that case is cognizable by Supreme Court . . . . .	185
— penalty on false or frivolous prosecutions before . . . . .	163
— certain things required to be done by District Judges and their Officers, may be done by Police Magistrates and their Officers . . . . .	ib.
— Supreme Court may review proceedings of, on certain grounds . . . . .	ib.
— to make rules for . . . . .	ib.
— Advocates and Proctors not to appear in . . . . .	ib.
— proviso as to Crown cases . . . . .	ib.
<i>Requests, Courts of</i> , creation of . . . . .	156
— Governor to appoint Commissioners of . . . . .	ib.
— power of suspending them from office given . . . . .	ib.
— Governor to appoint Officers for the Courts . . . . .	ib.
— power of removing them given . . . . .	157
— Commissioners to take oaths of office, &c., before District Judges . . . . .	156
— jurisdiction, civil . . . . .	157
— exclusive in cases of objection to Assessment Tax without appeal or review . . . . .	233
— sums due under 2 of 1847 recoverable in . . . . .	304
— may enforce judgment by attachment on person and property . . . . .	157
— authorising sales of immoveable property on Writs issued by . . . . .	306
— legalising such past sales . . . . .	ib.
— indemnifying Fiscals in case of past sales . . . . .	ib.
— may summon and examine parties to a suit . . . . .	157
— no written pleadings to be used in . . . . .	ib.
— actions may not be split . . . . .	ib.
— parties may give up excess . . . . .	ib.
— disputed balance of unsettled accounts excluded . . . . .	158
— servants, &c., though under age, may sue . . . . .	ib.
— no person to appear for suitor by right . . . . .	ib.
— proviso as to Crown cases . . . . .	ib.
— execution of process . . . . .	ib.
— penalty on witnesses not obeying summons, or guilty of contempt or prevarication . . . . .	ib.
— Commissioner must inform Queen's Advocate of perjury committed before him . . . . .	ib.
— instruments used in, should bear stamps . . . . .	ib.
— transfer of records, &c., in case of abolition of Court, or change of limits . . . . .	ib.
— certain things required to be done by District Judges and their Officers, may be done by Commissioners and their Officers . . . . .	159
— Supreme Court may grant Injunctions in certain cases . . . . .	ib.
— also Writ of Mandamus, Proceadendo, Prohibition, and Order, transfer of causes . . . . .	ib.
— reserve proceedings on certain grounds . . . . .	ib.
— may make Rules and Orders for . . . . .	ib.
<i>Supreme Court</i> . . . . .	
— rank of Chief Justice and Judges . . . . .	282, 325
— Secretaries not to plead before their Judges . . . . .	154
— when Judges must state reason for refusing to admit an Advocate or Proctor . . . . .	ib.
— power of suspending and removing an Advocate or Proctor . . . . .	ib.
— Assessors to be associated with Judges in hearing appeals . . . . .	ib.
— empowered to remand prosecutions for further hearing . . . . .	ib.
— no appeal from acquittals unless with Queen's Advocate's certificate . . . . .	185
— transfer of causes to another circuit . . . . .	154
— transfer of prosecutions to another circuit . . . . .	155
— Judges may issue Mandates to Fiscals before opening of Sessions . . . . .	ib.
— when General Sessions may be held . . . . .	ib.
— Judges may issue Habeas Corpus and Injunctions at all times . . . . .	ib.

## ADMINISTRATION OF JUSTICE.

<i>Supreme Court</i> : provision for the hearing of Interlocutory appeals . . . . .	155
— Judges may make rules as to form and manner of taking bail . . . . .	ib.
— Judges may make rules as to Fees of Advocates and Proctors . . . . .	156
— Judges may always admit parties to bail . . . . .	185
— persons aggrieved by proceedings of Justice as to bail, may apply to . . . . .	ib.
— declared to have appellate jurisdiction in all Matrimonial cases . . . . .	156
— Reviews to, from Police Courts and Courts of Requests, to be heard in Colombo. . . . .	217
— one Judge may reserve Reviews for opinion of three . . . . .	ib.
ADVOCATES AND PROCTORS, provision respecting admission of, and for annual registration of Proctors . . . . .	377
— Certificates to issue to Advocates and Proctors of Supreme Court on admission . . . . .	378
— stamps of such certificates . . . . .	379
— certificates to issue yearly to Proctors . . . . .	378
— stamps of such certificates . . . . .	379
— on applying for certificate, a declaration to be made and entered . . . . .	378
— form of declaration . . . . .	379
— provision in case of neglect to get certificates in time . . . . .	378
— Proctors practising without certificates cannot recover fees . . . . .	ib.
— on refusal to grant certificates, application to be made to Supreme Court . . . . .	ib.
AFFIRMATIONS, in what cases, substituted in lieu of oaths . . . . .	124, 129
— penalty on making false affirmations . . . . .	129
— testimony of two witnesses necessary to conviction . . . . .	130
— penalty for procuring others to make false affirmations . . . . .	ib.
AFFRAY, private persons may seize persons committing, and suppress the same . . . . .	180
AMY, Etienne, an alien, to enable, to hold lands . . . . .	362
ANIMALS, Cruelty to. See <i>Malicious Injuries</i> .	
ARRACK, RUM, and TODDY, consolidating laws relating to distillation and sale of, . . . . .	10, 201
— <i>Distillation</i> . Distiller to have licence . . . . .	202
— restriction of distillation . . . . .	ib.
— description of stills and licences to be furnished . . . . .	ib.
— declaration of distiller's name and residence . . . . .	ib.
— premises to be duly secured . . . . .	ib.
— spirits found out of store . . . . .	ib.
— distillery to be kept clear of jungle . . . . .	ib.
— issue of licence . . . . .	203
— agent may refuse licence . . . . .	ib.
— no still to contain less than 150 galls. . . . .	ib.
— form and duration of, and duty on licence . . . . .	ib.
— exception where spirits are required for medical purposes . . . . .	ib.
— penalty on illicit distillation . . . . .	ib.
— distiller not to sell less than 85 galls. . . . .	ib.
— certain districts excluded . . . . .	ib.
— <i>Wholesale Dealers</i> , former certificates to, void . . . . .	ib.
— wholesale sale of spirits . . . . .	204
— to have licence . . . . .	ib.
— to have secure storehouse . . . . .	ib.
— application for and issue of licence . . . . .	ib.
— Government Agent may refuse or withdraw licence . . . . .	204, 205
— must sell at store . . . . .	204
— Agent may place lock on store of . . . . .	205
— storehouse to be kept clear of jungle . . . . .	ib.
— search by authority of Agent . . . . .	ib.
— <i>Retail Dealers</i> , who may be . . . . .	ib.
— to sell no more than 2 quarts . . . . .	ib.
— to grant certificate to purchaser . . . . .	ib.
— licence to be, in Wine or Spirits . . . . .	ib.

**ARRACK, RUM, AND TODDY.**  
 — application for and issue of licence . 205  
 — Agent may refuse and withdraw licence . ib.  
 — possession of Arrack and Rum prohibited, except in certain cases . 206  
 — removal of, except in certain cases . 207  
 — defendant to prove he comes under exception . 211  
 — authority to demand permit and examine spirit . 207  
 — officer refusing to grant permit . ib.  
 — penalty on illegal removal of Arrack and Rum . ib.  
 — *Toddy*, licence to retail . ib.  
 — permit to draw, for distillers, renters, and retailers . 208  
 — permit to draw, for other purposes . ib.  
 — sale, possession, and removal of . ib.  
 — removal and possession of, with permit . ib.  
 — officer refusing to grant permit . ib.  
 — penalty on illicit drawing, selling, possessing, or removing toddy . ib.  
 — proviso as to sweet toddy . ib.  
 — extension of licence to representatives of deceased party . 209  
 — penalty on persons falsely applying as representative . ib.  
 — where no representative of deceased . ib.  
 — or licence withdrawn . ib.  
 — forgery of permit or certificate . ib.  
 — seizure of forfeitures . ib.  
 — condemnation of seizures . ib.  
 — declaration of ownership . 210  
 — disposal of condemned forfeiture . ib.  
 — when things seized are stolen or injured . ib.  
 — restoration of seizures . ib.  
 — where seizures cannot be effected . ib.  
 — power of Peace Officers . 211  
 — obstruction of ditto . ib.  
 — bribery of, or by ditto . ib.  
 — vexatious conduct of ditto . ib.  
 — probable cause of seizure . ib.  
 — informer's share of fine . ib.  
 — informer made competent witness . ib.  
**ARREST**, private persons bound to assist in 179,180  
 — officers making an, may break open door 180  
 — penalty for assaulting or molesting any one making an . ib.  
**ASSESSMENT TAX**, laws relating to, on houses and carts at Colombo and Galle, consolidated 7, 26  
 — remuneration to assessors engaged in assessing houses . 197, 232  
 — all property, however small, liable to . 234  
 — houses unoccupied for more than two quarters exempt from . 232  
 — Committee of Assessment formed . ib.  
 — to be paid quarterly by owner . ib.  
 — proceedings in case of objection to amount of . ib.  
 — meaning of "other premises" . 234  
 — recovery of arrears of . ib.  
 — amending certain provisions relating to . 411  
**ASSESSORS**. See *Jurors and Assessors*.  
**AUCTIONS**, laws concerning Auctioneers consolidated . 48  
 — restrictions as to sales by, removed . 80  
 — duty upon sales by, abolished . ib.  
 — conditions of sale of, exempt from Stamps . ib.

**BAIL**, when Justice of the Peace should bail, Prisoners . 184  
 — parties aggrieved by proceedings of Justice in matters of, should apply to Supreme Court . 185  
 — when Superintendent of Police may take bail . 227  
 — when Judge of Supreme Court may take bail . 185

**BAKERS**, licences to be taken by, from Superintendent of Police . 230  
**BANKERS**, drafts on, and deposit receipts by, exempt from Stamps . 250  
 — when they may issue unstamped Notes and Bills . ib.  
 — Treasurer to grant licences . ib.  
 — separate licences when to be taken out . ib.  
 — Notes and Bills to be reissuable . 251  
 — licensed, not to issue for the first time unstamped Notes . ib.  
 — security to be given by, to obtain licence . ib.  
 — for what period Notes and Bills are to be deemed to be in circulation . ib.  
 — Bonds to be given by, before licence . ib.  
 — fresh bonds to be given by, on alterations of co-partnerships . 252  
 — penalty on, neglecting to renew bonds . ib.  
 — post dating unstamped Notes or Bills . ib.  
 — any one issuing unstamped Notes or Bills . ib.  
**BANKRUPTCY**, laws as to . 28  
 — who entitled to . 29  
 — mode of proceeding in cases of . 29-34  
 — certificate of . 33  
**BIRTHS**, Registration of, See *Marriages*.  
**BISHOP**, rank of . 282  
**BOATS**, registration of, used for conveyance of goods and passengers on hire . 346, 389  
**BOUNDARIES OF LANDS**, provision for easily ascertaining . 191  
 — Government Agent may demand production of deeds . ib.  
 — penalty on refusal . ib.  
 — where there is no survey, Agent may order one to be made . 192  
 — trespassers, unless wilful, not liable . ib.  
 — where party has had 3 years possession of land erroneously granted by the Crown . ib.  
 — where less than 3 years . ib.  
 — where party has possessed uncultivated private land for not less than 2 or more than 5 years . 193  
 — where more than 5 years . ib.  
 — proprietors of adjoining lands may call upon each other to define boundaries . ib.  
 — where boundaries have been made and adjoining lands subsequently purchased . 194  
 — disputes to be referred to arbitration . ib.  
 — Surveyor General to inspect boundaries . 195  
 — Surveyor General to give certificate . ib.  
 — proviso as to minor and insane persons . ib.  
 — penalty on removing landmarks . ib.  
**BREAD**, regulations respecting sale of, repealed. 387  
**BULLOCKS**. See *Impressment*.  
**BULLOCK CARTS**, must carry a light at night 221  
 — proceeding on breach thereof . ib.  
 — See *Impressment*.  
**BUTCHERS**, licences to be taken by, from Superintendent of Police . 230  
 — to register every month in District Court, amount of cattle slaughtered . 47  
 — proceeding as to slaughter of cattle without the gravets . ib.  
 — See *Cattle*.

**CALTURA Bridge**, tolls to be levied at . 327  
**CANALS**, See *Roads*.  
**CARRIAGES**, not to obstruct the street . 229  
 — rules to be observed in passing each other . ib.  
 — persons offending against rules may be seized . ib.  
 — registration of Palanqueen, and others let to hire . 355  
 — Carriages and Boats used for conveying goods and passengers for hire 346, 389  
 — hired, not to be kept or let without licences . ib.

**CARRIAGES.**  
 — form of licence . . . . . 357  
 — declaration of ownership to be made . . . . . 355  
 — form of declaration . . . . . 357  
 — numbered plates to be affixed to Carriages . . . . . 355  
 — register of licences to be kept . . . . . 356  
 — mode of discontinuing licences . . . . . ib.  
 — penalty for letting Carriages &c., to hire without licences . . . . . ib.  
 — penalty for forging of licence, plate, &c. . . . . ib.  
 — rates and fares to be taken for licensed . . . . . ib.  
 — penalty on person refusing to pay fare . . . . . ib.  
 — proprietors refusing to let, or exacting more than legal fare . . . . . ib.  
 — proprietors or drivers misbehaving . . . . . 357  
 — proof of licence . . . . . ib.  
 — informer's share of penalty . . . . . ib.  
 — prosecution barred after a month . . . . . ib.  
 — proprietors of licensed, not required to take out Carrier's licence . . . . . ib.  
**CARRIERS, provision for registration of.** . . . . . 346, 389  
 — Carriages and Boats to be registered and licensed . . . . . 390  
 — form of licence . . . . . 394  
 — declaration of ownership to be made to get licence . . . . . 390  
 — form of declaration . . . . . 394  
 — plate to be affixed to licensed Carriages, Boats, &c. . . . . 390  
 — licences to be registered . . . . . ib.  
 — form of registry . . . . . 394  
 — penalty for letting unlicensed Carriages . . . . . 390  
 — false declaration, forgery of licence . . . . . 391  
 — liability of owners of licensed Carriages, &c. . . . . ib.  
 — when liable for loss of certain valuables . . . . . ib.  
 — increased rate of charge for such goods . . . . . ib.  
 — Carriers to give receipts . . . . . ib.  
 — penalty in case of neglect . . . . . ib.  
 — publication of notice to limit liability in respect of other goods . . . . . 392  
 — any owner may be sued . . . . . ib.  
 — parties entitled to damages, may also recover extra charges . . . . . ib.  
 — owner liable for thefts committed by servants, &c. . . . . ib.  
 — owner liable to such damages only as are proved . . . . . ib.  
 — parcels brought by coaches to be delivered within 6 hours . . . . . ib.  
 — parcels directed to be left till called for . . . . . ib.  
 — charge for warehouse room . . . . . 393  
 — proviso as to parcels not directed to be left till called for . . . . . ib.  
 — rates of coolie hire of parcels not exceeding 50lbs. . . . . ib.  
 — penalty on taking more than fixed rates . . . . . ib.  
 — goods sent by carts and boats to be delivered within 24 hours . . . . . ib.  
 — proof of licence to be on accused . . . . . ib.  
 — informer's share of penalty . . . . . ib.  
 — prosecutions barred after a month . . . . . ib.  
**CARTS** not to remain in the street at night under penalty upon owner . . . . . 229  
 — persons offending may be seized . . . . . ib.  
 — penalty on person leaving, on roads . . . . . 370  
 — See *Carriers. Impressment.*  
**CATTLE** 18 months old and upwards to be branded . . . . . 24  
 — description of marks to be furnished to headmen . . . . . ib.  
 — penalty for not branding or furnishing description . . . . . ib.  
 — stealing and private killing of, prohibited . . . . . 47  
 — licence to slaughter cattle within gravets by whom granted . . . . . 47, 230  
 — place of slaughter to be appointed . . . . . 47  
 — butcher to register every month in District Court amount of cattle slaughtered . . . . . ib.  
 — beyond Gravets notice of slaughter to be given to headmen . . . . . ib.

**CATTLE.**  
 — duplicate of such notice to be sent monthly to District Court . . . . . 48  
 — possession of stolen cattle without note of description made an offence . . . . . ib.  
 — possession of fresh beef without shewing how come by, made an offence . . . . . ib.  
 — limitation of prosecution . . . . . ib.  
 — See *Trespass.*  
**CATTLE TRESPASS, exclusive jurisdiction given to Police Courts in cases of** . . . . . 403  
 — all powers given to District Courts under Ord. 2 of 1835 transferred to Police Courts . . . . . ib.  
**CATTLE STEALING, jurisdiction given to District Courts in cases of** . . . . . 409  
 — penalty on persons demanding or taking reward for helping to recover stolen cattle . . . . . 410  
 — penalty on headmen for not reporting cases of, or assisting in the detection of offenders . . . . . ib.  
**CASSIO BONORUM, when and to whom granted** . . . . . 37  
 — mode of proceeding in cases of . . . . . ib.  
 — effect of privilege of . . . . . 38  
**CHANKS, boats found fishing for, without licence, to be confiscated** . . . . . 130  
 — penalty on persons in the boat . . . . . 131  
 — persons fishing or attempting to fish, without licence . . . . . ib.  
 — to be landed within a stipulated period . . . . . ib.  
 — penalty for breach thereof . . . . . ib.  
 — possession of chanks without permit made an offence . . . . . ib.  
 — officers empowered to demand production of licence . . . . . ib.  
 — penalty on persons resisting or inciting to the resistance of officers . . . . . ib.  
 — penalty for using a dredge or apparatus of a like nature . . . . . ib.  
 — disposal of fines . . . . . ib.  
**CHILDREN, punishment for concealing birth of.** . . . . . 128  
 — person charged with child murder may be convicted of concealing . . . . . ib.  
 — committing breach of Police laws to receive moderate chastisement . . . . . 234  
**CHILD MURDER, under charge of, prisoner may be convicted of concealing birth** . . . . . 128  
**CHURCHES AND MINISTERS, rules as to building of Churches and maintaining of Ministers** . . . . . 252  
 — grants of public money therefor . . . . . 253  
 — limitation of annual grant . . . . . ib.  
 — election of trustees . . . . . ib.  
 — issue of salaries to Ministers . . . . . ib.  
 — salary where congregation is small . . . . . 254  
 — increase . . . . . ib.  
 — there is place of worship . . . . . ib.  
 — who are adults under Ordinance . . . . . ib.  
 — restrictions on issue of . . . . . ib.  
 — existing salaries saved . . . . . ib.  
**CHURCHES EPISCOPAL regulating the temporalities of** . . . . . 294  
 — Trustees, notice of election of, for Churches already erected . . . . . 295  
 — those being erected . . . . . ib.  
 — those to be erected . . . . . ib.  
 — mode of holding election of . . . . . ib.  
 — mode of voting for . . . . . ib.  
 — appointment by Bishop of one . . . . . ib.  
 — vacancy of . . . . . ib.  
 — qualification of . . . . . ib.  
 — Governor must sanction appointment of . . . . . 296  
 — accounts by, when they resign . . . . . ib.  
 — annual election of . . . . . ib.  
 — in case of default of electing, Bishop to appoint . . . . . ib.  
 — Bishop may be sole trustee . . . . . ib.  
 — Chaplain to be Chairman of . . . . . ib.  
 — property vested in . . . . . 297  
 — contracts &c. to be made by . . . . . ib.  
 — to sue and be sued . . . . . ib.  
 — sittings to be apportioned by . . . . . ib.  
 — free sittings to be reserved . . . . . 297

**CHURCHES, EPISCOPAL.**  
*Trustees* : to collect monies . . . . . 297  
 — and remove officers . . . . . ib.  
 — and defray necessary expenses . . . . . ib.  
 — permit erection of monuments, &c. . . . . ib.  
 — to keep accounts . . . . . 298  
 — may accept lands . . . . . ib.  
 — Auditor, appointment and duties of . . . . . ib.  
 — subscribers entitled to sittings . . . . . 297  
 — performance of Service for Troops . . . . . 298  
 — persons disturbing public worship . . . . . ib.  
 — who alone can officiate in . . . . . ib.  
 — Ordinance not to affect 11 of 1842 . . . . . ib.  
 — schedule of charges for monuments, &c. . . . . ib.  
**CHURCH, Episcopalian, in Kandy, provision for building of** . . . . . 138  
 — Trustees, election of . . . . . ib.  
 — Committee of management to hand over papers, &c. to . . . . . ib.  
 — Chaplain, ex officio Chairman of . . . . . ib.  
 — vacancies in office of, how to be filled up . . . . . ib.  
 — rights, duties, and liabilities of . . . . . 139, 140, 141  
 — Auditor, appointment and duties of . . . . . ib.  
 — subscribers entitled to sittings . . . . . 139  
 — free sittings to be reserved . . . . . ib.  
 — right of priority in choosing seats . . . . . 140  
 — party having engaged seats not to be disturbed except in certain cases . . . . . ib.  
 — who may vote at general Meeting . . . . . 141  
 — who alone can officiate at Church . . . . . ib.  
 — penalty for disturbing congregation . . . . . ib.  
**CHURCH, Presbyterian, in Kandy.**—  
 — original Trustees, appointment of . . . . . 268  
 — they must rent out sittings . . . . . ib.  
 — Trustees, annual election of . . . . . ib.  
 — vacancy how to be filled up . . . . . ib.  
 — Chaplain ex officio Chairman of . . . . . 269  
 — who may be trustee . . . . . ib.  
 — object of trust . . . . . ib.  
 — rights, duties and liabilities of trustees . . . . . 269, 270, 271  
 — Auditors, appointment of . . . . . 270  
 — Minister to have right of access to Church, and use of house . . . . . ib.  
 — such possession not to confer right of property . . . . . ib.  
 — Church to be for ever dedicated to purpose and uses for which it is built . . . . . 269  
 — free sittings reserved . . . . . 271  
 — conditions of former Ordinance declared to be fulfilled . . . . . ib.  
 — Ordinance to be deemed a public one . . . . . ib.  
**CINNAMON, restrictions on cultivation, possession, sale and export of, removed** . . . . . 195  
 — reservation as to plants and seeds . . . . . 196  
**CINNAMON LANDS, when to be deemed the property of the Crown** . . . . . 107, 116  
**COFFEE CULTIVATION, return of lands under, required** . . . . . 326  
**COMMITMENT, requisite of** . . . . . 182  
 — prisoner entitled to copy of . . . . . 184  
 — penalty on Gaolers refusing the same . . . . . ib.  
**COMMUTATION TAXES, repeal of** . . . . . 2  
**CROWN CASES, provision for more convenient and speedy trial of** . . . . . 327  
**CROWN DEBTS, provision for better security and recovery of** . . . . . 71, 143, 177  
 — Government Agent may seize property of debtor, upon knowledge of notice of debt . . . . . ib.  
 — libel to be filed within 7 days and sequestration to issue thereon . . . . . ib.  
 — property of public accountants, &c. specially liable for debt . . . . . ib.  
 — Crown debts to have preference over all subsequent specialities or other debts . . . . . ib.  
 — prior specialities or rights of legal lien saved . . . . . ib.  
 — also prior bona fide transfers of moveables . . . . . ib.  
 — fraudulent transfers void and parties punishable . . . . . 178

**CROWN LANDS, to prevent encroachments upon** 99, 106  
 — proceeding in case of encroachment upon . . . . . 107  
 — ordinary remedy saved to party . . . . . ib.  
 — Court may order payment of costs . . . . . ib.  
 — when Cinnamon lands are deemed the property of the Crown . . . . . 107, 116  
 — when waste lands are deemed the property of the Crown . . . . . 107  
 — Agent may grant certificate against right of Crown . . . . . ib.  
 — party possessing certain lands 10 years entitled to compensation . . . . . 108, 127  
 — encroachment on roads, &c. how removed . . . . . 108  
 — headman to give information . . . . . ib.  
**CUSTOMS, regulating duties of** . . . . . 55, 132, 327  
 — respecting deposits of bullion, coin, or gold or silver articles as security for duties . . . . . 149  
**DAMAGES, right to not affected by conviction or acquittal of prisoner** . . . . . 185, 234  
**DEATHS, Registration of, See Marriages.**  
**DECLARATIONS, substituted for Oaths and Affirmations in Customs and Revenue offices** . . . . . 1  
 — exceptions thereto . . . . . 2  
 — penalty where false . . . . . ib.  
**DOGS, Governor may issue orders to kill** . . . . . 134  
 — publication of order, before execution . . . . . ib.  
 — requisites of notice of killing . . . . . ib.  
 — who shall be deemed owner of . . . . . ib.  
 — any person may kill a ferocious dog attacking him or a mad dog . . . . . ib.  
 — owner of mad dog, or dog bitten by animal in a rabid state, when punishable . . . . . ib.  
 — when District Judge may order dangerous dogs to be secured and when destroyed . . . . . 135  
 — penalty for noncompliance with order . . . . . ib.  
 — owner of mischievous dog liable civilly and penally . . . . . ib.  
 — person authorised to kill, not to employ dangerous means . . . . . ib.  
 — tax upon, introduced . . . . . 374  
 — tax upon, repealed . . . . . 386  
**DRIVING, penalty for furious or careless** . . . . . 229  
 — person offending may be seized . . . . . ib.  
**EDICTILE CITATION, application for** . . . . . 40  
 — proceeding in case of claim preferred . . . . . 41  
 — claim not made within 18 months barred . . . . . ib.  
 — exceptions in cases of disability . . . . . ib.  
 — certificate of . . . . . ib.  
**ELEPHANTS not to pass streets except at certain hours** . . . . . 229  
 — persons offending may be seized . . . . . ib.  
**EMIGRATION. See Natives of India.**  
**ENCROACHMENTS on roads, proceeding for removal of** . . . . . 371  
 — See *Roads.*  
**EVIDENCE, introducing English Law of** . . . . . 16, 279  
 — proviso where Ordinances require particular modes of proof . . . . . 280  
 — proviso as to the practical rules of, in England . . . . . ib.  
 — religious opinions, &c., no ground of incompetency . . . . . ib.  
 — mode of examining witnesses upon interrogatories or otherwise . . . . . 281  
 — compelling attendance of witnesses or production of documents . . . . . ib.  
 — examination of witnesses to be on oath or affirmation . . . . . ib.  
 — persons giving false evidence to be guilty of perjury . . . . . 282  
 — Commissioners taking evidence to report upon conduct or absence of witnesses . . . . . ib.  
 — costs of the order for examination . . . . . ib.

<b>EVIDENCE.</b>	
— restrictions on reading of examinations, without consent of party . . . . .	282
— official papers to be returned to party producing them, and copy to be filed . . . . .	ib.
<b>FEAST DAYS, no trade to be carried on within sight of Church during certain hours of certain . . . . .</b>	230
<b>FINES, PENALTIES, and FORFEITURES, summary process for recovering . . . . .</b>	213
— if not immediately paid, to be levied by distress and sale . . . . .	ib.
— party may be imprisoned until return to warrant . . . . .	214
— if distress not sufficient, party to be imprisoned . . . . .	ib.
— where imprisonment will entirely discharge fine . . . . .	ib.
— fines how to be recovered . . . . .	ib.
— course if proceeding be beyond District . . . . .	ib.
— defect or want of form how far to affect party acting under it . . . . .	215
<b>FIRE ARMS, provision to regulate possession of . . . . .</b>	328, 387
— no fire arms to be possessed without licence . . . . .	387
— penalty for breach thereof . . . . .	ib.
— proviso as to manufacturers, &c., and servants, &c. . . . .	ib.
— licences under Ord. 13 of 1847, to remain in force . . . . .	ib.
— licence how obtained . . . . .	ib.
— form of . . . . .	389
— may be marked by the Agent if necessary . . . . .	387
— penalty for obliterating or forging mark . . . . .	388
— register of licences . . . . .	ib.
— proceeding where licence is lost . . . . .	ib.
— proof of ownership . . . . .	ib.
— licence to manufacturers to sell Arms . . . . .	ib.
— form of . . . . .	389
— penalty . . . . .	388
— not to extend to sale of, by licensed owner . . . . .	ib.
— licences under Ord. 13 of 1847 to remain in force . . . . .	ib.
— headmen to give information . . . . .	ib.
— informer's share of penalty . . . . .	ib.
— proof of licence . . . . .	ib.
— vexatious complaints how punished . . . . .	ib.
— prosecutions barred after a month . . . . .	ib.
— Ordinance not to extend to Military and Naval persons . . . . .	389
— meaning of "Arms" . . . . .	ib.
<b>FISCALS, defining powers, duties and responsibilities of . . . . .</b>	63, 81
— to execute process and receive prisoners . . . . .	81
— proviso, where Fiscal is personally interested . . . . .	ib.
— may nominate deputies . . . . .	ib.
— past transfers of realty by deputies legalized . . . . .	327
— appointment by, of persons to execute process . . . . .	81
— Native Headmen to execute process . . . . .	81, 82
— — — — — civilly responsible to Fiscals . . . . .	81
— Officers of, except headmen, to carry staves . . . . .	ib.
— civil responsibility of, for self and officers . . . . .	82
— actions against . . . . .	ib.
— rules for execution of process . . . . .	ib.
— proceeding where property is disputed . . . . .	83
— allowance to Prisoners . . . . .	ib.
— recovery back of allowance . . . . .	ib.
— rules for payments to, and by Fiscal's officers . . . . .	ib.
— monies paid in subject to order of Court . . . . .	84
— penalty for neglect of duty by, in criminal matters . . . . .	180
<b>FISH TAX, abolition of . . . . .</b>	92
<b>FRAUDS and PERJURIES, relating to prevention of . . . . .</b>	19, 101
— deeds respecting lands to be executed before a Notary and two witnesses . . . . .	101
— not invalid though executed before other than proper Notary . . . . .	103
— duplicates of, to be transmitted to District Court . . . . .	ib.
— Ordinance not to affect sales by Government . . . . .	ib.
— Wills to be signed before Notary 2, or before five witnesses . . . . .	101
— — — — — appointments by, to be executed like other Wills . . . . .	ib.
— — — — — revocation of, how to be made . . . . .	102
— — — — — revival of revoked Will, how to be effected . . . . .	ib.
— — — — — alteration in, must be executed as a Will . . . . .	ib.
— — — — — publication of, not required . . . . .	ib.
— — — — — not invalidated through incompetency of attesting Witness . . . . .	ib.
— — — — — gifts to attesting witness void . . . . .	ib.
— — — — — creditor or executor may be attesting witness . . . . .	ib.
— — — — — of Sailors and Mariners in actual service, exempt . . . . .	103
— — — — — free disposition of property, without reference to legitime, &c., allowed . . . . .	245
— — — — — males above 21 and females above 18, competent to make . . . . .	ib.
— — — — — proviso in the case of Venia Etatis and marriage . . . . .	ib.
— — — — — as to validity of foreign . . . . .	ib.
— — — — — as to re-execution of Wills . . . . .	246
— — — — — promises, what, should be in writing . . . . .	103
<b>GAMING HOUSES, See Vagrancy.</b>	
<b>GAOLER, bound to give prisoner copies of commitment . . . . .</b>	184
— — — — — penalty on refusal to give within 24 hours . . . . .	ib.
<b>GARDENS, within towns to be walled or fenced in, and kept clear . . . . .</b>	231
<b>GOVERNOR, power of, to arrest and detain persons in custody . . . . .</b>	22
<b>GRANTS, of public lands declared valid, notwithstanding certain informalities . . . . .</b>	385
— — — — — enrolment of . . . . .	ib.
<b>GUARANTEE, requisites of valid . . . . .</b>	103
<b>HOUSES, to be surrounded with walls or fences and kept clear . . . . .</b>	231
<b>HOUSEHOLDERS, bound to give lists of inmates to Police when required . . . . .</b>	228
<b>IMPRESSMENT, of carts and other means of transport . . . . .</b>	97
— — — — — mode of proceeding and of payment . . . . .	97, 98
— — — — — carts plying for common hire liable before common carts . . . . .	98
— — — — — carts not subject to, more than once a year . . . . .	ib.
— — — — — of carriages in cases of emergency . . . . .	ib.
— — — — — penalties of offences against Ordinance . . . . .	99
— — — — — penalties on Military offending . . . . .	ib.
— — — — — fines to be levied by distress . . . . .	ib.
— — — — — informer's share . . . . .	ib.
— — — — — meaning of "bullock carts" or "bullocks" . . . . .	ib.
<b>INQUEST, Governor may appoint Coroners and Deputy Coroners . . . . .</b>	149
— — — — — and may remove them . . . . .	ib.
— — — — — Coroners, &c. to take oaths before Judge or Justice . . . . .	ib.
— — — — — information of death to be given to constables, &c. . . . .	ib.
— — — — — constable to inquire and report to Coroner . . . . .	ib.
— — — — — where inquests are to be held . . . . .	ib.

**INQUEST.**  
 --- jury of 13 to be summoned . . . 149  
 --- suspected persons to be apprehended . . . ib.  
 --- proceedings before Coroner . . . 150  
 --- Deputy Coroner to send proceedings to Coroner . . . ib.  
 --- place of death to be inspected . . . ib.  
 --- articles produced to be marked and preserved . . . ib.  
 --- witnesses to be bound over to give evidence . . . ib.  
 --- adjournment of . . . ib.  
 --- Medical practitioners to be summoned . . . 151  
 --- penalty on, not obeying summons . . . ib.  
 --- entitled to pay . . . ib.  
 --- service of summons by Coroner &c. . . ib.  
 --- when Coroner may hold fresh inquest . . . ib.  
 --- warrant to apprehend person charged . . . 152  
 --- Justice of the Peace may make further inquiry . . . ib.  
 --- bodies not to be removed before inquest . . . ib.  
 --- penalty on Coroner neglecting duty . . . ib.  
 --- for obstructing Coroner . . . ib.  
 --- for non-performance of duty by Coroner, &c. . . ib.  
**INSANE PERSONS, provision for safe custody and care of** . . . 85, 104  
 --- See *Lunatic Asylum*.  
**INSOLVENT PRISONERS, release of** . . . 34  
 --- mode of proceeding by, to obtain . . . 34, 36  
 --- effect of release of . . . 35

**JOURNEYMEN ARTIFICERS, provision for regulation of** . . . 77, 113, 122  
 --- See *Servants*.

**JURORS AND ASSESSORS, qualifications of** . . . 241  
 --- persons exempted from serving as . . . 241, 277  
 --- to be arranged under three lists . . . 241  
 --- other provisions made for Kandyan Provinces . . . ib.  
 --- Governor may require ability to read and write . . . 242  
 --- alterations in the lists . . . ib.  
 --- Court may add to or remove from lists . . . ib.  
 --- Governor may order amended lists . . . ib.  
 --- Government Agent may revise lists . . . ib.  
 --- lists to be transmitted to and kept by Fiscals . . . ib.  
 --- persons on list to serve in rotation . . . 243  
 --- choice of, where counsel for Crown and for Prisoners disagree . . . ib.  
 --- how number of, to be made up when insufficient . . . ib.  
 --- provision for, dying at trial . . . ib.  
 --- Supreme Court may make rules regarding . . . ib.  
 --- penalty on neglect of, to attend . . . ib.  
 --- penalty for attempting to corrupt, &c. . . ib.  
 --- penalty on Headmen making false returns . . . ib.  
 --- challenges by the Crown . . . ib.

**LABOURERS, provisions for better regulation of** . . . 77, 113, 122  
 --- See *Servants*.

**LANDS, proceeding to obtain them for public purposes** . . . 187, 407  
 --- entry into and survey of to be made . . . 407  
 --- Commissioners to assess amount of compensation . . . ib.  
 --- how compensation to be estimated . . . 408  
 --- possession to be taken . . . 407  
 --- to whom compensation to be paid . . . ib.  
 --- when amount should be deposited in the Treasury . . . 408  
 --- certificate by Treasurer of deposit to vest title in Crown . . . ib.  
 --- if land effected by mortgage . . . 187  
 --- proceeding to obtain roads to private property . . . 188

**LANDS.**  
 --- Governor may order survey of such property . . . 188  
 --- and appoint Commissioners to value it . . . ib.  
 --- penalty on juror or witness not serving . . . ib.  
 --- penalty on witness making false statement . . . ib.  
 --- penalty on corrupting or intimidating juror . . . ib.  
 --- effect of local laws or customs . . . ib.  
 --- survey of all lands for public purposes . . . 189  
 --- proviso as to injury done in course of survey . . . ib.  
 --- Surveyor General may demand production of deeds . . . ib.  
 --- penalty on obstructing Surveyor General . . . ib.  
 --- penalty on abuse of power by Surveyor General . . . ib.  
 --- Schedule of forms . . . 409  
 --- See *Boundaries of Lands. Surveys*.

**LEGITIMATE PORTION, laws respecting, altered** . . . 245

**LIMITATION OF PROSECUTIONS, 20 years a bar except for murder or treason** . . . 185

**LOAN BOARD, interest on monies lent by, raised to 9 per cent.** . . . 379  
 --- power of Board to alter rate . . . ib.

**LOTTERIES declared nuisances** . . . 198  
 --- penalty on setting up lotteries . . . ib.  
 --- penalty on drawing ticket in lottery . . . ib.  
 --- penalty on selling or buying ticket . . . ib.  
 --- penalty on assisting in setting up lottery . . . 199  
 --- no prosecution but by authority of Queen's Advocate . . . ib.  
 --- informer's share of fines . . . ib.  
 --- informer made competent witness . . . 245

**LUNATIC ASYLUMS, establishment of** . . . 85, 104  
 --- Governor may make rules for management of and appoint officers to . . . 104  
 --- District Court to send to it insane paupers or dangerous lunatics . . . ib.  
 --- discharge in case of recovery . . . ib.  
 --- proceedings for relatives to get back insane . . . 105  
 --- when Governor may admit persons into . . . ib.  
 --- payment of expense in such case . . . ib.  
 --- insane criminals to be sent to . . . ib.  
 --- removal of insane prisoners to . . . ib.  
 --- proceeding at expiration of sentence . . . 106  
 --- property of insane to be applied for their maintenance . . . ib.

**MALICIOUS INJURIES, regulations relative to 257, 285**  
 --- penalty on tumultuously pulling down houses . . . 285  
 --- burning houses . . . ib.  
 --- setting fire to ships . . . ib.  
 --- setting fire to boats . . . ib.  
 --- destroying ships in distress . . . 286  
 --- doing anything to endanger ship . . . 285  
 --- not to extend to offences committed at sea . . . 286  
 --- on injuring machines, engines, &c. employed in manufactures . . . ib.  
 --- workmen injuring goods entrusted to them . . . ib.  
 --- for injuring sea banks, walls, locks, bridges . . . ib.  
 --- killing or wounding cattle . . . ib.  
 --- for setting stacks, plantations, crops, on fire . . . ib.  
 --- to injury done to trees, &c. in plantation . . . 287  
 --- fruits and plants . . . ib.  
 --- in garden . . . ib.  
 --- plants, &c. used for food or medicine . . . ib.  
 --- to fences . . . ib.  
 --- to carriages . . . ib.  
 --- to other injuries not enumerated . . . ib.  
 --- proviso as to trespass in sporting . . . ib.  
 --- penalty on damage to property with intent to steal . . . 288

- MALICIOUS INJURIES.**  
 — penalty on stealing or injuring records . 286  
 — reservation as to remedy by common law 288  
 — where doubtful whether injury is malicious or done with intent to steal . ib.  
 — proviso as to recovery of fine . ib.  
 — malice against owner not essential . ib.  
 — punishment of principals in second degree and accessories . ib.  
 — solitary confinement and chains may be added to imprisonment . ib.  
 — persons committing offence may be arrested without warrant . 289  
 — punishment of children . ib.  
 — persons under sentence of transportation may be imprisoned at hard labour in chains . ib.  
 — evidence of party aggrieved inadmissible . ib.
- MARRIAGES, past by Christian Ministers declared valid . 308**  
 — past marriages invalid under Regulation 9 of 1822 . ib.  
 — Christian Ministers to solemnize marriages 309  
 — and keep Register . ib.  
 — Ordinance when to take effect . ib.  
 — Marriages to be valid must be registered 310  
 — Governor to appoint Registrars . ib.  
 — Registrar to give security . ib.  
 — and appoint assistant . ib.  
 — powers of assistant . ib.  
 — transfer of Register on decease &c. of Registrar . ib.  
 — Registrars to keep books and give extract . ib.  
 — fees for extract . 311  
 — notice of intended marriage by Minister or Registrar . ib.  
 — Registrar to file notice . ib.  
 — to grant certificate . ib.  
 — publication of notice . ib.  
 — certificate of publication of notice . 312  
 — mode of forbidding issue of certificate . ib.  
 — proceedings where issue of certificate is forbidden . ib.  
 — where consent is necessary to marriage . 313  
 — where any person may forbid issue of certificate . ib.  
 — demand for solemnization of marriage . ib.  
 — marriage to be registered . 314  
 — registered, valid in law . ib.  
 — after proof of evidence unnecessary . ib.  
 — District Judge to grant licence for marriage if certificate lost or destroyed . ib.  
 — marriage of parties under age is invalid . ib.  
 — prohibited degrees of relationship . ib.  
 — what constitutes bigamy . 315  
 — grounds of divorce . ib.  
 — suit to compel marriages not allowed . ib.  
 — legal marriage of parent legitimizes children born before . ib.  
 — when solemnization of marriage procured by false document . ib.  
 — what settlements and agreements void . 316  
 — penalty on falsification of document . ib.  
 — person acting as Minister or Registrar without authority . ib.  
 — marriage may be valid notwithstanding . ib.  
 — where right of appeal not to be interfered with . 317  
 — what frauds and irregularities will vitiate marriages . ib.  
 — Registrars of, to be also Registrars of Births and Deaths . ib.  
 — all births and deaths to be registered . ib.  
 — fee on registration of birth or death . ib.  
 — offences by Registrar . ib.  
 — neglect of duty by Registrar . 318  
 — destruction or falsification of documents . ib.  
 — mode of correcting erroneous entry of marriage . ib.  
 — copies of registers . ib.  
 — formation of general register for the Colony . 319
- MARRIAGES.**  
 — Quarterly Returns to be made by Provincial Registrars . 319  
 — what best evidence of marriage . ib.  
 — language of entries &c. to be stated by Governor . ib.  
 — fees and stamps to be payable . ib.  
 — penalty on celebration of, without Registration . ib.  
 — Peace Officer not reporting, without registration . 320  
 — informer's share . ib.  
 — previous law of, how to be affected . ib.  
 — Governor may withdraw licence from place of worship . ib.  
 — Governor may alter forms in Schedules . ib.  
 — previous confirmation by Her Majesty . ib.  
 — Schedules . 320—325
- MARTIAL LAW, indemnifying Governor and others for acts done under . 376**
- MASTER ATTENDANT, provision respecting duties of . 300**  
 — to appoint place of anchorage . 301  
 — penalty for disobeying or obstructing orders of . ib.  
 — to give assistance to ships in distress . ib.  
 — ditto as to Government moorings . ib.  
 — flag to be hoisted when passage to or from ships dangerous . ib.  
 — Governor may grant licences to Pilot . ib.  
 — rates of pilotage . ib.  
 — amount of outward pilotage to be paid in advance . ib.  
 — when Pilot may advance more than stated rate . ib.  
 — penalty on Pilot for misconduct . 302  
 — penalty on persons acting as Pilot without authority . ib.  
 — as to licensed boats . ib.  
 — charges for boat hire . ib.  
 — penalty on Tindal or boatmen for misconduct . ib.  
 — penalty on employment of unlicensed boats . ib.  
 — when description of packages, &c. unnecessary . ib.  
 — may survey and measure unlicensed boats 303  
 — number of boats to be painted thereon . ib.  
 — licensed boats to be always kept seaworthy . ib.  
 — 2 licensed boats to be always ready at nights . ib.  
 — penalty on throwing ballast, &c. overboard . ib.  
 — ship losing anchor to give notice to . ib.  
 — salvage for recovering lost anchor . ib.  
 — anchor not owned within 12 months to vest in Crown . 304  
 — Governor and Council may frame further rules . ib.  
 — penalty on Master or Pilot offending . ib.  
 — prosecution of offences and recovery of debts under Ordinance . ib.  
 — duties to vest in Deputies . ib.  
 — appropriation of fines . ib.  
 — Governor and Council to declare limits of Ports . ib.  
 — rates of pilotage . ib.
- MATRIMONIAL DOMICILE, when rights of married parties determinable by laws of . 246**
- MEDICAL PRACTITIONERS, payment to, in attendance as witnesses . 216**  
 — qualifications of, to demand payment . 290
- MINISTERS, See Churches and Ministers.**
- MORTMAIN, gifts, &c. of lands for religious or charitable purposes restrained conditionally 92**
- NATIVES OF INDIA, penalty on, contracting for labour in foreign places or embarking in any vessel for employment there . 305**  
 — penalty on all persons aiding and abetting . ib.  
 — power of search for purposes of Ordinance 306



**NATIVES OF INDIA.**  
 — act not to extend to bona fide menial servants . . . . . 306  
**NATURALIZATION BILLS** of G. B. Worms . . . . . 383  
   M. B. Worms . . . . . 384  
   J. H. Sonnenkalb . . . . . 399  
   G. A. Crüwell . . . . . 400  
   F. L. Straube . . . . . 412  
**NEWSPAPERS**, publishers of, must make certain declarations . . . . . 89  
 — penalty for not declaring or declaring falsely . . . . . 90  
 — declarations to be filed in Colonial Secretary's Office . . . . . ib.  
 — certified copies admissible in evidence . . . . . ib.  
 — declaration and production of, sufficient without proof of purchase . . . . . ib.  
 — place of service of legal process . . . . . 91  
 — name of printer and other particulars to be printed in . . . . . ib.  
 — copies of, to be delivered to the Colonial Secretary . . . . . ib.  
 — copies of may be used in evidence . . . . . ib.  
 — meaning of, defined . . . . . 92  
 — Gazettes and papers published by Government exempt . . . . . ib.  
 — postage on . . . . . 274  
 — mode of sending . . . . . ib.  
 — cannot be franked . . . . . ib.  
 — examination of Newspapers . . . . . ib.  
**NOTARY**, relating to office and duties of . . . . . 69, 87  
**NUISANCE**, how to be removed or abated . . . . . 231  
 — persons easing themselves in public places when prohibited . . . . . ib.

**OATHS.** See *Affirmations. Declarations.*

**PADDY AND DRY GRAIN**, collection of duties on 111  
 — former taxes continued . . . . . ib.  
 — notice to be given before crop cut . . . . . ib.  
 — further notice where cutting is postponed . . . . . ib.  
 — when crop to be threshed immediately . . . . . ib.  
 — proceeding where crop is stacked before threshing . . . . . ib.  
 — mode of ascertaining tax . . . . . ib.  
 — power of renter where tax is rented . . . . . ib.  
 — delivery of tax . . . . . ib.  
 — notice when to be given to headmen . . . . . 112  
 — renter neglecting to attend . . . . . ib.  
 — penalty on extortion by renter . . . . . ib.  
 — penalty on proprietor cutting without notice . . . . . ib.  
 — penalty on breach of agreement . . . . . ib.  
 — further demand of tax when barred . . . . . 113  
 — appointment of agent by renter . . . . . 112  
 — tax recoverable by civil action . . . . . 113  
 — renter to receive half of fines . . . . . ib.  
 — penalty on resistance of collection of tax . . . . . ib.  
 — when prosecutions are barred . . . . . ib.

**PAWN**, penalty on persons receiving goods in, without shewing to Police . . . . . 228  
 — penalty on persons giving without shewing to Police or without writing . . . . . ib.

**PEACE OFFICERS**, duty of . . . . . 179  
 — penalty on escaping or assisting to escape from custody of . . . . . ib.  
 — assaulting or molesting . . . . . 180  
 — neglect of duty by . . . . . ib.  
 — abuse of powers by . . . . . ib.  
 — giving false information to . . . . . 181

**PEARL BANKS**, possession of nets, dredges, &c. within certain limits forbidden . . . . . 191  
 — penalty for breach thereof . . . . . ib.  
 — nets, &c. may be searched for and offenders seized . . . . . ib.

**PIGS**, when straying may be destroyed . . . . . 25  
 — See *Trespass.*

**PILOTAGE**—See *Master Attendant.*

**PIONEERS**, penalty on, selling clothes &c. supplied to them . . . . . 401

**PIONEERS.**  
 — penalty on persons purchasing, or enticing Pioneers to sell, or possessing such clothes . . . . . 401  
 — limitation of prosecution . . . . . 402

**POLICE**, consolidation of laws relating to 2, 168, 225  
 — Governor may establish within certain towns . . . . . ib.  
 — Superintendent of, appointment of and oath by . . . . . 226  
   removal of . . . . . ib.  
   may appoint and suspend officers and constables . . . . . ib.  
   may make rules for . . . . . ib.  
   warrant to be executed by Police must be directed to . . . . . 227  
   may take bail . . . . . ib.  
   may release persons detained without cause . . . . . ib.  
   may suppress riots and enforce Police rules . . . . . 228  
   duty of, in case of fire . . . . . ib.  
   may enter shops and search for false weights and measures . . . . . ib.  
   to grant licences to Butchers and Bakers . . . . . 230  
   keep register thereof . . . . . ib.  
   may appoint places for sale of goods or trade . . . . . ib.  
   to notify places within which persons may not ease themselves . . . . . 231  
 — restoration of property by dismissed officer . . . . . 226  
 — penalty on unauthorized possession of Police clothing . . . . . 227  
 — tavern keeper harbouring Police Officer on duty . . . . . ib.  
 — when Justice of Peace may direct warrant to be executed by Officer of . . . . . ib.  
 — offenders or suspected persons to be apprehended by Officers of . . . . . ib.  
 — cart, &c. containing stolen goods may be seized by Officers of . . . . . ib.  
 — proceeding after seizure . . . . . ib.  
 — proceeding as to pawned goods . . . . . 228  
 — householders to give list of inmates when required . . . . . ib.  
 — carts, &c. prohibited from remaining in streets . . . . . 229  
 — carriages not to obstruct street . . . . . ib.  
 — penalty on furious driving or riding . . . . . ib.  
 — elephants prohibited to pass streets, except at stated times . . . . . ib.  
 — procession or unlawful assemblies prohibited . . . . . ib.  
 — penalty on unnecessary violence or vexatious annoyance by Officers of . . . . . 231  
 — abuse of powers by . . . . . ib.  
 — obstructing Officers of . . . . . 234

**POSSESSION.** See *Boundaries of Lands.*

**POST OFFICE**, transmission of letters by extraordinary express . . . . . 127  
 — review of rates of Postage . . . . . 57, 273  
 — exclusive privilege of . . . . . 273  
 — special prohibitions . . . . . ib.  
 — penalty for breach of such privilege . . . . . ib.  
 — rates of postage payable to . . . . . ib.  
 — postage to be charged by weight . . . . . ib.  
 — authorities to frank without restriction . . . . . ib.  
 — non-resident authorities allowed to frank . . . . . ib.  
 — postage on Newspapers . . . . . 274  
 — mode of sending Newspapers . . . . . ib.  
 — examination of . . . . . ib.  
 — Newspapers need not be sent through . . . . . ib.  
 — Newspapers cannot be franked . . . . . ib.  
 — postage on, and modes of sending Magazines . . . . . ib.  
 — Magazines cannot be franked . . . . . ib.  
 — transmission of Books, Magazines, Reviews, Pamphlets, &c. between Ceylon and the United Kingdom . . . . . 410  
 — Governor to make rules for transmission of parcels . . . . . 274  
 — when parcels must be sent to Customs . . . . . ib.

- POST OFFICE.**  
 — Colonial Postage on Overland Letters . 274  
 — Ship letters, postage on . 275  
 — allowance to Masters . ib.  
 — Masters to receive Mails . ib.  
 — Masters to land letters at first port . ib.  
 — Masters to make declaration . ib.  
 — seizure of letters unlawfully on board . ib.  
 — Postage on letters to and from India . ib.  
 — money, jewels, &c. sent in letters . ib.  
 — letters refused . 276  
 — persons opening letters bound to pay . ib.  
 — sailors and soldiers, privilege of letters of . ib.  
 — not to extend to foreign postage . ib.  
 — letters re-directed . ib.  
 — penalty on officers improperly signing . ib.  
 — letters improperly addressed to seamen . 277  
 — penalty on persons improperly procuring officer's signature . ib.  
 — Officers of, may be witnesses . ib.  
 — exempted from serving as jurors . ib.  
 — neglect of duty by . ib.  
 — theft of letter or packet by . ib.  
 — penalty on, for opening or delaying letters . ib.  
 — fraudulent or wilful detention of letters . ib.  
 — penalty for delaying messengers of . 278  
 — in trial for offences, property to be laid in Her Majesty . ib.  
 — tender of fine into Court by offender . ib.  
 — Postage duties, debts to the Crown . ib.  
 — informer's share of fine . ib.  
 — Deputy Postmaster General, powers of . ib.  
 — Governor to frame rules as to hours of posting letters . ib.  
 — penalty for making private letters as official . ib.  
 — Governor to fix postage for expresses . ib.  
 — interpretation of "letters" . ib.  
**PRELIMINARY EXAMINATION.** See *Justices of the Peace.*  
**PREMISES,** meaning of term under Ord. 17 of 1844 . 233  
**PRESCRIPTION** of action, laws relating to . 20  
 — suits for lands or immoveable property, 10 years . ib.  
 — on bonds, mortgages or agreements, 10 years . 21  
 — on bills, notes or other written security, 6 years . ib.  
 — on unwritten promises and loans, 3 years . ib.  
 — on shop bills, book debts, wages, &c., 1 year . ib.  
 — for loss, injury or damage, 2 years . ib.  
 — against Fiscal, 9 months . ib.  
 — written acknowledgments, save prescription . ib.  
 — proviso in case of death of debtor or creditor . ib.  
 — disability from absence, minority, coverture or insanity . ib.  
 — proviso in suits for lands as to those taking in remainder or reversion . 20  
 — rights of Crown saved . 21  
**PRISONER,** entitled to copy of commitment . 184  
 — penalty on Gaoler refusing it . ib.  
 — must be tried in Supreme Court, first sessions after commitment . ib.  
 — entitled to discharge if not tried at second sessions . ib.  
 — must be tried in District Court, within one month after commitment . ib.  
 — once discharged, cannot again be committed for same offence . ib.  
 — may however be tried again . ib.  
 — when friends and legal adviser may visit . 185
- PRISONER.**  
 — not entitled to legal advice when under examination . 185  
 — allowances to . 83  
**PRISONS,** existing public, what and how to be managed . 235  
 — future public prisons . ib.  
 — Governor may remove Prisoners from one prison to another . ib.  
 — commitment by Justices, &c., when good out of their jurisdiction . ib.  
 — prisons to be divided into compartments . 236  
 — public prisons to be under charge of Fiscal . ib.  
 — Governor to appoint keepers, &c. . ib.  
 — Fiscal may suspend keepers, &c. . ib.  
 — Rules to be observed in Prisons . 236, 237, 238  
 — Governor may make further rules . 238  
 — appoint Visitors . ib.  
 — punishment for breaches of rule . ib.  
 — Visitor to hear complaint made by prisoners . 239  
 — surgeon to report . ib.  
 — Fiscal to make returns . ib.  
 — convicted prisoners liable for the cost of their maintenance . ib.  
 — no prisoner to be a juror at an inquest . ib.  
 — escape, punishment for, and for assisting to . ib.  
 — penalty on prisoner threatening or assaulting officer . ib.  
 — when overseers may inflict moderate chastisement . ib.  
 — penalty on overseers neglecting duty . 240  
 — officers neglecting duty . ib.  
 — keeping, or using unnecessary violence . ib.  
**PROCESSION** or unlawful assemblies prohibited . 229  
 — penalty on persons forming part of, carrying weapons . ib.  
**PROCTORS.** See *Advocates and Proctors.*  
**PUBLIC BUILDINGS,** injury or damage to, prohibited . 231  
**PUBLIC WORSHIP,** penalty for disturbing Christian worship . 230, 298  
 — See *Sabbath. Feast Days.*
- QUEEN'S ADVOCATE,** power of, to direct removal of prisoner to another District gaol . 183  
 — power of, to direct further examination of prisoner . 184  
 — no appeal to complainants against acquittal of prisoners, without certificate of . 185  
 — power to intervene and stop proceedings in District Courts . 165  
 — power to intervene and stop proceedings in Police Courts . 162  
 — power to stop all prosecutions . 186  
 — power to order liberation of prisoners committed to gaol . ib.  
 — power of, may be exercised by Deputy . ib.
- RECOGNIZANCES,** witnesses may be called upon to enter into . 182  
 — of prisoners to appear to take trial . 184  
 — proceeding to recover forfeiture of, or of Bail bond . 214  
 — See *Fines, Penalties, and Forfeitures.*  
**REPEAL** of various Proclamations and Regulations . 27  
**RIDING,** penalty for furious or careless . 229  
 — persons offending may be seized . ib.  
**ROADS, PRIVATE,** proceedings to make, to give access to private property . 188  
 — Governor may order survey . ib.  
 — Governor may appoint Commissioners to value the land required . ib.  
 — penalty on juror or witness not obeying notice . ib.

- ROADS.**  
 — penalty on witness making false statement 188  
 — penalty on corrupting a juror . . . . . ib.  
 — local laws or customs saved . . . . . ib.  
 — penalty on persons laying rubbish or building materials on . . . . . 230  
 — penalty on persons exposing goods for sale on . . . . . ib.  
**ROADS, CANALS, &c.,** provision for formation and improvement of . . . . . 358  
 — male residents rendered liable to labour on . . . . . ib.  
 — exceptions . . . . . 358, 382  
 — permission to commute . . . . . 358  
 — Governor to declare principal Roads, Rivers, Lakes and Canals . . . . . ib.  
 — Governor may declare Assessment Districts and Divisions . . . . . 358, 359  
 — *Provincial Committee*, appointment of . . . . . 359  
 — persons bound to serve in . . . . . ib.  
 — majority to decide . . . . . ib.  
 — three to form quorum . . . . . ib.  
 — casting vote of Chairman . . . . . ib.  
 — meetings of Provincial Committees . . . . . ib.  
 — vacancies in . . . . . 360  
 — to make rules for District Committees . . . . . ib.  
 — to make rules for Division Officers . . . . . 362  
 — to furnish lists of male residents annually to Government . . . . . 363  
 — to furnish estimates for principal roads . . . . . ib.  
 — to apportion labour . . . . . 364  
 — inform Division Officers of apportionment . . . . . ib.  
 — to give one month's notice of labour due from any District . . . . . 380  
 — employ unappropriated labour in Minor Roads . . . . . ib.  
 — employ unappropriated labourer in any public tank or water course . . . . . ib.  
 — have charge of rest houses . . . . . ib.  
 — Chairman of, to have disposal of money . . . . . 365  
 — to furnish lists of labour rendered and works executed . . . . . 366  
 — may sue and be sued . . . . . 373  
 — *District Committee*: appointment of . . . . . 359  
 — persons bound to serve in . . . . . ib.  
 — vacancy in . . . . . 360  
 — to give notice of candidates for office of Division Officer . . . . . 361  
 — to exempt persons incapable of labour . . . . . 365  
 — may pay subsistence money . . . . . 366  
 — to determine questions of age . . . . . ib.  
 — *Division Officer*: appointment of . . . . . 360  
 — qualification of . . . . . ib.  
 — election of . . . . . ib.  
 — security to be given by . . . . . 360, 361  
 — candidate for office of, to give notice . . . . . 361  
 — objection to candidate . . . . . ib.  
 — approval of candidate . . . . . ib.  
 — mode of holding election . . . . . ib.  
 — officer holding election to decide upon objection to votes . . . . . ib.  
 — proceedings in default of election . . . . . 362  
 — person elected or appointed bound to serve as . . . . . ib.  
 — election of successor to . . . . . ib.  
 — land owner to furnish list of houses to . . . . . 362, 380  
 — to preserve lists . . . . . 362  
 — to furnish District Committee with such lists . . . . . 363  
 — to furnish lists as required by Provincial Committee . . . . . 381  
 — necessary alterations of the lists . . . . . 363  
 — to give receipts of payments or certificates of labour . . . . . 365  
 — may require production of receipt or certificate . . . . . 380  
 — penalty for neglecting or delaying to give them . . . . . 365  
 — penalty for disobeying orders of . . . . . 365, 381
- ROADS.**  
 — to render account of monies and labour 366  
 — payment to . . . . . ib.  
 — headman and others to assist . . . . . ib.  
 — may call upon persons to labour . . . . . 381  
 — penalty on refusal . . . . . ib.  
 — management of Principal Roads vested in Commissioner of Roads . . . . . 363  
 — Commissioner of Roads to fix commencement of work . . . . . 364  
 — penalty on labourer refusing to work . . . . . ib.  
 — proper officers empowered to enter upon lands for repair, &c. . . . . 366  
 — and to take materials . . . . . 367  
 — and erect buildings . . . . . ib.  
 — and keep cattle . . . . . ib.  
 — and throw rubbish upon adjacent lands . . . . . ib.  
 — and make temporary road . . . . . ib.  
 — penalty on persons tying cattle on or near road or canal . . . . . ib.  
 — seizure of stray cattle . . . . . 368  
 — destruction of stray pigs . . . . . ib.  
 — proper officers may cut trees on road or canal . . . . . ib.  
 — and put up fences . . . . . ib.  
 — access to premises adjoining public roads . . . . . ib.  
 — penalty on persons injuring road or canal . . . . . 369  
 — or destroying mile post . . . . . ib.  
 — removing logs &c. to prevent temporary use of roads . . . . . ib.  
 — or throwing rubbish on roads . . . . . ib.  
 — taking away stones or gravel . . . . . ib.  
 — or encroaching on side of roads, &c. . . . . 367  
 — injuring surface . . . . . 369  
 — injuring road . . . . . ib.  
 — exposing mats . . . . . ib.  
 — making fires or letting off fireworks . . . . . ib.  
 — preventing others from passing . . . . . 370  
 — hauling or trailing timber . . . . . ib.  
 — leaving cart on roads . . . . . ib.  
 — leaving boat or timber so as to obstruct Canals . . . . . ib.  
 — laying timber or rubbish . . . . . ib.  
 — suffering water or filth to flow on, from adjoining lands . . . . . ib.  
 — sufferings pigs or animals to do injury . . . . . ib.  
 — leaving blocks . . . . . ib.  
 — damaging lamp or lamp posts . . . . . ib.  
 — placing stones on the roads at Jaffna . . . . . ib.  
 — on erection of kraals . . . . . ib.  
 — proof of right to apparent encroachment to rest upon owner . . . . . 371  
 — survey by proper officer to be conclusive evidence . . . . . ib.  
 — removal of obstruction or encroachments . . . . . ib.  
 — when Committee may demand production of deeds . . . . . ib.  
 — and make survey of premises . . . . . 372  
 — demand of production of deeds to include power of examination . . . . . ib.  
 — compensation for injury to property by authorized officer . . . . . ib.  
 — vexatious conduct of officers . . . . . ib.  
 — obstruction of officer . . . . . ib.  
 — headmen to enforce provisions of Ordinance . . . . . 373  
 — informer's share of fines . . . . . 372  
 — interpretation of terms . . . . . 373  
**RULES AND ORDERS**, provision for legalising . . . . . 1, 291  
 — Judges to frame, and transmit to Governor . . . . . 290  
 — not to take effect till confirmed by Ord. . . . . ib.  
 — if Ordinance disallowed, Rules not to have force . . . . . 291  
**RUM AND RUM SHRUB**, to prohibit the importation of . . . . . 117
- SABBATH**, carrying on of trade within Church hours, prohibited . . . . . 230  
**SALT**, provisions for protecting revenue derived from . . . . . 43

- SALT.**  
 — collection and manufacture of prohibited 43  
 — possession of, in certain Districts prohibited 44, 115  
 — Governor may exempt any place from restriction 80  
 — Government Agent to grant licences for possession 44  
 — penalty for possession of salt and saline substances 44, 115  
 — penalty for concealment of salt 44  
 — disposal of salt on expiry of licence 44, 115  
 — parties possessing may be called to account for it 44  
 — persons found in vicinity of salt pan may be taken up 45  
 — removal of salt without permit prohibited 45, 115  
 — sale of salt ib.  
 — retailers to affix notice to place of sale 45  
 — bound to sell salt by standard measures 46  
 — cannot sell adulterated salt ib.  
 — search or seizure without warrant from Court 55  
 — sale of adulterated salt by Government storekeeper 46  
 — delivery of salt sold by Government 190  
 — informer's share of fines 46  
**SAVINGS BANK, amending Regulation 4 of 1833** 299  
 — certain sections repealed ib.  
 — amount receivable from one depositor ib.  
 — proviso as to charitable institutions ib.  
 — receipt of Treasurer sufficient discharge ib.  
 — depositors withdrawing sums may re-deposit them ib.  
 — legalising certain past proceedings 300  
 — Government and Treasurer not responsible for loss in Treasury ib.  
**SCHEDULE, grant of, on execution of deeds in the Northern Province** 128  
 — fee payable to headmen for ib.  
 — reasons of refusal to be given by headmen ib.  
 — penalties on Headmen for negligence or misconduct ib.  
**SEARCH WARRANT, when Justice of the Peace may grant** 181  
**SERVANTS, LABOURERS AND JOURNEYMEN ARTIFICERS, regulation of, under contracts of hire and service** 77, 113, 122  
 — term of verbal contract of servant or labourer ib.  
 — journeyman  
 — artificer ib.  
 — continuance of service after contract ib.  
 — written contracts to be signed by and explained by parties ib.  
 — written contracts how determinable ib.  
 — contract for more than a year not valid ib.  
 — exception in case of pioneers and others 271  
 — mode of entering into such contract and punishment for breach thereof 272  
 — such contracts to be determined ib.  
 — period of imprisonment and absence without leave not part of service ib.  
 — penalty for seducing or attempting to seduce persons so serving ib.  
 — refusing to work or guilty of misconduct 123  
 — deserting whilst on a journey or guilty of misconduct ib.  
 — distance to travel and weight to carry ib.  
 — abatement of wages or damages for misconduct ib.  
 — absence for reasonable cause and charges for medical attendance and medicines ib.  
 — penalty on employers refusing to act up to contract ib.  
 — penalty on persons giving false character  
 — servants making false statement of former employment or altering character 124  
 — servant denying former employment ib.
- SERVICE PARVENY, removal of restrictions peculiar to tenure of** 307  
**SLAVES, registration of, required** 73, 122  
**SLAVERY, total abolition of, in Ceylon** 244  
 — all Laws and Ordinances tolerating, repealed ib.  
**SOLDIERS' NECESSARIES AND STORES, reducing penalty for purchasing** 84  
**STAMPS, declaring validity of deeds in Delft, &c., though not bearing** 27  
 — revision of duties 51, 331  
 — provision for use of, in judicial proceedings 125  
 — conditions of sale by auctions exempted from 80  
**STREETS, laying of rubbish or building materials on, prohibited** 230  
 — exposure of goods for sale on, prohibited ib.  
**SURVEY, may be made of all lands required for public purposes** 188  
 — proviso as to injury done in course of making 189  
 — by authorized Officer, when conclusive evidence 371  
**SURVEYOR GENERAL, right of, to demand production and examination of deeds** 189, 222, 223  
 — to make survey  
 — of premises 223  
 — penalty on obstructing 189  
 — abuse of power by ib.  
 — powers of, to vest in Principal Officers in the actual superintendence of the Survey Department 260, 291  
**SUSPENSION BRIDGE over Talata Oya, to erect and establish toll on** 145
- TANKS, PUBLIC, provision for maintaining** 380  
 — See *Roads*.
- TAVERNS. See Vagrancy.**
- TIMBER, cutting of, on Crown land without licence, prohibited** 395  
 — licence to be produced to the Headmen to whom it is addressed 395, 396  
 — not to be removed without notice to Headmen ib.  
 — Headmen to inspect and grant permit for removal of ib.  
 — penalty for felling, without licence or contrary to it 395  
 — removal of timber after time mentioned in licence 396  
 — private, not to be removed without permit ib.  
 — except in particular Districts 397  
 — Headmen to arrest persons felling timber without licence ib.  
 — and to seize timber illegally felled or not removed in time ib.  
 — penalty for forging licence ib.  
 — proof of licence ib.  
 — and of places where timber was felled ib.  
 — Court trying offence may try title to land 398  
 — informer's share of penalty ib.  
 — limitation of prosecution. ib.  
 — Ordinance not to extend to coconut trees or firewood ib.  
 — Schedules 398, 399
- TOBACCO, repeal of laws as to smuggling and transport of** 41  
**TODDY, amendment of law relative to** 108  
 — See *Arrack and Toddy*.
- TOLLS, establishment of, at certain bridges, and rates** 126, 135, 261  
 — ferries, and  
 — rates 262  
 — Governor to fix stations ib.  
 — return tolls ib.  
 — tickets required to clear passengers ib.  
 — appointment of toll keepers 263  
 — toll keepers to wear badge ib.

**TOLLS.**  
 — Toll keepers to post name and copy of Ordinance . . . . . 263  
 — — — — — to give tickets . . . . . ib.  
 — — — — — acting contrary to Ordinance . . . . . ib.  
 — — — — — penalty on levying tolls without authority . . . . . ib.  
 — — — — — for infringement by passengers . . . . . 264  
 — — — — — employment of private boats prohibited . . . . . ib.  
 — — — — — payable on transfer of goods at toll stations . . . . . ib.  
 — — — — — limitation of prosecution . . . . . ib.  
 — — — — — informer a competent witness . . . . . ib.  
 — — — — — persons exempt from paying tolls . . . . . ib.  
 — — — — — established on road from Colombo to Kandy and Gampola, and from Kandy to Gampola . . . . . 116  
 — — — — — on suspension bridge over Talata Oya . . . . . 145  
 — — — — — at Ginigathena Pass . . . . . 402  
 — — — — — at Pusselawe and Rambodde . . . . . 331  
 — — — — — at Kottoogodde Bridge . . . . . 405  
 — — — — — at top of Nuwera Ellia Pass . . . . . 406  
 — — — — — at Caltura Bridge . . . . . 327  
 — — — — — Governor to declare when the bridge shall be opened . . . . . ib.  
 — — — — — Ordinance to be in force for 7 years . . . . . 328  
 — — — — — established on road from Katoogastotte Ferry to the Pangwelle swamp . . . . . 352  
 — — — — — Trustees may put up toll bars and take tolls . . . . . 353  
 — — — — — appointment of . . . . . ib.  
 — — — — — vacancies in office of, how supplied . . . . . ib.  
 — — — — — objects of trust . . . . . ib.  
 — — — — — accounts of, to be published . . . . . ib.  
 — — — — — proceeding if road not kept in repair . . . . . ib.  
 — — — — — by  
 — — — — — Government may purchase the Road . . . . . 354  
 — — — — — table of, to be kept suspended at toll gate . . . . . ib.  
 — — — — — penalty on passengers infringing Ordinance . . . . . ib.  
 — — — — — limitation of prosecution . . . . . ib.  
 — — — — — persons exempt from paying toll . . . . . ib.  
 — — — — — Schedule . . . . . 355  
**TOM TOM**, beating of, prohibited . . . . . 230  
**TRADERS**, provision for registration and licensing of . . . . . 351  
 — — — — — repeal of provision . . . . . 386  
**TRESPASS**, to protect cultivated lands, &c., from, by cattle, goats, sheep, and pigs . . . . . 23  
 — — — — — such animals straying on lands to be seized . . . . . 23, 368  
 — — — — — — — — — — on roads within gravets . . . . . 25  
 — — — — — — — — — — on roads without gravets . . . . . ib.  
 — — — — — — — — — — proceeding when damage is sustained . . . . . 24  
 — — — — — — — — — — when no damage is sustained . . . . . ib.  
 — — — — — — — — — — when they cannot be seized . . . . . ib.  
 — — — — — — — — — — as to sale of animals . . . . . 24, 25  
 — — — — — — — — — — notice of seizure must be given within 24 hours . . . . . 25  
 — — — — — — — — — — all cattle must be branded . . . . . ib.  
 — — — — — — — — — — penalty where cattle has been wilfully driven on land . . . . . ib.  
 — — — — — — — — — — when and how cattle committing, may be shot . . . . . ib.  
 — — — — — — — — — — when pigs straying may be destroyed . . . . . 25, 368  
 — — — — — — — — — — exclusive jurisdiction in cases of, conferred on Police Courts . . . . . 403

**UNLAWFUL ASSEMBLIES.** See *Processions.* *Police.*

**VAGRANCY**, for suppression of . . . . . 93, 118  
 — — — — — punishment of persons behaving riotously or disorderly in the public streets . . . . . ib.  
 — — — — — idle and disorderly persons, who and how punished . . . . . ib.  
 — — — — — rogues and vagabonds, who and how punished . . . . . 119  
 — — — — — incorrigible rogues, who and how punished . . . . . ib.  
 — — — — — Headmen and Peace Officers to seize offenders . . . . . ib.  
 — — — — — property of offenders made available for their expenses . . . . . ib.  
 — — — — — taverns may be entered to search for offenders . . . . . ib.  
 — — — — — search Warrant when to be granted . . . . . 120  
 — — — — — all persons to aid Headmen and Peace Officers . . . . . ib.  
 — — — — — penalty on Officers neglecting duty . . . . . ib.  
 — — — — — persons obstructing Officers . . . . . ib.  
 — — — — — Taverns, during what hours they may be kept open . . . . . ib.  
 — — — — — disorderly conduct in taverns . . . . . ib.  
 — — — — — tavern keepers receiving pledge . . . . . ib.  
 — — — — — — — — — — violating conditions of licence . . . . . ib.  
 — — — — — Gaming in taverns how punished . . . . . 120, 121  
 — — — — — exemption in favour of Govt. Rest Houses . . . . . 121  
 — — — — — keepers of common gaming houses how punished . . . . . ib.  
 — — — — — who shall be deemed keepers . . . . . ib.  
 — — — — — fines to be levied by distress . . . . . ib.  
 — — — — — informer's share . . . . . ib.  
 — — — — — limitation of prosecutions . . . . . ib.  
**VENIA ETATIS**, Governor may grant letters of 246  
  
**WALLS**, injury or damage to prohibited . . . . . 231  
**WASTE LANDS** when deemed the property of the Crown . . . . . 107  
**WATSON**, Captain Albert, Commission instituted to enquire into certain alleged proclamations by 404  
**WEIGHTS AND MEASURES**, Imperial, declared standard . . . . . 42  
 — — — — — models of, to be kept in the Cutcherries . . . . . ib.  
 — — — — — Government Agent to sell . . . . . ib.  
 — — — — — contracts &c. presumed to be made according to standards . . . . . ib.  
 — — — — — penalty for keeping or using false . . . . . ib.  
**WELLS**, to be surrounded by walls 2 feet high 228  
**WHARVES**, repairs of certain, and constructing new ones in Colombo . . . . . 145  
 — — — — — wharfage and crantage dues imposed for a period . . . . . ib.  
**WILLS.** See *Frauds and Perjuries.*  
**WITNESSES**, may be required to enter into recognition . . . . . 182  
 — — — — — attending Criminal Sessions when entitled to payment . . . . . 215, 289  
 — — — — — Judge may allow or disallow payment . . . . . 215  
 — — — — — advance to poor . . . . . ib.  
 — — — — — prisoners when entitled to payment . . . . . 216  
 — — — — — — — — — — they may be sued . . . . . ib.  
 — — — — — — — — — — payment to medical . . . . . ib.  
 — — — — — — — — — — what medical men entitled to payment . . . . . 290





The following Proclamation was accidentally omitted from the 1st Volume.

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PROCLAMATION.

*In the Name of His Majesty GEORGE THE FOURTH, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.*

**JAMES CAMPBELL,**

WE, the Honorable Major General Sir **JAMES CAMPBELL**, Knight Commander of the Most Honorable Military Order of the Bath, Lieutenant Governor and Commander in Chief in and over the British Settlements and Territories in the Island of Ceylon with the Dependencies thereof; considering it necessary to make a provision in respect to Property which may be found by individuals throughout the Kandyan Provinces, do hereby enact, that any person throughout the Kandyan Provinces of this Island, who may find any money or goods of whatsoever description the same may be, do and shall immediately bring the same to the Headman of the division or village in which the same may be found, which said Headman shall forthwith report the circumstance to the nearest Agent of Government, who shall cause public notice to be given of the same. And the finder shall, if no fraud appear to have been by him committed in the matter, receive from the person who may substantiate within Six months a right to the property found, one tenth of the value thereof, and if no claimant shall appear or prove his right to the property within the period of Six months, then the Agent shall cause the same to be sold, if the same be not money, and shall pay one half of the proceeds, or of the money, to the finder, and the remainder into the Public Treasury for the use of His Majesty.

And We do further enact, that any person who shall be convicted of a breach of the above Order, shall be subject to punishment by fine, or imprisonment either with or without being employed at hard labour, at the discretion and according to the powers of the Agent before whom such conviction may take place.

*Given at Colombo in the said Island of Ceylon, this Twenty-fifth day of October, in the Year of Our Lord One Thousand Eight hundred and Twenty-three.*

By the Lieutenant Governor's Command,

**GEORGE LUSIGNAN,**

*Secy. Kandyan Provinces.*

**GOD SAVE THE KING!**





ORDINANCES enacted by the GOVERNOR of CEYLON, with the advice and consent of the Legislative Council thereof.

**No. 1,—1833. (Disallowed.)**

*For giving the sanction of a Legislative Enactment to such parts of certain Rules and Orders, passed by the Supreme Court for regulating the practice of the District Courts as may relate to matters of Law rather than of Practice.*

**No. 1,—1833.**

WHEREAS certain Rules and Orders for regulating the course of proceeding in the District Courts in this Island in the exercise of the several branches of their Jurisdiction, have been framed and promulgated by the Supreme Court of the Island of Ceylon by the Rule of Court dated at Colombo the 1st day of October last: and whereas it has been represented to His Excellency the Governor by the Judges of the said Supreme Court that the said Rules of Practice may contain matter which would more properly have formed the subject of a Legislative Enactment, but which has been incorporated into the said Rules for the purpose of affording greater facility of reference, by bringing the whole course of proceeding, as far as it is practicable so to do, into one view: and whereas the said Judges have recommended to his Excellency the said Governor that such parts of the said Rules and Orders as may be considered to be matter of Law rather than of Practice, or to partake of the nature both of Law and of Practice, should, as a matter of precaution, receive the further sanction of a Legislative Enactment here: It is therefore hereby declared and enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that nothing in the said Rules of Practice contained shall be deemed or taken to be invalid, on the ground of its being of a Legislative nature. And each and every of the said Rules and Orders, which heretofore formed the subject of a Legislative Enactment, or which in any way partakes of the nature or quality of a Legislative Enactment, shall be and the same is hereby confirmed, and shall be taken to be of equal force and effect, as if the same had been enacted by this Ordinance.

Enacted at Colombo this Sixteenth day of December, One Thousand Eight Hundred and Thirty-three.

By His Excellency's Command,

P. ANSTRUTHER,  
Colonial Secretary.

**No. 1,—1834.**

*For abolishing certain Oaths and Affirmations taken and made in the Customs and other Revenue Offices in Ceylon and to substitute Declarations in lieu thereof.*

**No. 1,—1834.**

Preamble.

WHEREAS by and under the Laws relating to the Customs and other Revenue Offices in Ceylon, numerous Oaths, solemn Affirmations and Affidavits, have been required or have hitherto been accustomed to be taken and made by Traders and other persons before the Collectors of Customs, and the Government Agents or their Assistants respectively being Justices of the Peace. And it is expedient to provide for the diminution of the number of such Oaths and to substitute other Regulations in lieu thereof.

1. It is therefore enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof, that in all cases in which any Oath, solemn Affirmation or Affidavit, shall be required or has hitherto been accustomed to be taken and made under the Laws relating to the Customs and the collection of Revenue in Ceylon, by any person on the doing of any act, matter, or thing, for verifying any Book, Account, Entry, or Return, or for any other purpose whatsoever, such Oath, solemn Affirmation or Affidavit, shall no longer be taken, made, or required, but in lieu thereof the person who would have been

Oaths, &c. hitherto taken in collection of the Revenue Customs no longer to be required, but in lieu thereof a declaration in writing to be made.

**No. 1,—1834.**

required to take or make such Oath, solemn Affirmation or Affidavit, shall in the presence of the Collector of Customs or Government Agent or their Assistants respectively, make and subscribe a Declaration setting forth the matters contained, in and to the same effect as the Oath, solemn Affirmation or Affidavit, which has been hitherto required as aforesaid, and shall declare to the truth thereof; and if any such Declaration shall be untrue in any particular the person making the same shall over and above every other penalty to which such person may become subject, be liable to a penalty not exceeding One hundred Pounds.

If any such declaration be false person making the same liable to a penalty not exceeding £100.

Penalty to be levied as the penalties on officers against Revenue Laws.

Exceptions.

2. And be it further enacted, that the Penalty by this Ordinance imposed shall be sued for and recovered in the same manner and under the same provisions as any penalty imposed by any Regulation relating to offences against the Revenue Laws in Ceylon.

3. Provided always, that nothing in this Ordinance contained shall be construed to abolish or in any manner to interfere with the Oath of Allegiance or Office required to be taken by any person appointed to any office of profit or trust, nor to any Oath or Affidavit required to be taken for the verification of Public Accounts under any instructions of the Lords Commissioners of his Majesty's Treasury, nor to any Oath or Affidavit required to be taken under any Act or Acts of Parliament of Great Britain and Ireland extending to Ceylon; but all such Oaths shall continue to be required and to be made, taken and administered as if this Ordinance had not been made.

*Given at Colombo this First day of March, One Thousand Eight Hundred and Thirty-four.*

By His Excellency's Command,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 2,—1834.**

*For repealing the Commutation Tax imposed by the Regulations No. 4 and No. 10 of 1825, and by the Regulation No. 5 of 1828 respectively.*

**No. 2,—1834.**

WHEREAS it is expedient to abolish and repeal the commutation Tax imposed respectively by the Regulation No. 4 of 1825, "For effecting during the year 1825 a Commutation of the several Capitation Taxes paid in the District of Jaffnapatam under the Denominations of Joy Tax, Tax on Toddy Drawers and Tappal Exemption Tax;"—and by the Regulation No. 10 of 1825, "For giving a permanent operation to the Regulation No. 4 of 1825 for effecting a Commutation of the several Capitation Taxes paid in the District of Jaffnapatam under the denominations of Joy Tax, Tax on Toddy Drawers and Tappal Exemption Tax, and for extending the Provisions of the same to the Districts of Manar and Trincomalie and the Wannu Provinces;"—and by the Regulation No. 5 of 1828, "For explaining and amending Regulations No. 4 and No. 10 of 1825."

Repeal of the Commutation Tax imposed by the Regulations No. 4 and No. 10 of 1825, and by the Regulation No. 5 of 1828.

It is therefore enacted by the Governor of Ceylon by and with the advice and consent of the Legislative Council thereof, that the said Commutation Tax imposed by the Regulations No. 4 and No. 10 of 1825, and by the Regulation No. 5 of 1828, shall cease and determine and be no longer paid or payable, and so much of the said Regulations No. 4 and No. 10 of 1825, and No. 5 of 1828, as relates to the imposing, collecting and recovering of the said Commutation Tax shall be, and the same is hereby respectively repealed, save and except in all cases relating to the recovery of any arrears of the said Tax thereby respectively imposed which may now remain due and unpaid.

Exceptions.

*Given at Colombo this First day of March, One Thousand Eight hundred and Thirty-four.*

By His Excellency's Command,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 3,—1834. (Repealed by Ordinance No. 17 of 1844.)****No. 3,—1834.**

*For improving the Police within the Town, Fort, and four Gravets and Port of Colombo; and for consolidating and amending the Laws relating to the same.*

WHEREAS offences against property have of late increased within the Town, Fort and four Gravets and Port of Colombo, and the establishment of nightly Patrol hitherto performed and enforced has been found inadequate to the prevention and detection of Crime, by reason of the frequent unfitness of the persons employed and the absence of all general controul and undivided responsibility.

And whereas it is expedient to substitute a new and more efficient system of Police, in lieu of such establishment of nightly Patrol, and the local Regulations of Police now in force within the Town, Fort and four Gravets of Colombo; and to constitute an Office of Police, which, acting under the immediate authority of Government, shall direct and controul the whole of such new system of Police within the limits hereinafter appointed for the same. It is therefore hereby enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof, that the Regulation No. 14 of 1806, entitled "*Regulation for the better Police of the Pettah and of the Country within the four Gravets of Colombo;*"—the Regulation No. 4 of 1810, entitled, "*To prevent loose and suspicious persons from residing in the Fort of Colombo;*"—the Regulation No. 7 of 1813, entitled "*Regulation for enforcing cleanliness in the Fort and Town of Colombo, and the four Gravets thereof;*"—and the Regulation No. 14 of 1813, entitled "*For the Police of the Fort of Colombo,*" shall be and the same are hereby repealed.

2. And it is further enacted, that after the passing of this Ordinance the liability of the Inhabitants to perform Patrol duty, either in person or by substitute, within the Town, Fort and four Gravets of Colombo, shall cease and determine; and that a Police force shall be henceforth established, which shall consist of an officer to be called the Superintendent of the Police, and of such a number of fit and able Constables, Serjeants and Peons, as may be found necessary for the effectual protection of person and property within the Town, Fort and four Gravets and Port of Colombo; and such Constables, Serjeants and Peons shall not only within the said Town, Fort and four Gravets and Port of Colombo, but also within the whole of the Western Province, when duly thereto authorized, have and exercise all the powers and authorities which in and by this Ordinance are vested in them.

3. And it is further enacted, that the said Superintendent of Police may, from time to time, subject always to the approbation of His Excellency the Governor, frame such Orders and Regulations for the appointment and number of the men who are or may be selected as members of the Police force hereby established, and also for the general government of such men, as to their places of residence, classification, rank, and particular services, as well as their distribution and inspection, and all such other Orders and Regulations relative to the said Police force as he may deem expedient, for preventing neglect, or abuse, and for rendering such force efficient in the discharge of its duties, and the said Superintendent of the Police may at any time, subject always to the approbation of His Excellency the Governor, suspend or dismiss from his employment any man belonging to the said Police force whom he shall think remiss or negligent in the discharge of his duty, or otherwise unfit for the same; and when any man shall be so dismissed, or cease to belong to the said Police force, all powers vested in him as a Constable or Serjeant or Peon of such Police force under or by virtue of this Ordinance shall immediately cease and determine.

4. And it is further enacted, that the said Superintendent of the Police shall have full power and authority to issue his warrant, to be executed by any Constable, Serjeant, or Peon, of the said Police force, within the said Town, Fort and four Gravets and Port of Colombo, as also within the whole of the Western Province, for the arrest of any person either charged with, or suspected of having been concerned in the perpetration of any crime; and to detain in custody, or admit to bail such person or persons as therein mentioned, in order that such person may without unnecessary delay be brought or appear before the District Court. And the said Superintendent of the Police shall also have full power and authority to issue Search Warrants, to be executed in manner aforesaid for the discovery and seizure of any goods stolen or unlawfully obtained or possessed, and which shall be reasonably suspected or charged to be in any house, warehouse or other premises within the Town, Fort and four Gravets of Colombo, or in any ship, dhony or other vessel or craft in any canal or water within the limits aforesaid or within the Port of Colombo.

5. And it is further enacted, that it shall be lawful for any Constable, Serjeant, or Peon of the said Police force, to apprehend within the Town, Fort, and four Gravets and Port of Colombo, all loose, idle, and disorderly persons whom he shall find disturbing the public Peace, or whom he shall have just cause to suspect of any crime or evil designs, and all persons whom he shall find, between sunset and sunrise, lying in any highway, yard, quay, warehouse, boat, craft or other place, or loitering therein and not giving a satisfactory account of themselves; and he shall forthwith deliver any person so apprehended into the custody of the Constable of the Police of the division, in order that such person may be secured until he can be brought before the said Superintendent of the Police, and be sent before the District Court without any unnecessary delay.

6. And it is hereby further enacted, that it shall be lawful for any Constable, Serjeant or Peon of the said Police within the said Town, Fort and four Gravets and Port of Colombo respectively, to stop and search and detain any cart or carriage or any boat, craft or country vessel which there should be just reason to suspect of having or conveying any goods matters or things stolen or otherwise unlawfully obtained or possessed, and to seize the same; and also to apprehend and detain any person who may reasonably be suspected of knowingly having or conveying in any manner, any goods, matters or things being stolen or otherwise unlawfully obtained or possessed; and such Constable, Serjeant or Peon shall forthwith bring or report every such person and such goods, matters and things to the said Superintendent of the Police, who shall without any unnecessary delay send such person together with such goods, matters or things, before the District Court; and if such person shall not give a true and satisfactory account to that Court, how he or she came by the said

## No. 3,—1834.

goods, matters or things, such person may be deemed and adjudged guilty of a misdemeanour and shall be punishable accordingly:—And the said Court shall also adjudge and declare such further or other fit and proper sentence, order or directions respecting every such person, or the goods matters or things aforesaid as by law is imposed, and the justice and circumstances of the case may require.

7. Provided always, and it is hereby further enacted, that whenever any person being apprehended and brought before the said Superintendent of the Police cannot be immediately sent before the District Court, it shall be lawful for the said Superintendent of the Police, where he shall deem it prudent, to take bail by recognizance from such person conditional for his or her appearance before such District Court and to abide the decision thereof, as to the charge or complaint against such person; and every such recognizance shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken by the Court before which such person may be required to appear; and whenever also it shall appear to the said Superintendent of the Police that any person has been taken into custody or any carriage, boat or vessel, or any goods, matters or things have been seized or detained by any Constable, Serjeant, or Peon of the said Police force by mistake, or without good and reasonable ground for any such detention, or upon frivolous and vexatious complaints, it shall be competent to the said Superintendent of the Police to set such person at liberty, or to release, any such Carriage, Boat, Vessel, goods or things, making an entry thereof in his diary.

8. And it is further enacted, that if any person shall assault or resist the said Superintendent of the Police, or any Constable, Serjeant or Peon belonging to the said Police force, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being duly convicted thereof, shall for every such offence be liable to such punishment as the Court within the terms of its jurisdiction may direct; and if the said Superintendent of Police, or any Constable, Serjeant or Peon shall wantonly, maliciously or corruptly exercise any of the powers or authorities confided to him by this Ordinance, or shall in any way wilfully exceed such powers or authorities, he shall besides his liability in damages to the party injured, suffer such punishment as the Court before whom any complaint against any such officer shall be made, shall on due proof thereof award.

9. And it is further enacted, that all persons within the said Town, Fort and four Gravets and Port of Colombo, being able to obtain employment whereby to maintain themselves, and neglecting and refusing so to do, who shall be found loitering in or wandering about any place of public resort, or who shall be found passing through or in any public place, street or highway, within the said limits after eight o'clock at night, without a light, and shall not be able to give a satisfactory account of themselves; and all persons placing themselves in any public place, street, or highway within the said Town, Fort, and four Gravets, to gather alms, shall be taken with as little delay as possible before the District Court, which Court shall examine such suspected persons and also any other persons who may have any knowledge of their usual place of residence, occupation, and mode of obtaining their livelihood; and if there shall appear to the said Court good and sufficient grounds for supposing that they are disorderly or ill-disposed people, they shall be convicted thereof and be deemed and taken to be such accordingly, and shall be punishable by imprisonment, with or without hard labour at the discretion of the Court, until they find adequate security for their good behaviour on being discharged, or until some credible person shall agree to entertain them in their service, or until the District Court shall be satisfied from their conduct while in custody, or other circumstances, that they will of themselves take some service or employment so as to obtain an honest livelihood; in either of which cases, they shall be discharged: Provided that no such imprisonment with or without hard labour, for want of security, shall exceed the term of twelve months.

10. And it is further enacted, that all persons who, within the said Town, Fort, and four Gravets of Colombo, shall have, hold, occupy or use any house or other place, open or enclosed, for the purpose of common or promiscuous gaming, or shall cause any public nuisance by keeping or maintaining a disorderly house, shall, on being duly convicted thereof, be liable to fine or imprisonment, at the discretion of the Court.

11. And it is further enacted, that all persons who being of evil fame, or reputed thieves, shall be found loitering or lurking in bazaars, streets, quays or highways, houses, shops and warehouses, or any private premises, within the said Town, Fort, and four Gravets of Colombo, or about any ship or vessel, dhony, boat, or other craft in any canal or water within the limits aforesaid or within the Port of Colombo, and shall not be able to give a satisfactory account of themselves, and all persons playing or betting at any game of chance in any street, road or public place, or at any house or other place, open or otherwise, held or used for the purpose of common Gaming within the said Town, Fort, and four Gravets of Colombo; and all persons apprehended as idle and disorderly persons therein, after having been once previously convicted of such offence, shall be deemed and taken to be rogues and vagabonds, and shall on being duly convicted thereof be so adjudged and recorded, and shall be punishable at the discretion of the said Court within the limits of its Jurisdiction.

12. And it is further enacted, that all keepers of Taverns or other shops or places for the retail of spirits, or other liquors, within the said Town, Fort, and four Gravets of Colombo, who shall permit therein any riot, affray or other breach of the Peace, or who shall allow any Gaming therein, by day or by night, or who shall keep their said Taverns or shops open after nine o'clock at night, shall on being duly convicted thereof, be punishable by fine or imprisonment at the discretion of the Court.

13. And it is further enacted, that all persons who shall within the said Town, Fort, and four Gravets of Colombo, beat drums or tom-toms, discharge fire arms or make any other noise in the night so as to disturb the repose of the inhabitants, except under Military regulation, or unless they shall have obtain a license from the District Judge, or Superintendent of the Police for the celebration of a festival or religious ceremony, or who shall at any time discharge any fire arms, or fire works, or fly any kite or play at any games in any street, road or thoroughfare, so as terrify horses or cattle, shall, on being duly convicted thereof, be punishable at the discretion of the Court.

14. And it is further enacted, that all persons who within the Town, Fort, and four Gravets of Colombo, shall publicly pursue any trade, business or occupation on Sunday, Christmas-day or Good Friday, during the hours of Divine Service and within view or hearing of any Church, Chapel, Meeting House, or other authorized place of Christian worship; and that all persons professing the Christian faith who shall, within any part of the said Town, Fort, and four Gravets of Colombo, publicly pursue any trade, business or occupation, or who shall publicly expose goods for sale in any shop, boutique or other place during Sunday, Christmas-day, or Good Friday, shall, on being duly convicted thereof, be punishable by a fine not exceeding ten shillings, or in default of payment thereof by imprisonment not exceeding one week.

15. And it is further enacted, that all persons who shall within the said Town, Fort, and four Gravets of Colombo, drive or conduct any carriage or other vehicle in a careless or violent manner, or who shall ride upon any cart drawn by bullocks or other cattle without having reins or some person on foot to guide the same, or who shall furiously ride or drive any horse, mare, bullock or other animal in any street to the danger and terror of passengers, or who shall wilfully employ any child under fourteen years of age to drive any cart or other vehicle, shall, on being duly convicted thereof, be punishable at the discretion of the Court.

16. And it is further enacted, that all persons who shall within the said Town, Fort, and four Gravets of Colombo, indecently expose themselves in or upon any road, street, or thoroughfare, or other public place, or in view thereof, shall on being duly convicted thereof be punishable at the discretion of the Court.

17. And it is further enacted, that any menial or domestic servant within the said Town, Fort, and four Gravets of Colombo, who may be employed in or about the house, outhouse, stable, coachhouse, grounds, or gardens, or as a palanquin bearer, or cooly, and shall willingly agree or contract with any person or persons whomsoever to serve such person or persons for a month, or other fixed period, or in any manner whatsoever; and shall commit any wilful neglect of duty or misconduct, or who shall desert from the employ, or who shall quit the service of such person or persons without leave, or reasonable cause, before such contract is duly fulfilled or before the end of the time of such service, or without giving, in case the service be for a month or longer period, at least fifteen days previous warning, shall on being duly convicted thereof, be punishable by forfeiture of all wages then due, and in addition thereto shall be liable to such further punishment as the Court may in its discretion award, on conviction of minor offences. And it is further enacted, that any such servant who shall be discharged without at least fifteen days notice of the intention of his master or mistress to discharge him, shall be entitled to wages for fifteen days from the date of such intention being notified to him.

18. And it is further enacted, that all licenses heretofore required to be taken out annually by the Sitting Magistrate, by any persons baking bread for sale, or by any persons slaughtering cattle or carrying on the trade of a butcher within the Town, Fort, and four Gravets of Colombo, shall hereafter be taken out and paid for before the Superintendent of the Police, who is hereby authorized to grant the same and who shall keep a register of the names of all persons taking out such licenses respectively.

19. And it is further enacted, that all persons who shall within the said Town, Fort, and four Gravets of Colombo, deal in any articles by weight or measure, and who shall knowingly have in or about their shops, warehouses, bazzars or premises, or otherwise in their possession, any false or deficient weight or measure, or who shall wilfully or knowingly sell by any false or deficient weight or measure, shall, on being duly convicted thereof, be punishable by fine or imprisonment at the discretion of the Court.

20. And it is further enacted, that it shall be lawful for the Superintendent of the Police to authorize any Constable, Serjeant, or Peon of the said Police force, with or without warrant, at any time in the day to enter into any shop or other places where articles are bought or sold by retail, within the said Town, Fort, and four Gravets of Colombo, and demand the production of, and to search for and examine all weights and measures used or kept therein, and to seize and detain all such, being found therein, as he may have reasonable cause to suspect to be false or deficient, and such weights or measures being thereon taken to and compared with the Government standard weights and measures and found deficient, shall on proof thereof, be forfeited. And all persons concealing or refusing to produce such weights and measures on demand as aforesaid shall be deemed to be guilty of obstructing the said Constable, Serjeant, or Peon of the said Police in the performance of his duty, and on being duly convicted thereof, shall be liable to punishment for the same accordingly.

21. And it is further enacted, that all gold, silver, and copper goods or jewels which are bought, received in pawn, or received to keep for others within the said Town, Fort, and four gravets of Colombo, shall be shewn by the purchaser or receiver to the Constable or Serjeant of the Police of his division, with the exception of those bought at any shop or

No. 3, —1834.

and any such purchaser or receiver who shall neglect to shew such gold, silver, and copper goods or jewels accordingly to the Constable or Serjeant of the Police in his division, shall, on due conviction thereof, be punishable at the discretion of the Court. And no person who shall give any such goods or jewels in pawn, unless under deed duly executed, or unless such act be duly witnessed by such Constable or Serjeant, who shall make a written memorandum of such transactions, to be carefully preserved by him, in order to be produced when called for, shall be entitled to recover back the articles so pawned. And all silversmiths, goldsmiths, and brassfounders are to give security for their good behaviour before the Superintendent of the Police; and they shall not melt down any wrought gold, silver, or copper, without first having shewn the same to the Constable or Serjeant of the Police in their division, or, on being duly convicted thereof, shall be punishable at the discretion of the Court.

22. And it is further enacted, that every Householder within the said Town, Fort, or four Gravets of Colombo, shall furnish the Constable of his division, when required so to do by such Constable under the order received to that effect from the District Court or from the Superintendent of the Police, with a list of all the inmates of his house, distinguishing the members of his family from the servants or others resident therein, and he or she shall also, if it shall be so directed in the order of the said Superintendent of the Police or District Court, report any increase or diminution or change in the same; nor shall he or she having received such notice under such order, harbour a stranger without giving notice thereof to the Constable or Serjeant of the said Police of his division.

23. And it is further enacted, that all persons who shall make or cause to be made, or have, rent, or possess any well within the said Town, Fort, and four Gravets of Colombo; and shall not surround the same with a wall three feet in height, or keep such wall of that height and in good and sufficient repair, shall, on being duly convicted thereof, be liable to a penalty not exceeding Three Pounds, and in default of payment to imprisonment at hard labour not exceeding three months.

24. And it is further enacted, that if any person shall within the said Town, Fort, and four Gravets of Colombo, and without the express permission in writing of the Government Agent or other competent authority, build or cause to be built, any building, of whatsoever nature, on any waste or other ground belonging to the public, or dedicated to public purposes, or shall enclose or appropriate any such grounds, every such building, enclosure, or encroachment shall and may be demolished and abated by the proper officer; and all buildings, enclosures and encroachments which have been hitherto made or have taken place in the Public Streets, and Highways, within the said Town, Fort, and four Gravets of Colombo, without the express sanction of Government shall be entirely removed; and if any person claiming to be proprietor of any building, fence or other matter, by which any such encroachments as aforesaid may have been effected, shall neglect or refuse to remove the same or to perform any other act necessary to the entire relinquishment and restoration to the public, of such encroachment as aforesaid, and to replace the former boundaries thereof, in such fit and proper manner and reasonable time as may be required by a notice in writing from the Surveyor General or the said Superintendent of the Police, to be served personally or by affixing the same on some conspicuous part of the premises, every such person so offending shall, upon due conviction thereof, over and above any Civil damages to which such persons may be liable, be punishable by fine and imprisonment at the discretion of the Court.

25. And it is further enacted, that if any owner or occupier of any building, or other person shall within the said Town, Fort and four Gravets of Colombo, build, place, or hang up, or continue any penthouse, porch, shed, or other projection, so as to overhang, jet into, or encroach upon any street or public thoroughfare, or who shall place, make, or continue any stall, bench, booth, barrier, or other obstruction, so as to encroach upon any street or public thoroughfare, within the limits aforesaid, and shall refuse or neglect to remove the same in such fit and proper manner, and within such time as may be required by a notice in writing from the Surveyor General or the said Superintendent of the Police, to be served personally or by affixing the same in some conspicuous part of the premises: or in case such projection or obstruction aforesaid would endanger or be liable to cause injury to passengers or other accidents in the said street or public thoroughfare, then without such previous notice or refusal being requisite as aforesaid, every person so offending shall, on being duly convicted thereof, over and above any Civil damages to which he may be liable, be punishable by fine or imprisonment at the discretion of the Court.

26. And it is further enacted, that all persons who shall within the Town, Fort and four Gravets of Colombo, lay or cause to be laid or cast any dirt, rubbish, or any other matter of annoyance or obstruction on any road, street, quay or thoroughfare, or into any sewer, drain or water-course; or shall fasten any scaffolding, or place any bricks, cabbooks, chunam, or other materials in or upon any such road, street or thoroughfare, whereby any nuisance or obstruction may be occasioned, shall, on being duly convicted thereof, be punishable at the discretion of the Court.

27. Provided always, that nothing herein contained shall be construed to prevent any public Officer duly authorized, from making temporary use of any part of a public road, for the public service; nor to prevent the said Superintendent of the Police from granting his license to the inhabitants for the erecting of temporary fences and enclosures, in order to the building,

pulling down, or repairing of their houses and other buildings, within the said Town, Fort, and four Gravets of Colombo; provided that the length and breadth of such enclosures be described in such license, and that there be sufficient room for coaches, carts, and other carriages to pass; and provided that the person obtaining such license shall, immediately after sunset, during all the time that the enclosure shall continue, if required by the said Superintendent of the Police in such license, place and keep a sufficient light upon the premises till day break, and any person removing or extinguishing such light during such time shall, on due conviction thereof, be punishable at the discretion of the Court.

28. And it is further enacted, that no filth or dirt shall be allowed to remain in the street, and every inhabitant within the Town, Fort, and four Gravets of Colombo, shall keep the space and street or road before his house clean; and all slaughter houses are to be kept clean, and the offal shall be removed to such place as the Constable of the division may point out under the directions of the Superintendent of the Police, and any person being duly convicted of any wilful neglect hereof, shall be punishable by fine not exceeding ten shillings or imprisonment not exceeding three weeks.

29. And it is further enacted, that for the more certain and ready removal of all public nuisances endangering either the public health or safety, and of any obstruction, projection or encroachment on the streets, roads or public communications within the said Town, Fort and four Gravets of Colombo, it shall and may be lawful to the Surveyor General or the said Superintendent of the Police on any complaint in that behalf made, or on his own view, to give order by notice in writing, to be served either personally or by affixing the same on some conspicuous part of the premises, to the owner or occupier of any well, house, shop, garden, enclosures or other premises, within the said Town, Fort and four Gravets, or to any other person or persons causing or continuing any of the nuisances hereinafter set forth, to build or repair a wall three feet high at the least, round any well, or to remove any buildings, obstruction or projection which the Surveyor General or the said Superintendent of the Police shall consider to be an encroachment on the said streets, roads, or public communications, or to cut, prune, and trim any hedges, trees or bushes growing within any adjoining garden, enclosure or other premises, in the manner best calculated to prevent the concealment of thieves, or to preserve the public roads, and render them convenient for passengers, and for the free circulation of air, whereby the health and comfort of the public may be promoted; or to abate and remove any other public nuisance in this Ordinance before mentioned: and if any such owner or occupier or other person or persons so offending shall refuse or neglect to comply with such orders within a reasonable time and without unnecessary delay, it shall be lawful for the Court to direct and empower the Surveyor General or Superintendent of the Police to cause any such public nuisances to be forthwith removed; and the order so made to be carried into immediate effect at the expense of the party refusing or neglecting to comply with such orders. And upon the Surveyor General or Superintendent of the Police certifying the costs which have been incurred for such purpose, the District Court shall issue a Warrant against such owner, occupier or other person, for the recovery of such sum by process of Parate Execution. And such owner, occupier or other person, shall moreover be liable to be fined for such refusal or neglect, if the District Court shall consider such additional punishment to be requisite.

30. And it is further enacted, that all Pigs found straying within the said Fort, Town, or Gravets of Colombo shall be forfeited, and may be seized and killed by any person; and every person killing a pig under the authority of this Ordinance shall give immediate notice to the Constable of the Police of the division, who shall thereupon cause the carcase to be sold by public auction; and out of the produce of such sale the Constable shall pay to the person killing each pig three pence, and the remainder shall be paid over to the District Court by authority of the Superintendent of Police to be accounted for under the head of Fines and Forfeitures.

31. And it is further enacted, that all offences against this Ordinance for which there are no penalties declared, shall be punishable by fine or imprisonment, with or without hard labour, or by corporal punishment, at the discretion of the Court before which the offence shall be tried, according to its ordinary Jurisdiction.

*Given at Colombo this Twenty-second day of May, One Thousand Eight hundred and Thirty-four.*

By His Excellency's Command,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 4,—1834.** (*Repealed by Ordinances No. 17 of 1844, and No. 3 of 1848.*)

*To consolidate and amend the several Regulations relating to the Assessment Tax on Houses and the Tax on Licensed Bullock Carts in Colombo and Point de Galle, and for making further provisions as to the future Management and Application of the said Taxes.*

1. WHEREAS it is expedient to consolidate and amend the several Regulations relating to the Assessment Tax on Dwelling Houses and Shops, and the Tax on licensed Bullock Carts

**No. 3,—1834.**

**No. 4,—1834.**

No. 4, —1834.

in the respective Towns, Forts, and Gravets of Colombo and Point de Galle, and to make further provisions for the future application of the produce of the said Taxes, under the direction of Government, as well to the repairing and lighting of the roads and streets within the limits aforesaid, as to the establishment and maintenance of an efficient Police within the Town, Fort, Gravets and Port of Colombo.

It is therefore hereby enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof; that the Regulation No. 5 of the year 1820, entitled "*For establishing an Assessment on Houses in the Fort, Town and four Gravets of Colombo for the purpose of keeping the Roads in the same in good repair, and providing lights therein, and also for transferring to the Collector's Department for the same purpose the amount collected for licences on bullock bandies;*"—the Regulation No. 7 of the year 1821, entitled "*For amending the 5th Regulation of 1820;*"—the Regulation No. 18 of the year 1824, entitled, "*For establishing an Assessment on Houses in the Town, Fort, and four Gravets of Point de Galle for the purpose of keeping the Roads in the same in good repair, and also for establishing for the same purpose a Tax on bullock bandies licensed to be employed in the Town, Fort and Gravets of Galle;*"—the Regulation No. 2 of the year 1825, entitled "*For repealing so much of the seventh Regulation of 1821 as removed the responsibility of the Tax imposed by the fifth Regulation of 1820, from the Occupants to the Owners of houses in the Town, &c. of Colombo, and for enforcing the collection of the Tax on Carts imposed by the said fifth Regulation of 1820;*"—the Regulation No. 7 of the year 1825, entitled "*For establishing a mode of recovering the arrears due by the owners of houses in the Town Fort and Gravets of Colombo of the Tax on the Rent of the same up to the 31st day of March 1825;*"—and the Regulation No. 8 of the year 1830, entitled "*To render the Assessment Tax applicable only to the repairs of the roads within the Gravets of Colombo and to form a permanent Fund for that purpose and to authorize the Loan and Investment of Monies out of such Fund,*" shall be and the said several Regulations are hereby respectively repealed, save only and except in all cases relating to the recovery of any arrears of the said Taxes due, or Penalties incurred, and unpaid under any of the said Regulations, and in particular to any arrears of Principal and Interest on Loans or Investments made under the said Regulation No. 8 of the year 1830.

2. And it is hereby further enacted, that a Tax shall be levied and payable on the first day of January, on the first day of April, on the first day of July, and on the first day of October, for the quarter preceding the said days respectively as heretofore, on all dwelling-houses and shops within the respective Towns, Forts and Gravets of Colombo and Point de Galle, to the amount of five per cent on the annual value of the said dwelling-houses and shops, such annual value of the said houses and shops to be assessed according to the yearly or other rent or value at which the same shall be let or held; or when any dwelling-house or shop aforesaid is occupied by the proprietor thereof, the annual value of the same shall in that case be assessed at the rent paid on other houses or shops of the same description in the neighbourhood; Provided always, that the said Tax to be levied on, or payable for, any one house or shop as aforesaid shall in no instance exceed the sum of Seven Pounds and Ten Shillings; nor shall the said Tax be levied on or payable for any Hospital, nor any building appropriated to religious worship or other public use; nor on or for any house which is unoccupied, nor on or for any house or shop at Colombo, the yearly value or rent of which does not exceed the sum of One Pound and Ten Shillings; nor on or for any house or shop at Point de Galle, the yearly value or rent of which does not exceed the sum of Fifteen Shillings.

3. And it is hereby further enacted, that the said Assessment of the annual value of the dwelling houses and shops within the said Town, Fort and four Gravets of Colombo shall be made by a Committee of Assessors, to consist of five respectable persons, to be nominated by the Governor of Ceylon annually, on or before the thirty-first day of December for the year then next ensuing; of which Committee of Assessors two at least shall be at the time of such nomination on the list of first-class Burghers liable to serve as jurors at Colombo; and the said Assessment of the annual value of the dwelling-houses and shops within the said Town, Fort and Gravets of Point de Galle shall be made by a Committee of Assessors to consist of three respectable persons, who shall be nominated in like manner by the Governor of Ceylon annually, on or before the thirty-first day of December for the year then next ensuing, of which Committee one at least shall at the time of such nomination be on the list of Burghers liable to serve as jurors at Galle.

4. Provided always and it is hereby further enacted, that the number of persons to be appointed Assessors in the said respective Committees as aforesaid may be reduced at the discretion of the Governor to two; and in case of the death, illness, incapacity or misconduct of any of them after appointment, the Governor may at his discretion appoint another Assessor in the room of the person so dying or unfit to act; and no person shall be obliged to serve as an Assessor on any Committee to be appointed under this Ordinance for a longer period in continuance than one year, nor oftener than once in every five years.

5. And it is hereby further enacted, that each person appointed as an Assessor in each of the said Committees shall be entitled to receive such remuneration as the Governor may in his discretion award; Provided always that the whole sum to be distributed amongst the Assessors shall not exceed fifty pounds annually at Colombo, and ten pounds annually at Point de Galle. And if any person appointed an Assessor on either of such Committees and not being entitled to be excused, or exempt therefrom under any exceptions or proviso



in this Ordinance, shall after receiving due notice from the Government Agents of the Western or Southern Provinces respectively, of his being appointed, neglect or refuse to execute the said office, he shall be liable to a fine not exceeding Seven Pounds and Ten shillings.

6. And it is hereby further enacted, that the said respective Committees shall without unnecessary delay after their appointment proceed to enquire into, and according to the best of their information and judgment, ascertain and assess as aforesaid the annual value of the several dwelling houses and shops within their respective limits, and the Tax hereby imposed on or payable for each of the same; and such Assessment being so made by them, shall be immediately reported to the Government Agents of the Western and Southern Provinces respectively, who shall thereupon cause the same to be entered in a Book, which shall have an Index or other convenient form of reference and shall be kept at their respective Cutcheries for public inspection; and the said Government Agents shall also give a notice in writing according to the form to this Ordinance annexed, to be served personally or by leaving it with some person at the dwelling house or shop for which any Assessment shall have been made, or by affixing the same on some conspicuous part of such dwelling house or shop if no person should be therein or if admittance should be denied to the person endeavouring to serve the same, of the respective Assessment made thereon, with a demand for the Quarter's Tax then due and payable for the same; and similiar notices shall in like manner be also served for the demand of each of the other three quarterly payments of such Tax:—and in case any Quarter's Tax shall not be paid within one month after service of any such notice and demand as aforesaid, such Quarter's tax shall, unless the owner or occupier shall have appealed against the Assessment and such appeal shall not have been finally decided, be immediately levied by process of parate execution against the occupier of the said dwelling house or shop and premises, or if such occupier (not being the owner thereof) shall have quitted the premises before such Quarter's tax shall have become due or before such process could be executed upon his property and shall not have left sufficient property to satisfy the tax so due, then by like process of parate execution against the owner of such dwelling house or shop, who is hereby declared to be liable on such default of his tenant.

7. Provided always, and it is hereby further enacted, that in case any owner or occupier of any dwelling house or shop shall consider any Assessment which may be assessed thereupon to have been not duly or correctly made and ascertained by either of the said Committees of Assessors, it shall and may be lawful for every such owner or occupier to appeal therefrom to the respective District Courts; but such appeal shall in all cases be made within Ten days from the service of the aforesaid notice of the Assessment on such dwelling house or shop, and demand for a quarter's Tax; and at the same time notice of such Appeal and of the specific grounds thereof shall also be given to the said Government Agents respectively of the Province, and it shall be lawful for the District Court, by examination of the parties or hearing evidence, to decide such appeal in due course of law, and to award the costs thereof accordingly.

8. And it is hereby further enacted, that no bullock cart shall ply for hire or for the conveyance of goods within the Towns, Forts and Gravets of Colombo and Point de Galle, under a penalty of Ten Shillings for each offence, unless the same be annually licensed by the Government Agents of the Western and Southern Provinces respectively, who are hereby required to grant such licenses when applied for, on payment of Six shillings for every such license granted in Colombo and Four shillings and six pence for every such license granted in Point de Galle; and every such licensed cart shall have a tin plate duly stamped or marked at the respective Cutcheries and issued therefrom, affixed in front or in some conspicuous part thereof, with the number of the cart corresponding with that of the license granted for such cart painted thereon, and in case any such cart shall ply for hire as aforesaid within the said Towns, Forts and Gravets as aforesaid, without being duly licensed or without such plate so marked and numbered being affixed as above directed, or with a plate not corresponding to the license granted for such cart, the owner thereof shall, on due proof of any such offence before the said District Court, be liable to a penalty of Ten shillings to be recovered against him by process of parate execution, and every such cart may be also seized, and if payment of the said license and penalty aforesaid shall not be made within Ten days after such conviction or seizure, the said cart shall be sold for the recovery of the same.

9. And it is hereby further enacted, that the balance of the Fund now remaining in the hands of the Committee appointed under the said 8th Regulation of the year 1830, shall be immediately paid over by the said Committee to the Treasurer of this Colony on account of Government, and that so much of the said Fund lent out at Interest by the said Committee as may be outstanding, shall with all convenient dispatch, or so soon as the same may become due and payable, be, together with the Interest which shall have accumulated thereon, called in and collected by such Committee, and in like manner paid over to the said Treasurer on account of Government.

10. And it is hereby further enacted, that the Government Agents of the Western and Southern Provinces shall respectively account to Government for the annual receipt and expenditure of such collections to be made under this Ordinance, in the same manner as for any other sums by them collected and received for public purposes; and that the amount of such collections, after deducting the annual expenses of Assessment and collecting the same, and also the balance of the said Fund or money to be paid over as aforesaid to Government by the Committee appointed under the said 8th Regulation of the year 1830, shall from time to time be applied, under the directions of Government, as well to the repairing and

**No. 4,—1834.**

lighting of the Roads and Streets within the respective Towns, Forts and Gravets of Colombo and Point de Galle, as to the establishment and maintenance of an efficient Police within the said Fort, Town, Gravets, and Port of Colombo.

11. And it is hereby further enacted, that upon any conviction for breaches of this Ordinance before the District Court, one moiety of the penalty or penalties shall go the Informer, and the other moiety thereof shall be paid to the respective Government Agent, and be accounted for by them accordingly as part of the collections made under this Ordinance.

12. And it is further enacted, that this Ordinance shall come into operation from and after the first day of July 1834.

*Given at Colombo, this Twenty-third day of May One Thousand Eight Hundred and Thirty-four.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*

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SCHEDULE.

To

Take Notice, that in pursuance of the Ordinance No. 4 of 1834, the dwelling house or shop situated at ( ) and in the occupation of ( ) has been by the Committee appointed under the said Ordinance for (Colombo) for this present year of 1834, assessed at the annual value of £ and that the (1st) Quarter's Tax due on the ( ) day of ( ) for the said dwelling house or shop amounts to the sum of £ , You are hereby accordingly required to pay such Quarter's Tax of £ to the bearer hereof forthwith or the same must be paid to the Agent of the (Western) Province at the Cutcherry at (Colombo) within one month after the service of this notice and demand, or in default thereof it will be recovered in due course of Law.

*Signed, this*                      *day*                      183                      *Government Agent.*

A Receipt signed by the Government Agent or his Assistant will be delivered on payment of the sums hereby demanded.

*Receipt.*                      Received this                      day of                      on  
account of the Government of Ceylon the sum of £                      being the  
Quarter's Tax due on the                      of                      for the dwelling house or premises  
within mentioned.

*Government Agent.*

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**No. 5,—1834.** (*Repealed by Ordinance No. 10 of 1844.*)

**No. 5,—1834.**

*For consolidating and amending the Laws now in force for securing the Revenue derived from the duty imposed upon Stills used for the distillation of Arrack and the retail sale of Arrack and Toddy.*

WHEREAS it is expedient that the several enactments, restrictions, and penalties which have been established by the authority of Government for the protection of the revenue derived from the duty upon Stills used for the distillation of Arrack and from the retail sale of Arrack and Toddy within this Island, should be amended and consolidated into one Ordinance to be applicable to and in force in all the Provinces of this Island.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulations of Government No. 8 of the year 1814, No 11 of the year 1819, Nos. 22 and 23 of the year 1820, No. 4 of the year 1821, No. 12 of the year 1823, No. 4 of the year 1826, No. 11 of the year 1827, and the Proclamations of the 5th June in the year 1817, and 23d February in the year 1833, shall be and the same are hereby repealed, save and except as to the repeal of any former enactments therein contained and except as to any arrears of duties or penalties thereby respectively imposed which may at that time remain due and unpaid, or as to any offences against the same which may then have been committed, and that this Ordinance shall come into force and effect from and after the 1st day of January 1835.

2. And it is further enacted, that no person shall distil Arrack or Spirit of any description whatsoever, without a License in writing obtained from the Government Agent for each and every Still to be used, which license shall specify the date thereof, the name of the person licensed to distil, the place in which such Still is to be worked, and the number of Gallons which every such Still is capable of containing, and every such license shall be in force up to the 31st day of December inclusive of the year in which it shall be issued; and

for every license so granted the said Government Agent is authorized to demand and receive for the use of His Majesty the sum of Three Shillings and Nine Pence for each Gallon which every such Still shall be capable of containing, exclusive of the head; and such sums shall be payable either on the said license being issued, or by such instalments as may be fixed by Government. Provided always, that if any such instalment shall be in arrear for a period exceeding fifteen days, the said license may be annulled by the Government Agent by a notice in writing, which shall be affixed to some conspicuous part of the building in which the distillery is carried on; and from the time when such public notice shall be so affixed such license shall become void and of no effect.

3. And whereas the distillation of Arrack has hitherto been absolutely prohibited in certain parts of the Island, wherein it has been considered that such distillation would not be a source of benefit or advantage to the public, which prohibition might be more beneficially carried into effect by withholding the licenses hereinbefore directed to be granted, in such Districts and for such periods as to the Government shall appear most conducive to the public advantage: It is therefore further enacted, that it shall and may be lawful for any Government Agent to refuse to issue a license for the distillation of Arrack or any other Spirit whatsoever, provided that such refusal and the reasons thereof shall forthwith be reported to Government, by whom such refusal shall and may be confirmed or reversed. And no license shall be issued for any Still being of less size, exclusive of the head, than is capable of containing twenty-five gallons—excepting in special cases, for scientific or medical purposes, and at the discretion of the Government Agent.

4. And it is further enacted, that any person convicted of distilling Arrack or any other Spirit whatsoever, or of using any Still or other vessel for the distillation of Arrack or any other Spirit without such license as is required by this Ordinance, or of using any Still contrary to the tenor of the license issued to him, shall pay a fine of Twenty Pounds for each offence, and an additional fine of Ten Shillings for every gallon of Arrack or other Spirit which may be proved to have been distilled by means of such Still or other vessel; and the occupier of any premises, on which illicit distillation shall be proved to have been carried on, shall be subject, at the discretion of the Court, to a fine not exceeding Fifty Pounds for such offence; and every Still or other vessel used for such unlawful distillation, with the appurtenances thereof, shall be confiscated and may be sold or destroyed at the option of Government.

5. And it is further enacted, that it shall and may be lawful for any District Judge, upon affidavit made before him—stating just ground of suspicion of any Still or other vessel being used for the distillation of Arrack or other Spirit without such license as is required by this Ordinance, to issue his warrant to search for and seize within his Jurisdiction such Still or other vessel, together with all distilled liquor therewith found, and also all distilled liquor found in the possession of any person, or deposited in any place whatsoever contrary to the provisions of this Ordinance, or which shall have been removed without the license hereinafter required for such removal; and all such Warrants shall be executed by and in the presence of the Constable or Police-Vidahn or the proper officer of the place: And it is further enacted, that in all cases requiring any search or seizure to be made without the delay which would be incurred by an application to the District Court, the several Constables or Police-Vidahns or other proper officers may, on information laid before them shewing just ground of suspicion, and shewing further that the object of the search would probably be defeated by the delay of applying to the District Court for a warrant, make such search or seizure without warrant: Provided always, that such search or seizure so made without warrant shall be made or commenced between sunrise and sunset only; and they are hereby required to exercise such authority, but in any instance in which they shall so act, they shall report their proceedings and the result of their search or seizure to the nearest District Court within twenty-four hours from the time such search or seizure shall have been made; and any Constable or Police-Vidahn or other officer failing to make such report within the time above specified shall be liable at the discretion of the District Court, according to the circumstances of each particular case, to a fine not exceeding Five Pounds. And if any Constable, Police-Vidahn, or other officer shall wantonly, maliciously, or corruptly exercise any power or authority hereby conferred to him, or shall wilfully exceed such power or authority, he shall, besides his liability in damages to the party injured, suffer such punishment as the Court before which any complaint against such Constable, Police Vidhan, or other officer, shall be made, shall, on due proof thereof, award.

6. And it is further enacted, that every person licensed to distil Arrack shall, on or before the 5th day of every month, deliver to the Government Agent of the Province a true and correct return of the quantity of Arrack distilled by him during the preceding month, and of the quantity of Toddy used therein, and also of the quantity of Arrack sold by him during the same period, and to whom by name respectively, and the quantity remaining in his possession, which quantity so remaining shall be carried over to the next monthly return; and that every person convicted on the complaint or information of the Government Agent of not giving in any such return as is required by this Clause to be given, shall be sentenced to pay a fine of Two Pounds, and shall be liable to a repetition of the same sentence, if, within four weeks from his release from imprisonment, or from the date of such conviction, when no sentence of imprisonment shall have been passed, he make further default to deliver such return; and any person convicted of wilfully giving in a false return shall pay a fine of Ten Pounds.

7. And it is further enacted, that every sale of Toddy shall be unlawful and shall subject every person selling the same to the penalty hereinafter declared and imposed in that behalf, except.

**No. 5,—1834.**

- 1st. The sale of any Toddy to licensed retailers of Toddy, or to licensed distillers of Arrack.
- 2dly. The sale of any Toddy by the Toddy Renter or licensed retailer of Toddy for the Rent division in which it shall be so sold.
8. And it is further enacted, that every removal of Toddy shall be unlawful, and shall subject every person removing the same to the penalty hereinafter declared and imposed in that behalf, except
- 1st. The removal of any Toddy for the use of licensed Toddy Renter or retailer, or of a licensed distiller of Arrack, provided it be accompanied by a Certificate from and signed by such Renter, retailer or distiller, specifying the gardens and premises from and to which such Toddy is to be removed, which Certificate shall be in force for any period therein specified during the continuance of the rent or license of such Renter, retailer or distiller.
- 2dly. The removal of any Toddy purchased from the Toddy Renter or licensed retailer of the Rent division, provided that both the place from and to which such Toddy is sought to be removed shall be situate within the Rent division of such Renter or retailer; and if any Toddy so purchased shall exceed one gallon, it shall be accompanied by a permit from and signed by such Renter or retailer, which permit the Renter or retailer is hereby required to give without fee or reward, on application and on payment of the regulated retail price of Toddy; and every such permit shall specify the date thereof, the name of the owner or person removing it, the quantity to be removed, the period within which and the places from and to which it is to be removed, and both which places must be within the Rent division of such Renter or retailer.
- 3dly. The removal of any Sweet Toddy drawn from any Nipera or Jaggery tree.
- 4thly. The removal of any Sweet Toddy drawn from any Cocoanut or Palmyra tree, and intended to be used in the manufacture of Sugar; Provided it be removed from the Garden in which it is drawn to the place of manufacture, before fermentation shall have commenced; And provided also, that every person, drawing such sweet Toddy for the purpose of such manufacture, shall obtain a general permit either from the Government Agent of the Province in which the Trees are situate, or the Arrack or Toddy Renter or retailer of the Rent division in which it is intended to be drawn for twelve months for the removal of such Toddy within such Rent division for the purpose aforesaid, which permit every such Renter is hereby authorized and required to grant forthwith on demand made, without fee or reward; or else every such person shall give due notice in writing to such Renter of his intention to draw sweet Toddy five days at least before it shall be drawn, and such notice shall specify the Garden in which any tree or trees are situate, the number of trees from which such sweet Toddy is intended to be drawn, and the place where the Sugar is to be manufactured.
- 5thly. The removal of any Toddy within the four Gravets of Colombo for the purpose of baking, under and subject to the provisions contained in the Regulation of Government No.1 of the year 1832.
- 6thly. The removal of Toddy under the license of the Government Agent of the Province in which it is removed.
9. And it is further enacted, that the possession of any Toddy shall be unlawful, and shall subject every person possessing it to the penalty hereinafter declared and imposed in that behalf, except
- 1st. The possession of any Toddy within the garden in which it is drawn.
- 2dly. The possession of any Toddy belonging to, or for the use of, the Toddy Renter or licensed Retailer of Toddy for the Rent division in which it shall be so possessed, provided it be in the licensed godown or Tavern of such Toddy Renter or licensed retailer of Toddy.
- 3dly. The possession of any Toddy belonging to, or for the use of, a licensed distiller of Arrack; provided such possession be on the premises on which his Still is licensed to be used.
- 4thly. The possession of any Toddy by any person, to whom it shall have been legally sold or delivered, under the conditions and limitations hereinbefore prescribed for the sale of Toddy.
- 5thly. The possession of any Toddy by the person legally empowered to remove the same, under the conditions and limitations hereinbefore prescribed for the removal of Toddy.
10. And it is further enacted, that any person selling, possessing, or removing, any Toddy contrary to the provisions of this Ordinance, shall on conviction be sentenced to a fine of Ten Shillings for each offence, and to a further penalty at the rate of One Shilling for every gallon of Toddy so sold, possessed, or removed. And all Toddy so illegally sold, possessed, or removed, shall be confiscated.
11. And it is further enacted, that every owner or Renter of any tree from which Toddy shall be drawn, shall register his name in the Office of the Government Agent for the Province in which the tree is situate, and shall take out a Certificate from such Government Agent, which the Government Agent is hereby authorized and required to give without fee

or reward within forty-eight hours after application made in writing; and every such Certificate shall specify the date thereof, the name of the person to whom it is granted, the garden wherein every tree from which Toddy is intended to be drawn is situate, the number of trees from which Toddy is intended to be drawn, and the purpose to which the Toddy is intended to be applied; and every such Certificate shall be in force for twelve months from the date thereof, and every owner or Renter of any tree from which Toddy shall be drawn without such Certificate as is required by this Clause, shall, on conviction, be sentenced to pay a fine at the discretion of the Court not exceeding Five Shillings for every tree from which Toddy shall be proved to have been so drawn.

12. And it is further enacted, that every owner or Renter of any tree from which Toddy shall be drawn, shall make a monthly return to the Government Agent for the Province in which every such tree is situate, of the number of trees from which Toddy shall have been drawn during the month preceding such report, the quantity drawn, and the manner in which such Toddy shall have been disposed of by him; and any person neglecting to make such return as is required by this Clause within fifteen days after the termination of each month, shall, on being duly convicted thereof on the complaint of the said Government Agent, be liable to pay a fine at the discretion of the Court not exceeding Twenty Shillings for each offence; and any such person convicted of wilfully making a false return of the numbers of such trees, or of the quantity of Toddy so drawn, or of the manner in which such Toddy shall have been disposed of by him, shall be liable to pay a fine of Ten Tounds.

13. Provided always, that no register, certificate or monthly return under the eleventh and twelfth Clauses of this Ordinance, shall be required to be taken out by any person, in respect of any tree from which Toddy shall be drawn exclusively for the use of any licensed distiller, or Toddy Renter, or licensed retailer, or in respect of any Nipera, or Jaggery tree from which sweet Toddy shall be drawn for the manufacture of Sugar; and provided always, that no part of this Ordinance which refers to the sale, possession, removal, or drawing of Toddy, shall extend or be construed to apply to the Northern or Eastern Province.

14. And it is further enacted, that no person shall sell Arrack by retail, that is to say, in less quantity at any one time than fifteen gallons, unless such person shall have obtained a license in writing for the retail of Arrack from the Government Agent of the Province in which such sale by retail is intended to be carried on, or unless he be acting for and by the authority and for the benefit of, such licensed retailer; and any person who shall, be duly convicted of any such sale by retail without such license or authority, shall be sentenced to pay a fine of Five Pounds for every such offence.

15. And it is further enacted, that no Arrack shall be sold by retail, except genuine unadulterated Arrack of twenty degrees proof. And any licensed retailer selling spurious or adulterated Arrack, or Arrack which shall be under the said proof, shall be liable for every such offence to be sentenced to pay a fine of Two Pounds. And for the better prevention of frauds in this respect, it is further enacted, that it shall and may be lawful for the Government Agent of the Province at all times when he shall think it expedient so to do, to send an officer duly authorized by warrant signed by such Agent, to examine and gauge the stock of Arrack of any person licensed to sell the same by retail. And any Arrack which shall be found in the possession of such licensed person under the proof above mentioned, or adulterated with other liquor, shall be seized by such officer, and information shall forthwith be laid of such seizure before the District Court. And if it shall appear, on the trial of such prosecution, that such Arrack when so seized was under proof, or adulterated, it shall be confiscated, and the person in whose possession it shall be found, shall be sentenced to pay a fine of One Pound for every gallon of Arrack condemned. And any person licensed as aforesaid who shall prevent or obstruct such officer in the execution of such warrant, shall on conviction thereof, be sentenced to fine or imprisonment, or both, at the discretion of the Court.

16. And it is further enacted, that no wine or spirits shall be sold by retail for the purpose of being consumed on the premises within which it is sold, unless the person so selling shall be duly licensed thereto by the Government Agent for the Province, under a penalty of Five Pounds for each offence.

17. And it is further enacted, that the possession of any Arrack shall be unlawful and shall subject every person possessing it to be sentenced, on conviction, to pay a fine of Five Pounds for each offence; and if the quantity so unlawfully possessed shall exceed one gallon, a further fine of Five shillings for every gallon exceeding one; and all Arrack so unlawfully possessed shall be confiscated, except such Arrack be in the possession of any person in manner hereinafter mentioned, that is to say

1st. Any Arrack in the possession of licensed distillers on the premises within which the same shall have been distilled, under the provisions of this Ordinance.

2dly. Any Arrack belonging to, or possessed for the use of, or on behalf of any Arrack Renter or licensed retailer of Arrack for the Rent division in which it shall be so possessed, provided it be in the licensed godown or tavern of such Arrack Renter or licensed retailer of Arrack.

3dly. Any Arrack in the possession of any person legally empowered to remove the same under the provisions of this Ordinance.

4thly. Any Arrack in the possession of any wholesale dealer under the conditions and limitation prescribed by this Ordinance.

No. 5.—1834.

5thly. Any Arrack possessed under the license of the Government Agent for the Province within which it shall be so possessed.

6thly. Any Arrack which shall have been legally sold to the person in possession of whom it shall be found, under the conditions and limitations prescribed by this Ordinance, provided that no possession of Arrack in quantity less than fifteen gallons shall be lawful, unless the same shall have been purchased from some person duly licensed to retail the same within the Rent division in which the same shall be so possessed.

18. And to the end that no person may plead ignorance of the person duly licensed to sell Arrack by retail, it is further enacted, that every person so licensed shall affix at the door or some other conspicuous part of the Tavern or place where such sale by retail is to be made, a board on which shall be written in legible characters, in the English, Singhalese, and Tamul languages, the name of such retailer, followed by the words "Licensed Retailer of Arrack," and describing the Rent division for which he is the retailer; and every person who being a licensed retailer shall sell Arrack without such board affixed, as herein directed, and every person who not being a licensed retailer, shall affix such board or any similar notice to his premises, shall on conviction be sentenced to pay a fine of Five Pounds.

19. Provided always that whenever the quantity sold by such licensed retailer of Arrack shall exceed two quarts, he shall grant a certificate of such sale to the purchaser, which certificate shall be signed by such retailer, and shall specify the date thereof, the quantity purchased, the name of the purchaser, the period within which it is to be removed, and the places from and to which it is to be removed, and both which places must be within the Rent division of such Renter or retailer, and which Certificate the Renter or retailer is hereby required to give without fee or reward on application, and on payment of the regulated retail price of Arrack, under penalty for neglecting so to do of Five Pounds for every such offence. Provided always, that no retailer of Arrack shall be compellable to sell Arrack in any quantity exceeding three gallons; but in every instance in which Arrack exceeding three gallons shall be so sold by any retailer at his own discretion, no certificate shall continue in force or shall be held to legalize the possession of any such Arrack exceeding in quantity three gallons for a longer period than forty-eight hours, unless such purchaser shall have also obtained a special license from the Government Agent for any longer period, as may be therein specified.

20. And it is further enacted, that any Arrack found in the estate of any deceased person who shall during his lifetime have been duly qualified to possess the same, shall and may be sold by auction; provided that notice of the sale be given to the Agent of the Province, and the lots exposed shall not be of less quantities than fifteen gallons at a time; and with respect to smaller quantities found in any such estate, the Agent shall and may direct the Renter or licensed retailer of Arrack nearest to the place of sale, to receive and pay for the same to the representatives of the deceased, at a rate of twenty per cent. under the authorized retail price.

21. And it is further enacted, that every person intending to deal in Arrack by wholesale shall, before he commences such dealing, or if he be already a wholesale dealer, then, within fifteen days from and after this Ordinance shall come into operation, register his name as such wholesale dealer of Arrack with the Government Agent of the Province, in which his Arrack Storehouse or Storehouses shall be situate, and shall take out a Certificate of such registry, which shall be issued by such Government Agent within forty-eight hours after application in writing, without any fee, gratuity, or reward being exacted for the same; and every such certificate shall entitle the person to whom the same shall be issued, to have in his possession any quantity of Arrack lawfully purchased, distilled, or imported from any other parts of the Island, either for exportation, or for sale again by wholesale, and shall be in force for one year from the date thereof and no longer.

22. And it is further enacted, that every such wholesale dealer shall, at the end of three calendar months from the date of his Certificate, and likewise at the end of every subsequent three calendar months, so long as such Certificate shall remain in force, furnish the said Government Agent with an account of all Arrack purchased or received by him, and of all Arrack sold, exported, or issued by him during the three months immediately preceding, and also the quantity, if any, then remaining on hand, which quantity shall be carried forward to the next periodical account; and every such wholesale dealer, who shall fail to deliver in such return within twenty days from and after the expiration of any such term of three calendar months, shall, on the prosecution of Government, be sentenced to pay a fine of Ten Pounds, and shall be liable to a repetition of such prosecution and sentence every month that such return is delayed after the first conviction. Provided always, and it is further enacted, that if any wholesale dealer shall be sentenced to fine or imprisonment three times for the same default, it shall be lawful for the Government Agent for the Province by notice in writing to withdraw his license as a wholesale dealer, and no new license shall be issued to the same person as a wholesale dealer for twelve months after such withdrawal; and every such wholesale dealer, who shall be convicted of giving in wilfully a false account, shall pay a fine of Thirty Pounds; and for all Arrack which shall be proved to have been in his possession, above, or falling short of the quantity whereof he has rendered an account, every such wholesale dealer shall be liable to a further fine at rate of Five Shillings per gallon.

23. And it is further enacted, that no sale of Arrack shall be considered wholesale,

unless the quantity sold amounts to or exceeds fifteen gallons; and any wholesale dealer who shall sell Arrack in quantity less than fifteen gallons, shall forfeit for any such offence the sum of Ten Pounds.

No. 5, — 1834.

24. And it is further enacted, that it shall and may be lawful for the Government Agent of every Province to direct by order in writing, that any wholesale dealer in Arrack, shall permit one or more locks to be put upon his Storehouse or Storehouses, wherein Arrack shall be lodged, and that the keys thereof be kept by such person as the said Government Agent shall from time to time appoint. Provided always that the owner of such Arrack shall at all times during the day have free access thereto for lawful purposes, and that, on application to the person keeping the keys of the said locks under the authority of the Government Agent, such person shall, within a reasonable time, attend with the keys for that purpose. And it is further enacted, that any such dealer disobeying the directions in writing of any such Government Agent in this behalf, shall pay a fine not exceeding Thirty Pounds.

25. And it is further enacted, that no Arrack exceeding in quantity two quarts and under fifteen gallons, shall be removed without a Permit accompanying the same, which permit shall be granted and signed by the licensed retailer of the Rent division of the District in which the removal shall take place, and shall specify the date thereof, the name of the purchaser and of the person removing it, the quantity to be removed, the period within which it is to be removed, and the places from and to which it is to be removed, and both which places must be within the Rent division of such retailer: and every removal of any Arrack in any quantity under fifteen gallons, with or without permit, beyond the limits of the Rent division of the Arrack Renter or licensed retailer from whom it is purchased shall be unlawful, and all Arrack under the said quantity which shall be removed beyond the said limits, and all persons so removing the same, shall be subject to the penalties prescribed by this Ordinance for illegal possession and removal of Arrack, excepting such removal shall be under the permit of the Government Agent of the Province. And the Agents of the several Provinces are hereby required to affix statements and make due publication at their respective Cutcheries, of the several Arrack and Toddy Rent divisions within their Provinces, and also to furnish to each and every licensed retailer of Arrack a statement in writing in the native languages of the District or Rent division within which such retailer is licensed to sell Arrack by retail, which statement every such licensed retailer is hereby required to keep constantly affixed in some conspicuous part of the tavern or other place in which he shall sell Arrack by retail, under a penalty of Ten Shillings for every neglect so to do. Provided always, and it is further enacted, that Arrack the property of the Crown shall and may be removed in any quantity whatever under the permit of any Government Agent, Deputy Commissary General, or Assistant Commissary; and provided that if any Arrack, seized for removal without permit, shall be proved to be the *bond fide* property of the Crown, and removed under the authority of proper officers, no penalty shall be imposed, neither shall the Arrack be forfeited, but the informer shall have his reasonable expenses, to be paid by Government and recovered from the officer by whose authority the Arrack was so removed without permit.

26. And it is further enacted, that no Arrack in any quantities not under fifteen gallons shall be removed without a permit accompanying the same, which permit shall be granted to wholesale dealers, licensed distillers, licensed retailers, and public officers duly authorised thereto, but to no other persons whatever, except persons duly licensed by the Government Agent at his discretion, for the removal of any quantity amounting to or exceeding fifteen gallons, by the Government Agent or the Collector or Assistant Collector of Customs of the Province within or from which the Arrack is sought to be removed, or by the Modliar or Mohandiram, or other person duly authorised by Government, which authority shall be declared by Advertisement in the Ceylon Gazette, and by public notice to be affixed at the Cutcherry of the Province in which such person is authorized so to act and also at the Arrack taverns of the division in which he is so empowered to act, of the Korle or division from or within which such Arrack is intended to be removed, or by the Arrack renter of the Rent division from or within which such Arrack is intended to be removed, to any of which officers written application may be made, and such permits shall issue forthwith without fee, gratuity or reward, on pain of a fine of Two Pounds for every vexatious and unnecessary delay or omission in issuing the same, over and above any damages which may be recovered against them respectively for loss sustained by such delay or omission by the party applying for the same. And such permit shall specify the date thereof the name of the owner and of the person removing the Arrack, the quantity to be removed, the period within which it is to be removed, the places from and to which it is to be removed, and by what conveyance the same is to be removed, and if for exportation, such fact shall also be stated, and such permit shall be signed by the person granting the same.

27. And it is further enacted, that all Arrack exceeding two quarts which shall be removed without such permit as hereinbefore required accompanying the same, or exceeding in quantity, or falling short of the number of gallons specified in such permit, reasonable increase or wastage being allowed according to the circumstances of such removal, shall be confiscated; and the owner of such Arrack shall be liable to pay a fine of Thirty Shillings for every gallon so illegally removed, and in the same proportion for any quantity less than a gallon. And every other person employed or concerned in any such removal of Arrack as is hereinbefore prohibited, who shall not give the true name and place of abode of the person by whom he was employed in such removal, shall pay a fine not exceeding Ten Pounds

**No. 5,—1834.**

sterling for each offence; and every Cart, Waggon, Boat, Vessel or other conveyance, employed in such removal with the knowledge of the owner thereof, or of the Master or Tindal of any such Boat or Vessel, or driver of Cart or other conveyance, shall be confiscated.

28. And it is further enacted, that from and after the publication hereof, no Arrack or Toddy, unless in quantities amounting to at least two gallons, shall, on any pretence, be brought within or to the posts of the outermost sentries at any of the following Forts and Fortresses in this Island, viz. Colombo, Galle or Trincomalie, without a written license for that purpose from the Officer Commanding such Forts or Fortresses, in addition to such other permit or authority as is required by this Ordinance. And all Arrack and Toddy so brought, without the licenses hereby required, shall be confiscated; and any person detected in bringing any Arrack or Toddy in a less quantity than beforementioned, within or to the posts of the outermost sentries at any of the said Forts or Fortresses, without such written licenses as beforementioned, shall, on conviction, be liable to pay a fine not exceeding Twenty Shillings, or to imprisonment at hard labour for a period not exceeding Two months, or to Corporal punishment not exceeding Thirty lashes, at the discretion of the Court.

29. And it is further enacted, that any person, who shall forge or counterfeit any Permit or Certificate required to be used or issued under this Ordinance, or shall knowingly and wilfully utter any such forged or counterfeit Permit or Certificate, shall, on conviction, be sentenced to imprisonment at hard labour for any term not exceeding Twelve months.

30. And it is further enacted, that one half of all fines hereinbefore directed to be levied, and the one half of the produce of all confiscations under this Ordinance, shall go to our Lord the King: and the other half to the person prosecuting the offender to conviction. Provided always, that in the event of the inability of any Defendant to pay the fines above directed, and sentence of imprisonment being awarded for any offence, the Agent of the Province shall nevertheless pay to such informer the amount of the share he would be entitled to of the fine prescribed for such offence by any clause of this Ordinance: but that no Government Agent shall pay, nor shall any informer have a right to demand from such Government Agent, any sum exceeding £7. 10s. as and for the share due to such informer of any fine or penalty, whatever may be the amount thereof incurred under this Ordinance on any one conviction.

31. And it is further enacted, that all fines to be imposed under and by virtue of this Ordinance, shall, in default of immediate payment, be recovered by the usual process for the recovery of debts due to the Crown, and until payment, or in default thereof, every such Defendant shall be liable to be imprisoned for the space of Two months for every Pound of such fine which shall remain unsatisfied; provided that such imprisonment, on any one conviction, shall never exceed the term of Twelve months; and such imprisonment shall be either with or without hard labour, at the discretion of the Court, except in cases of convictions for making false returns of trees and toddy under the 11th clause of this Ordinance, or giving in false accounts of Arrack under the 22d clause, in which cases all Defendants who shall be convicted of these frauds, or either of them, shall, if sentenced to be imprisoned, be put to hard labour.

32. And it is further enacted, that in all cases wherein any act is authorized or directed by this Ordinance to be done by any Government Agent of any Province, the same shall and may equally be done by any of his Assistants for and within their respective Districts; and that wherever also, in describing or referring to any offence or the subject matter on or with respect to which such offence shall be committed, or the offender or the party affected or intended to be affected by any such offence, the words used in this Ordinance import the singular number or the masculine gender only, yet this Ordinance shall be understood to include several matters, as well as one matter, and several persons as well as one person, and females as well as males, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

*Given at Colombo, this Sixth day of December, One Thousand Eight Hundred and Thirty-four.*

By His Excellency's Command,

P. ANSTRUTHER,  
*Colonial Secretary.*

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**No. 6,—1834.** (*Repealed by Ordinance No. 3 of 1846.*)

**No. 6,—1834.**

*Ordinance declaring English Rules of Evidence to be in force in this Island, unless in cases otherwise expressly provided for by Law: and prescribing the course by which Evidence is to be obtained in certain cases.*

WHEREAS on the first administration of the British Government in this Island, it was by Proclamation of 23d September 1799, ordained that the practice of proceeding by Torture, not merely as a mode of punishment, but also for the purpose of obtaining confessions, should be from thenceforth, and the same was, absolutely abolished; whereby, as well as by the introduction of trial by Jury in Criminal cases, and from other causes, the English Rules of Evidence have been gradually introduced, and are now generally adhered to within this Island and its dependencies, although the same have never been expressly established by positive enactment.



1. It is therefore hereby declared by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Rules of Evidence, as the same are by law established in that part of the United Kingdom of Great Britain and Ireland called England, are and shall continue to be the Law of this Island and its dependencies, as well in Civil as in Criminal cases, except where the same have been or shall be altered or modified by express Law. Provided always, that no witness shall be held incompetent, unless he or she appear unable, either from want of age or of understanding, to comprehend the obligation which he or she is about to take upon him or herself, of telling the truth; or unless from the sentence or conviction by some competent Court of perjury; or unless such witness stands in the relation of husband or wife to one of the litigant parties, or have a direct interest that the party calling such witness should succeed in the suit.—And that all other objections shall only affect the credit, but not the competency of the witness.

2. And whereas doubts may be entertained whether, by the revocation of the Charter of His late Majesty King George the Third of the 18th April 1801; the provision therein contained as to the sufficiency of one witness in Criminal proceedings, be still in force: It is hereby declared and enacted, that the testimony of one credible witness, in any case Civil or Criminal, may be deemed sufficient and conclusive evidence before any Court of Justice of any fact deposed to by such witness, as of his own knowledge; except those cases in which the evidence of two or more witnesses is now, or hereafter may be, by law expressly required.

3. Provided nevertheless, that in all prosecutions for perjury the testimony of two witnesses at the least, to the very fact as to which the person or persons accused are alleged to have sworn falsely, shall be necessary for the conviction of such person or persons, unless such person or persons shall have freely and voluntarily confessed the offence charged, or shall plead guilty to the same in open Court, or unless the oath of one witness to the very fact be supported by the production of documentary evidence, inconsistent with or contradictory to the oath of such persons or persons. Provided also, that nothing in this Ordinance contained shall be construed to affect any law or laws, which may be in force in this Island or in different parts thereof, by which any number of attesting witnesses, or any particular mode of execution may be requisite, to give validity to certain written instruments: or to affect any Rules and Orders now in force, or hereafter to be issued, for regulating the form of proceeding in District Courts.

4. And whereas it frequently becomes necessary, in the progress of Civil suits, to obtain the evidence of witnesses residing out of these settlements in places where there are no Courts having competent authority to administer interrogatories: It is therefore hereby enacted, that whenever it shall be made to appear to the satisfaction of any District Court, by the declaration of any party to the suit (which party shall be liable to punishment as in other cases if he attempt to deceive the Court in that behalf), and also from the nature of the case and of the evidence sought to be obtained as bearing upon the suit, that justice cannot be perfectly administered therein without obtaining the evidence of one or more witnesses who shall then be resident out of the said settlements; it shall and may be lawful for such Court to issue Letters Requisitory in the form hereinafter set forth, to one or more Notaries, resident at or near the place from which the evidence is sought to be obtained, or to any other person or persons there resident, whom such Court shall judge most competent for that purpose, and to transmit the same to such Notaries or other persons, with the interrogatories and cross-interrogatories duly prepared according to the practice of such Court:—And the depositions of such witnesses, duly returned by such Notaries or other persons according to the directions of the said letters requisitory, shall be admitted and read in such suit as good and legal evidence to all intents and purposes, and shall not be liable to any other or further exception, than the same might and would have been liable to, if they had been taken before a Court having full and competent authority to administer such interrogatories.

5. Provided always, that before such letters requisitory shall be issued as aforesaid, the party or parties applying for the same shall deposit with the Court such sum of money as the said Court shall consider sufficient to cover the fees of the persons appointed to take the depositions of witnesses, and all other expenses which may be incurred by, or be incident to, the issuing such letters requisitory.

6. Provided also, that nothing herein contained shall be construed to prevent any Court of these settlements from issuing Commissions or letters requisitory for the examination of witnesses, to the native Courts of India, as has been hitherto practised, whenever it shall seem more expedient so to do.

7. And whereas the Regulation of Government No. 1 of 1821, "*For declaring in what manner copies or extract from documents of public record in the public offices of Government may be procured, and the validity of the same as evidence,*" as amended by Regulation No. 7 of 1822, has been repealed by Regulation No. 8 of 1833, by which it was declared that the objects proposed by the first mentioned Regulation might be attained in a manner equally beneficial to the public, by leaving the question of admissibility in evidence of official documents to the ordinary course of legal decision like other questions of evidence: And whereas it is desirable that the provisions of the last mentioned Regulation No. 8 of 1833, should be incorporated with this present Ordinance: It is therefore further enacted, that whenever it shall happen that a party to a suit or to a Criminal prosecution in any of the Courts of this Island, shall consider that any papers or other documents in any of the offices of Government in this Island are necessary for the support of his case, it shall and may be lawful for such

No. 6, — 1834.

party to apply for and obtain from the Court in which such suit or prosecution shall be pending, the usual process or citation in the nature of a Subpœna Duces Tecum, directed to the principal Officer of Government or other person in whose charge or custody or under whose controul the papers or documents required shall be; and such officer or other person shall produce or cause the same to be produced in Court on the day specified in such citation or Subpœna, any thing in the said Regulations, or in either of them, or in any other rule or custom to the contrary hereof notwithstanding.

8. But in order to prevent the publication of official papers or documents, where such publications would be productive of detriment to the public interest: It is further enacted, that it shall and may be lawful for such officer or other person, before he produces such official papers or documents to be read in evidence, to object to such production, stating the grounds of his objections for the consideration of the Court. And if the Court shall be of opinion that the publicity to be given to such papers or documents, by their being so received in evidence, would be injurious to the public interests, or that from the confidential nature of them, or from other circumstances, it would be improper to receive them without the permission of Government for that purpose first had and obtained, such opinion shall be recorded, and such papers or documents shall not be received in evidence until the party requiring their production shall be furnished with such permission, or unless such decision be reversed by the Supreme Court as hereinafter provided. Or if the Court shall be of opinion that no such objection exists to receiving such papers or documents in evidence, such opinion shall in like manner be recorded, and the papers or documents shall be received in evidence, unless such decision be reversed by the Supreme Court as hereinafter provided.

9. Provided always, that if the party requiring such evidence shall be dissatisfied with the decision of the Court rejecting the same, on the grounds alleged for such rejection; or if the officer or other person called upon to produce such papers or documents shall be dissatisfied with the decision of the Court in favour of admitting them in evidence, in either of such cases the Court shall suspend the carrying such its decision into execution, until reference shall have been made to the Supreme Court on the subject; which reference the District Judge shall forthwith cause to be made, without waiting for an appeal in the regular form.

10. And to avoid the inconvenience which would arise from the originals of official papers or documents being detained for any length of time from the offices to which they may respectively belong: It is hereby further enacted, that in any case in which such papers or documents shall be received in evidence, if the officer or other persons producing them shall state that the public service requires that they should be returned to such office, the Court shall, after the originals shall have been inspected by the parties, direct that copies be taken thereof, which copies shall be filed in the case, and shall be held to be good and legal evidence, and the originals shall be returned to the officer or other persons producing them.

11. And it is further enacted, that the Regulation of Government No. 10 of 1827, "*To facilitate the obtaining of evidence in Civil Suits, where witnesses are resident out of these settlements,*" and the Regulation of Government No. 8 of 1833, "*For repealing Regulation No. 1 of 1821, and No. 7 of 1822, and for providing another course for the production of official documents as evidence,*" the several provisions thereof being incorporated with this Ordinance, shall be and the same are hereby repealed, except in so far as regards the repeal by the last mentioned Regulation of the said Regulations No. 1 of 1821, and No. 7 of 1822.

*Given at Colombo this Twelfth day of December, One Thousand Eight Hundred and Thirty-four.*

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

Form of Letters Requisitory alluded to in the 4th Clause of the above Ordinance.

In the District Court of

A. B.

Plaintiff.

vs.

C. D.

Defendant.

GENTLEMEN,

You will receive herewith certain interrogatories to be administered to  
now residing at or near \_\_\_\_\_ on the part of the  
in this suit. And I am directed by this Court, to request that you, or either  
of you, will examine the said witnesses upon the said interrogatories, on  
corporal oath to be administered according to the form prescribed by the religion which  
may profess: and that, having reduced such examination to writing,  
you will send the same to this Court, duly authenticated under your Seals of Office, or the  
Seal of either of you, before whom the said examination shall have been taken.

I have the honor, &c.

To

Secretary.

By Order of the Court.

**No. 7, — 1834.** (*Repealed by Ordinance No. 7 of 1840.*)● **No. 7, — 1834.**

*Ordinance to assimilate, amend, and consolidate the Laws now in force in different parts of this Island, for the prevention of Frauds and Perjuries.*

WHEREAS it is expedient to amend and consolidate the laws now in force in the different parts of this Island for the prevention of frauds and perjuries, and to introduce, as far as circumstances will admit, one uniform system for the attainment of that object.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 4 of the year 1817, entitled "*For the prevention of frauds and perjuries,*" and the Regulation No 20 of the year 1824, entitled "*For the better security of individuals in their transactions relating to landed property, and for the further prevention of frauds and perjuries,*" and also a certain Proclamation, given at Colombo on the 28th of October 1820, declaring "That certain descriptions of transfers, bequests, and contracts shall not be valid in Law in the Kandyan Provinces, unless reduced to writing," shall be from and after the first day of July next hereby repealed.

2. And it is further enacted, that no sale, purchase, transfer, assignment, mortgage, devise, bequest, or lease of land, nor any deed or instrument for effectuating any such object, or for establishing any security or incumbrance affecting land, other than a lease at will, and except as hereinafter is excepted and provided, shall be of force or avail in law, or admitted in any suit before a Court of Justice, if passed on or after the first day of July next, unless (if the land be situated within a District in which one or more Notaries are licensed to practice) such deed or instrument be passed and executed, or the execution thereof be acknowledged, within Twenty days from the day of its date, by the grantor or grantors thereof, before such licensed Notary, either European, Burgher or Native, and before two witnesses, and shall bear the attestation of such Notary that the same was so passed and executed or acknowledged before him, and shall also bear the attestation of such two or more witnesses.

3. Provided, that in cases of devises, bequests, or grants of lands, in which the testator or grantor shall be unable from sickness to go before such Notary, and shall die before such devise, bequest or grant can be acknowledged before such Notary as above directed, the devisee or grantee, and the two witnesses to such devise, bequest or grant (which two witnesses shall in all cases be deemed indispensable to the validity of such devise, bequest or grant), shall and may go before such Notary, within the term of Twenty days hereinbefore limited, and shall declare the execution of such deed or instrument, and the time when, the place where, and the consideration (if any) for which the same was executed, all which shall be noted down by such Notary, on the deed or instrument itself, and shall be signed by him. And such deed or instrument shall and may be admitted as evidence in Courts of Justice, subject always to such objections as may be made, in other respects, to the legality or validity thereof.

4. And it is further enacted, that every deed to be executed or acknowledged before, or to be attested by, such Notary, shall be executed, acknowledged or attested in duplicate, and every Notary shall, at the end of each month, transmit the duplicates of all deeds or instruments executed or acknowledged before or attested by him during that month, to the Court of the district wherein he shall be licensed to practise, with a list in duplicate of such deeds or instruments, one copy of which, with a receipt signed by the District Judge, or Secretary by his order, shall be returned to the Notary, and the duplicate deeds shall be carefully preserved of record in the District Court. Provided, however, that no such duplicate shall require a stamp.

5. And it is further enacted, that every European and Burgher Notary shall be entitled, for the attestation in duplicate of such deed or instrument, to a fee of nine-pence, and every native Notary to a fee of four-pence half-penny; such fee being exclusive of and in addition to, other fees to which such Notaries may be entitled, if they draw up the deed or instrument themselves.

6. And it is further enacted, that any Notary, European, Burgher, or Native, who shall fail to transmit to the Court of his district, within fifteen days after the expiration of each month the duplicate of any deed or instrument which shall have been executed or acknowledged before, or attested by him, during that month, shall, on conviction of such neglect, be liable to fine or imprisonment, or both, at the discretion of the Court before which he shall be so convicted.

7. But if it shall happen that the land in question is situated within a District in which there is no Notary licensed to practise, it is further enacted, that any deed or instrument for any of the purposes hereinbefore described, must, in order to be of force and avail in law, and admissible before a Court of Justice, be in writing, signed by the grantor or grantors, and attested by the signature of two or more witnesses.

8. Provided, that if any person on the point of death, or during his or her last illness, shall declare, in presence of two or more credible witnesses, his or her desire with respect to the disposition of the property, whether moveable or immoveable, which he or she may die possessed of, interested in, or entitled to, and such declaration be reduced to writing, and such writing be signed by the witnesses within two days at most after the death of such testator;

**No. 7,—1834.**

and if (provided the property devised be situated within a District in which one or more Notaries are licensed to practise) the devisee and the witnesses to such Nuncupative Will shall go before such Notary, within the term of Twenty days at the most after the death of such testator, and shall produce to such Notary the said will, so reduced to writing as above directed, and shall declare to such Notary the time when, the place where, and the consideration (if any) for which such will was declared, all which shall be noted down by such Notary, and shall be signed by him; such Nuncupative Will having been so committed to writing, shall and may be admitted as evidence in Courts of Justice, subject always to such objections as may be made, in other respects, to the legality or validity thereof; and Probate thereof may be obtained in manner directed by the 5th Rule of the 4th section of the Rules and Orders made and passed on the 1st of October 1833, for regulating the form of proceeding in District Courts.

9. Provided always, that none of the foregoing provisions shall be taken as applying to any grants, sales, or other conveyances of land from or to Government, or to any lease, or other instrument or agreement touching land, to which Government shall be a party, or to any mortgage of land made to Government. Provided also, and it is hereby declared, that nothing in this Ordinance contained, or in any Regulation or Proclamation hereby repealed, shall be construed to affect the validity of certificates of sale granted by Fiscals of lands duly sold under writs of execution.

10. And it is further enacted, that no promise, contract, bargain, or agreement, unless it be in writing and signed by the party making the same, or by some person thereto lawfully authorized by him or her, shall be of any force or avail in law, for any of the following purposes:

- 1st. For charging any person with the debt, default, or miscarriage of another.
- 2nd. For pledging moveable property, unless the same shall have been actually delivered to the person to whom it is alleged to have been pledged.
- 3rd. For the purchase or sale of any moveable property, unless such property or part thereof has been delivered to the purchaser, or the price or part thereof has been paid by him.
- 4th. For establishing a partnership, where the capital is about £100. Provided that this shall not be construed to prevent third persons from suing partners, or persons acting as such, and offering in evidence circumstances to prove a partnership existing between such persons, or to exclude parole testimony concerning transactions by, or the settlement of any account between, partners.

*Given at Colombo this Twelfth day of December, One Thousand Eight Hundred and Thirty-four.*

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

**No. 8,—1834.****No. 8,—1834.**

*Ordinance to assimilate, amend and consolidate the Laws now in force in different parts of this Island, regulating the prescription of actions.*

## Preamble.

WHEREAS it is expedient to amend and consolidate the Laws now in force in the different parts of this Island, regulating the prescription of actions, and to introduce one uniform rule of limitation, for deciding the several periods within which actions at law must be respectively brought throughout the Island and its dependencies.

## Former Regulations and Proclamation repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 13 of 1822, entitled "*For fixing the periods of prescription in Civil cases, and repealing all previous laws or customs touching the same,*" and the Regulation No. 5 of 1825, entitled "*For explaining certain parts of the thirteenth Regulation of the year 1822, entitled 'For fixing the periods of prescription in Civil cases, and repealing all previous laws or customs touching the same,'*" and also a certain Proclamation given at Kornegalle the Eighteenth day of September One Thousand Eight Hundred and Nineteen, establishing the terms which should be sufficient to bar actions at law within the Kandyan Provinces; shall be and the same are hereby repealed. Except in so far as regards the repeal by the said Regulations or Proclamation, or either of them, of previous laws or customs touching the periods of prescription.

## Term of prescription for lands or immoveable property.

2. And it is further enacted, that from and after the first day of July next, 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, to prevent encroachment or usurpation thereof, or to recover damages for such encroachment or usurpation, 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 always, that the said term of prescription 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 land in dispute.

3. And it is further enacted, that from and after the said first day of July next, no action, nor any claim by way of reconvention or set off, shall be maintainable upon any instrument of hypothecation or mortgage or bond conditioned for the future payment of money, or the performance of any agreement or trust, or the payment of penalty, whether notarial or not, and whether under the seal of the obligor or not, unless such action shall be brought, or such claim by way of reconvention or set off shall be set up, within ten years from the date of such instrument, or of the last payment of interest thereupon.

And for bond, etc.

4. And it is further enacted, that from and after the said first day of July next, no action nor any claim by way of reconvention or set off, shall be maintainable upon any bill of exchange, promissory note, or other written security not falling within the description of instruments set forth in the foregoing clause, unless such action be brought, or such claim be set up, within six years from the time at which such bill, note, or security, shall have become due, or when any payment of interest shall have been made thereupon.

And for bill of exchange, etc.

5. And it is further enacted, that from and after the said first day of July next, no action, nor any claim by way of reconvention or set off, for any moveable property, or upon any unwritten promise, contract, bargain, or agreement, relating to moveable property or to recover money lent without bond, note, or other written security, shall be maintainable, unless such action be brought, or such claim be set up, within three years after the cause of action or claim shall have arisen.

And for unwritten promise, etc.

6. And it is further enacted, that from and after the said first day of July next, no action nor any claim by way of reconvention or set off, for any goods sold and delivered, or for any shop bill or book debt, or for the wages of artisans, labourers, or servants, shall be maintainable, unless the same be brought or set up, within one year after the debt shall have become due.

And for shop bills, etc.

7. But inasmuch as the terms of limitation hereinbefore prescribed by the 3rd, 4th, 5th and 6th clauses, are founded on the presumption of payment arising from the time which the creditor has allowed to elapse without exacting payment; It is hereby provided and declared, that in any case falling within the purview of any of the said clauses, in which the creditor, or party claiming as creditor, shall be enabled to prove, to the satisfaction of the Court, any written promise, acknowledgement, or admission made, or any act done by the alleged debtor, within the term hereby prescribed for bringing the action, from which promise, acknowledgement, admission, or act, the Court shall be convinced that the debt has not been paid or satisfied, it shall and may be lawful for such Court to give judgment in favour of the creditor, as it might have done if the action had been brought, or the claim by way of reconvention or set off had been made within the time limited by this Ordinance.

Proviso.

8. Provided also, that in case of the death of the creditor, if the term of three years or of one year, as limited by the 5th and 6th clauses of this Ordinance respectively, shall not have elapsed at the time of such death, his heir, executor, administrator, or assignee, shall be allowed to commence an action on his behalf, after the expiration of the said term, provided he do so within one year after the death of such creditor. But in case of the death of the debtor, before the said term of three years or of one year shall have elapsed, no such action shall be maintainable against his estate, unless brought within one year after the death of such debtor.

Proviso in case of death of creditor.

Or of debtor.

9. And it is further enacted, that no action for any loss, injury, or damage, shall be maintainable, unless brought within two years after the cause of action shall have arisen, nor shall any action lie against any Fiscal, for any act or neglect of himself or his Officers, unless brought within nine months after the cause of action arising, nor unless such notice be given, and all other conditions be complied with, as are prescribed by the laws now in force, or hereafter to be passed, for declaring the duties and responsibilities of Fiscals.

Actions against Fiscals when to be brought.

**No. 3,—1834.**

Provision in cases of disability.

10. Provided that, with respect to all the terms of prescription by this Ordinance respectively limited for actions, or for claims by way of reconvention or set off, if, at the time of the right of such action or such claim accruing, the plaintiff or defendant shall not be resident within this Island or its dependences, or if, by reason of the minority or coverture or insanity whether of the plaintiff or of the defendant, either party be disabled from prosecuting such action or setting up such claim, the period of prescription of such action or claim shall begin to run, in every such case, from the time when such absence from the Island or such disability shall have ceased.

11. And it is further enacted, that when such absence or disability shall have ceased, and the term of prescription shall have commenced to run, no new absence or other disability shall be allowed to prevent such prescription from being completed.

Rights of the Crown.

12. Provided, that nothing in this Ordinance shall in any way affect the rights of the Crown, or shall be taken to alter or annul any of the provisions of any law now in force in this Island, or which may hereafter be passed, for the prevention of frauds and perjuries.

*Given at Colombo this Twentieth day of December, One Thousand Eight Hundred and Thirty-four.*

By His Excellency's Command,

P. ANSTRUTHER,  
Colonial Secretary.

**Order in Council. (Expired.)**

*At the Court at St. James's, the 4th of March 1835.*

PRESENT.

The KING's Most Excellent Majesty in Council.

**ORDER IN COUNCIL:—**  
4th March, 1835.

WHEREAS by an Order of His Majesty in Council bearing date on the First day of November One Thousand Eight Hundred and Thirty, certain regulations were made respecting the issuing by the Governor of the Island of Ceylon of Warrants for the arrest and detention in prison during the term therein mentioned, of persons charged with or suspected of Treason or Treasonable practices, and respecting the powers of the Supreme Court of the said Island in regard to the issuing of Writs of Habeas Corpus, or Warrants in the nature of such Writs, for bringing before them the bodies of any persons so arrested and detained. And whereas the said Order expired and ceased to be in force on the Thirty-first day of December now last past, and it is expedient that the same be revived and be continued in force until the time hereinafter in that behalf mentioned. Now therefore His Majesty by and with the advice of His Privy Council, doth order and it is hereby ordered, that the said Order in Council of the first of November One Thousand Eight Hundred and Thirty, shall be and the same is hereby revived, and that the same shall continue in force until the Thirty-first day of December in the year One Thousand Eight Hundred and Thirty-nine.

Provided always, and it is hereby further ordered, by the authority aforesaid, that in all parts of the said recited Order in Council, in which the Supreme Court of Ceylon is mentioned, reference shall, during the continuance of this present Order, be understood and be taken to be made to the Supreme Court and to the District Courts respectively in the Island of Ceylon, mentioned in His Majesty's Letters Patent under the Great Seal, bearing date at Westminster on the Eighteenth day of February in the year One Thousand Eight Hundred and Thirty-three.

And the Right Honorable the Earl of ABERDEEN, one of His Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

WM. L. BATHURST.

**No. 1,—1835.**

**No. 1,—1835.**

*For repealing the Regulation of Government No. 11 of the Year 1814, and also such part of the Proclamation of the 19th January in the Year 1818, as relates to the fraudulent purchase or possession of Soldiers' Necessaries, Arms, Ammunition or Equipments.*

Preamble.

WHEREAS it is expedient that the Regulation of Government No. 11 of the Year 1814, entitled, "*To prevent the fraudulent purchasing of Soldiers' Necessaries, Arms, and Equipments,*" and also so much of the Proclamation passed in and for the Kandyan Provinces on the 19th January in the Year 1818, as relates to the fraudulent purchase or possession of Soldiers' Necessaries, Arms, Ammunition or Equipments, should be repealed, the objects of the said Regulation and of the said Proclamation being provided for by the Annual Act "*For punishing Mutiny and Desertion; and for the better payment of the Army and their Quarters.*"

It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Regulation of Government No. 11 of the year 1814, and also so much of the said Proclamation of the 19th day of January 1818, as relates to the knowingly detaining, buying, or receiving in exchange, or otherwise, from any Soldier or Deserter, or from any other person whomsoever, any Arms, Ammunition, Clothes, Caps or other Equipments, belonging to the King, or any such articles belonging to any such Soldier or Deserter as are generally deemed Regimental Necessaries, be and the same are hereby repealed.

*Given at Colombo this Fourteenth day of December, One Thousand Eight Hundred and Thirty-five.*

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

**No. 2, — 1835.\*** (*Clauses 11 to 14 repealed by Ordinance No. 16 of 1844.*)

*To provide for the protection of cultivated and enclosed Lands, and of the public Roads and Canals against the trespass and depredations of stray Cattle, Goats, Sheep, and Pigs.*

WHEREAS for want of adequate means of prevention and of redress, the proprietors of cultivated and enclosed lands in these Settlements have for many years been exposed to considerable damage by trespass and depredations committed on their lands by stray cattle, goats, sheep, and pigs, and the public roads and canals have been in like manner materially injured: And whereas it is essential for the protection as well of public roads and canals as of the agricultural interests of these Settlements, that effectual means should be devised both for the prevention of such trespass and depredations, and for enabling proprietors of lands with greater ease and certainty to recover damages for the injuries thereby sustained: And whereas by the Regulation No. 9 of the year 1833, these objects were partially provided for as regards certain parts of the Island, but it is desirable that one uniform system should be prescribed, applicable to and capable of being enforced in all parts of Ceylon.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of July next, the Regulation No. 9 of the year 1833, entitled "*To provide for the case of Cattle, Goats, and Sheep found straying within the Gravets of Colombo, Galle, Matura, Trincomalee, Jaffna, or Kandy,*" be repealed.

2. And it is further enacted, that from and after the said first day of July next, it shall and may be lawful for any proprietor or tenant, or any other person by his direction, of any land, garden, plantation or field under cultivation, and fenced in such manner as the local custom may require, or without any fence if by the established local custom no fence is required, and in respect to the Government preserved Cinnamon plantations of Marandhan, Ekele, Kadirane, and Morotto, for any person thereto duly authorized, to seize any cattle, goats, sheep or pigs found straying therein, and to tie up and detain such cattle, goats, sheep, or pigs, until the owner thereof shall have been ascertained, and the damages if any, occasioned by such trespass, assessed in manner hereinafter mentioned; and the fair expense of the keep of each and every such cattle, goats, sheep, or pigs, during their lawful detention as aforesaid, may be recovered as herein after mentioned.

3. And it is further enacted, that the owner or person in charge of such stray cattle, goats, sheep, or pigs, shall be liable to the proprietor or tenant of such land for the full amount of damages by him sustained in consequence of the trespass; and if the said trespass shall have been committed in the night time, he shall be further liable to pay a fine to the King equal to the amount of the damages awarded; the damages to be assessed and the penalty to be levied in manner following, that is to say; Notice of the seizure of such cattle, goats, sheep, or pigs, shall forthwith be given to the nearest Constable, Police Vidahn, or local Headman, who, if he be not the principal resident Headman of the village or district, shall without delay give information thereof to the principal Headman of the village or district, if such principal Headman be resident at the time within Ten miles, and such Headman shall, as soon as may be, repair to the spot, and with the assistance of three or more respectable persons of the neighbourhood, if the attendance of such persons can be procured, (otherwise without their assistance), ascertain to whom the cattle, goats, sheep, or pigs belong, and the nature of the trespass committed, and assess the amount of damages thereby sustained, and forthwith furnish the land proprietor, or other person in his behalf, with a report of the par-

**No. 1, — 1835.**

Regulation No. 11 of 1814, and part of Proclamation of the 19th January 1818, repealed.

**No. 2, — 1835.**

Preamble.

Regulation No. 9 of 1833 repealed.

Stray cattle, &c. to be seized.

Mode of procedure on such seizure, when damage sustained.

\* See Ordinance No. 5 of 1849.

**No. 2, — 1835.**

particulars of such trespass, and the amount of such assessment, and the names of the persons by whom such assessment shall have been made, for production before the District Court: And unless the parties shall agree in the amount so assessed, the report shall be produced before the District Court, but shall not be received in evidence unless verified on the oath of such Headman in open Court; And the said District Court, after summarily hearing the parties, and the witnesses whom they may bring with them, or any others whose evidence the Court may think fit to require, shall award such damages as shall be proved to have been sustained, together with the charges for keep in the last preceding clause mentioned, and further a fine of equal amount in case the trespass shall have been committed in the night time, which damages and penalty shall be levied by distress, if not otherwise discharged.

When no damage.

4. And it is further enacted, that in any case where trespass shall be proved to have been committed as herein before mentioned, whether any damage shall be proved to have been sustained in consequence of such trespass or not, it shall be lawful for the District Court in its discretion to award a fine not exceeding Ten shillings for each head of cattle, goats, sheep, or pigs, which shall be proved to have been trespassing, to be paid by the owner or person in charge thereof; and it shall be competent to the said Court in its discretion to direct that a share, not exceeding half of such fine, be paid to the owner or occupier of the land, and the remainder to the King.

When cattle, etc. cannot be seized.

5. And it is further enacted, that where the proprietor of such cultivated land, or the tenant or occupant thereof, or other person on his or their behalf, is unable to secure such stray cattle, goats, sheep, or pigs, but can satisfactorily prove the trespass, and identify the cattle, goats, sheep, or pigs, or the owners or persons in charge thereof, such owners or persons in charge shall nevertheless be liable, notice being given of the trespass in the manner directed in the third clause of this Ordinance, to the like penalty and damages, and the course of proceeding in respect thereof shall be similar, as far as the circumstances admit, to that in the said third clause directed.

Notice of seizure required.

6. Provided always, that all right to the benefits of this Ordinance, in respect to the charges and damages in the preceding clauses mentioned, shall be forfeited, unless the notice thereby required shall have been given within forty-eight hours from the time of seizure or trespass done, as therein respectively mentioned, to the Constable, Police Vidahn or local Headman, if any shall be resident within Ten miles, or if no Headman be resident within that distance, then within a reasonable period after the seizure or damage done, and unless such land, field, garden, or plantation, be protected by such a fence, if any, as the local custom may prescribe.

Cattle to be branded or marked, and description of marks to be furnished yearly.

7. And in order to facilitate the identifying of Cattle, it is further enacted, that from and after the said first day of July next every person possessing cattle, not already branded or marked, and being eighteen months old or upwards, shall cause the same to be branded or marked, and shall furnish within Three months from and after the said first day of July, and thereafter yearly, and every year in the month of January, a correct description of the mark or marks with which his cattle are branded, to the principal Headman of the village or district; in default thereof he shall be liable to a penalty not exceeding Three shillings for every omission to furnish such description or account, and a penalty not exceeding Six-pence for every head of cattle not branded or marked; one moiety of such penalty or penalties, on conviction before the District Court, to be paid to the informer, and the residue to the use of our Lord the King.

Punishment for wilfully driving cattle, etc. on land.

8. And in order to prevent false and unfounded complaints on the part of land proprietors and others, it is further enacted, that whenever it shall appear to the satisfaction of the District Court before which the complaint is preferred, that such cattle, goats, sheep, or pigs were wilfully driven or had entered upon the land by, or with the connivance of, the proprietor, tenant, or occupant of such land, or by any other person, such proprietor, tenant, or occupant or other person, shall be liable to such punishment by fine, imprisonment with hard labour, or whipping, as the District Court shall award.

When cattle may be shot.

9. And whereas it may sometimes happen that cattle committing trespass cannot be seized or identified, so that the owner thereof may be known, it shall be lawful for the District Judge, or if the place where such trespass is committed shall be more than Ten miles from the District Court, then for the principal Headman having local authority and none other, to grant permission in writing for the shooting of any stray cattle, if it shall be made satisfactorily to appear to the District Judge or Headman, that such cattle are in the habit of trespassing and cannot be seized or identified so that the owner thereof may be proceeded against, and thereupon such District Judge or Headman may at his discretion direct some fit person



to proceed to the land, field, garden, or plantation, as aforesaid, who shall first endeavour by every reasonable exertion to seize and identify such cattle then or afterwards found committing trespass, and if he being duly assisted by the land owner or others on his behalf, shall find it impracticable to seize or identify such cattle, then, and not otherwise, he shall shoot or otherwise destroy or cause the same to be shot or otherwise destroyed in his presence; Provided that such order shall not be in force more than one month from the date thereof, and that in all cases where any such order is given by the principal Headman as aforesaid, he shall within forty-eight hours transmit a duplicate thereof to the District Judge, in failure whereof he shall be liable to such damages or other punishment as the Court may award; and when any District Judge shall make such order as aforesaid he shall enter the same in his diary.

10. And it is further enacted, that it shall and may at all times be lawful for any land proprietor or tenant or other person by his direction to destroy any pigs found straying within the limits of his cultivated field or enclosed land, garden, or plantation.—And for any person duly authorised there to destroy any pigs found straying in the Government preserved Cinnamon plantations aforesaid.

11. And for the better protection of the public roads and canals, it is further enacted, that it shall and may be lawful for any Constable or Police Vidahn or local Headman or any other person acting under his or their directions, to destroy any pigs found straying upon, burrowing or wallowing in any public road or in any public canal, or on the borders or banks of any public road or canal.

12. And it is further enacted, that it shall and may be lawful for any person to seize any cattle, goats, sheep, or pigs found straying in the streets, roads, thoroughfares and public places within the Gravets of Colombo, Galle, Matura, Trincomalee, Jaffna, and Kandy, or in any other land in any part of these Settlements properly enclosed, whether public or private, and give notice of such seizure to the nearest Constable or Officer of Police, who shall thereupon take charge of and impound the same in the public Pound, if any exists or shall hereafter be established within the respective Gravets aforesaid, or for want thereof in some convenient spot near the dwelling or station of such Constable or Officer of Police, and shall forthwith give public notice of such impounding in the usual manner. And if at any time within Eight days inclusive from the date of such public notice, the owner of such stray cattle, goats, sheep, or pigs, or any person on his behalf, shall appear to claim the same, he shall not be entitled to have the same restored to him, but upon payment of all reasonable expenses incurred on account thereof, together with one-tenth of the value of such cattle, goats, sheeps, or pigs, to be paid to the finder thereof, if he shall have acted bonâ fide, such expenses and value, in case of dispute, to be assessed by the District Court.

13. And it is further enacted, that it shall and may be lawful for any local Headman or person duly authorised by the Government Agent, his Assistant, or the Surveyor General, to seize any cattle found straying, tied or tethered, (except only such cattle as may be tied and tethered during the time any cart to which they belong shall be loading or unloading,) upon any public carriage road beyond the Gravets aforesaid, such road not being less than 10 feet in average width, or on the borders thereof, or on the banks of any public navigable canal, and to bring the same to the nearest Constable or Police Vidahn, or local Headman, who shall forthwith report the circumstance to the District Judge having local jurisdiction; and such District Judge shall cause such cattle to be impounded, and public notice thereof to be given in the usual manner; and if at any time within Fourteen days inclusive from the date of such public notice, the owner of such stray cattle shall appear, he shall not be entitled to have the same restored to him, but upon payment of reasonable expenses, to be assessed by the District Court, for keeping the same, together with a penalty at the discretion of the Court not exceeding Three shillings for every head of such cattle, one moiety of such penalty to be paid to the informer, if he shall appear to have acted bonâ fide, and the residue to the use of our Lord the King.

14. Provided always, that the Roads and Canals to which the last preceding clause of this Ordinance shall be taken to apply, shall from time to time be specified by the authority of Government, and notices thereof in the English and Native language or languages of the District shall be transmitted to every Government Agent and Judge of every District through which the Road or Canal shall run. And such Government Agent and District Judge is hereby required to cause the same or certified copies thereof to be affixed on some conspicuous place at their respective Offices for public information, and such Government Agent or Assistant Government Agent shall likewise cause a copy thereof to be affixed in some conspicuous spot along the Road or Canal, and at every toll-house or place of collecting toll within every such District.

15. And it is further enacted, that all stray cattle, goats, sheep, or pigs, seized in the act of trespass or straying within the meaning of any of the preceding clauses, and which shall not have been claimed and redeemed within Fourteen days from the day of seizure inclusive, shall be sold under the direction of the District Judge; and the proceeds thereof

No. 2,—1835.

Pigs straying in cultivated fields, etc., may be destroyed.

Unredeemed cattle, etc. to be sold.

**No. 2,—1835.**

shall be applied in the first instance to defray the expense of keeping them, then the damages awarded and penalty, (if any;) and the balance, (if any,) unless claimed by the owner within Six months, paid over to the Government Agent for the use of Government.

*Given at Colombo this Twenty-first day of December, One Thousand Eight Hundred and Thirty-five.*

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

**No. 3,—1835.**

*(Repealed by Ordinance No. 17 of 1844, so far as relates to the Assessment Tax, and for the rest by Ordinance No. 3 of 1848.)*

**No. 3,—1835.**

*For altering, amending and explaining the Ordinance No. 4 of the Year 1834.*

WHEREAS it is expedient to exempt all dwelling houses and shops within the Towns, Forts and Gravets of Colombo and Point de Galle, of which the yearly value or rent does not exceed Two pounds and Fourteen shillings, from the Assessment tax payable thereon under the Ordinance No. 4 of the year 1834; and also to make further provision respecting the Licences for Bullock Carts required by the said Ordinance.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the 1st day of October of the present year 1835, the Tax imposed by the Ordinance No. 4 of the year 1834, shall not be levied on, or payable for any dwelling house or shop within the said Towns, Forts and Gravets of Colombo and Point de Galle, of which the yearly value or rent does not exceed the sum of Two pounds and Fourteen shillings, except in respect of any arrears of the said Tax then due and payable thereon, which may be recovered in the same manner as if this Ordinance had not been passed.

2. And it is hereby further enacted, that every Licence heretofore granted or to be granted under the 8th clause of the said Ordinance No. 4 of the year 1834, shall be in force only up to the 31st day of December inclusive of the year in which such licence has been or may be issued. And every tin plate thereby required shall, when issued from the Cutcherry, and also if at any time afterwards it be displaced by accident, be affixed at the Cutcherry to the cart by nails or rivetts, in such conspicuous place and manner as the Government Officer employed for that purpose may appoint. And in case any cart shall ply for hire without having such plate properly affixed as above directed, the owner thereof shall be liable to the penalty of Ten shillings imposed by the said clause of the above Ordinance, to be recovered by process of Parate execution, and by seizure and sale of the said cart as therein mentioned.

3. And it is hereby further enacted, that it shall not be lawful for the owner of any bullock cart, whether unlicensed or duly licensed under the 8th clause of the said Ordinance No. 4 of 1834, to retain or have affixed to his cart any plate, which may have been issued from the Cutcherry for the same or any other cart on its being licensed for or during any previous year; and every such old plate shall be removed by, and delivered up to the proper officer at the Cutcherry when the licence for any cart is renewed; and if the owner of any bullock cart shall refuse or neglect immediately to remove and deliver up any such old plate when required by any Police or other Government Officer so to do, he shall be liable to a penalty of Ten shillings, to be recovered in the same manner as any penalty under the said 8th clause of the above Ordinance, and the said old plate shall be thereupon seized and destroyed.

4. Provided always, and it is hereby declared and enacted, that nothing in the said Ordinance No. 4 of the year 1834 or in the present Ordinance contained, shall be construed to require any licence to be taken out for, or to affect, carts bringing any load or goods into the Towns, Forts or Gravets of Colombo or Point de Galle, from any district or other places without the said Towns, Forts or Gravets respectively, unless any such cart shall ply for hire, or take up any fresh load or goods within the said Towns, Forts or Gravets aforesaid, after entering into, or in passing through or returning from the same, without being duly licensed for such purpose, according to the provisions of the said Ordinance No. 4 of the year 1834, and in this present Ordinance required.

5. And it is hereby further enacted, that any person or persons who shall forge or counterfeit any tin plate required to be used or issued under the said Ordinance No. 4 of the year 1834, or shall knowingly or wilfully utter, use or possess any such forged or counterfeit tin plate, shall, on conviction thereof, be sentenced to imprisonment at hard labour for any term not exceeding Twelve months. And if any false or counterfeit tin plate as aforesaid shall be affixed to, or used on any cart plying for hire or for the conveyance of goods within the respective Towns, Forts and Gravets of Colombo and Point de Galle, every such cart, together with the bullocks belonging to or yoked to the same, may be seized and shall be confiscated by the District Court.

6. And it is hereby further enacted, that all penalties recovered under this Ordinance shall be disposed of in the same manner as penalties under the said Ordinance No. 4 of the year 1834.

*Given at Colombo this Twenty-first day of December, One Thousand Eight Hundred and Thirty-five.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 3,—1835.**

**No. 4,—1835.**

*To remove conditionally the exception to the validity of Deeds of immoveable property within the Islands of Delft and Two Brothers, dated prior to the 25th January 1817, arising from their not having been duly stamped.\**

WHEREAS it hath been represented and made to appear to Government that many, if not all, the Conveyances, Mortgages, and other Deeds of immoveable property, situate within the Islands of Delft and Two Brothers, dated prior to the 25th day of January 1817, have been executed by the parties thereto, without stamp, in contravention of the Regulations in force at the time of the execution thereof respectively, and have therefore acquired no validity in law; and that the omission of the requisite stamps hath not arisen from fraudulent intention, but from the ignorance of the inhabitants of the said Islands in regard to the enactments concerning stamps, in consequence of the very little communication held by them with the main-land, and from the non-appointment of any sub-distributor of stamps within the said Islands; it is therefore just and proper that a remedy should be provided by Legislative enactment, against the injury and hardship likely to be occasioned to them by the cause aforesaid.

It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that no Conveyance, Mortgage or other Deed whatsoever of immoveable property situate in the Islands of Delft and Two Brothers, passed or executed, and bearing date prior to the 25th day of January 1817, shall be invalid by reason of its not having been duly stamped according to law, provided the same be delivered or forwarded together with the amount of the requisite stamp, within the space of one Year from the 1st day of January 1836, by any party wishing to avail himself of the benefit of this Ordinance, to the Government Agent for the Northern Province, for the purpose of being duly stamped according to the provisions of the Regulations in force at the time of the date thereof respectively.

And it is further enacted, that nothing in this Ordinance contained shall be taken to affect, or in any wise disturb any decision already pronounced in regard to any immoveable property in litigation, or to affect any title by prescription, which may have occurred whether in concurrence with, or in opposition to any such unstamped Deed.

*Given at Colombo this Twenty-first day of December, One Thousand Eight Hundred and Thirty-five.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 4,—1835.**

Preamble.

Certain unstamped Deeds of immoveable property in Delft and Two Brothers may be stamped within a specified period.

Past decisions not to be disturbed.

**No. 5,—1835.**

*To repeal, with certain exceptions, divers Proclamations and Regulations which have become no longer requisite.*

WHEREAS by reason of the many fundamental alterations in the Administration of Justice within these Settlements effected by His Majesty's Charter, bearing date the 18th day of February 1833, and on other accounts, the provisions contained in many of the Proclamations and Regulations of Government heretofore passed have become obsolete, or are rendered inexpedient, or inapplicable to the present institutions.

It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the several Proclamations and Regulations of Government following, except in so far as they repeal any former provisions, be and the same are hereby repealed; that is to say, the Proclamation of the 23d September 1799, except in so far as the same doth publish and declare that the Administration of Justice and Police

**No. 5,—1835.**

Preamble.

Part of Procl. of 23d Sept. 1799, Procl. of 12th March 1800, 19th August 1800, 20th August 1800; part of Procl. of 22nd Jan. 1801, Procl. of 20th August 1801, and 13th

\* As to unstamped Deeds of moveable property see Regulation No. 3 of 1817.

Feb. 1802—and Regs. No. 8 of 1806, No. 6 of 1807, No. 8 of 1807, No. 1 of 1808, No. 8 of 1812, part of No. 18 of 1812, No. 13 of 1813, No. 2 of 1815, and No. 2 of 1821, repealed.

within the Settlements then under the British Dominion and known by the designation of the Maritime Provinces should be exercised by all Courts of Judicature, Civil and Criminal, according to the laws and institutions that subsisted under the ancient Government of the United Provinces; which laws and institutions it is hereby declared, still are and shall henceforth continue to be binding and administered through the said Maritime Provinces and their dependencies, subject nevertheless to such deviations and alterations as have been, or shall hereafter be by lawful authority ordained; and except in so far as the same doth abolish the application of torture, and of punishment by the wheel, mutilation, or other barbarous modes, and doth direct sentences to be pronounced in Criminal cases on the evidence given, without requiring the confession of the prisoner; and except also in so far as the same doth allow liberty of conscience and the free exercise of religious worship to all persons quietly and peaceably enjoying the same without offence or scandal to Government; the Proclamations of the 12th of March 1800, of the 19th of August 1800, of the 20th of August 1800, of the 22d of January 1801, except the 33d Clause thereof, providing for the payment of a daily allowance to Defendants confined in prison at the suit of another; the Proclamation of the 20th August 1801, and of the 13th of February 1802, the Regulations No. 8 of 1806, No. 6 of 1807, No. 8 of 1807, No. 1 of 1808, No. 8 of 1812, entitled "*For the better Regulation of Prisoners and concerning Security for good behaviour:*" so much of No. 18 of 1812, entitled "*For the encouragement of Agriculture by exempting Seed-paddy, Tools and Implements used in husbandry from being sold under Writs of Execution,*" as renders it unlawful to seize or sell under Writs of Execution any Cattle employed in the purposes of Agriculture; Regulation No. 18 of 1813, entitled "*For establishing a regular mode of keeping diaries and taking informations in Criminal cases by Provincial Judges and Justices of the Peace;*" Regulation No. 2 of 1815, and Regulation No. 2 of 1821, entitled "*For defining the meaning of the word Andol, and for giving to Magistrates a discretionary power to inflict corporal punishment on Slaves convicted of misdemeanours, instead of fine and imprisonment.*"

Given at Colombo this Twenty-first day of December, One Thousand Eight Hundred and Thirty-five.

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

#### No. 6, — 1835.

#### No. 6, — 1835.

*Ordinance to amend and consolidate the laws now in force in these Settlements relating to Bankruptcy, the Relief of Insolvent Debtors, and the Privilege of Cessio Bonorum.*

#### Preamble.

WHEREAS it is expedient that the several Laws and Regulations now in force within the Island of Ceylon or any part thereof, for declaring in what cases Traders shall be considered Bankrupt, for regulating proceedings in Bankruptcy, for the relief of Insolvent Prisoners for debt, and for regulating the granting to unfortunate debtors the privilege of Cessio Bonorum; should be amended and consolidated into one Ordinance, and that the provisions thereof should be extended to every part of the said Island and its dependencies.

#### Former Regulations repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the following Regulations, to wit: No. 15 of 1806, entitled "*Regulation for the relief of Merchants who from unforeseen misfortunes have become insolvent;*" No. 7 of 1818, entitled "*For the relief of certain Prisoners for debt not provided for in the several Insolvent Regulations;*" No. 11 of 1820, entitled "*For the relief of insolvent Prisoners for debt;*" No. 8 of 1822, entitled "*For the relief of insolvent Prisoners for debt;*" No. 12 of 1822, entitled "*For authorizing Judges and Magistrates to allow insolvent debtors to amend defects and omissions not proceeding from fraudulent intentions, in their statements of property delivered in under existing Insolvent Regulations;*" No. 8 of 1824, entitled "*For the relief of insolvent Prisoners confined for debt, not being guilty of any fraud on their creditors, and for the punishment of debtors guilty of fraud;*" No. 12 of 1824, entitled "*For defining the course of proceedings under which the privilege of Cessio Bonorum may be obtained by unfortunate debtors;*" and No. 21 of 1824, entitled "*For making the Regulation No. 8 of 1824 applicable to debtors arrested under Mesne process, against whom judgment may have been subsequently recovered;*" be and the same are hereby repealed.

#### Past proceedings not affected.

2. Provided always, that no proceedings which before the passing of this present Ordinance, shall have been had or commenced under and by virtue of any of the Regulations herein enumerated, shall in any wise be affected by the repeal thereof; but all such pro-

ceedings shall continue valid and effectual, to all intents and purposes, and shall be carried on to a termination, in like manner and by the same course as is herein directed, and as if such proceedings had been originally instituted under and by virtue of this Ordinance.

No. 6,—1835.

3. And it is hereby enacted, that from and after the passing of this Ordinance, all persons engaged in trade, of whatever nature or denomination, and residing or having a house of business in the Island of Ceylon or its dependencies, will, in any of the following cases, be considered Bankrupt.

What persons to be deemed Bankrupt.

1st. If he, she, or they quit the said Island or its dependencies, without the consent or knowledge of those with whom they have mercantile engagements to fulfil, or absent themselves longer than was intimated at their departure, so as to occasion reasonable fears as to the cause of such absence.

2ndly. If he, she, or they fly or avoid the legal pursuit of their creditors, whether by absenting themselves from their usual place of abode, or by refusing admittance at such place of abode to their lawful creditors or others sent in their behalf, or by concealing themselves from such creditors in any place or manner whatsoever.

3rdly. If, for the purpose of defrauding, defeating, or delaying their lawful creditors, or any of them, they convey or transfer their property by a pretended sale or otherwise, or by means of a fictitious bond or other security cause their persons to be arrested, or their property to be seized; or if they secretly remove or displace their goods or merchandize, to prevent their being legally seized, or if they have recourse to any other fraud or imposition with the aforesaid object.

4thly. If he, she, or they, having been arrested, or committed to or detained in prison for debt, shall lie in prison for one calender month, or shall make his, or her, or their escape out of such prison or custody.

4. It is further enacted, that from henceforth proceedings of Bankruptcy against any trader shall be conducted in manner following. A petition in writing shall be presented to the Court of the District in which the trader shall have been last resident, or shall have carried on his business, which petition shall be either by one creditor claiming the sum of Fifty pounds or upwards, or by two creditors claiming together Seventy-five pounds or upwards, or by three or more creditors claiming together One Hundred pounds or upwards, which claim or claims shall be verified to the satisfaction of the said Court, either by the declaration of such creditor or creditors, or by the affidavit of third parties; and the vouchers in support thereof shall be exhibited to the Court if required. The petition shall aver that the alleged bankrupt was a trader, and shall also set forth the act or acts of Bankruptcy, on which the petitioning creditor or creditors intend to rely for obtaining the Commission: such petitioning creditor or creditors shall bind themselves, with good and sufficient security, in such amount as the Court shall consider reasonable, to indemnify the alleged Bankrupt in case the trading, the act of Bankruptcy, or the claim of the creditor or creditors be not sufficiently proved: such creditor or creditors shall also deposit in Court such sum, to defray the costs of the proceedings, as to the District Court shall appear reasonable, which sum will be repaid to them as soon as the Court shall be enabled, by seizure of the Bankrupt's effects, to make good the costs.

Mode of proceeding.

Creditor to petition,

and give security.

5. The District Judge shall then issue a Commission, under his hand and seal, authorizing and directing the Fiscal or other fit person therein named, to seize and sequester the goods, wares, and merchandize, books of accounts, and papers of the Bankrupt, and shall at the same time summon the person or persons against whom such Commission of Bankruptcy has issued, to appear before the District Court on a day specified, not more than Fifteen days distant, to answer to the matter alledged against him or them in the said petition, a copy of which shall be delivered to him or them together with the said summons. If any person against whom such Commission shall have issued, is not to be found at his usual place of abode, the notice shall be delivered there to one of his servants, agents, or clerks, or to one of his relations aged upwards of twelve years; and in default of such a person, it shall be affixed to the door of the house, or to the door of his house of business, where it shall remain Fifteen days and longer, if the District Court shall see reasonable cause to prolong the time.

District Court to issue Commission;

and summon Bankrupt.

6. If at the expiration of Fifteen days, and of the further time which may be granted, the person charged does not appear to answer to the allegation or complaint, the Court will proceed to enquire into the proof of the allegations contained in the petition, and if upon the evidence adduced, the Court shall be satisfied that the alleged Bankrupt was a trader,

and publish Bankruptcy.

**No. 6.—1835.**

that the debt or debts of the petitioning creditor or creditors are just debts, and of the amount hereinbefore required, and that an act of Bankruptcy has really been committed, the Court shall declare the person so charged or complained against, a Bankrupt, in consequence of the act by him committed, and shall cause such declaration to be published in the next Government Gazette, and in one or more Gazette or Newspapers published at each Presidency of the Continent of India, if it shall appear expedient so to do, and copies and translations thereof to be affixed in the District Court, and at the nearest Cutcherry. But if the person charged or petitioned against shall present himself before the expiration of the Fifteen days, or of the further time given, and shall submit to such examination, and shall answer such questions as the Court shall think right to put to him, he shall be admitted to make his defence, and to offer counter evidence on all the facts alleged in the petition.

**Defence may be made.**

**Bankrupt not appearing or acting fraudulently.**

7. If the Bankrupt shall not, within the space assigned, appear before the Court, or if having appeared, he shall refuse to answer the interrogatories and submit to examination, or if, having been interrogated and examined, it shall appear to the Court, or shall be proved before such Court, that such Bankrupt has deliberately concealed any circumstance to the prejudice of his creditors; such Bankrupt shall not be allowed to enjoy the benefits conferred by this Ordinance. And it shall and may be lawful for the District Court, in case of such concealment, to declare him a fraudulent Bankrupt, and to commit to and detain him in prison, as an offender. And if the District Court shall consider the fraud, which he shall appear to have committed, to require a severer punishment than that which it is competent for that Court to impose, such Bankrupt shall be committed to prison to take his trial before the Supreme Court for such fraud.

**Bankrupt in prison how to be examined.**

8. If the Bankrupt be in prison in consequence of proceedings anterior to the declaration of Bankruptcy, the District Court shall issue an order, that such Bankrupt may be brought up before the Court from time to time, so that he may be examined and interrogated as above provided.

**May inspect his books, &c.**

9. If the Bankrupt surrender himself, or appear before the Court within the time prescribed, he shall be allowed to inspect his books and papers, in the presence of one or more person or persons appointed for that purpose by the Court; and he shall be at liberty to call to his assistance any persons to aid him in arranging his affairs, that he may give a clear statement thereof to the Court.

**Concealing Bankrupt.**

10. Whoever shall knowingly and advisedly conceal a Bankrupt who has declined or delayed to surrender himself to the Court in due time, or shall conceal any Bankrupt after the declaration of Bankruptcy shall have been duly published, shall be liable, on due conviction, to a fine not exceeding Ten pounds, or in default of payment of such fine, to imprisonment not exceeding Twelve calendar months.

**Penalty.**

**Inventory and appraisal of property.**

11. As soon as the Court shall have declared a person Bankrupt, an order shall issue to one or more trustworthy appraisers, directing them to make inventories of and to appraise all his property (except his clothing, bed, and that of his wife and children, and kitchen utensils), and all the property so appraised shall be carefully and safely preserved until one or more Assignee or Assignees have been appointed; and the District Court may, if it shall be considered necessary, appoint a provisional Assignee, who may either be continued, or changed, by the majority of the creditors in value, that is according to the amount of their claims proved.

**Provisional Assignee.**

**Proof of debts.**

12. The creditors shall be convoked as soon as possible, by an advertisement in the Government Gazette, appointing a day not less than Thirty or more than Fifty days distant, for the creditors to come in and prove their respective claims; copies and translations of which advertisement shall be affixed to the Court House, and at the nearest Cutcherry. On which day all creditors may prove their claims before the District Court, or, if they reside at a distance from the District Court, whether within this Island, or within the Territories of the Honourable the East India Company, or elsewhere, may prove their claims before and cause them to be certified by the Judge of the District where such creditors reside, if within this Island or its dependencies, or proved before and certified by a Magistrate or other Judicial authority, if within the Company's territories, or elsewhere; and may then be represented in the District Court by an agent duly authorised thereto.

**Appointment of Assignees.**

13. The claims of the creditors present being verified, and such as have been admitted as valid being registered, the creditors will proceed to appoint one or more Assignees, not exceeding three, to administer the estate of the Bankrupt. The Assignees shall be chosen by the majority of the creditors, not according to their number, but according to the

amount of the claims they may have respectively proved; and no creditor shall be allowed to vote for the nomination of Assignees, without having a claim on the estate verified to the amount of Twenty-five Pounds.

14. The Court shall thereupon assign and order and direct to be delivered over to the Assignees, and their successors, all the goods, merchandizes, rights, credits, vouchers, books of accounts, and other documents and effects whatsoever (except such clothing, bed and kitchen utensils as aforesaid), relative or belonging to the estate of the Bankrupt, and such Assignees shall be admitted as parties before all Courts of Justice, against the Bankrupt and all others.

15. The majority of the creditors in value may, as often as they deem it expedient so to do, change either the whole or part of the Assignees, giving public notice thereof by advertisement in the Government Gazette. And in such case, the late Assignees shall be bound, within Fifteen days from the publication of such advertisement, to deliver over to their successors all the goods, merchandizes, vouchers, books of accounts, and other documents with which they shall have been entrusted, under penalty for neglect thereof, of such fine as to the Court shall appear reasonable, over and above any damage which may have been occasioned to the estate by such neglect; which fine and damages shall go to the benefit of the estate.

16. After the publication in the Government Gazette of the declaration of Bankruptcy as above directed, it shall not be lawful for any debtor to make payment to the Bankrupt, either in specie, merchandize, or otherwise; Provided that, if a debtor shall have paid his debt *bonâ fide*, and shall satisfy the District Court that, at the time of such payment, he had no knowledge of the act of Bankruptcy of his creditor, or of the declaration of Bankruptcy having been passed against him, he shall not be obliged to pay his debt a second time.

17. All contracts made *bonâ fide* previously to the publication of the declaration of Bankruptcy, between the Bankrupt and persons then ignorant of the act of Bankruptcy, shall not by reason of anything in this Ordinance contained, be rendered invalid. But all transactions or arrangements made with, and all donations made by, the Bankrupt, subsequently to the publication of the sentence of Bankruptcy, shall be void. And if, after such publication, the Bankrupt shall make any private arrangement with one or more of his creditors to the prejudice of the others, either by payment of money, delivery of goods, or by giving fresh security, it shall be considered a new act of Bankruptcy. And any creditors who shall have accepted of such unjust advantages, shall not only be obliged to refund the value of what they shall have so received, but shall forfeit all claims on the Bankrupt's estate; and any person who, whether in collusion with the Bankrupt or without such collusion, shall endeavour to establish any fictitious debt, claim, or demand, shall, on being duly convicted of such fraudulent attempt, forfeit for the benefit of the estate double the amount so claimed by him.

18. But if there shall be found among the Bankrupt's property, at the time of its seizure, any wares, goods, or merchandizes consigned to him for the special purpose of being sold by him on commission, or entrusted in his hands for any specific purpose, and which evidently are the property of the consignor or person so entrusting, notice thereof shall be transmitted to the owners as soon as possible, in order that they may take the necessary measures to secure their property. And the same shall be carefully preserved, and shall be delivered over to the lawful owners, except such part as shall have been sold before the seizure, for which the owners shall only be paid in concurrence with the other creditors.

19. If complaint be preferred to the District Court, or if such Court shall have reason to believe, that any person conceals a Bankrupt or any of his property, such person shall be cited to appear before the Court, in order that he may be interrogated and examined, and should he refuse to answer to such interrogatories, and to subscribe his answers thereto, or should he, during the course of such examination, appear to the said Court to be manifestly concealing or disguising the truth in any essential points, he may and shall be committed to prison, until he submits to such interrogation and examination, and until he shall disclose without reserve all that he knows on the subject of such examination, and such person shall be condemned to pay, for the benefit of the estate, a fine of double the value of any effects which he shall be duly convicted of having concealed. The District Court shall also summon before it such persons as have any knowledge of the Bankrupt or his affairs, and examine them; which examinations shall be reduced to writing, and be sworn to by the deponent in open Court.

20. The Assignees shall be authorized to dispose of all the Bankrupt's property, moveable

**No. 6, — 1835.**

Rights of Assignees.

Change of Assignees.

No debt to be paid to Bankrupt.

Proviso.

Contracts before declaration of Bankruptcy not invalidated.

Subsequent transactions void.

Bankrupt making private arrangement.

Penalty for fictitious claim.

Property of others in charge of Bankrupt to be restored.

Persons suspected of concealing Bankrupt or his property to be examined.

Assignees to dispose of property.

**No. 6, — 1835.**

Money and goods received to be entered in a book.

Bankrupt to assist Assignees in the accounts.

Meeting to announce dividend.

Account to be laid before the Court.

Proceedings thereon.

Meetings to declare further dividends.

No claim to be admitted after 18 months.

No creditors to be paid in preference, unless &c.

Debts payable at a future time, how proveable.

Mutual credits and debts to be set off.

and immoveable, present and future, which might lawfully be sold in execution, and the same may be sold on such credit and security as they shall consider safe, or the majority in value of the creditors may be willing to accept. And all beneficial interests and all powers vested in the Bankrupt which he might legally dispose of or execute for his own benefit, may be disposed of and executed by the Assignees for the benefit of the creditors, in like manner as the Bankrupt himself might have done. The Assignees shall keep a book, in which shall be entered all sums of money or goods received by them, with the prices at which such goods have been appraised; and all creditors, whose claims have been verified, shall be at liberty to have access to such books and entries at all reasonable times. And whenever the Assignees shall have in their hands One Hundred pounds or upwards of the proceeds of the Bankrupt's estate, they shall pay the same into the General Treasury.

21. The Bankrupt shall be obliged to attend the Assignees whenever he shall be directed in writing so to do, to assist them to arrange the accounts, and to be examined touching the same; for which attendance the Bankrupt shall be allowed a daily sum at the discretion of the Assignees, subject to the approval of the District Court if complained of.

22. Within Twelve months from the declaration of Bankruptcy, the Assignees shall apply to the Court to fix a day for again convoking the creditors, and announcing a dividend of the proceeds of the Bankrupt's property; of which day so appointed, and of the object of the meeting, Thirty days' notice shall be given in the Government Gazette, and copies and translations of such notice shall be affixed in the Court-house, and at the nearest Cutcherry; on which day such creditors as shall not have proved their claims as directed by the 12th clause, shall be permitted to prove the same, provided they can shew to the Court good and satisfactory reasons why they have not already proved them. The Assignees shall then lay before the Court a correct account of the funds in their hands, specifying the proceeds of sales, and the amount of debts recovered, with a statement of all goods remaining unsold, and debts still due, and of all other particulars which it may be important for the creditors to know. The creditors shall be allowed to examine the said account and statement, and another day shall, if necessary, be appointed, on which the creditors, or the majority thereof, to be estimated as above directed, shall express their assent to or dissent from the said account or statement. And any objections which may be made thereto shall be heard and decided by the District Court. The amount of disbursements and expenses incurred by the Assignees in their administration, when approved and reduced by the District Court, if necessary, shall then be deducted from the proceeds. The Court shall then fix the remuneration to be allowed to the Assignees for their trouble, provided they be not creditors of the estate, and having deducted that amount also from the proceeds, shall make an order in writing directing the net proceeds to be divided between the creditors whose claims have been admitted and verified, in proportion to such claims respectively. Such order shall specify the time when it is made, the total amount of claims proved and of the actual dividend, how much per cent. has been ordered to be paid on the debts proved, and the amount remaining in the hands of the Assignees; a copy of the order, duly certified, shall be delivered to the Assignees, who shall thereupon make the payments thereby directed, taking a receipt from each creditor, to be entered in a book kept for that purpose.

23. Within Eighteen months from the publication of the declaration of Bankruptcy, the Assignees shall apply to the Court to fix another day for again convoking the creditors, and for declaring a further dividend, of which notice shall also be given in manner above directed, and the like proceedings shall be had as directed by the foregoing clause. If any goods shall still remain unsold, or any debt still due, the Assignees shall apply for another convocation of creditors in the same manner, within One month after they shall have realized the amount of such property or debts, and shall make a dividend thereof as before directed. But no claim shall be admitted to be proved after the expiration of the Eighteen months.

24. No creditor shall be paid in preference, unless he hold a mortgage or bond of hypothecation of specified property, or any pledge or lien upon any part of the Bankrupt's property, of a date anterior to the declaration of Bankruptcy.

25. If any person shall have given credit to the Bankrupt before the declaration of Bankruptcy, though the time of payment be postponed to a future period, he shall be allowed to prove his claim, or to petition for a Commission like other creditors, provided he consents to allow deduction of interest at the rate of nine per cent. per annum, to be computed from the declaration of a dividend to the time such debt would have become payable, according to the terms upon which it was contracted.

26. If it shall appear to the District Court, or to the Assignees, that there has been



mutual credit or mutual debts between the Bankrupt and any other person before the Bankruptcy, the Assignees shall state the mutual accounts; the debts shall be set off against each other, and what shall appear due on either side on the balance of accounts after such set off, shall be paid or claimed on either side respectively.

27. Any annuity creditor, whether any arrears of the annuity be due or not, shall be entitled to prove for the value of the annuity, which value shall be ascertained by two persons of competent knowledge in such dealings, to be appointed by the District Court, unless the creditor and Assignees shall agree upon the value thereof, and any person who at the time of the declaration of Bankruptcy shall be surety or liable for any debt of the Bankrupt, if he shall have paid the debt or any part of it in discharge of the whole, although he may have paid the same after the declaration of Bankruptcy, shall be entitled to prove and stand in the place of the creditor in respect of the debt paid or satisfied by him.

28. The Assignees shall allow and pay to any servant or clerk of the Bankrupt (not guilty of concealing any of the Bankrupt's property or of other illegal or dishonest conduct) the full amount of any wages or salary which may be due to him for any period not exceeding Four months: if due to him for a longer period he will be at liberty to prove for the excess and receive dividend thereon as a debt.

29. If any disputes arise between the Assignees and others respecting the Bankrupt's affairs, the Assignees may, if the majority in value of the creditors consent, propose to the opposite party to refer the matter to arbitration, and if accepted the award of the arbitrators shall be binding on all parties.

30. The District Court shall be authorised, from and after the declaration of Bankruptcy, to allow from the Bankrupt's estate, such sum as shall appear indispensably necessary for the maintenance of himself and his family, during the period that the proceedings shall be in progress. After the last dividend shall have been made and the affairs of the estate closed, the Bankrupt, if he shall have surrendered himself voluntarily, and shall have bonâ fide fulfilled all the duties imposed upon him by this Ordinance, shall be allowed Five per cent. on the net proceeds of his estate, if there be sufficient to pay Fifty per cent. on the whole of his debts; and Ten per cent. if there be sufficient to pay Seventy-five per cent. of his debts. But if there should not be enough to pay Fifty per cent., he shall not be allowed more than Three per cent. on the net proceeds. If the Bankrupt dies before his estate is divided, the same allowances shall be made to his wife and children, if their respective circumstances should be such as, in the opinion of the District Court, to require such assistance as would have been made to the Bankrupt had he been living.

31. The District Court shall allow to Bankrupts, whose affairs have become deranged not by voluntary misconduct but by unforeseen misfortunes or involuntary errors, Certificates of Bankruptcy, which shall discharge them from all debts respectively due or rendered proveable under the Commission. But no Bankrupt shall be entitled to such Certificate, or be paid any allowance, and if the Certificate be obtained, it shall be void, if the Bankrupt shall be proved to have lost within one year next preceding the declaration of Bankruptcy, by any sort of gaming or wagering, Ten pounds in one day, or One Hundred pounds within one year, or shall have destroyed, altered or falsified any of his books, papers, writings, or securities, or been party or privy to the making of any false or fraudulent writing in any book of account or document, with intent to defraud his creditors, or shall have concealed property to the value of Ten pounds, or colluded with any person to make a false claim or proof under the Commission, or become privy to and connived at such false claim or proof. And no Bankrupt shall be entitled to such Certificate of discharge more than once, unless the proceeds of his estate, on any second Bankruptcy, shall suffice to pay Seventy-five per cent. on the whole of his debts, when he shall only be allowed a Certificate for the protection of his person.

32. Any Bankrupt who shall be found guilty before the Supreme Court of having destroyed, altered or falsified any of his books, papers, writings or securities, or of being party or privy to the making of any false or fraudulent entry in any book of account or document with intent to defraud his creditors, or having concealed property to the value of Ten pounds, or colluded with any person to make a false claim or proof under the Commission, or become privy to and connived at such false claim or proof, shall receive such punishment as the Court under the circumstances shall, in its discretion, award.

33. Any contract or security made or given by any Bankrupt or person unto or in trust for a creditor, whereby an unfair advantage or greater benefit is attempted to be secured to him over other creditors, shall be absolutely void; and any Certificate of Bankruptcy obtained by such unfair means shall likewise be null and void.

No. 6,—1835.

Proof by annuity creditor.

Proof by surety.

Proof by servant or clerk of Bankrupt.

When disputes may be referred to arbitration.

Maintenance to be allowed to Bankrupt and his family during proceedings.

Final allowance to Bankrupt.

Or to his family in case of his death.

Certificate of Bankruptcy.

Bankrupt acting fraudulently, punishable.

Fraudulent agreement and certificate fraudulently obtained, void.

**No. 6,—1835.**

Mode of compounding with the creditors.

34. And it is further enacted, that at any meeting of creditors called for the purpose, after the term appointed for the creditors to come in and prove their respective debts shall have elapsed, the Bankrupt or his friends may make an offer of composition to the creditors upon the whole debts due by him, and if four-fifths in number and value of the creditors assembled at such meeting shall agree to accept such offer, another meeting for the purpose of deciding upon such offer shall be appointed (of which meeting and of the purpose thereof due notice, with reference to the distance at which the creditors may reside, shall be given in the Government Gazette, and if necessary in one or more of the Gazettes or Newspapers of the Continent of India, and by putting into the Post Office of the place where he resides, written or printed notices to each of the creditors, annexing thereto a copy of such offer, with a distinct specification of the security, if any, proposed). And if at such second meeting four-fifths in number and value of the creditors then present, by themselves or their agents thereto duly authorised, shall also agree to accept such offer, the District Judge, upon such acceptance being testified by them in writing, if he shall be satisfied that the proposal accepted at the meeting has also been assented to by four-fifths in number and value of the creditors, and no just cause shall be shewn to the contrary by or on behalf of any creditor, shall and may grant to the Bankrupt a Certificate of discharge of and from all the debts and obligations contracted by him, for which he was liable at and prior to the declaration of Bankruptcy, reserving the claims of the creditors of the Bankrupt for the composition agreed upon, and the Commission shall thereupon be superseded. And if any creditor shall agree to accept any gratuity or higher compensation for assenting to such offer, he shall forfeit for the benefit of the Bankrupt estate the debt due to him, together with the gratuity or compensation; and the Bankrupt shall, if thereto required, make his affirmation before the District Court, subject to punishment in case of making a false statement, that there has been no such transaction between him, or any person with his knowledge, and any of the creditors, and that he has not used any undue means or influence with any of them to obtain such assent as aforesaid. Provided nevertheless, that nothing in this clause contained shall be taken to affect the right of any creditor entitled to be paid in preference under the provisions of this Ordinance, unless he shall expressly consent to be bound by the said composition; and provided also, that the whole expense attending the Commission of Bankruptcy and the proceedings had thereon, be in the first place paid or provided for.

Proceedings to be recorded in Court.

Parties aggrieved to apply to Court.

35. The proceedings in Bankruptcy shall be carefully preserved, in the same manner as the other records of the District Court. If the Assignees shall deviate from the directions of this Ordinance, or if, from any other cause, either the creditors or the Bankrupt conceive themselves aggrieved by any act of the Assignees, they or he may apply at once to the District Court for relief.

Insolvent Prisoners conditionally released.

36. And in order that a permanent and uniform system for the relief of Insolvent Prisoners for debt through misfortune, and for the punishment of such prisoners who have been in any way guilty of fraud may continue to be exercised throughout the whole of this Island and its Dependencies: It is further enacted, that from and after the passing of this Ordinance any person who shall have been a prisoner in execution for any debt for Six months in any gaol in this Island or its Dependencies, shall be entitled to be discharged, upon and subject to the conditions, restrictions and limitations hereinafter set forth. And any debtor who having been arrested on Mesne process, shall be in custody at the time judgment shall have been given against him or her, shall be taken to be, from the date of such judgment without further process, a prisoner in execution of such judgment, unless he or she shall have appealed against the same, in which case the confinement in execution shall be taken to commence from the day on which the judgment or order of His Majesty in Council or of the Supreme Court of the Island of Ceylon, affirmatory of the original judgment, shall be published in the District Court.

Statement of property.

37. Every such prisoner shall cause to be made out a full and perfect statement of all such property moveable and immoveable, as he or she shall be possessed of or entitled to, or of which any person in trust for him or her shall be so possessed of or entitled to, together with a list of all the several debts owing by such prisoner, with the names of the creditors to whom such debts are owing, and their places of abode, as nearly as he or she can ascertain the same, specifying also the nature and quality of each particular debt; of which statement, one copy shall be delivered to each creditor at whose suit such person is detained, at least Six days before any application shall be made for the discharge of the prisoner: and another copy shall be delivered to the Court of the District in which such prisoner shall be confined; which Court shall thereupon cause the same to be inserted in English, with translations thereof into the Cingalese and Tamul languages, in the Government Gazette, and shall in the said Gazette give notice that on a day certain not being less than Thirty days, or more than Fifty days from the date of such notice, the prisoner shall be brought before it in order that the Court may examine into the merits of the application to be discharged.

Court to give notice of application for discharge.

38. On being brought before the District Court on the day so appointed, or at any adjournment thereof, such prisoner shall be required to prove to the satisfaction of the Court by legal evidence, that the notice and statement herein required have been given and furnished to his or her creditor or creditors at whose suit he or she is detained in prison and to the Court.

**No. 6,—1835.**

Prisoner to prove notice and statement given.

39. After proof of such notice and statement has been given to the satisfaction of the Court, it shall be lawful for any creditor of such prisoner, or any person acting in behalf of such creditor, to offer proof that the debt of such prisoner was contracted by means of false pretences used by the prisoner, or by breach of any trust reposed in him or her as proctor, attorney, agent, or servant or otherwise; or that such prisoner has acted with gross injustice towards his or her creditor or creditors either in contracting debts or entering into engagements, without any reasonable prospect or probable means of fulfilling such engagements or paying such debts: or that such prisoner has wantonly wasted in prison or fraudulently assigned, concealed, or disposed of his or her effects, within Two years before, or at any time during his or her imprisonment, with intent to deprive his or her creditors of the benefit thereof, or that the prisoner has concealed or omitted in his or her statement any property of any kind whatever above the value of Two pounds, save the necessary wearing apparel of him or herself and family and the instruments of his or her trade or occupation; or has lost within One year next preceding his arrest in execution, by any sort of gaming or wagering, Ten pounds in one day, or One Hundred pounds within one year.

On proof of fraudulent conduct, &c., prisoner to be remanded.

And if any such matters alleged against the prisoner shall appear by legal evidence, to be made out to the satisfaction of the Court, such prisoner shall thereupon be remanded to prison for such period not exceeding in the whole Three years, as the Court shall direct, to be computed from the day of filing such prisoner's petition.

40. Provided always, that if it shall appear to the Court that any defect or omission in the original statement of property delivered in by a debtor, did not proceed from fraudulent intention on the part of such debtor to evade the provisions of this Ordinance, or to defraud his or her creditors, it shall be lawful to such Court to make an order, that such debtor be allowed to amend his or her defective statement, and upon delivering or causing to be delivered a copy of such amended statement to each creditor at whose suit he or she may be confined, Six days at the least before renewing his or her application to be enlarged, such debtor shall, on his or her application, be brought again before the Court for the purpose of procuring his or her release under this Ordinance.

Statement accidentally defective may be amended.

And delivered to creditors as amended.

41. But if no such charge shall be proved, and the prisoner shall declare the truth of the statement so delivered to the creditors and to the Court, and shall before such Court make and execute an assignment of all the property contained in such statement (excepting only his or her necessary wearing apparel and the instruments of his or her trade or occupation) to his or her creditor if there be only one (according to the form A. in the Schedule to this Ordinance annexed,) and if more than one to a person to be named by the said Court as a Trustee for all the creditors, (according to the form B. in the said Schedule,) such prisoner shall be immediately discharged from custody, and shall be no more liable to arrest for the debts for which he or she shall have been so in execution, or for any debts contracted by such prisoner prior to his or her discharge, and specified in the Schedule by such prisoner delivered in and sworn to; but all the future property of every person so discharged, shall be, and continue liable to such debts until the same shall be fully satisfied.

Prisoner on making assignment of property;

to be discharged.

Future property liable.

42. Provided nevertheless, that if it shall appear expedient to the Court to postpone the hearing of any such application of a prisoner from the day first appointed, such Court may appoint any further day or days, at an interval of not more than Twenty days, before the expiration of which last period the Court shall proceed as is herein-before directed.

Court may postpone the hearing.

43. And whereas it may happen that a prisoner not justly entitled thereto may obtain his or her discharge by surprise, or in consequence of want of due notice to those at whose suit he or she may be imprisoned; It is enacted, that if within One year after the discharge of any prisoner by reason of this Ordinance, any creditor shall satisfy the Court, by affidavit of such circumstances of surprise or want of notice, it may and shall be lawful for such Court to issue a warrant for arresting the person of such prisoner so discharged, in order to a rehearing of his or her application; at which rehearing the Court shall proceed as if upon the first application, and act upon the proof then made as if such first application had never been made, and if the Court shall think such prisoner not entitled to his or her discharge, it shall recommit him or her, and all the former proceedings and every part thereof save and except the assignment made by such prisoner, shall be null and void to all intents and purposes.

Rehearing when discharge unduly obtained.

44. And whereas it may happen that prisoners in execution for debt, though possessed of property, nevertheless prefer living in goal at the expense of their creditors; for remedy

Prisoner on application of creditor, refusing to make assignment, not entitled to batta.

**No. 6, —1835.**

thereof it is enacted, that when any person shall be in custody in execution for a debt, it shall be lawful for any creditor at whose suit he or she is so imprisoned, to apply to the Court by which such prisoner has been committed, by petition, stating the circumstances under which such debt was contracted, and praying that such prisoner may be required to furnish the statement and make the assignment herein before required, and such Court shall thereupon appoint a time not less than Ten days afterwards, for hearing the said application, and shall direct a copy thereof to be furnished to such prisoner at least Six days before the hearing, and if such prisoner shall refuse to comply with the terms aforesaid, it shall be no longer necessary for such creditor to pay any batta or allowance for the support for such prisoner in prison. But if such prisoner shall comply with the said terms, and after the notices herein before directed shall have been published, shall appear to such Court to be entitled to the benefit of this regulation, such prisoner shall thereupon be discharged.

**Debtors to be examined and punished for false statements.**

45. And it is further enacted, that in all cases of insolvent debtors applying to be discharged by virtue of this Ordinance, they shall submit themselves to be examined touching the disposal of their estate and effects, and if such insolvent debtor shall make any statement to the Court which shall afterwards be proved to be false, or if he shall in any way attempt to deceive or mislead the Court, he shall be liable to such punishment as the District Court shall in its discretion see fit to impose.

**Court to record the cause of remanding or discharging prisoner.**

46. And it is further enacted, that the District Court before which any prisoner confined for debt shall be examined with a view to his or her discharge, shall declare in open Court and record on its proceedings, the specific cause for which any prisoner is remanded to prison, if he or she be so remanded; or if such prisoner be discharged, whether it be upon failure of proof of any allegation made against such prisoner of any of the charges in the foregoing clauses of this Ordinance specified.

**In appeal debtor may plead as a pauper.**

47. And it is further enacted, that if either party shall appeal against any decision of a District Court passed under and by virtue of this Ordinance, the debtor shall be allowed to appear and plead in the Supreme Court in *forma pauperis*, and that no intervention of any appeal by any creditor, shall have the effect of delaying the discharge of any debtor who shall have obtained an order for his or her discharge, but such debtor shall be discharged, subject to being again retaken and committed in satisfaction of the debts adjudged to be due from him or her, in case the appeal against the order of the Court allowing his or her discharge shall prevail, and such order be reversed.

**Property of prisoner remanded to be assigned by him, or on his refusal by the District Judge.**

48. And it is further enacted, that notwithstanding any order for remanding or detaining the prisoner in custody, the property of such prisoner shall be immediately assigned for the benefit of his creditors, as hereinbefore directed; and if the prisoner shall refuse to make and execute an assignment thereof such refusal shall be recorded, and an assignment shall be forthwith made and executed in the name of such prisoner by and under the hand and seal of the District Judge, which shall be valid to all intents and purposes, and proceedings shall be had thereon, as if the same had been duly made and executed by the prisoner.

**When full notice has not been given.**

49. Provided always, that if it shall appear to the Court to which any insolvent debtor shall have applied for his or her discharge under this Ordinance, that the full notice herein before required has not been given, it shall be lawful for the Judge of such Court to appoint another day for the hearing of the said insolvent's application to be discharged, upon due notice undertaken to be given by him or her in the meantime.

**Dividends.**

50. Provided always, that no dividend shall be paid until a Schedule thereof shewing the proportion assigned to each creditor, according to the priority and preference to which he may be by law entitled, has been submitted by the Assignee to the Court before which the assignment was made, and by order of such Court published in the Government Gazette, with notice that on a certain day, not less than Two or more than Three months from the date of such notice, the Court will proceed to confirm such Schedule, unless opposition be made thereto by any of the creditors; and on such day any such creditor may, without any costs or fees of Court, bring forward and proceed to substantiate his or her objections to such Schedule, on which the Court shall, as soon as may be, determine, and the dividends shall be made according to such determination: Provided nevertheless, that no decision of such Court, adverse to such creditor, shall prevent further proceedings by such creditor to substantiate his or her preferable claims against the debtor, by due course of law.

**Allowance to Assignee.**

51. And it is further enacted, that it shall and may be lawful to the Court by which any Assignee may be appointed under this Ordinance, to allow to such Assignee, from the sums by him realized in the execution of the trust reposed in him, at the time of his filing his final account thereof, such amount of per centage upon the capital, not exceeding Five per cent., as

shall appear to the said Court a sufficient remuneration for the trouble or exertion of such Assignee.

No. 6, — 1835.

52. And in order to enforce a due account of the property vested in such Assignee as shall be appointed in pursuance of this Ordinance, it shall be lawful for the Court before whom such assignment was made, upon the request either of the person so assigning his or her property, or any of his or her creditors, to issue a summons calling upon such Assignee to account, and appointing a day, not less than Ten days afterwards, for receiving and considering such account; and in case the Assignee shall not appear, or appearing shall not satisfactorily account before the Court for all such property as may have come to his hands, then by warrant to commit such Assignee to prison until full satisfaction shall be made: and no Assignee shall be entitled to any of the benefits of this Ordinance for or on account of the monies for the non-payment of which he shall be so committed.

Assignee to account:

on failure to be committed till satisfaction made.

53. And it is further declared and enacted, that assignments under this Ordinance shall not be subject to Stamp duty; and that translations of this Ordinance in the Cingalese and Tamul languages be posted and set up within the limits of every gaol in this Island.

Assignments free from Stamp.

Translations of Ordinance to be set up in every gaol.

54. And it is further enacted, that no person who shall have been at any time discharged by virtue of this Ordinance, or of any previous Regulation for the relief of insolvent debtors, shall be again entitled to the benefit thereof within the space of Five years after such discharge, unless three-fourths in number and value of the creditors, against whom such person shall seek to be discharged by virtue of this Ordinance, shall signify his her or their assent to such discharge; or unless it shall be made to appear to the satisfaction of the Court under whose commitment such person may be in custody, that such person has, since his or her former discharge, endeavoured by industry and frugality to pay all just demands upon him or her, and has incurred no unnecessary expence; and that the debts which such person has incurred subsequent to such former discharge, have been necessarily incurred for the maintenance of such person, or his or her family, or that the insolvency of such person has arisen from misfortune, or from inability to acquire assistance for himself or herself and his or her family.

Debtor applying for second discharge.

55. And whereas the privilege of Cessio Bonorum, whereby persons in failing circumstances, upon surrender of their property, and on proof that their debts have not been incurred by fraud or misconduct, may be protected from arrest and imprisonment on account of such debts, is at present enjoyed in the Maritime Districts of this Island only: And whereas it is desirable that the same privilege should be extended to and enjoyed by all persons in similar circumstances, in every part of these settlements, and that the rule of proceeding for obtaining such privilege should be generally known and understood: It is therefore hereby further enacted, that any person within these settlements, who may desire to obtain this privilege by a fair and honest surrender of all his or her property, may, provided no unsatisfied judgment obtained within the space of Two years shall then be outstanding against such person, present a petition to the Court of the District in which the petitioner shall have been for Six months resident, which petition shall be according to the form C. in the Schedule to this Ordinance annexed.

Privilege of Cessio Bonorum how to be obtained.

56. And it is further enacted, that as soon as such petition shall have been presented to the District Court, and the petitioner shall have entered into a bond with two sufficient sureties, for the payment of such costs, not exceeding Fifteen pounds, as may be incurred in the course of the proceedings, notice of such petition shall be inserted in the Government Gazette, published next after the presentment of such petition; and a certificate that such petition has been received and is under consideration by the District Court shall be signed by the District Judge and be delivered to the petitioner. And the petitioner, if not then imprisoned on account of his debts, shall, on receiving such certificate, and until there shall be a final decision upon his petition, be exempt from arrest at the suit of any of his creditors. And if he shall notwithstanding be arrested, such arrest shall be null and void, and upon producing the said certificate to any District Court out of which such process of arrest shall have issued, he shall forthwith be discharged, unless any creditors shall satisfy the Court that such petitioner is not by law entitled to the benefit of Cessio, or shall satisfy the Court, in manner directed by the Second Rule of the First Section of the Rules and Orders for regulating the form of proceeding in District Courts, that the petitioner is justly and truly indebted to him, and that there is good ground for believing that the petitioner intends to abscond, or to leave the jurisdiction of such Court: the petitioner may, in such case, be arrested, unless he shall give sufficient security not to leave the said jurisdiction until the decision on the petitioner's application be made known.

Notice to be given of petition.

District Judge to grant Certificate of receipt of petition.

Petitioner exempt from arrest.

57. And it is further enacted, that the District Court shall, on receiving such petition,

Court to call for account of and sequester property.

**No. 6, — 1835.**

direct the petitioner to attend before the Court on a day specified within Twenty days, and deliver a full account of all his debts and credits, and of all such property as he may be possessed of or entitled to. And such account being delivered, the Court shall sequester all the petitioner's property, until the appointment of a Trustee by the creditors as hereinafter directed.

Creditors to prove their claims on day notified by Court.

58. The District Court shall then appoint a day, not less than Thirty or more than Fifty days distant, for all creditors of the petitioner to come in and prove their several debts, and assent to, or dissent from the granting of the said privilege of Cessio Bonorum; and shall give public notice of the day so fixed, by advertisement in the Government Gazette, and by affixing copies and translations thereof in the District Court and at the nearest Cutcherry. On the day fixed, all creditors may prove their debts before the said District Court, or, if they reside at a distance, they may prove their claims before and cause them to be certified by, the Judge of the District in which such creditors reside, if within this Island or its Dependencies, or by a Magistrate or other judicial authority, if within the Territories of the East India Company or elsewhere. And every creditor, whose claim shall be so proved or certified, provided no valid objection shall be made thereto either by the petitioner or by any creditor, shall be allowed to assent to, or dissent from, the granting the said privilege; and if absent, may authorise a person by proxy so to assent or dissent.

And assent to or dissent from the application.

If four-fifths dissent,

Or fraud. etc. be proved,

59. If four-fifths, both in number and in value of such creditors do not assent, or if it shall be proved to the satisfaction of the Court, either on examination of the petitioner, or of such witnesses as may be adduced by any dissentient creditor, that any of the petitioner's debts have been incurred by fraud or misconduct; or that he has lost within One year next preceding his application for Cession, by any sort of gaming or wagering, Ten pounds in one day, or One Hundred pounds within one year; or that, in the course of the present proceedings, the petitioner has been guilty of any fraud or concealment of the truth, or has already received the benefit of Cession, or of this Ordinance, or any former Regulation respecting Bankrupts or Insolvents, or is otherwise for any just cause by law excluded the benefit of Cession, the Court shall record its judgment thereupon, and shall declare in open Court that the privilege prayed for is refused to the petitioner. The sequestration shall then be dissolved, and all proceedings on the petition shall cease, except that notice of such refusal shall be inserted in the next Government Gazette.

Privilege to be refused.

Otherwise trustee to be appointed.

60. But if four-fifths in number and value of the creditors do assent, and no such fraud, misconduct, or concealment be proved, and if the petitioner shall satisfy the Court of the truth of his petition, and shall submit to be examined touching his conduct, losses, and misfortunes, and shall surrender all his books of accounts, and all papers, deeds, titles, and other documents relating to his property, then the Court shall record its opinion that he has supported the allegations of his petition; and the creditors, or the majority in number and value, shall proceed, under the direction of the Court, to nominate a trustee or trustees for the management and distribution of the petitioner's property amongst the several creditors who have, or within Twelve months from the said day shall have, in manner and form herein-before mentioned, proved debts against the petitioner: And cession of all his property shall be made in open Court by the petitioner, to such trustee or trustees for the purposes aforesaid; which shall be and remain of record in such Court; and a copy thereof, duly certified by such Court, shall be evidence of the execution thereof, in any Court of Justice in this Island and its Dependencies.

And cession made.

Account to be furnished & dividend made within twelve months.

61. And it is further enacted, that within Twelve months from the day of making cession, the trustee or trustees therein named shall furnish such Court, upon oath, an account of the said property, and shall lodge the proceeds thereof in Court; and such Court shall thereupon direct judgment to be recorded in favour of all the creditors who shall have proved debts, and shall direct a proportionate dividend to be made to the said creditors out of the proceeds, after deducting a reasonable commission, to be paid to the trustee or trustees, not exceeding Five per cent. on the amount collected by them.

Commission to trustees.

Future property liable.

62. Provided always, that all property which may be acquired by such petitioner subsequent to such cession, shall be liable to be taken in execution or satisfaction of such debts; and that it shall and may be lawful for each and every creditor, in whose favour such judgment is recorded, to sue out from time to time in his own name, execution against the property of the petitioner for the balance remaining unsatisfied, until his debt shall be paid and discharged.

Trustee guilty of neglect.

63. And it is further enacted, that if any trustee shall refuse or neglect to render such account, and to deposit such proceeds, at the time appointed by the Court, such trustee shall be liable to be attached, and to be committed to prison, until he shall have complied with this

Ordinance. And it shall be lawful for the Court to remove him, and on removal for that or any other cause, or in case of his death, another to appoint in his place, if necessary; nor shall any trustee, so refusing or neglecting, be entitled to the benefit of this Ordinance, nor shall he by virtue thereof be relieved from the imprisonment to which he shall have subjected himself on account of money so received by him, and not paid into Court, or by refusing to account as hereby required.

64. And it is further enacted, that any contract or security made or given by any petitioner for Cessio, or other person in trust for a creditor, whereby an unfair advantage or greater benefit is attempted to be secured to him over other creditors, in order to induce him to give his assent to the privilege of Cessio-Bonorum, shall be absolutely void, and the petitioner shall forfeit such privilege.

Fraudulent contract void, and privilege forfeited.

65. And it is further enacted, that at any time after the petition for Cessio shall have been presented, it shall be lawful for the Cessionant or his friends to call a meeting of the creditors, and to make an offer of composition to them upon the whole debts due by him; and if four-fifths in number and value of the creditors assembled at such meeting shall agree to accept such offer, another meeting for the purpose of deciding upon such offer shall be appointed, (of which meeting and of the purpose thereof due notice, with reference to the distance at which the creditors may reside, shall be given in the Government Gazette, and if necessary in one or more of the Gazettes or Newspapers of the Continent of India, and by putting into the Post Office of the place where he resides written or printed notices to each of the creditors, annexing thereto a copy of such offer, with a distinct specification of the security, if any, proposed). And if at such second meeting four-fifths in number and value of the creditors then present, shall either by themselves, or their agents in that behalf lawfully constituted, also agree to accept such offer, the District Judge, upon such acceptance being testified by them in writing, if he shall be satisfied that the proposal accepted at the meeting has been assented to by four-fifths in number and value of the creditors, and no just cause shall be shewn to the contrary by or on behalf of any creditor, shall and may grant to the petitioner a certificate of discharge from all debts and obligations contracted by him, for which he was liable at and prior to the date of the application for Cessio, reserving the claims of the creditors of the Cessionant for the composition agreed to be paid; and the application for Cessio shall thereupon be superseded. And if any creditor shall agree to accept any gratuity or higher composition for assenting to such offer, he shall forfeit for the benefit of the Cessionant's estate, the debt due to him, together with such gratuity or composition; and the Cessionant shall, if thereto required, make affirmation before the District Court, subject to punishment in case of making a false statement, that there has been no such transaction between him or any person with his privity, and any of the creditors, and that he has not used any undue means or influence with any of them to obtain such assent as aforesaid.

Mode of compounding with the creditors.

#### SCHEDULE.

##### *Form A.*

I do hereby assign and give over to  
all the property moveable and immoveable belonging to me and contained  
in the annexed Statement delivered by me upon Oath to the District Court of  
in pursuance of the Ordinance No. 6 of 1835, excepting only my wearing apparel and the  
instruments of my trade and occupation.

##### *Form B.*

I do hereby assign and give over to  
all the property moveable and immoveable belonging to me and contain-  
ed in the annexed Statement delivered by me upon Oath to the District Court of  
in pursuance of the Ordinance No. 6 of 1835, excepting only my wearing apparel and the  
instruments of my trade and occupation, in trust to sell and dispose of the same, and out of  
the proceeds thereof, so far as they will extend, to pay the debts owing to my creditors nam-  
ed in the annexed statement delivered by me to the District Court on oath, according to the  
priority, preference and proportion to which by law they may be respectively entitled.

##### *Form C.*

#### IN THE DISTRICT COURT OF

The Petition of \_\_\_\_\_ of  
in this District  
Sheweth

That the Petitioner has been resident in the District of \_\_\_\_\_  
for Six months prior to this date, and through misfortune and losses sustained by him has  
become so far involved in debt as to be unable to satisfy his creditors, and his creditors never-

**No. 6,—1835.**

theless press him for payment of their debts. The petitioner therefore prays to have granted to him the privilege of *Cessio Bonorum*, in order that such property as he now possesses or is entitled to may be rendered available as far as they will extend towards satisfaction of his debts, and that his person may be protected from imprisonment.

*Given at Colombo this Twenty-ninth day of December, One Thousand Eight Hundred and Thirty-five.*

By His Excellency's Command,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 7,—1835.****No. 7,—1835.**

*To enable persons in the actual possession of land or immoveable property to ascertain and bring to legal determination the claims of others thereto, and to bar the claims of all persons failing to prefer the same within a limited period.*

Preamble,

WHEREAS the cultivation of lands is an object of the greatest importance to the advancement of the interests and prosperity of these settlements, and persons have been induced to obtain grants of lands as well from Government as from private individuals, for the purpose of bringing them to a proper state of cultivation; but, after putting themselves to considerable expence, have been disturbed in their possession by claims made on the part of individuals possessing in general no just right or title whatever thereto, which they suffer to lie dormant for a while, and then renew without taking proper legal proceedings to submit them to the test of Judicial inquiry, and thereby the possession of land is rendered insecure and cultivation is discouraged; it is expedient to provide a remedy by obliging claimants to appear within a reasonable period and establish their claims according to law, and for that purpose to repeal the Regulation respecting Edictile Citations, now in force within the Maritime Provinces, and substitute more general provisions in lieu thereof, which will operate beneficially in all parts of these settlements.

Regulation No. 5 of 1819 repeated.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 5 of the year 1819, entitled "*For regulating the proceedings of the Provincial and other inferior Courts in issuing Edictile Citations, and other matters of practice of the said Courts,*" be, and the same is hereby repealed.

Application for Citation to contain full description, &c.

2. And it is enacted, that it shall be lawful for any person in the possession of land, or other immoveable property whatsoever, either by himself or by his tenant or by any other person on his behalf, to make application in writing to the Court of the District in which the same is situate, for a general Citation, which application shall contain a full description of the property, together with a map or plan, and survey thereof, shewing the extent and boundaries, and shall contain an affirmation by the applicant, stating that he is in the exclusive and bonâ fide possession thereof, and stating the nature of his right, or the manner in which he acquired possession; and every such application shall be also supported by the affidavit of two respectable persons, to the effect that the applicant is in the exclusive possession of the property in the application described; and in all cases where any affirmation as aforesaid by any applicant shall be false, he or she shall be punishable by fine or imprisonment, at the discretion of the Court, and the Certificate thereupon obtained shall be null and void.

Citation to be issued by Court.

3. And it is further enacted, that upon any application being made and supported by affidavit as aforesaid, the District Court shall issue a Citation requiring all persons having or pretending to have any right or title to the property in the application described, to appear before the said Court, and by due course of law establish their claims to the same, or be forever barred therefrom—a translation of which Citation and application, in the native language or languages of the District, shall at the expence of the applicant be made, and certified to be correct by the acting interpreter of the Court, who shall be thereupon allowed such reasonable charge for the same as the Court shall approve; and the said Court shall, at the applicant's expence, cause copies of the translations to be affixed to some conspicuous part of the Court-House and Cutcherry of the District, another copy thereof to be posted up in the most conspicuous spot on the property, another copy thereof shall be lodged with the local Headman for general information, and another copy thereof shall be inserted in three successive Government Gazettes, and the Court shall likewise, on the applicant's defraying or depositing the necessary expence, issue an order to the Fiscal to proclaim the Citation, according to its tenor, by beat of tom tom, or in the most public manner, throughout every Village within Five miles of the property in question, once in every Six months during the period of Eighteen months; and the Fiscal shall duly and regularly certify such Proclamation to the District Court, by whom the certificates shall be preserved and filed with and form part of the proceedings had upon the application for Citation.



4. And it is further enacted, that if any claim be preferred to the property in the Citation and application mentioned, the claimant shall state the nature of his claim, either orally or in writing, as plaintiff, in manner allowed by the Rules of Court on commencing a suit; and such statement being recorded, shall be taken as a libel, to which the applicant for Citation shall plead as defendant, and further proceedings shall thereupon be had as in an ordinary suit.

5. And it is further enacted, that all the above requisites being duly observed, the claim, right or title to the property in the Citation and application mentioned, of all persons failing to prefer the same within eighteen calendar months from the date of the Citation, shall be absolutely barred; save the claim, right, and title to such property of persons claiming in remainder, or reversion, and of persons absent from the Island, minors, and women under coverture, and persons under other legal disability, who shall be entitled to prosecute their respective rights within eighteen months from the time of their possession accruing, or such absence or disability ceasing, and not afterwards. And the District Court shall, on all the above requisites being duly observed, grant a Certificate under the hand of the District Judge in the form hereunto annexed, which Certificate shall be received as a good and valid title to the land or other immoveable property therein mentioned, saving as hereinbefore is excepted.

**No. 7,—1835.**  
Proceedings if claim be preferred.

All claims not preferred within eighteen months, barred.  
Exceptions.

#### FORM OF CERTIFICATE.

In the District Court of

Whereas A. B. of \_\_\_\_\_ did on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, make application in writing to this Court for a Citation to be issued pursuant to the provisions of the Ordinance No. 7 of 1835, in which application the said A. B. did affirm that he was in the exclusive and bonâ fide possession of (*describe the property as in the application*) and which application was supported by the affidavit of C. D. and E. F. And whereas a Citation was thereupon issued by this Court, bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, requiring all persons having or pretending to have any right or title to the said property, to appear before this Court and establish their claims to the same by due course of Law, or be for ever barred therefrom; which Citation and the translation thereof have been duly affixed, published and certified by the Fiscal as required by the said Ordinance: And whereas the said A. B. hath apparently complied with all the requisites of the said Ordinance directed to be observed, and no person hath preferred any adverse claim to the said property. Be it therefore known to all, that the said A. B. hath a good and valid title to the property aforesaid, saving nevertheless the claim, right and title of such persons as in and by the said Ordinance are excepted, but not further or otherwise; in testimony whereof this Certificate is granted to the said A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_  
G. H.  
District Judge.

*Given at Colombo this Twenty-ninth day of December, One Thousand Eight Hundred and Thirty-five.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*

#### **No. 1.—1836.**

*To repeal Regulation No. 16 of 1824.*

WHEREAS it is expedient to repeal the Regulation No. 16 of the year 1824—It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 16 of the year 1824, entitled "For the more effectual prevention of the smuggling of Tobacco out of this Island without payment of the export duties by law enacted, and for regulating the transport of Tobacco by land within the Island," be and the same is hereby repealed.

*Given at Colombo this Eighth day of November, One Thousand Eight Hundred and Thirty-six.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*

#### **No. 2,—1836.**

*For establishing the Imperial Weights and Measures as the Standards of length, weight and capacity within these Settlements.*

WHEREAS it is necessary for the convenience of the public, and particularly for the purpose of preventing insecurity and fraud in trade, that there should be one uniform standard of Weights and Measures established for the whole Island.

#### **No. 1,—1836.**

Preamble.

Regulation No. 16 of 1824 repealed.

#### **No. 2,—1836.**

Preamble.

**No. 2,—1836.**

Imperial declared Standard  
Weights and Measures.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of January One Thousand Eight Hundred and Thirty-eight, within every part of these Settlements the Imperial Standard Yard established by the Statute of the British Legislature of the 5th Geo. 4, c. 74, 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 that the Imperial Standard Troy Pound by the said Statute established, shall be and the same is hereby declared to be the only standard measure of weight, from which all other weights shall be derived and computed, and that the said Imperial Standard Troy Pound shall contain 5760 Grains, and 7000 such Grains shall make one Pound Avoirdupois; and that the Imperial Standard Gallon by the said Statute established 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 that the parts or multiples, or proportions of the said Standards, shall be respectively computed according to the Schedule to this Ordinance annexed.

Models to be kept at Cut-  
cheries for inspection.

2. And 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 Standard hereby established for every part of these Settlements, it is further enacted, that the Government Agents of the several Provinces shall preserve with care at each and every Cutcherry of their Province, a model of each of the aforesaid Standards of length, weight, and capacity, to be furnished by Government for that purpose, and that every person shall be at liberty, on giving reasonable notice, to inspect the said Standards or any of them, and to compare any other weight or measure therewith.

Government Agents to sell  
Weights and Measures.

3. And it is further enacted, that in order to accommodate the public with Standard Weights and Measures, the Government Agents of the several Provinces shall at each and every Cutcherry of the Province provide a sufficient number thereof for sale at rates to be notified by advertisement in the Government Gazette.

Contracts etc. to be made  
according to Standards.

4. And it is further enacted, that from and after the said First day of January One Thousand Eight Hundred and Thirty-eight, all contracts, bargains, sales, and dealings which shall be made or had within any part of these Settlements for any work to be done, or for any goods, wares, merchandize, or other thing 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, taken and construed to be made and had, according to the Standard Weights and Measures hereby established.

Penalty for false Weights  
or Measures.

5. And it is further enacted, that any person or persons selling by retail, who shall use or attempt to use, or in whose shop, house, stall, standing place or premises shall be found, any weight or measure of length or capacity not being in conformity with the Standards hereby established, or any false or unequal balance, shall, upon conviction, forfeit and pay for every such offence a sum not exceeding Forty shillings, and in default of payment be imprisoned at hard labour for a term not exceeding Six calendar months.

Former Regulations repeal-  
ed.

6. And it is further enacted, that from and after the said First day of January One Thousand Eight Hundred and Thirty-eight, the Regulation No. 3 of 1816, entitled, "*For establishing measures according to a fixed Standard*,"—the Regulation No. 7 of 1816, entitled "*To explain and amend the Regulation No. 3 of the present year concerning dry Measures*,"—the Regulation No. 19 of 1822, entitled "*For establishing liquid and lineal Measures and Weights according to a fixed Standard*,"—and the Regulation No. 1 of 1823, entitled "*For suspending the Provisions of the 19th Regulation of Government of 1822, till the 1st day of April 1823*," be and the same are hereby repealed.

### SCHEDULE OF IMPERIAL WEIGHTS AND MEASURES.

#### LINEAL MEASURE.

Inches					
12.....	1 Foot				
36.....	3 .....	1 Yard			
198.....	16½.....	5½.....	1 Pole or Perch		
7920.....	660 .....	222 .....	40 .....	1 Furlong	
63360.....	5280 .....	1760 .....	320 .....	8 .....	1 Mile.

#### SUPERFICIAL MEASURE.

Inches					
144 .....	1 Foot				
1296 .....	9 .....	1 Yard			
39204 .....	272½.....	30½.....	1 Pole		
1568160 .....	10890 .....	1210 .....	40 .....	1 Rood	
6272640 .....	43560 .....	4840 .....	160 .....	4 .....	1 Acre.

TROY WEIGHT.				
Grains				
24 .....	1 Penny weight			
480 .....	20 ... ..	1 Ounce		
5760 .....	240 ... ..	12 .....	1 Pound.	

AVOIRDUPOIS WEIGHT.				
Drams				
16 .....	1 Ounce			
256 .....	16 .....	1 Pound*		
3584 .....	224 .....	14 .....	1 Stone	
28672 .....	1792 .....	112 .....	8 .....	1 Hundred weight
573440 .....	35840 .....	2240 .....	160 .....	20 ... .. 1 Ton.

\* Containing 7000 grains Troy.

#### 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.

Given at Colombo this Fifteenth day of November, One Thousand Eight Hundred and Thirty-six.

By His Excellency's Command,

P. ANSTRUTHER,

Colonial Secretary.

#### No. 3,—1836. (Section 17 repealed by Ordinance No. 26 of 1852.)

For consolidating and amending the laws for the protection of His Majesty's Revenue derived from Salt. \*

WHEREAS it is expedient to consolidate and amend the laws now in force within these Settlements for the protection of His Majesty's Revenue derived from Salt.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of January One Thousand Eight Hundred and Thirty-seven, the Regulations No. 21 of the year 1813, entitled "*To prevent the stealing of Government Salt;*" No. 2 of the year 1818, entitled "*For the more effectual protection of His Majesty's Revenue derived from Salt;*" and the Proclamation of the 11th of October of the year 1821, shall be and the same are hereby respectively repealed, except as to any offences committed and any arrears of duties or any penalties or punishments incurred at or prior to the First day of January One Thousand Eight Hundred and Thirty-seven, and except as to the repeal of any former laws.

2. And it is further enacted, that it shall not be lawful for any person to collect or attempt to collect Salt naturally formed, or to manufacture or attempt to manufacture Salt by any process whatsoever within any part of these Settlements, except on account of Government or under the written licence of the Government Agent or Assistant Government Agent for the Province in which it shall be collected or manufactured, and that any person who shall be convicted of collecting or manufacturing or attempting to collect or manufacture Salt as aforesaid, except as aforesaid, shall be subject to a fine not exceeding Five pounds for each offence, and Ten shillings in addition for each\* Bushel \* 1 Parrah 10½ Seers of Salt so collected or manufactured, if the quantity shall exceed One bushel, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Twelve months; and the Salt so collected or manufactured, together with any apparatus used in or for the manufacture thereof, shall be confiscated, and the occupier of any premises upon which Salt shall, with his privity or consent, be illegally collected or manufactured, shall, on conviction, be subject to a fine not exceeding Ten pounds for each offence, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Five months.

\* See Ordinance No. 1 of 1838, and Ordinance No. 17 of 1840.

No. 2,—1836.

No. 3,—1836.

Preamble.

Former Regulations and Proclamations repealed.

Collection and manufacture of Salt.

**No. 3,—1836.**

Possession of Salt in Districts enumerated.

3. And it is further enacted, that it shall not be lawful for any person (unless duly authorised by licence as hereinafter mentioned) to possess Salt in any greater quantity than Two \*Pecks in manner hereinafter expressed, within the undermentioned Districts, according to the limits of their respective Judicial Jurisdictions, viz. Districts of Colombo No. 1 North and No. 1 South, No. 4, otherwise called Caltura, Amblangodde, Galle and Matura; and than Three\* Quarts in the Districts of Colombo No. 2, otherwise called Negombo, Putlam and Chilaw, Manar, Jaffna, Walligammo, Waddimoratchie, Tenmoratchie and Patchelapalle, the Islands, the Wanny, Trincomalee, Batticaloa, Hambantotte and Tangalle. \* 17 3-16 Seers. \* 3 7-32 Seers.

Restriction as to quality.

4. And whereas there is a very great difference in the appearance, and disparity in the weight of the different descriptions of Salt, so that manufactured Salt may be readily distinguished from Salt of natural formation, the Salt obtained by one process of manufacture from that by another, and the Salt of natural formation collected at one Leway from that collected at another. It is further enacted, that the possession of any Salt whatever in the Districts enumerated in the Third clause of this Ordinance, unless duly accounted for, of a description different from that issued from the Government Stores for sale within the limits of the Village, District or Province in which such Salt shall be found, shall be unlawful.

Government Agents to grant Licences for possession.

5. And it is further enacted, that within the Districts enumerated in the Third clause of this Ordinance, the Government Agents or Assistant Government Agents in their respective Districts, may grant licences for the possession of Salt, if purchased of Government, as well to such persons as may be authorised by Government to retail Salt within the Districts aforesaid, as to any other persons at their discretion and in any quantity; Provided that in the licence granted to such other persons be defined the purposes for which the Salt is required, the quantity allowed to be possessed, from what Government Store it has been or is to be purchased, and for what period (which shall not in any case exceed Twelve months from the date thereof) it is to be in force.

And retailers.

6. And it is further enacted, that within the Districts enumerated in the Third clause of this Ordinance, persons authorised by Government to retail Salt may grant licences in their respective Districts for the possession of Salt purchased of themselves, in quantities not exceeding Three\* Pecks, and for a period not exceeding Fourteen days. \* 1 Parrah 1½ Seers.

Illegal possession of Salt, earth, etc.

7. And it is further enacted, that every person possessing Salt, whether within the Districts above enumerated or elsewhere, contrary to the provisions of this enactment, or possessing earth or sand or water impregnated with Salt, for the purpose of making Salt, and the occupier of any house or premises in which shall be found any Salt or any earth or sand or water impregnated with Salt, which he is unable satisfactorily to account for, shall be liable to a fine not exceeding Twenty shillings for every Bushel\* thereof, and proportionably for less than a Bushel, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Twelve months; and the Salt shall be seized and confiscated as well as all instruments and utensils, or earth sand or water so impregnated with Salt, used for the purpose of manufacturing Salt illegally; and the persons in whose possession any such utensils, instruments, or earth, sand or water so impregnated with Salt, shall be liable to a penalty not exceeding Five pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for a term not exceeding Five months. \* 1 Parrah 10½ Seers.

Disposal of Salt on expiration of licence.

8. And it is further enacted, that any Salt purchased from Government, which shall remain at the expiration of his licence in the possession of any licensed person, shall, if tendered to the Government Agent of the Province or his Assistant, and if such Salt is found on examination to be unadulterated, be received into the Government Stores and be paid for at the rate at which it was originally sold by Government, and any Salt so remaining which shall be found adulterated shall be seized and confiscated.

Concealment of Salt.

9. And it is further enacted, that every person who shall bury, conceal, or assist in or be privy to the burying or concealing in any place or quantity whatever, any Salt illegally collected, manufactured or possessed, or which shall not be satisfactorily accounted for, shall be liable to the same fine as in the Seventh clause is imposed for the illegal possession of Salt.

Possession in non-enumerated Districts.

10. And it is further enacted, that any Government Agent or Assistant Government Agent, District Judge or local Headman in any of the Districts not enumerated in the Third clause of this Ordinance, may call upon any person possessing Salt exceeding Four\* Bushels within the non-enumerated Districts, to \* 5 Parrahs 17½ Seers.

account for the same. And if he shall fail to shew that such Salt was lawfully removed, he shall be liable to the penalties attached to the illicit possession of Salt.

**No. 3, — 1836.**

11. And it is further enacted, that if any person shall be found in the immediate vicinity of any Salt Pan or Salt Leway at a suspicious hour or under suspicious circumstances, it shall be lawful for any person to bring him before the District Court, which shall thereupon investigate the matter of suspicion alleged against him, and if he shall fail to give a satisfactory account of himself, and there shall, in the opinion of the Court, be reasonable ground to believe that he was in the immediate vicinity of such Salt Pan or Leway with intent to collect or remove Salt there formed, collected or deposited, the Court shall require him to give such security for his good conduct as it shall deem fit, and in default of such security shall sentence him to be imprisoned for a period not exceeding Six months, with or without hard labour, at the discretion of the Court.

Persons found in the vicinity of a Salt pan.

12. And it is further enacted, that the removal of Salt in any quantity exceeding Three\* Quarts in the Districts in which the possession of \* 3 7-32 Seers. Three Quarts is hereinbefore allowed, and Two\* Pecks in any other \* 17 3-16 Seers. District, at one time from or to any place within these Settlements, and the export and import thereof by sea, except under the permit of some Government Agent or Assistant Government Agent, or of a licensed retailer, to the extent of Three Pecks, shall be unlawful; and such permit shall specify the date thereof, the quantity of Salt to be removed, the name of the person removing, the place from and to which, the conveyance by which, and the period within which it is to be removed, which period shall in no case of a permit granted by a Government Agent or Assistant Government Agent exceed Three calendar months, or of a permit of a licensed retailer exceed Fourteen days, from the date of the permit, and any Salt removed contrary to the provisions of this Ordinance shall be confiscated, and the person by whom such Salt is removed, in what part soever of these Settlements, shall be liable to the penalties enacted against the illegal possession of Salt.

Removal of Salt.

13. And it is further enacted, that any Salt landed from, or shipped on board any Ship, Dhoney, Boat or Vessel of whatever description, without the license of the Government Agent or Assistant Government Agent of the Province wherein such shipment or landing takes place, unless on account of Government, shall be confiscated, and the Commander or principal person on board or belonging to such vessel, shall be subject to a fine at the rate of Three shillings for every Bushel\* of Salt so confiscated, \* 1 Parrah 10½ Seers. and in default of payment be imprisoned with or without hard labour, at the discretion of the Court, for any term not exceeding Twelve months; and all and every other person or persons, knowingly assisting in shipping or landing any such Salt, shall be liable to a fine not exceeding Ten pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Six months; Provided always that it shall be lawful, by permit of any Collector or Assistant Collector of Customs to ship Salt specified in such permit on board any vessel for the use of the crew, the same having been originally purchased from the Government Salt Store or licensed Salt retailer, according to the general provisions of this Ordinance.

Shipment.

14. And it is further enacted, that the sale of Salt within the Districts enumerated in the Third clause of this Ordinance, in any quantity whatsoever, except on account or by license of the Government Agent or Assistant Government Agent of the Province within which such Salt is sold, is hereby declared to be unlawful, and any person convicted of selling Salt, either by wholesale or retail, contrary to the provisions of this Ordinance, shall be subject to a fine not exceeding Five pounds for each offence, or in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Twelve months, and the purchaser shall likewise be liable to a fine not exceeding Twenty shillings for each offence, or in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Two months.

Sale.

15. And to prevent as far as may be the possibility of persons contravening this enactment through ignorance, it is enacted, that every licensed retailer shall affix in front of his or her shop, stall, or place of retail sale, a board having painted or legibly written thereon the name of the licensed retailer, and the words "Licensed to sell Salt," in the English, Cingalese and Malabar languages, and any Salt retailer who shall sell Salt without having such board affixed, or in any other place than that in which he is licensed to sell, shall be liable for every such offence to a fine not exceeding the rate of Twenty shillings for every Bushel\* of Salt so sold. \* 1 Parrah 10½ Seers.

Retailer to affix notice to place of sale.

16. And it is further enacted, that in all cases requiring any search or seizure to be made without the delay which would be incurred by an application to the District Court, the several Constables or Police Vidhans or other proper Officers may, on information laid before them

Search or seizure.

**No. 3,—1836.**

shewing just ground of suspicion, and shewing further that the object of the search would probably be defeated by the delay of applying to the District Court for a Warrant, make such search or seizure without Warrant; Provided always, that such search or seizure so made without Warrant shall be made or commenced between sun-rise and sun-set only, and that they are hereby required to exercise such authority; but in any instance in which they shall so act, they shall report their proceedings and the result of their search or seizure, to the nearest District Court without unnecessary delay, and any Constable or Police Vidhan or other Officer failing to make such report shall be liable, at the discretion of the District Court, according to the circumstances of each particular case, to a fine not exceeding Five pounds; and if any Constable, Police Vidhan or other Officer shall not have applied to the District Court for a Warrant in due course, there having been sufficient time for such application, or shall have wantonly, maliciously or corruptly exercised any power or authority hereby confided to him, or shall have wilfully exceeded such power or authority, he shall, besides his liability in damages to the party injured, suffer such punishment as the Court shall, on conviction, award.

17. And it is further enacted, that any storekeeper or other person selling Salt on behalf of Government, and every person licensed to sell Salt within the Districts enumerated in the Third clause of this Ordinance, shall be bound to deliver Salt to the purchaser by standard measures established by law, and at such price as may be fixed by Government from time to time. And any Storekeeper, retailer, or other person selling Salt on behalf of Government, who shall be convicted of issuing Salt of short or false measure, or of demanding more than the price fixed by Government, shall be subject to a fine not exceeding Ten pounds for each offence, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Twelve calendar months.

Adulterated Salt sold by retailer.

18. And it is further enacted, that any Storekeeper or person authorised or licensed to sell Salt, convicted of selling adulterated Salt, shall be liable to fine and imprisonment with or without hard labour, at the discretion of the Court; and it shall be lawful for any Government, Agent, Assistant Government Agent, District Judge, or Superintendent of Police, to direct, by order under their hands, any competent person or persons to examine Salt in possession of any licensed Salt retailer, and if any Salt shall be found within his licensed premises adulterated, such retailer shall in like manner be liable to like fine and imprisonment, and in order to ascertain whether the Salt in possession of any retailer has been adulterated, it shall be lawful for the District Judge, by order under his hand, to direct the Storekeeper by whom such Salt was issued to such retailer, to attend at the District Court with a sufficient specimen of the Salt so issued.

Or by Government Store-keeper.

19. And whereas it may happen that through fraud or negligence on the part of any storekeeper, adulterated, damaged or spoiled Salt may be sold by him on behalf of Government, It is enacted, that it shall be lawful for the District Judge to direct a fair sample of Salt sold and issued from any Government Store to be examined, and if the same shall be found to contain any mixture of sand or other impurity exceeding in weight four per cent. the same shall be taken to be and shall be declared adulterated.

Informer's share of fines.

20. And it is further enacted, that a portion, at the discretion of the Court, not exceeding one-half of all fines levied under this Ordinance, shall be paid the person or persons who shall first give such information as shall lead to the conviction of the offender, and in case the offender shall have no property from which such portion can be levied, the Government Agent of the Province shall on behalf of Government pay to such informer so much thereof as shall not in any one instance exceed the sum of Ten pounds, Provided the Court before which such offender shall have been convicted shall, after hearing cause to the contrary, if any shall be shewn on the day to be fixed by the Court for the purpose, of which day previous notice shall be given to the Government Agent, certify that such informer hath not acted in collusion with such offender, and that it doth not appear that such offender hath property from which such portion can be levied as aforesaid.

Ordinance when to take effect.

21. And it is further enacted, that this Ordinance shall commence and come into operation from and after the said First day of January One Thousand Eight Hundred and Thirty-seven.

*Given at Colombo this Twenty-second day of November, One Thousand Eight Hundred and Thirty-six.*

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

## No. 4,—1836.

*For preventing the stealing and privately killing of Cattle.*

WHEREAS the Regulations passed for the purpose of preventing the stealing and privately killing Cattle have been found to have very beneficial operation within the Maritime Provinces of this Island, which it is expedient to extend to all parts of these Settlements, and with that view to repeal the said Regulations and incorporate the provisions thereof in a general Ordinance, with such alterations as have become requisite :

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 3 of 1814, entitled "*To prevent the stealing and privately killing of Cattle*;" and the Regulation No. 4 of 1815, entitled, "*To extend the term of making returns by butchers under the 3rd Regulation of the year 1814*;" and the Regulation No. 1 of 1826, entitled "*For amending the 3rd Regulation of 1814, relative to the punishment for knowingly receiving stolen Cattle*;" and all other local Rules and Regulations for or concerning the slaughtering of Cattle, be and the same are hereby repealed.

2. And it is further enacted, that it shall not be lawful for any person within the Gravets of Colombo, Kandy, Galle, Matura, Trincomalie, and Jaffnapatam, or within Five miles from any other Town or Station at which any District Court now is or hereafter may be established, to slaughter any oxen or buffaloes, unless he shall have obtained from the District Judge, or in case of his absence, from the Secretary of the District Court or other person authorised by the District Judge, a licence for that purpose, or a general licence to carry on the trade of a butcher, nor shall it be lawful for any licensed butcher, unless by special licence for the purpose, to slaughter any oxen or buffaloes, but at such fit place or places as shall be appointed for that purpose by the District Judge, nor unless he shall have previously exposed the same to public view in some open or convenient spot, to be likewise appointed by the District Judge, for a period not less than Twenty-four hours.

3. And it is further enacted, that every licensed butcher shall, on the first Monday in every month, register in the office of the District Court, a true and accurate account (as nearly as possible) of the age, sex, colour, marks, and description of all oxen or buffaloes slaughtered by him in the preceding month, and the names and places of abode of the persons from whom the same were purchased or obtained.

4. And it is further enacted, that every person who shall be convicted of slaughtering any oxen or buffaloes without such licence, and every such licensed butcher who shall be convicted of slaughtering any such Cattle without previously exposing the same in manner hereinbefore provided, or who shall neglect to register such account, shall respectively for every beast so slaughtered without licence, or without being exposed or without being registered as aforesaid, be liable to a discretionary fine not exceeding Five pounds, and in default of payment to imprisonment at hard labour for a term not exceeding Six calendar months.

5. And it is further enacted, that beyond and out of the Gravets or limit aforesaid, it shall not be lawful for any person to slaughter any oxen or buffaloes whatever, without giving Forty-eight hours previous notice of his intention to do so, to the nearest resident Headman, which notice shall state (as nearly as possible) the age, sex, colour, marks, and description of such Cattle, and be signed by the owner and some respectable person of the neighbourhood; and every person who shall slaughter such Cattle without giving such notice, or who shall sign a false notice, shall for each offence be liable to a discretionary fine not exceeding Three pounds, and in default of payment to imprisonment at hard labour for a term not exceeding Four calendar months. Provided always, that when Troops shall be on march, or being stationed beyond the Gravets or limit aforesaid, when such previous notice would prevent the immediate supply of rations, it shall be lawful for the proper Officer of Commissariat or person acting under his authority, in the presence of some neighbouring Headman, to slaughter Cattle without giving such previous notice, but in such case the Commissariat Officer or person acting under his authority shall forthwith transmit to the nearest District Judge a Certificate signed by himself and such Headman, of the necessity of such immediate supply, and containing such true and accurate account as aforesaid of the oxen or buffaloes so slaughtered for the exclusive use of such Troops, together with a receipt from the person or persons from whom every such ox or buffalo was received.

6. And it is further enacted, that the Headman receiving such notice as aforesaid shall make inquiry into the truth thereof, and, if correct, shall certify its correctness on the back thereof, under his signature, which shall be a sufficient warrant for the slaughter of the Cattle therein mentioned; and if any such Headman shall falsely certify, or shall neglect or refuse

## No. 4,—1836.

Preamble.

Former Regulations repealed.

Licence to slaughter with Gravets, &c.

Exposure of Cattle.

Butcher to furnish account of Cattle.

Penalty.

Beyond Gravets, notice to Headman.

Notice to be certified by Headman.

**No. 4,—1836.**

duly to certify such notice, he shall, on conviction, be liable to a discretionary fine not exceeding Five pounds.

Possession of stolen cattle without note of description.

7. And it is further enacted, that any person having in his possession stolen oxen or buffaloes, unless he shall produce a note in writing, signed by the person from whom such Cattle were received or purchased, containing a description of such Cattle and the name and abode of such person, and attested by two witnesses, of whom one shall be the Police Vidahn, Constable, or other petty Headman of the District from which the Cattle were removed, shall be liable to a fine not exceeding Five pounds, and in default of payment to imprisonment with or without hard labour, not exceeding Six calendar months.

Penalty.

Duplicates of note.

8. And it is further enacted, that all Police Vidahns, Constables or other Headmen who shall have attested any note pursuant to the directions contained in the last preceding clause, shall preserve a duplicate thereof, and at the commencement of each month shall forward the duplicates of all such notes attested by them during the preceding month, to the District Court, for reference and safe custody.

Possession of fresh beef without proof, &c.

9. And it is further enacted, that every person in whose possession shall be found any fresh beef, which he shall not be able to prove or give satisfactory reasons for believing that it was honestly come by, shall be liable to punishment in the same manner as is provided in the Seventh clause, notwithstanding that no owner shall appear to prosecute or claim the same as his property.

Penalty.

Limitation of prosecution.

10. And it is further enacted, that prosecutions under this Ordinance shall be commenced within Three months from the commission of the offence, and not afterwards.

*Given at Colombo this Twenty-second day of December, One Thousand Eight Hundred and Thirty-six.*

By His Excellency's Command,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 5,—1836. (Repealed by Ordinance No. 2 of 1838.)****No. 5,—1836.**

*For consolidating and amending the Laws concerning Auctioneers and the Duties on Auctions.*

WHEREAS it is expedient to repeal the Regulation No. 12 of 1825, entitled "*For consolidating the Regulations concerning Auctioneers and the Duties on Auctions,*" the Regulation No. 3 of 1829, entitled "*Declaring the 5th section of Regulation No. 12 of 1825 not to be applicable to the Regimental effects of Officers and soldiers,*" and the Proclamations of the Thirteenth day of September 1825, and of the Twenty-fifth day of September 1829, and to embody the same, with certain alterations, in a new enactment :

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of March One Thousand Eight Hundred and Thirty-seven, the said Regulations No. 12 of 1825, and No. 3 of 1829, and the said Proclamations of the Thirteenth day of September 1825, and of the Twenty-fifth day of September 1829, (except in so far as the same respect any dues, liabilities, rights, fines or punishments then already accrued, and the repeal of any previous Regulations,) be and the same are hereby repealed.

2. And it is further enacted, that no person shall act as an Auctioneer within any part of these Settlements, or shall vend any goods, wares or merchandize whatsoever, by any mode of sale by Auction, without a licence under the hand and seal of the Governor or Lieutenant Governor, and that any person or persons so acting or vending without licence shall forfeit and pay for every offence a sum not exceeding Ten pounds, and in default of payment shall be imprisoned for any term not exceeding Six months.

3. And it is further enacted, that every such licence shall continue in force Twelve calendar months from the date thereof and no longer, and that no such licence shall be granted to any person until he shall have given bond to His Majesty, and security for the faithful and proper discharge of his duties as Auctioneer, and for his duly complying in all respects with the several provisions of this Ordinance, in such amount as shall be required of him by Government, either of two or more responsible sureties, or by deposit of moveable property or hypothecation of immovable property in that behalf; and such bond shall be deposited with the Government Agent or Assistant Government Agent of the Province in which such person shall be licensed to act as Auctioneer.

4. And it is further enacted, that such Government Agent or Assistant Government Agent shall put such bond in suit, on the application, in writing, of any party, accompanied by a Certificate from some District Judge that a judgment has been obtained in his Court against such Auctioneer for any sum in a suit to recover the proceeds of property sold by him at Auction, and that the party applying has satisfied such District Judge that such judgment has



remained unsatisfied for more than One calendar month:—and a recovery in one or more suit or suits on such bond shall not abate or cancel the same. Provided always, that when several such suits shall have been pending at the same time, and judgment thereon and such certificates shall be ultimately in due course obtained, the parties obtaining the same shall be entitled to share proportionably out of such security. And provided always, that the amount recoverable from the sureties shall not exceed, in the whole, the amount specified in such bond, and that no action shall be maintainable on such bond against any such surety unless the same be brought within two years next after the date of such bond, any Law, Ordinance or Custom to the contrary thereof notwithstanding.

5. And it is further enacted, that no such licence shall be renewed or fresh licence granted, unless the person applying shall have satisfactorily accounted for and paid over all the duties due to Government on Auctions theretofore held by him nor until he shall have entered into a new bond as required by the Third clause of this Ordinance, either with the same sureties (if approved of) or giving fresh security to be approved of by Government.

6. And it is further enacted, that every Auctioneer shall send to the Government Agent or Assistant Government Agent of the Province in which he shall be licensed to act, a full and particular list of all the goods or moveable property he purposes to sell by Auction, Forty-eight hours at least before the day appointed for the sale, stating, at the same time, the day, hour and place of the intended sale, and at the time of sale shall have and keep suspended in some conspicuous spot a true copy or counterpart of such full and particular list of all goods and property for sale; nor shall any other article be sold or put up for sale on that day than those enumerated in such list. And any Auctioneer violating the provisions of this clause shall be subject to a fine, at the discretion of the Court, not exceeding Ten pounds for every offence, and in default of payment be imprisoned for any term not exceeding Six months.

7. And it is further enacted, that every Auctioneer shall keep a book in which shall be regularly and correctly entered a list of all moveable property exposed by him for sale, the names of the owners and of the purchasers thereof, and the price for which each article or lot was sold, and that such book shall be sent for inspection on or before the Tenth day of every month to the Government Agent or Assistant Government Agent of the Province in which such Auctioneer shall have been licensed to act, who, after having examined, shall sign and return the same to such Auctioneer within Forty-eight hours after receipt thereof. And in case any Auctioneer shall refuse or neglect to keep such book or to send the same for inspection in the manner herein directed, it shall be lawful for the Governor or Lieutenant-Governor to declare, by notification in the Government Gazette, the licence of such Auctioneer forfeited and cancelled.

8. And it is further enacted, that every Auctioneer shall be entitled to deduct from the proceeds of all immovable property sold by him Two per cent. of the amount of such sale, which shall be in full discharge of his fees as Auctioneer, that is to say, for writing the conditions of sale according to the instructions of his employer, for conducting the sale, and for receiving or enforcing payment of the purchase amount.

9. And it is further enacted, that every Auctioneer shall deduct from the proceeds of all moveable property sold by him Four per cent. of the amount of such sale, Two per cent. whereof he shall duly account for and pay over to Government at the times hereinafter directed, and the remaining Two per cent he shall retain in full discharge of his fees as Auctioneer, that is to say, for inventorizing the property and numbering the lots and conducting the sale, and for receiving or enforcing payment of the purchase money.

10. Provided always, that every Auctioneer in addition to the per centage aforesaid, shall be allowed and shall recover from his employer (or from the buyer, if the conditions of sale so stipulate and specify the particular items) such of the charges and expenses incurred by direction of his employer, as are enumerated in the Table annexed to this Ordinance.

11. And provided always, that no moveable property belonging to any Bankrupt or Insolvent estate, and sold under the provisions of any Ordinance or Regulation relating to Bankruptcy, the relief of Insolvent Debtors or the privilege of Cessio Bonorum, shall be subject to the aforesaid duty of Two per cent. to be paid to Government.

12. And it is further enacted, that whenever property immoveable or moveable shall be bought in, the Auctioneer shall be entitled (in the absence of any special agreement to the contrary) to recover from his employer One per cent. on the amount for which such property was bought in, together with all such additional charges as aforesaid.

13. And it is further enacted, that every Auctioneer shall, within Eight days after the sale of any property, immoveable or moveable, render to his employer or employers an account in writing of the property sold by him, and shall, immediately on the receipt of the purchase money, pay over to his employer or employers the net proceeds of the property sold by him.

14. And the better to enable Auctioneers to fulfil their duties, and to secure them and their employers against losses: It is further enacted, that no Auctioneer shall, unless expressly authorised by his employers so to do, deliver property sold by him at Auction until the purchase amount has been paid, but every Auctioneer shall in case of non-payment within the time limited by the conditions of sale, re-sell, within one month, the property at the risk

## No. 5,—1836.

of the first purchaser, and in like manner at the risk of every subsequent purchaser on re-sale by Auction, in case of non-payment for the same, and shall sue for and recover the difference or loss arising from any such re-sale by way of parate execution; and any District Court before which such suit shall be brought is hereby authorised and required to grant parate execution upon the plaint and affirmation of any such Auctioneer, without any other or further pleading or process than an order on the party (against whom such parate execution is sought) to shew cause against the granting of the same.

15. And it is further enacted, that every Auctioneer shall, on or before the Fifth day of every month, make a Return to the Government Agent or Assistant Government Agent of the Province in which he shall be licensed to act, of all such sales of moveable property as shall have been made by him during the preceding month, stating the amounts thereof, and specifying the duties payable to Government arising therefrom, which duties he shall, at the same time, pay into the Cutcherry; and every Auctioneer failing to make such Return and to discharge the duties payable to Government, or being convicted of making a false Return, shall, for each offence, be subject to fine, at the discretion of the Court, and in default of payment of such fine shall be imprisoned for a term not exceeding Twelve months.

16. And it is further enacted, that nothing in this Ordinance contained shall prevent or be construed to prevent any Government Agent or Assistant Government Agent from employing any person or persons whomsoever in selling Government property or Farms, or to prevent Fiscals or their Deputies from selling lands and goods in execution, or to prevent Fishermen or Fish Renters from selling the Fish caught daily, or to prevent the sale by any other person than a licensed Auctioneer of the Regimental effects of any Officer, Non-commissioned Officer, soldier or other persons serving with His Majesty's Forces in these Settlements, or who shall die in such service, leaving such effects.

17. And it is further enacted, that in any District where there shall not be a licensed Auctioneer resident, the Government Agent or Assistant Government Agent shall, on application from any individual, authorise some fit person to act for the particular occasion as Auctioneer, and shall direct all payments for goods or lands sold by him at Auction to be made directly into his Cutcherry, and Four per cent. on moveable and Two per cent. on immovable property, shall be charged by such Government Agent or Assistant Government Agent, as well as such extra charges as may have been incurred, according to the annexed Table, and the same shall be deducted from the proceeds, and the balance shall, without any unnecessary delay, be paid to the person to whom such property belonged, and from such percentage and charges so deducted, such Government Agent or Assistant Government Agent shall assign to the person so authorised to act as Auctioneer, such remuneration as he may consider adequate for his trouble; and the person so authorised to act as Auctioneer shall be allowed all the privileges allowed to Auctioneers, in and by the 14th clause of this Ordinance.

18. And whereas it may often happen, even in Districts where there is a licensed Auctioneer resident, that the property required to be sold by Auction may be of too small value to bear the travelling expenses and other extra charges which are allowed by this Ordinance to be charged by Auctioneers—It is further enacted, that in all cases of moveable or immovable property, not exceeding the value of Fifteen pounds, if the same be situate at more than Ten miles distance from the residence of the nearest licensed Auctioneer in the District, the Government Agent or Assistant Government Agent shall, upon application, authorise some fit person to act for the particular occasion as Auctioneer, in the manner and on the terms and with the privileges in the preceding clause mentioned:—Provided always, that such Government Agent or Assistant Government Agent, before authorising such person to act as Auctioneer, shall first be satisfied that some licensed Auctioneer has been applied to and has declined to conduct such sale, without payment of such travelling expenses and other extra charges as above mentioned.

19. And it is further enacted, that the informer shall be entitled to such share, not exceeding one half, of any fine or fines levied under this Ordinance, as shall, in the discretion of the Court imposing the same, be awarded to him.

20. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of March One Thousand Eight Hundred and Thirty-seven.

## TABLE OF EXTRA CHARGES.

<i>In Sales of Moveable Property.</i>	<i>s. d.</i>
Proclaiming Sale in the usual manner on three several days, for each Proclamation...	0 9
Travelling expenses if the place of Sale is more than a mile distant.	
Auctioneer per mile.....	1 0
Person officiating as Clerk and Crier, per mile.....	1 0
One per cent. upon all property bought in.	

*In Sales of Immoveable Property.***No. 5,—1836.**

Proclaiming Sale in the usual manner on three several days, for each Proclamation...	Os. 9d.
Writing and publishing four Advertisements in such language as shall be directed by the employers;—one at the place of Sale, another at the Cutcherry, another at the District Court, and another at such public place as is directed, Four pence for each Advertisement if in one language; Eight pence if in two, and so on at the same rate for each additional language.	
Interpreter's attendance at the Sale.....	1 6
Travelling expenses, if place of Sale more than a mile distant.	
Auctioneer per mile.....	1 0
Person officiating as Clerk or Crier, per mile.....	1 0
Interpreter, per mile.....	0 6

*Given at Colombo this Twenty-second day of December, One Thousand Eight Hundred and Thirty-six.*

By His Excellency's Command,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 6,—1836.** (*Repealed by Ordinance No. 2 of 1848.*)

*For revising the Stamp Duties, and making provision for the general use of Stamps throughout the Colony.*

**No. 6,—1836.**

WHEREAS His Majesty hath been pleased to direct that the use of Stamps should be uniformly required throughout all parts of these Settlements, and for that purpose it is expedient to repeal the Regulation No. 4 of 1827, entitled "*For repealing the Regulations No. 7 and No. 20 of 1823, under which Stamp duties on Deeds and other instruments have been heretofore assessed and levied, and for establishing New Tables of Stamp duties payable upon the same in British Currency, with various alterations and amendments;*" and the Regulation No. 2 of 1830, entitled "*To amend Regulation No. 4 of 1827, as far as regards the Stamp duty thereby imposed on conveyances of immoveable property;*" and it is likewise expedient to revise the Stamp duties by those Regulations imposed, and to make such provisions for the general use of Stamps as are hereinafter contained :

1. It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of March One thousand Eight hundred and Thirty-seven, the said Regulations No. 4 of 1827, and No. 2 of 1830, except in so far as they repeal any previous Regulation or respect any offences then already committed, or any fines, penalties, liabilities, or rights then already accrued, or affect the validity of any Deed or other instrument thereby required to bear Stamp, be and the same are hereby repealed.

2. And it is further enacted, that from and after the said First day of March, One thousand Eight hundred and Thirty-seven, the several written Instruments hereinafter specified, made or executed within any part of these Settlements, shall bear a Stamp of such value and amount as hereinafter provided; that is to say,

1. All Deeds and other Instruments (except Leases and Mortgages) purporting to convey a title to immoveable property, or any right, interest, or claim therein, shall be written on stamped paper or other material bearing an ad valorem duty upon the bonâ fide consideration or actual value of the same, to be assessed according to the Table marked A. in the annexed Schedule.
2. All Instruments whatsoever, in writing, purporting to transfer or make over any moveable property.
  - All Leases of immoveable property.
  - All Assignments of Ships.
  - All Mortgages, Bonds, and Obligations for the payment of money, and all Assignments thereof, shall bear an ad valorem Stamp, according to the Table marked B. in the annexed Schedule.
3. All Bonds of indemnity and all penal bonds for the performance of any duty or trust; all bonds by which, before suit brought, any difference matter or thing is submitted to arbitration; and
4. All Deeds or other instruments of composition between debtor and creditor, shall bear a Stamp of Seven shillings and Six-pence each.
5. All Contracts and Agreements, or the minute or memorandum of any agreement, whether the same shall only be evidence of a contract, or obligatory upon the parties, from its being a written instrument, where there is any stipulation to shew the bonâ fide actual value, or the whole pecuniary amount to be fully and definitively paid in furtherance and satisfaction of the same, shall bear an ad valorem Stamp, according

## No. 6,—1836.

to the Table marked C. in the annexed Schedule; where there is not any stipulation to shew such value or amount, a Stamp in proportion to the number of words as in the said Table C. in that behalf defined.

The value of a Contract or Agreement to pay an Annuity for life, shall be estimated at Ten years' amount of such Annuity.

6. All Bills of Exchange and Promissory Notes, shall bear an ad valorem Stamp duty to be assessed according to the said Table C.
7. All Releases, Receipts, or Acquittances given for or upon the payment of money, shall bear an ad valorem Stamp duty according to the Table marked D. in the annexed Schedule:—any note, memorandum, or writing whatsoever, given to any person for or upon the payment of money, whereby any sum of money, debt, or demand shall be expressed or acknowledged to have been paid, settled, balanced or satisfied, whether the same shall or shall not be signed with the name of any person, shall be deemed to be a receipt for a sum of money of equal amount with the sum, debt, or demand so expressed or acknowledged as aforesaid.

A Receipt in full of all demands shall bear a Stamp of Ten shillings.

Any receipt, memorandum, or writing given as aforesaid, which shall not specify the amount paid, settled, balanced or satisfied, shall be deemed to be a receipt in full of all demands, and bear Stamp accordingly.

8. All Letters and Powers of Attorney, whether general or special (excepting such as may be made by soldiers and sailors, and their executors and administrators, for pay or prize money), executed within these Settlements, shall bear a Stamp of Five shillings each, and all substitutions under any power of Attorney, a Stamp of Two shillings and six-pence each.
9. Every Notarial Act, not otherwise specified herein, shall bear a stamp of Three shillings; and all extracts and copies of Notarial Acts, shall bear a stamp of One shilling and six-pence.
10. Every Warrant to act as a Notary, and every Licence to act as an Auctioneer, shall bear a Stamp of Three pounds.

3. Provided always, that no Stamp shall be required upon or in respect of any Wills and Testaments, or Codicils; nor in the case of the several exemptions in the said Schedule mentioned; nor upon any Conveyance of immoveable property made by, or to, or for the use or behalf of His Majesty's Government, or any Lease of Government farms, or any Bond, Obligation or Contract entered into with, or any Security for money taken by direction of Government; or any Bills, or Notes, or Receipts, or Acquittances made or given to, or by Government, or any of the public Officers thereof, acting in its behalf; or in any way to charge Government with Stamp duty in any transaction whatever.

4. And provided further, that nothing in this Ordinance contained, shall be construed to make it necessary, in order to the legal validity of the same, that any bargain, contract, or agreement should be reduced to writing further than is made necessary by law already established, but only to require, that if reduced to writing for the purpose of binding the parties thereto, or any or either of them, such writing shall bear such Stamp as is herein provided.

5. And provided further, that any person receiving payment of money, shall be obliged, if required so to do by the person from whom the payment is to be received, to furnish a release, receipt, or acquittance upon proper Stamp, if liable to Stamp under this Ordinance.

6. And it is further enacted, that any person within these Settlements, who shall execute, grant, negotiate, or become party to any deed or other instrument by this Ordinance subject to Stamp duty, which shall be written on unstamped paper or other material, shall, upon conviction, incur a fine not exceeding twenty times the amount of the Stamp proper to such Deed or Instrument; and any Notary, who shall be convicted of having written or attested the execution of any Deed or other Instrument, written on unstamped or on insufficiently stamped paper or other material, shall incur a fine of fifty times the amount of Stamp proper to such Deed or Instrument, in addition to any Civil responsibility to which he may be liable; and in default of paying any such fine, every such party convicted shall be liable to imprisonment with or without hard labour, at the discretion of the Court, for any period not exceeding Six months.

7. And it is further enacted, that all Courts of Justice within these Settlements shall, without allegation or proof in that behalf, take judicial notice of the several Stamps to which by virtue of this or of any other law, any Deed or other written Instrument is subjected: and that no Deed or other Instrument shall, on any pretence whatsoever, be given or received in evidence, or admitted in any such Court to be good or available in law or equity, unless it shall bear such Stamp as by law at the time of the execution thereof it was required to bear.

8. Provided nevertheless, that whensoever it shall appear to the satisfaction of any Court of Justice, that any Deed or other Instrument, which by the present or any former Ordinance or Regulation is subject to Stamp duty, being either wholly unstamped, or insufficiently stamped, is really and bonâ fide produced in evidence by or on behalf of any party in a suit, who at the time of the execution of the said Deed or other Instrument, or at the time of becoming a party thereto, was not resident, or commorant within these Settlements, then, and in such case only, such Court shall and may receive the same, upon an undertaking of the party producing it to have the said Deed or Instrument duly stamped, and on treble the amount of the Stamp duty payable thereon being deposited in the Court; and on a certificate from the proper Officer of the Court, that such Deed or other Instrument has been so received, being sent with such Deed or Instrument, and with the treble amount so deposited, to the Stamp Office at Colombo, such Deed or Instrument shall have the necessary Stamp affixed thereto by the proper Officer of Government. And it shall be lawful for such Court to award, if justice so require, that the treble amount deposited by such party as aforesaid shall be repaid to him by any adverse party or parties in the suit, who shall have signed, or executed the same, on unstamped or insufficiently stamped paper, or other material.

9 And it is further enacted, that any party possessed of any Deed or other Instrument, which is stamped, and the only objection to which is that it is insufficiently stamped through error or inadvertence, may at any time apply to the District Judge, Government Agent of the Province or his Assistant, and upon affidavit made that no fraud was intended, and upon payment of twenty times the difference between the amount of such insufficient Stamp and of the Stamp proper to such Deed or other Instrument, such District Judge, Government Agent or Assistant Government Agent, shall transmit such Deed or other Instrument, together with a certificate of the payment of such difference of amount to the Stamp Office at Colombo, and the proper Officer shall thereupon affix the proper Stamp to the same, and such Deed or other Instrument shall then be good and available and admissible in evidence, to all intents and purposes against all objections founded on the mere want of Stamp. Provided nevertheless, that if such affidavit shall be false, the party making the same shall, upon conviction, be liable to punishment by fine or otherwise according to the discretion of the Court.

10 And it is further enacted, that it shall not be lawful to attach or annex to any Deed or other Instrument hereby made liable to Stamp duty, any Stamped paper or other material, so as to make up, either wholly or in part, the amount of Stamp duty by law required thereon, nor shall such amount of Stamp duty be by such means considered or held to be made up; but every Stamped paper or other material, which purports to belong to any such Deed or other Instrument as by the present Ordinance is subjected to Stamp duty, shall have written thereon a portion of such Deed or other Instrument.

11. And it is further enacted, that it shall not be lawful to use or apply any Stamp for or to any Deed or Instrument whatsoever liable to Stamp duty or upon any second occasion, which shall have been previously used as a Stamp; nor shall any Deed or Instrument acquire validity by means of any Stamp so previously used; and every party and Notary fraudulently using or applying any Stamp so previously used as aforesaid, shall respectively be liable to the like punishment as by the 6th clause is imposed.

12. Provided always, that Promissory Notes made payable to bearer on demand, may be reissued, after payment thereof, as often as shall be required.

13. And whereas it may frequently happen that Stamps cannot be readily procured at the very time they are required, It is further enacted, that any party to any Deed or other Instrument whatever, hereby required to bear a Stamp, may within Three days after the execution thereof (excluding the day of the execution thereof,) lodge the same, together with the full amount of the Stamp duty thereon, in the hands of the Government Agent of the Province or his Assistant, who shall indorse upon such Deed or Instrument the date of the receipt thereof, and shall with all convenient speed transmit the same to the Stamp Office at Colombo; and the necessary Stamp shall thereupon be affixed to such Deed or Instrument which shall have the like validity as if stamped before the execution thereof, any thing in this or any other Regulation or Ordinance contained to the contrary notwithstanding.

14. And it is further enacted, that no exception shall be allowed nor any penalty incurred, under this or any other Ordinance or Regulation, on the ground of the Stamp upon any Deed or other Instrument being of higher value or amount than by law at the time of the execution thereof was required for the same.

#### SCHEDULE.

##### TABLE A.

Ad valorem Stamp duty on all Conveyances of Immoveable property.

	£	s.	d.
On every amount under—£ 3	0	1	0
On £ 3—and under— 5	0	1	6
” ” 5—and under— 10	0	3	0
” ” 10—and under— 15	0	4	6
” ” 15—and under— 20	0	6	0

No. 6, — 1836.

TABLE A. (Continued.)

	£	s.	d.
On £ 20—and under £ 25	0	7	6
” ” 25—and under— 30	0	9	0
” ” 30—and under— 35	0	10	6
” ” 35—and under— 40	0	12	0
” ” 40—and under— 45	0	13	6
” ” 45—and under— 50	0	15	0
” ” 50—and under— 60	0	18	0
” ” 60—and under— 70	1	1	0
” ” 70—and under— 80	1	4	0
” ” 80—and under— 90	1	7	0
” ” 90—and under— 100	1	10	0

And so on at the rate of 3 Shillings for every £10 of additional value, but the duty not to exceed in any case £50.

TABLE B.

Ad valorem Stamp duty upon all Transfers of Moveable property, Mortgages, Bonds, Obligations, Leases, Assignments, &c. &c.

	£	s.	d.
Under £ 1 no Stamp required			
On — 1 and under—£ 2	0	0	2
— 2 and under— 5	0	0	3
— 5 and under— 10	0	0	6
— 10 and under— 20	0	2	0
— 20 and under— 30	0	4	0
— 30 and under— 40	0	5	0
— 40 and under— 50	0	7	0
— 50 and under— 75	0	10	0
— 75 and under— 100	0	12	0
— 100 and under— 150	0	16	0
— 150 and under— 200	1	0	0
— 200 and under— 300	1	10	0
— 300 and under— 500	2	0	0
— 500 and under— 1000	3	0	0
— 1000 and under— 2000	4	0	0

And so on at the rate of One Pound for every additional sum of £ 1000.

## Exemptions.

Bonds and Obligations required or becoming necessary in the course of Proceedings in any Court of law, but this exception is not to affect any fee of Court directed to be levied by Stamp. Bonds of Indemnity given to Fiscals, or any of their Officers in the course of executing process.

All Transfers and endorsements of Bills of Exchange, Promissory Notes, and other negotiable Securities.

TABLE C.

Ad valorem Stamp duty on Contracts and Agreements, Bills of Exchange and Promissory Notes, &c.

	£	s.	d.
Under £ 1 no Stamp required.			
On — 1 and under—£ 2	0	0	1
— 2 and under— 3	0	0	2
— 3 and under— 5	0	0	3
— 5 and under— 10	0	0	6
— 10 and under— 20	0	1	0
— 20 and under— 30	0	1	6
— 30 and under— 40	0	2	0
— 40 and under— 50	0	2	6
— 50 and under— 60	0	3	0
— 60 and under— 80	0	3	6
— 80 and under— 100	0	4	0
— 100 and under— 150	0	5	0
— 150 and under— 200	0	6	0
— 200 and under— 300	0	7	0
— 300 and under— 500	0	8	0
— 500 and under— 1000	0	10	0
— 1000 and under— 2000	0	15	0
— 2000 and under— 3000	1	0	0
— 3000 and under— 5000	1	6	0
— 5000 and upwards —	1	10	0

Foreign Bills drawn in sets to be charged at the same rate per set.

Where there is not any stipulation to shew the actual value or pecuniary amount of any Agreement, &c.

No. 6,—1836.

	s.	d.
On 120 words or less.....	1	6
above 120 words and not above 240 words.....	3	0

And so on at the rate of 1s. 6d. for every additional 120 words, or any less quantity, (if figures be made use of every figure to count as a word.)

Exemptions from Stamp duty.

1. Memorandum letter or agreement made for or relating to the sale of any goods, wares, or merchandise.
2. Letters containing any agreement 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.
3. Contracts and Agreements for the hire of any Labourer, Artificer, Manufacturer or menial Servant.
4. Memorandum or Agreement for wages made between any Master of any Vessel or Boat and the Mariners or Crew of the same.
5. Agreements and Contracts to marry.
6. Bills of Lading.
7. Conditions of Sale of any property sold by any Licensed Auctioneer.

TABLE D.

Ad valorem Stamp duty on all Releases, Receipts, &c.

Under £ 1 no Stamp required.	s.	d.
On — 1 and under—£ 3	0	1
— 3 and under— 5	0	2
— 5 and under— 10	0	3
— 10 and under— 15	0	6
— 15 and under— 20	0	9
— 20 and under— 30	1	0
— 30 and under— 50	1	6
— 50 and under— 100	2	0
— 100 and under— 200	3	0
— 200 and under— 300	4	0
— 300 and under— 500	5	0
— 500 and under— 1000	7	6
— 1000 and upwards	10	0

Exemptions—

Receipts or discharges endorsed or otherwise written upon or contained in any Bond, Mortgage, Bill of Exchange, Promissory Note 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 thereon expressed, or the receipt of any principal money, interest, or annuity thereby secured.

Given at Colombo this Twenty-second day of December, One Thousand Eight Hundred and Thirty-six.

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

**No. 7,—1836.** (*Repealed by Ordinance No. 5 of 1837.*)

*For establishing a new Tariff of Duties on Goods Exported and Imported.*

No. 7,—1836.

WHEREAS it is expedient to establish a New Tariff of Duties to be charged on goods exported from and imported into this Colony :

1. It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of January One thousand Eight hundred and Thirty-seven the 33rd clause of the Regulation No. 9 of 1825, the Regulation No. 4 of 1829, entitled, "*For promoting the growth of certain articles of Agricultural produce in the Island of Ceylon, and for the encouragement of Agricultural speculation,*" and the Regulation No. 7 of 1830, entitled "*For amending the Tariffs of Duties imported and exported, and for encouraging the warehousing of Cotton,*" except in so far as respects any offences then already committed, or any fines, penalties, dues, or liabilities then accrued, or the repeal of any previous Regulations, be and the same are hereby repealed.

2. And it is further enacted, that from and after the said First day of January One thousand Eight hundred and Thirty-seven, all goods exported from any Port of this Colony, whether coastwise or otherwise, or imported into this Colony from parts beyond the same, except such as are declared free, shall be liable to and charged with duty according to the rates specified in the Tariff to this Ordinance annexed.





Liqueurs, viz :		£	s.	d.				
French, per quart Bottle	.....	0	0	9				
British	{ Cherry Brandy..... Do. Ratafia..... Raspberry Brandy .. Do. Ratafia..... Rum Shrub, & all other British Liqueurs.             }	} per doz.	pints.....	0 4 6				
Machinery, for Agriculture or any kind of manufacture, free.								
Maps, free.								
Opium, per lb.					.....	0	1	0
Paddy per Bushel					.....	0	0	3
Pearls free.								
Precious Stones, free.								
Regimental Clothing, free.								
Rice, per Bushel	.....	0	0	7				
Spirits, per Gallon.....	.....	0	4	6				
Stock (live), free.								
Timber, free.								
Wines, viz :—								
Madeira, per Pipe	.....	3	0	0				
Do. per dozen quarts.....	.....	0	1	9				
Teneriffe, per Pipe	.....	1	10	0				
Do. per dozen quarts.....	.....	0	1	0				
English Claret, per do.	.....	0	4	0				
Port, per gallon	.....	0	0	6				
Do. per dozen quarts...	.....	0	1	9				
Lisbon White and Red, per Pipe...	.....	2	0	0				
Do. Do. per dozen quarts	.....	0	1	3				
Sherry, per Gallon	.....	0	0	6				
Do. per dozen quarts	.....	0	1	0				
French Claret, per Hogshead	.....	2	0	0				
Do. per dozen quarts	.....	0	2	3				
Champagne, per do. ...	.....	0	5	0				
Burgundy, per do. ...	.....	0	5	0				
Stein Wine per do. ...	.....	0	1	9				
Do. do. in Cask, per gallon ...	.....	0	0	6				
Constantia, per dozen quarts	.....	0	4	0				
Do. in Cask, per gallon ...	.....	0	1	7				
Cape Wine, per gallon ...	.....	0	0	1				
Do. per dozen quarts	.....	0	0	3½				
Barsac, Sautern, Vin de Grave, and all Wines not otherwise enumerated, per dozen quarts	.....	0	1	9				
Malmsey Madeira, per Pipe	.....	5	0	0				
Do. do. per dozen quarts	.....	0	2	6				
Sercial, per Pipe	.....	5	0	0				
Do. per dozen quarts	.....	0	2	6				
Tinto, per Pipe	.....	5	0	0				
Do. per dozen quarts	.....	0	2	6				

TARIFF OF EXPORT DUTIES.

Apparel (Wearing) and Personal Baggage, free.	
Bullion, free.	
Cattle, free.	
Cinnamon, per lb.	..... 0 2 6
Do. (if assorted as the third Sort by the Government (assorters,) per lb.	..... 0 2 0
Cinnamon Oil, per oz. ...	..... 0 1 0
Goods not otherwise enumerated or discharged of duty, at the rate for every One Hundred pounds value thereof ...	..... 2 10 0
Horses, free.	
Pearls, free.	
Precious Stones, free.	

Given at Colombo this Twenty-third day of December, One Thousand Eight Hundred and Thirty-six.

By His Excellency's Command,  
 P. ANSTRUTHER,  
 Colonial Secretary.

No. 8,—1836. (Repealed by Ordinance No. 1 of 1846.)

For protecting the Revenue derived from the Post Office, and for revising the rates of Postage. WHEREAS it is expedient to protect by a Legislative Enactment the Revenue derived from the Post Office Establishment within these Settlements, to revise the rates of Postage, and to lay down certain Regulations equally binding on the Public and that De-

No. 8,—1836.

No. 8, — 1836.

partment, and thereby to supersede the several rules now existing, whether in the form of Government Regulations, Advertisements, or otherwise :

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of February One Thousand Eight Hundred and Thirty-seven, the Regulations of Government No. 3 of 1812, entitled "*For regulating the franking of letters,*" and No. 20 of 1813, entitled "*For establishing new rates of Postage for letters in the British Settlements in the Island of Ceylon,*" and the Government Advertisements of the 12th June 1816, of the 28th June 1822, and of the 23d October 1833, and all other Orders or Regulations relative to the Post Office Department within these Settlements, be repealed and rescinded.

2. And it is further enacted, that it shall not be lawful for any person to transmit or convey any letter or letters from any part of these Settlements to any other part thereof by any other means than by or through the Post Office Establishment, with the following exceptions, that is to say, letters from or to any place not being in the line of road along which the Post travels, letters unsealed and open to inspection, letters concerning goods or documents or other property to be delivered, such letters being sent with or for the purpose of being delivered at the same time as the property they concern; letters to be sent by any private friend or friends in their way of journey or travel, or by any messenger sent on purpose for or concerning the private affairs of any person or persons. Any person otherwise sending any letter shall pay a fine of ten times the Postage chargeable on such letter, to be levied on his goods.

3. And it is further enacted, that upon all letters and packets to be transmitted from and after the said First day of February One Thousand Eight Hundred and Thirty-seven, by or through the Post Office Establishment to or from any place within these Settlements or to the Continent of India, there shall be levied the rates of Postage, according to distance, specified in the Schedules to this Ordinance annexed.

4. And it is further enacted, that every letter not exceeding in weight half an ounce avoirdupois, shall be taken to be and charged as a single letter; if exceeding half an ounce and not exceeding an ounce, as a double letter; if exceeding an ounce but not exceeding an ounce and half, as a treble letter; and in like proportion every additional half ounce in weight shall be charged as a separate letter.

5. And it is further enacted, that the unrestricted privilege of sending and receiving all letters and packets free of Postage be reserved to

His Excellency The Governor, or Lieutenant Governor, of these Settlements for the time being.

The Honble the Chief Justice of this Island.

The Honble the Officer Commanding H. M. 's Forces in this Island—and  
The Honble the Colonial Secretary.

6. And it is further enacted, that the privilege of sending and receiving all letters free of Postage within these Settlements be also reserved to The Honble the Puisne Judges of the Supreme Court of this Island—The Honble the Members of the Executive Council—the Venerable the Archdeacon, and the Military Secretary or Assistant Military Secretary—provided the number of private letters sent do not exceed five, and the number received ten, daily; and that the weight of any letter do not exceed one ounce. And provided further, that all private letters franked by persons by this clause allowed that privilege, except those addressed in any Asiatic language, shall be directed exclusively in the hand-writing of the person franking, who shall not be at liberty to delegate his privilege to any other person: the date of the month shall be written in words at full length, and of the year in figures, and the letter shall be put into the Post Office on the day specified on the frank.

7. And it is further enacted, that any person who shall write on any letter or envelope the name of any of the persons hereby declared to be entitled to the privilege of franking, in order that the same may go free, or with intent to defraud Government of the Postage to which the same would be liable, shall, on conviction, forfeit for each offence the sum of Fifty pounds, and in default of payment be imprisoned with or without hard labour for a period not exceeding Six calendar months.

8. And it is further enacted, that all letters or packets on the public service, Civil or Military, to be forwarded to Colombo, or wherever the Colonial or Military Secretary or Assistant Military Secretary may happen to be, shall be directed to those Officers respectively, with the name and address on the envelope of the individual for whom they are intended, and such envelope shall bear the signature (and official designation, if he be in public employ,) of the person sending the same; and the Heads of Departments, their Assistants, and all others in public employ are hereby strictly forbidden so to place their signature upon any letter or upon the envelope of any letter or packet, unless they shall have satisfied themselves that it relates exclusively to the business of their respective Departments, and any person sending and any public Officer permitting to be sent, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature, shall, on conviction, forfeit and pay the sum of Five pounds.

9. And it is further enacted, that every public Officer receiving any letter, paper or thing, which shall have been sent by Post enclosed in or under colour or pretence of an official communication, and which shall not actually and bonâ fide concern His Majesty's service, and relate exclusively to the business of his Department, is hereby strictly required, on pain of being himself liable to the Postage thereof and to a fine not exceeding Five pounds for neglect, to transmit the same forthwith to the Post Master General in Colombo, or Government Agent or Assistant Government Agent of the Province, with the envelope under which the same was sent, in order that the Postage, together with the penalty, may be levied and recovered from the person sending.

10. And it is further enacted, that upon all letters passing between public Officers, being exclusively and solely on His Majesty's service, with the exception of those addressed to any person entitled to such unrestricted privilege as aforesaid, or bearing his signature on the envelope, Postage shall be levied, the total amount whereof at the end of the month shall be reimbursed to the Officer charged therewith, by being brought into the Contingencies of the Department, together with the proper vouchers.

11. And it is further enacted, that besides all persons in the United Kingdom, who by virtue of any Act of Parliament enjoy the right or privilege of transmitting their letters free of Postage to this Colony, the following persons not residing in Ceylon shall be permitted to send and receive letters through the Post Office of this Island free of Postage: The Governor General and Governors of the Presidencies of British India, the Commanders in Chief in British India, and the Naval Commander in Chief, the Metropolitan Bishop of Calcutta and the Bishop of this Diocese, the Secretary to the Supreme Government, and the Secretaries to Government at the several Presidencies of British India, and the Governors and Colonial Secretaries of any of His Majesty's Colonies.

12. And it is hereby enacted, that One penny only shall be charged on every printed Newspaper, Price Current, or Shipping Report, transmitted inland by or through the Post Office Establishment of this Colony, from and to all parts thereof and to all parts beyond the same, such penny to be paid on putting the same into the Post Office; and that no Sea-postage shall be levied thereon when conveyed by Ships arriving at or sailing from any part of these Settlements, if sent open at both ends; but if any other paper or writing whatsoever be enclosed or concealed in any such printed Newspaper, Price Current, or Shipping Report, or there shall be any communication or writing thereon or on the cover thereof, except the name and address of the person by and to whom it is sent, or any other reference or direction as to its delivery or transmission, it shall be charged with treble the duty of letter postage which the person to whom the same is sent, receiving the same after notice thereof, shall be obliged to pay, or in case he refuses to receive it, shall be paid by the person sending, if he can be ascertained and be residing within these Settlements.

13. Provided always, that all Official Gazettes shall pass free of postage.

14. And it is further enacted, that all periodical Magazines and printed periodical Pamphlets, whether issuing from the Press of this Island or elsewhere, shall, if sent open at both ends, be charged with a Postage of One penny, and if the same exceed the weight of one ounce at the rate of one farthing in addition per ounce, but no fractional parts of one farthing shall be charged; and the Post Master General or his Deputies at Outstations shall at all times have liberty of inspecting such Magazines and Pamphlets, to ascertain whether any other paper or communication be concealed or inserted therein not belonging thereto, and in case any other paper or communication be found therein, or it be not sent open at both ends as aforesaid, full Postage shall be chargeable on the Magazine or Pamphlet as on a letter of the same weight.

15. And it is further enacted, that the transmission of Parcels by the Post shall only take place at such period or periods, and to and from such parts of these Settlements, and at such rates or charges, as shall from time to time, by previous Advertisement in the Gazette, be directed by the Governor or Lieutenant Governor for the time being.

16. Provided always, that nothing herein contained shall be construed to oblige any person to send any printed Newspaper, Price Current, Shipping Report, Magazine, Pamphlet or Parcel through the Post Office, but that it shall be lawful for all persons to send the same in manner most practicable or convenient.

17. Provided further, that the privilege of franking shall not extend to any Printed Newspaper, Price Current, Shipping Report, Magazine or Pamphlet transmitted through the Post Office.

18. And it is further enacted, that notice shall be given by the Post Master General or his Deputies as early as possible after the arrival of any Ship, of the Parcels received thereby, but that no Parcel received by Sea, if the weight thereof exceed Two ounces, shall be transmitted by Post until the same shall have duly passed through the Custom House, and unless the person to whom it is addressed shall send an application to that effect to the Post Master General, when any such Parcel shall be forwarded to the person so applying, who will be held responsible for the Postage due thereon, whatever may be its amount.

19. And it is further enacted, that on every Letter and Packet which shall be brought to Ceylon by any vessel arriving from any Port or place beyond sea, there shall be a Sea-

No. 8, — 1836.

postage of Four pence, and on every letter which shall be sent through the Post Office to parts beyond Sea a Sea-postage of Two pence, provided any such letter so brought or sent do not exceed the weight of Two ounces: and one additional Shilling shall be charged on every additional ounce weight thereof, besides any Postage chargeable thereon for subsequent transmission inland. And for the encouragement of the Masters or Commanders of vessels, it shall be lawful for the Post Master General to allow to the Commander or Master of every vessel arriving as aforesaid, the sum of Two pence for each letter or packet, not being enclosed in the Ship Mails of the General Post Office of the United Kingdom, by him delivered or caused to be delivered on his first arrival at any Post Office in these Settlements.

20. And it is further enacted, that the Captain, Master or other person in command of every vessel sailing from any Port of these Settlements, shall receive on board and convey all Mails and bags of letters which shall be delivered or caused to be delivered to him by the Post Master General or his Deputies, and every Captain, Master or other person in command of any vessel who shall refuse or neglect duly to receive or convey the same when tendered to him, shall be liable to a penalty of One Hundred pounds, and the Collector, Comptroller or other principal Officer of Customs, is hereby prohibited from granting the Port Clearance until the Mails or bags so tendered have been received and a receipt given.

21. And it is further enacted, that it shall be lawful for the Owners, Consignors, and Consignees of goods on board vessels arriving from or sailing to any Port or place beyond these Settlements, and for the Owners, Charterers and Consignees of such vessels to receive and send by such vessels letters free of Sea-postage, provided that such Owners, Consignors, Consignees and Charterers shall be described as such in the address, and that the fact of their truly being so shall appear by the Ship's Manifest and papers, and that the letter or letters brought by any one such Ship, for any one such Owner, Consignor, Consignee or Charterer, shall not collectively exceed the weight of Six ounces: but in the instance of packets or letters received by Sea, such packets or letters must be sent by the Post Office of the place where the vessel on arrival first touches.

22. And it is further enacted, that any person within the Jurisdiction of the Courts of these Settlements, who shall falsely and fraudulently superscribe any letter, as being the Owner, Charterer, or Consignee of the vessel conveying the same, or the Owner, Consignor or Consignee of goods on board thereof, shall for every such offence be liable to a fine of Twenty pounds.

23. And it is further enacted, that on the arrival of any vessel off the coast of Ceylon, the Master or person in chief command thereof shall cause all letters on board to be collected, and at the first Port send the same on shore by his own boat or by the Pilot boat, or any other safe and convenient opportunity, in order that the same may be delivered at the earliest period at the first regular Post Office which can be communicated with, and shall at such Port sign and forward to the Collector or Comptroller or principal Officer of Customs, a Declaration to the effect following, that is to say:

“ I A. B. Commander of the (*state the name of the Ship or Vessel*) arrived from (*state the place*) do, as required by Law declare, that I have to the best of my knowledge and belief, delivered, or caused to be delivered to the Post Office, every Letter, Bag, Package or Parcel of Letters that were on board the (*state the name of the Ship.*)”

And that until such Declaration shall be so forwarded, the Collector, Comptroller or Principal Officer of the Customs shall not permit such Ship or Vessel to report, or receive the Port Clearance, and in case such Declaration shall be false, the person making the same shall, upon conviction, be liable to a fine of Fifty pounds.

24. And it is further enacted, that it shall be lawful for any Collector or Comptroller of Customs, or Master Attendant or other Officer, at any Port or place in these Settlements, who in the due execution of his duty as a Revenue Officer, shall discover any letters or packets on board any vessel, in any Port or place whatsoever, contrary to the provisions of this Ordinance, to seize and take all such letters and packets, and to forward the same to the Post Master General or his Deputy at such Port or place; and that the Officer seizing and sending the same shall be entitled to one moiety of any penalty which may be imposed and be recovered for any such offence.

25. And it is further enacted, that the Masters Attendant, at their respective stations, shall give the earliest intimation possible to the General Post Office, of the intended departure of all vessels for England, India, or elsewhere, and shall deliver to the Commanders of such vessels on their departure, any letter-packets that may be sent to their respective Offices from the General Post Office, and obtain a receipt for the same which shall be lodged in the Post Office.

26. And it is further enacted, that letters addressed to any place in India shall be charged with full Postage to the place of their respective addressees, to be paid on putting such letters into the Post Office; and that all Parcels, Pamphlets, &c. shall be paid as far as the boundary of this Island, and that all Letters and Newspapers received from any of the Presidencies of India, shall be delivered free of Postage in this Island, provided the same shall bear the stamp of any of the Post Offices of those Presidencies as having been paid, or shall be free under the provisions of the 11th clause of this Ordinance; and all parcels received by Post from India shall be charged Postage as from the boundary to its destination in this Island.

27. And it is further enacted, that money, jewels, ornaments, or other valuable articles sent by Post, shall be received and forwarded at the entire risk of the persons sending the same, and the letter or packet containing the same shall be charged with letter Postage according to the weight thereof.

28. And it is further enacted, that all letters which the persons addressed shall refuse to receive shall be returned to the Office from whence they were despatched, and the persons sending the same, if in these Settlements, shall be charged with the original Postage, and all letters addressed to persons who cannot be found at the place of address shall be returned (without charge) either to the persons sending them or to the Office from whence they were first despatched, and in the latter case they shall be entered in a list to be exposed in the most public part of such Office, and from time to time the list shall be sent to the Post Master General to be published in the Government Gazette.

29. And it is further enacted, that any person opening a letter or envelope, shall be bound to pay the Postage of the same, whatever may be the contents, but it shall be lawful for the Post Master to remit the Postage of any letter so opened, which shall appear to have been sent maliciously to annoy and charge the person addressed with the Postage thereof.

30. And it is further enacted, that it shall be lawful for every seaman actually employed in His Majesty's Navy, or in the employ of this Government, to send single letters by Post on his own private concerns only, at the rate of One penny only for each such letter, to be paid upon putting the same into the Post Office: Provided nevertheless, that upon every such letter the name of the writer and his class or description in the ship or vessel to which he shall belong, shall be superscribed; and provided also, that upon every such letter there shall be written in the hand-writing of and signed by the Officer having at the time the command of the ship or vessel, his name and the name of the ship or vessel commanded by him.

31. And it is further enacted, that it shall be lawful for every seaman actually employed in His Majesty's Navy or in the employ of this Government, to receive by the Post on his own private concerns only, free from Postage, single letters: Provided that the sum of One penny for the Postage of each single letter shall be paid upon putting the same into the Post Office; and provided also, that every such letter shall be directed to such seaman, specifying on the superscription thereof the ship or vessel to which he shall belong; and provided likewise, that it shall not be lawful for the Post Master General or his Deputy, at the place to which such letter shall be sent to be delivered, to deliver such letter to any person except the seaman to which such letter shall be directed or to some person appointed to receive the same by writing under the hand of the Officer having the command of the ship or vessel to which such seaman shall belong.

32. Provided nevertheless, that nothing in the two last preceding clauses contained shall extend or be construed to extend to letters sent by or to Commissioned Officers or Warrant Officers, Midshipmen or Masters' Mates.

33. And it is further enacted, that it shall be lawful for every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in His Majesty's Forces, whilst actually employed in His Majesty's Service in this Colony, to send single letters by Post, on his and their own private concerns only, at the rate of One penny only for each such letter to be paid upon putting the same into the Post Office: Provided nevertheless, that upon every such letter so to be sent, the name of the writer and his class or description in the Regiment, Corps, or Detachment to which he shall belong shall be subscribed; and provided also, that upon every such letter there shall be written in the hand-writing of and signed by the Officer having at the time the command of the Regiment, Corps, or Detachment, his name and the name of the Regiment, Corps, or Detachment commanded by him.

34. And it is further enacted, that it shall be lawful for every serjeant, corporal, drummer, trumpeter, fifer, or private soldier in His Majesty's Forces, whilst actually employed in His Majesty's Service in this Island and not otherwise, to receive by the Post, on his or their own private concerns only, free from Postage, single letters: Provided, that the sum of One penny for the Postage of each such letter shall be paid upon putting the same into the Post Office; and provided also, that every such letter shall be directed to such serjeant, corporal, trumpeter, drummer, fifer, or private soldier, specifying on the superscription thereof the name of the Regiment, Corps, or Detachment, to which he shall belong; and provided likewise, that it shall not be lawful for the Post Master General or his Deputy at the place to which such letter shall be sent to be delivered, to deliver such letter to any person, except the serjeant, corporal, trumpeter, drummer, fifer, or private soldier, to whom such letter shall be directed, or to some person appointed to receive the same, by writing under the hand of the Officer having the command of the Regiment, Corps, or Detachment to which such serjeant, corporal, trumpeter, drummer, fifer, or private soldier shall belong.

35. Provided nevertheless, that nothing in the two last preceding clauses contained shall extend or be construed to extend, to letters sent by or to Commissioned Officers or Warrant Officers.

36. And it is further enacted, that if any person having the command of the Ship, Vessel, Regiment, Corps, or Detachment, and who is hereby authorised to write his name and the

No. 8, —1836.

name of the Ship, Vessel, Regiment, Corps or Detachment commanded by him, upon any single letter from any such seaman, serjeant, corporal, trumpeter, drummer, fifer, or private soldier, shall wilfully and knowingly write his name upon any such letter that is not from any such seaman, serjeant, corporal, trumpeter, drummer, fifer, or private soldier, and on his or their own private concerns only, such Commanding Officer shall, for every such offence, be liable to a fine of Five pounds.

37. And it is further enacted, that if any person not having at the time the command of the Ship, Vessel, Regiment, Corps, or Detachment, shall write his name upon any such letter, in order that the same may be sent at a lower rate of Postage than by law established, every such person shall, for every such offence, be liable to a fine of Five pounds.

38. And it is further enacted, that if any person or persons whomsoever shall knowingly and designedly address a letter or letters to any such seaman, serjeant, corporal, trumpeter, drummer, fifer, or private soldier, which shall be intended for another person, or which shall be concerning the affairs of another person, with intent to evade the payment of the rate of Postage by law established, every such person or persons so offending shall, for every such offence, be liable to a fine of Five pounds.

39. And it is further enacted, that if any person or persons whomsoever shall procure any such seaman, serjeant, corporal, trumpeter, drummer, fifer, or private soldier, to obtain the signature of his Commanding Officer to any letter or letters to be sent by the Post, which shall not be on the private concerns of such seaman, serjeant, corporal, trumpeter, drummer, fifer, or private soldier; or if any such seaman, serjeant, corporal, trumpeter, drummer, fifer, or private soldier shall himself obtain the signature of his Commanding Officer upon any letter or letters which shall not be from such seaman, serjeant, corporal, trumpeter, drummer, fifer, or private soldier, and upon his own private concerns only, in order to avoid the payment of the rate of Postage by law established, each and every person so offending shall, for every such offence, be liable to a fine of Five pounds.

40. And it is further enacted, that a share not exceeding one moiety of any fines or penalties, which under or by virtue of this Ordinance shall be imposed and paid or levied shall be awarded to the informer, and in default of paying any such fine or penalty the offender or offenders shall be imprisoned, for a period not exceeding Six calendar months, or until such penalty or forfeiture shall be sooner paid or levied.

41. And it is further enacted, that any person who shall rob, steal, or fraudulently obtain possession of any Mail of letters or of any letter, packet or parcel, entrusted to and to be conveyed by Post, shall be guilty of a Misdemeanor and punishable accordingly.

42. And it is further enacted, that any person who being employed in any capacity in, by, or under the Post Office Establishment, shall fraudulently secrete, steal, embezzle, destroy, mutilate or break open any letter, packet or parcel, which shall have been put into the Post for transmission, whether any thing valuable be therein contained or not, or who, being so employed, shall steal or fraudulently take out of any such letter, packet or parcel, any draft, promissory note or any other contents whatsoever, or who shall embezzle or not duly account for any money received by him on account of Postage, shall be guilty of a Misdemeanor, and punishable according to the circumstances of the case.

### SCHEDULE I.

#### RATES OF INLAND POSTAGE.

					<i>Miles.</i>	<i>d.</i>
For any distance not exceeding	...	...	...	...	10	1
"	"	...	...	...	20	2
"	"	...	...	...	35	3
"	"	...	...	...	50	4
"	"	...	...	...	65	5
"	"	...	...	...	80	6
"	"	...	...	...	95	7
"	"	...	...	...	120	8
"	"	...	...	...	150	9
"	"	...	...	...	180	10
"	"	...	...	...	210	11
"	Exceeding	...	...	...	210	12

The same rates are to be charged on letters from any place within the Government Agency of the Northern Province to any place on the Continent of India not exceeding the distance of 400 miles from Jaffna.

## SCHEDULE II.

No. 8,—1836.

## RATES of POSTAGE for a single Letter to places in India.

	Miles.	s.	d.		Miles.	s.	d.
Ahmedabad ... ..	1549	—	2 0	Kamptee ... ..	1263	—	2 0
Ahmednugger ... ..	1178	—	2 0	Karrical ... ..	331	—	1 1
Aleppe ... ..	696	—	1 6	Kedgere ... ..	1496	—	2 0
Arcot ... ..	526	—	1 4	Kittoor ... ..	923	—	1 10
Arnee ... ..	545	—	1 4	Kurnool ... ..	809	—	1 9
Asseerghur ... ..	1374	—	2 0	Maddepolam ... ..	869	—	1 10
Aurangabad ... ..	1248	—	2 0	MADRAS ... ..	515	—	1 4
Balasoar ... ..	1409	—	2 0	Madura ... ..	484	—	1 3
Bangalore ... ..	628	—	1 7	Mangalore ... ..	821	—	1 9
Baroche ... ..	1432	—	2 0	Masulipatam ... ..	824	—	1 9
Baroda ... ..	1480	—	2 0	Mhow ... ..	1490	—	2 0
Bejapoor ... ..	1027	—	2 0	Mysore ... ..	659	—	1 6
Belgaum ... ..	928	—	1 10	Nagercoil... ..	724	—	1 7
Bellary ... ..	831	—	1 9	Naggery ... ..	572	—	1 5
Berhampoor ... ..	1209	—	2 0	Nagore ... ..	324	—	1 1
Bhooj ... ..	1794	—	2 0	Nagpore ... ..	1252	—	2 0
BOMBAY ... ..	1192	—	2 0	Nassurbad ... ..	1795	—	2 0
CALCUTTA ... ..	1543	—	2 0	Negapatam ... ..	319	—	1 1
Calicut ... ..	671	—	1 6	Nellore ... ..	621	—	1 6
Cambay ... ..	1514	—	2 0	Neimutch ... ..	1650	—	2 0
Canjeveram ... ..	500	—	1 3	Ootocamund ... ..	581	—	1 5
Cannanore ... ..	729	—	1 7	Palamcottah ... ..	584	—	1 5
Cawnpore ... ..	...	—	2 0	Palaveram ... ..	502	—	1 4
Chingleput ... ..	476	—	1 3	Poonah ... ..	1102	—	2 0
Chicacole... ..	1056	—	2 0	Poonamalee ... ..	527	—	1 4
Chittoor ... ..	564	—	1 5	Pondicherry ... ..	407	—	1 3
Cochin ... ..	731	—	1 7	Portonovo ... ..	377	—	1 2
Coimbatore ... ..	558	—	1 5	Pulicat ... ..	548	—	1 4
Combaconum ... ..	394	—	1 2	Quilon ... ..	641	—	1 6
Coringa ... ..	939	—	1 10	Ramnad ... ..	...	—	1 0
Cuddalore ... ..	395	—	1 2	Ramisseram ... ..	...	—	1 0
Cuddapah ... ..	687	—	1 6	Sadras ... ..	495	—	1 4
Cuttack ... ..	1300	—	2 0	Salem ... ..	513	—	1 4
Damaum ... ..	1319	—	2 0	Saugur ... ..	1583	—	2 0
Deesa ... ..	1652	—	2 0	Secunderabad ... ..	948	—	1 10
Dindigul ... ..	486	—	1 3	Seringapatam ... ..	668	—	1 6
Ellickpoor ... ..	1279	—	2 0	Sheally ... ..	356	—	1 2
Ellore ... ..	817	—	1 9	Surat ... ..	1393	—	2 0
Ganjam ... ..	1192	—	2 0	Tanjore ... ..	371	—	1 2
Goa ... ..	1005	—	2 0	Tellicherry ... ..	714	—	1 7
Guntoor ... ..	759	—	1 7	Tranquebar ... ..	338	—	1 1
Gwalior ... ..	1768	—	2 0	Trevandrum ... ..	681	—	1 6
Hurryhur ... ..	813	—	1 9	Trichinopoly ... ..	403	—	1 3
Hyderabad ... ..	945	—	1 10	Tutucoreen ... ..	617	—	1 6
Indoor ... ..	1481	—	2 0	Vellore ... ..	542	—	1 4
Jaulnah ... ..	1232	—	2 0	Vengatagherry cottah ... ..	591	—	1 5
Jayapoor ... ..	1880	—	2 0	Vizagapatam ... ..	1000	—	1 11
Kairah ... ..	1529	—	2 0	Wallajabad ... ..	419	—	1 3

Given at Colombo this Twenty-third day of December, One Thousand Eight Hundred and Thirty-six.

By His Excellency's Command,

P. ANSTRUTHER,

Colonial Secretary.

**No. 9,—1836.** (*Repealed by Ordinance No. 1 of 1839.*)

*For defining the powers, duties and responsibilities of Fiscals and their Officers.*

WHEREAS it has become necessary to define the powers, duties and responsibilities of all Fiscals throughout these Settlements, and of their Officers in the execution of process, and for that purpose it is expedient to repeal the Regulations now in force within the Maritime Provinces, and to make certain incidental provisions in respect to such process :

1. It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 13 of 1827, entitled "*For amending Regulation No. 6 of 1824, declaring the duties and responsibilities of Fiscals, and for the more certain and correct execution of the process of the several Courts of Justice, and for consolidating the same with No. 7 of 1824,*" the 33rd Clause of the Proclamation of the 22nd of January 1801, the Regulation No. 3 of 1825, entitled "*For repealing the Third Regulation of 1819, and vesting in the Governor the power of fixing the rates of allowances to prisoners, and of altering the same from time to time,*" and the Regulation No. 3 of 1821, entitled "*For enabling*

**No. 9,—1836.**

No. 9, — 1836.

*Fiscals to receive deposits of money, in cases of arrest, instead of taking bail for defendant's appearance,*" except in so far as the same repeal any other Regulation, be and are hereby repealed.

2. And it is further enacted, that all Fiscals and their Deputies duly appointed, shall execute all Citations, Monitions, Summonses, Mandates, Rules, Orders, Warrants, Commands, and Process of all Courts of Justice duly constituted within these Settlements, according to the extent of Jurisdiction of the said Courts respectively, and make and certify the return, together with the execution thereof, to the said Courts, and shall receive and detain in prison such persons as shall be, by the said Courts or other competent authority, committed to the charge of such Fiscals respectively for that purpose.

3. Provided always, that whenever any Court shall direct or decree any process against any Fiscal, or direct any process in any cause, matter, or thing, wherein on account of his being related to either of the parties, or for any other just cause, it shall appear to such Court to be improper that he should execute the same, the Court shall name and appoint some other fit person to execute and return the process, which shall be directed to the person or persons so named; and the cause of such special proceeding shall be suggested and entered on the records of the said Court.

4. And it is further enacted, that any Fiscal, whenever he shall nominate and appoint any person to be his Deputy, shall within three days after the execution of the warrant of deputation, which shall be made according to the Form A. subjoined to this Ordinance, send a correct transcript thereof to the Supreme Court, and to every other Court having jurisdiction within such Deputy's District or Division, and also to the Colonial Secretary; and shall, in like manner, notify whensoever he shall revoke any such deputation.

5. And it is further enacted, that it shall be lawful for such Fiscal or his Deputy to appoint by writing under his hand, any person or persons to execute process either generally or in any particular case.

6. And it is further enacted, that the several Modliars of districts, and other principal Native Headmen thereof, and their subordinate Headmen, shall be in general authorised and required to execute all process, either in Civil or Criminal cases, sent to them by any such Fiscal for execution; and in the execution thereof, they, and such subordinate Officers as they may employ, shall be maintained and protected by Law, as the Officers of such Fiscal, although not holding any written deputation or warrant from him, further than a copy authenticated by the signature of such Fiscal of the process which such persons shall and may be employed to serve and execute.

7. Provided always, that every person proceeding to execute process under the authority of the Fiscal, except the Native Headmen and Police Vidhans, when within their ordinary local limits, shall have in his possession a Staff with a Crown and initials, indicating the Reigning Sovereign, painted or otherwise emblazoned thereon, as also the name of the Province, and shall, if required so to do, produce and openly shew such Staff, when in the act of executing such process.

8. And it is further enacted, that all such Native Headmen and Police Vidhans shall severally be civilly responsible to such Fiscal for the due performance of the duty entrusted to them.

9. And it is further enacted, that any Fiscal, Deputy Fiscal, or any of his Officers, or any person in his employ, who shall demand or take any fee for the execution of any process issuing out of any Court, or for performing any other business of the Fiscal's Office, save and except the fees which the Supreme Court is authorised to allow, or which by this Ordinance are allowed, shall incur a fine of Five pounds for each offence.

10. And it is further enacted, that every person making or inciting resistance or obstruction to any Fiscal, his Deputy or Deputies, or others his Officers, or to the Modliars or other Headmen or their subordinate Officers, in the lawful execution of process, shall be subject to punishment according to the nature and circumstances of the case.

11. And it is further enacted, that all Native Headmen and Police Vidhans, although process be not specially directed to them, shall in general within their local limits afford their aid and assistance to the Fiscal and his Officers in the lawful execution of their duties when required by him or them so to do; and any Native Headmen or Police Vidhans wilfully neglecting or refusing to afford such aid or assistance or making any statement or report to the Fiscal or his Officer calculated to mislead or deceive him or them, shall be subject to punishment according to the nature and circumstances of the case.

12. And it is further enacted, that every Fiscal shall, in the execution of any process directed to or returnable by him, be civilly responsible in damages to any person who may be aggrieved in consequence of any fraud, negligence, or want of ordinary diligence, or of any irregularity of proceeding, or abuse of authority (but not otherwise) on the part of such Fiscal, his Deputy or other his Officers, or of the Native Headmen, Police Vidhans or other subordinate Officers, in the execution of such process; Provided that nothing herein contained shall preclude any person aggrieved from appealing to the Laws for redress against the immediate wrong-doer, civilly or criminally, according to the nature and circumstances of the case.



13. Provided always, that no action shall be maintainable against any Fiscal to recover damages for any act or neglect of himself or his Deputies or other Officers, unless previous notice in writing (distinctly setting forth the grounds of such action) be given to him by the plaintiff or his proctor one month at least before the commencement thereof; and it shall be lawful for such Fiscal at any time before the commencement of such action, to tender amends to the party aggrieved, and if the same be refused, to plead such tender, at the same time paying into Court the amount tendered, and if the Court on the decision of the case shall declare and record that the tender so made and paid into Court is sufficient amends to the party aggrieved, judgment with full costs shall be entered for such Fiscal.

14. And it is further enacted that the service or execution of Process against person or property, shall respectively be subject to the following General Rules :

**RULE 1.**—Any person charged with a Criminal offence and any person who, having been once duly arrested on Civil process, shall have escaped or shall have been rescued, may be arrested at all times, and all days, whether by night or by day, and whether on Sunday or any other day.

2.—Process in Civil cases, whether at the suit of the Crown or individuals, shall not be served or executed between the period of sun-set and sun-rise; nor on a Sunday, Good Friday, or Christmas-day; nor on any Christian Clergyman, nor on any Minister of any other Religion, while performing his functions in any place of public worship, nor upon any individual of any congregation during the performance of public worship at any such place.

3.—In all cases of the service of Process either against the person or property of any party, being a native, a copy of such Process and Translation thereof, in the language of or understood by every such party, shall be left with or openly tendered to him; such copies to be issued to the Fiscal by the Court with the original Process.

4.—To constitute an arrest in Civil cases, the body of the person to be arrested shall be actually seized or touched by the Officer executing the Process, unless such person express his acquiescence in the arrest without being so seized or touched.

5.—In any case of arrest on Mesne process for debt or damages, if the person against whom the writ has issued shall deposit with the Fiscal the amount mentioned in the Warrant, together with a further sum of Seven pounds and Ten shillings to answer any costs to which he may be adjudged liable, the Fiscal shall receive such deposit, and the same shall be deemed as sufficient security, according to the exigency of the writ, and shall forthwith pay the same into Court to abide the result of the suit or the order of the Court.

6.—The outer-door of any dwelling-house shall not be forced open, in order to seize the person under Process issued at the suit of a private individual.

7.—Any door may be forced in the execution of Criminal process.

8.—And in all cases in execution of Process against property,—but not in the latter cases until admittance shall first have been demanded by the Fiscal or his Officer in the presence of the Constable, Police Vidahn or other Headman of the division or village in which the dwelling is situate, in whose presence also, if admittance be not granted, whether there be any person therein or not,—the Fiscal or his Officer shall force open the same.

9.—After any person shall have been taken into the custody of any Fiscal under Civil process, such person shall not be allowed by any Fiscal, Deputy Fiscal or Gaoler, on any pretence to go beyond the walls or other enclosed limit of the Prison in which such person may be confined, unless upon the special Rule and order of some competent Court requiring the attendance of such person, or on the application of such person to be carried before any such Court for the purpose of preferring any complaint or application, on pain that the Fiscal in whose custody such person may be, shall be answerable to the party at whose suit he shall have been confined for the full amount for which he was in custody.

10.—It shall nevertheless be lawful for the Fiscal to permit, as well Christians as those professing any other Religion being prisoners for debt, to attend Divine Service at the Church, Temple or Mosque nearest to the prison once in every fortnight between the hours of 9 in the morning and 2 o'clock each day, under a proper guard; and to permit all prisoners for debt to bathe at the nearest bathing place to the prison, (in case only there shall be no sufficient means of bathing withing the prison itself,) once in every week under a proper guard; but it shall not be lawful for the Fiscal or any of his Officers to permit any prisoner either on going to or returning from the Church, Temple or Mosque, or place of bathing, to go to his own house or any other house or place on any pretence whatsoever; and the person in charge of such prisoner, in case he shall so permit him, shall be liable to punishment.

11.—In every case of execution against property, the party at whose suit the Process is issued shall point out to the Fiscal or his Deputy the property of his debtor, in case the same shall not be known to the Fiscal or his Deputy.

12.—The Fiscal shall thereupon cause the property, or a portion of it sufficient to satisfy the writ, to be seized, and a list of such property shall forthwith be made and signed by the person seizing the same, which shall be delivered to the person or persons in whose

## No. 9,—1836.

- possession the property seized shall be, or if no person be in possession, then to the Headman or Constable of the Division, and a duplicate thereof shall be deposited in the Fiscal's Office.
- 13.—If any property so pointed out, whether moveable or immoveable, be claimed by others, the Fiscal shall not stay the seizure thereof, unless the claimant or claimants, when not in actual possession thereof, do forthwith furnish the Fiscal or his Officer with a statement in writing of the nature and particulars of his or their claims respectively, and unless he or they do give good and sufficient security, of two or more persons, to be responsible for all damages, costs and charges to which he or they respectively may be liable in consequence of such claim and stay of sale, and of any proceedings which may be instituted by or against him or them respectively, in consequence or respect thereof; nor unless the claimant, if he be in possession of the property, shall give good and sufficient security to be in like manner responsible for damages, costs and charges, and further, that the property shall be delivered over to the Fiscal in the same condition as nearly as the nature of it will admit, or if of perishable nature, that the value thereof shall be duly accounted for in the event of its being adjudged liable to such execution, and in case such statement and security be furnished, the Fiscal, having made out lists as hereinbefore directed, shall report the circumstances to the Court.
- 14.—Since it may frequently happen that property may be seized or sequestered in parts of the country where there are no adequate means of securing the same, the Fiscal and his Officers, whenever he or they shall be unable safely and securely to keep any property seized or sequestered at the place where the same shall be so seized or sequestered, may either cause the same to be removed to some fit place of security (the expense of which removal shall be borne by the debtor, and if not previously paid by him may in the first instance be levied out of the first proceeds of the property seized or sequestered, or by process of Parate execution, at the suit of the Fiscal, against any other property of the debtor;) or may require the owner or possessor of the property to take charge thereof until the time of sale, giving security to the satisfaction of the party obtaining the writ, that he will in the mean time safely and securely keep the same. And if such owner and possessor fail to give such security, the party obtaining the writ may be required to take charge of the property, giving the like security to the satisfaction of the Fiscal. And in default thereof the Fiscal shall report the case to the Court, and shall be no longer responsible for any injury loss or damage which may happen to such property.
- 15.—The property being duly seized, the Fiscal shall then (except in the cases hereinafter provided or where a longer time shall under the particular circumstances of any case be specifically directed by the Court,) give notice of the sale thereof, Fourteen days at the least and not exceeding Thirty days before the day of sale, specifying the property to be sold, in what suit, at what place, and on what day and hour; and if the sale be of immoveable property, the Fiscal shall forthwith cause to be made Three copies of such notice in the form hereunto subjoined (marked B) in English and in the Native language prevailing within the District, one of which he shall transmit to the Government Agent or Assistant Government Agent, who is hereby required forthwith to affix the same at his Office or usual place of publishing notices, one the Fiscal shall cause to be fixed at the Court House, and the other he shall cause to be delivered to the principal Headman of the Village or Constable of the Division in or nearest to which the property shall be situated, to be by him published at the said village and affixed on some conspicuous spot on the property for sale; each of which publications shall be made Ten days at the least before such sale takes place.
- 16.—If any property seized shall, after seizure but before sale, be claimed by others, the Fiscal shall not stay the sale thereof unless the claimant or claimants, when not in actual possession thereof, do in respect of such claim similarly furnish to the Fiscal or his Officer, a statement and security, and when in actual possession furnish security as required by the 13th Rule of the 14th Clause of this Ordinance, in respect of any claim and stay of seizure thereunder.
- 17.—No Fiscal's sale shall be postponed after notice shall have been given thereof as aforesaid, unless where the property shall be claimed, and statement and security furnished as aforesaid, or unless application in writing shall be made to the Fiscal for that purpose, for or on behalf of the party suing out the writ; which application the said Fiscal shall forthwith report to the Court out of which the Process issued.
- 18.—Nor shall any renewed sale take place, in any case, until after a repetition of notice in the manner hereinbefore directed.
- 19.—Every sale shall invariably be held by an Officer of the Fiscal's Department, or some other person duly authorised by such Fiscal by writing under his hand; who shall be entitled to a fee of Two per cent. on the proceeds actually received in respect of every sale and resale. And in every case in which at the time appointed the sale shall be postponed or stayed at the request or with the concurrence of the party suing out the writ, such remuneration shall be paid to him as the Court shall award with reference to his trouble.
- 20.—The sale of moveable property shall be for ready money, and not otherwise.

- 21.—The sale of immoveable property shall be conducted on the spot, unless the Court shall otherwise direct, or unless on application in writing to the Fiscal the parties shall agree to its being conducted elsewhere, and if the value thereof do not exceed Five pounds shall be for ready money, if the value exceed that amount, a deposit of one-fourth of the amount of the sale shall be made, or a deposit of one-tenth where the purchaser shall give security to the satisfaction of the Fiscal for the payment of the residue; and the residue shall in either case be paid in Two months; in default of due payment of the residue the deposit shall be forfeited for the benefit of the person suing out the writ, in addition to his claim, and the property shall be resold at the risk of the first purchaser, unless, when security shall have been given as aforesaid, such party shall elect to avail himself of such security.
- 22.—If at the sale of immoveable property, the highest bidder on being declared the purchaser, shall not forthwith pay down the amount of deposit required, the next highest bidder shall, if thereupon (but not afterwards) so declared, be the purchaser and required to make deposit; and in like manner the other bidders in rotation. And each person failing to make the deposit shall be held liable to pay the difference between the amount of his offer, and the sum finally settled at the sale, to be levied on non-payment within One week after demand made in writing, by process of Parate execution, on the plaint of the Fiscal to the Court to whose Jurisdiction such person shall be liable, which plaint the Fiscal is hereby required in all cases to make forthwith, supported by the affirmation of the Fiscal or of the Officer who conducted the sale, and process of Parate execution shall then forthwith issue.
- 23.—And in like manner if the purchaser of any immoveable property shall not make complete payment on the day appointed, and on a second sale taking place (publication whereof shall always be made in manner prescribed for the first sale) the amount of the purchase shall fall short of the amount for which the first sale was concluded, Parate execution shall, on the plaint of the Fiscal (which plaint the Fiscal is hereby required in all cases to make forthwith, supported by the affirmation of himself or his Officer who conducted the sales as to the circumstances) issue against the property and person of the first purchaser and his sureties, if any, to recover for the benefit of the person suing out the writ, in addition to his claim, the difference between the amount of the second and first sale; and the like course shall be observed in respect of any subsequent sale rendered necessary by failure in payment of the purchase amount.
- 24.—When the purchaser of immoveable property shall have made full payment of the price, the Fiscal, on being furnished by the purchaser with stamped paper of the proper amount by law required on conveyances of immoveable property, shall make out, execute and deliver to the purchaser, a conveyance of the property according to the Form C. hereunto annexed, (as near as may be), on such stamped paper, and a duplicate thereof he shall execute without stamp, which duplicate he shall transmit to the Court of the District in which the property is situate, in like manner as now is or shall be required to be done by Notaries in respect of Deeds executed before them, and the Fiscal's Officer by whom such conveyance and duplicate shall be drawn up, shall be entitled to charge and receive from the purchaser for his trouble, when the amount of purchase shall exceed Three pounds a fee of One shilling, when it shall exceed Five pounds a fee of Two shillings, when it shall exceed Ten pounds a fee of Three shillings, when it shall exceed Twenty pounds a fee of Five shillings, and when it shall exceed Fifty pounds a fee of Seven shillings and Six-pence and no more.
- 25.—In case the party in whose favour the execution is issued, become purchaser of any of the property sold, the amount of purchase shall be allowed in reduction of his claim, and in case it shall exceed his claim he shall only be required to pay the residue, unless it shall be otherwise directed by the Court; no conveyance however of the property in any such case shall be made by the Fiscal to such purchaser but under express order of the Court, and the Fiscal's Officer shall be equally entitled to his fee upon the sale as if the amount so allowed were actually paid into Court.
15. And it is further enacted, that in all cases of disputed property the person in possession, or if the property be in the joint possession of the debtor and any other person or persons, then the debtor shall be considered *prima facie* the proprietor thereof until the contrary be shewn, or unless such reasonable suspicion be thrown on the right and title of such possessor as having originated in force or fraud, as shall in the judgment of the Court require the possessor to prove his title.
16. And it is further enacted, that whenever it shall appear to the District Court, and be so found and declared in any judgment pronounced by such Court in any suit instituted by or against any person or persons so claiming property pointed out or seized in execution, that such claim is altogether groundless and preferred only to defeat or delay the execution, it shall be lawful for the said District Court to adjudge every such claimant to pay treble costs of suit, which shall be levied and shall be a charge to which such claimant and his sureties shall be liable under the 13th and 16th Rules of the 14th Clause.
17. And it is further enacted, that the party or parties at whose suit any one or more persons shall be detained in prison, whether on Mesne process or in execution, shall make an allowance in money for the maintenance of each person so detained at the rates to be fixed

## No. 9, — 1836.

by order of the Government from time to time as occasion shall require: and such allowance shall be paid to the Fiscal one month in advance; and in case such allowance shall be in arrear the Court, on application of the Fiscal or of the person so detained, shall forthwith discharge such person, who shall in the mean time and until so discharged, be supported by Government.

18. And it is further enacted, that the amount of all allowances so paid for the maintenance of any prisoner shall be recoverable against him and his property by process of Parate execution, on the plaint and affirmation of the person detaining.

19. And it is further enacted, that the rates of allowance in money or provisions to be made by Fiscals for the maintenance of prisoners committed under Criminal process shall in like manner be fixed by order of the Government from time to time as occasion shall require.

20. Provided always, that every Fiscal shall within three days from receiving any order fixing or varying the rates of Gaol allowance, cause to be affixed in a conspicuous part of the Gaol a copy thereof, attested by him, together with a translation thereof in the Singhalese and Tamul languages.

21. And it is further enacted, that payments to Fiscals and by Fiscals' Officers shall be made in manner and subject to the Rules following, and not otherwise:

**RULE 1.**—Whenever any person, whether the original debtor or a purchaser of property sold in Execution, shall have occasion to pay money to the Fiscal, he shall signify the same to the Fiscal or his Deputy, who shall give him a note addressed to the Government Agent or Assistant Government Agent of the form subjoined (marked D) which the person who is to pay the money shall carry to such Government Agent or Assistant Government Agent's Office, and deliver to the Shroff or Receiver of the Office, and pay to him the amount stated in such note.

2.—The Receipt shall then be acknowledged by the signature of the Government Agent or Assistant Government Agent on that part of the note reserved for that purpose, which shall be cut off and delivered to the person who shall have made the payment, the remaining part being reserved as the authority for receiving the money.

3.—In cases of payment of ready money, or a partial payment for immoveable property, the Fiscal shall give a receipt accordingly on stamped paper to be furnished by the purchaser.

4.—The Fiscal's Officers shall make payment of all deposits and ready money received by them within Forty-eight hours after the sale, to the Office of the Government Agent or Assistant Government Agent, being furnished for that purpose with a note of the said Form, marked D.

5.—A Register of such notes in the subjoined Form marked E. shall be kept by the Fiscal, liable to the call of Government at any period.

22. And it is further enacted, that all monies paid into any Government Agent or Assistant Government Agent's Office as aforesaid, shall be retained until disposed of by order of the Court whence the Process of execution shall have issued.

## FORM A.

Know all men by these presents that I, A. B. Esquire, Fiscal for the Province of in the Island of Ceylon, have nominated and deputed and do hereby nominate and depute C. D. to be my deputy in the said Office of Fiscal, during my pleasure.

Given under my hand and seal at the day of  
One thousand Eight hundred and

## FORM B.

In the District Court of

A. B.

Piff.

v.

C. D.

Deft.

Notice is hereby given, that on the day of next  
at o'clock in the will be sold at the following  
property of the above named (insert the name of the Owner.)  
(Here insert a particular description of the property.)  
Colombo,

Signature of Fiscal.

## FORM C.

Whereas by virtue of a writ of Execution issued from the Court of  
bearing date the day of 18 directed to the Fiscal of the Province,  
whereby he was directed (here insert the directions of the writ) E. F. Esq. Fiscal of  
the said Province did cause to be seized and taken the property hereinafter described, which  
after due notice was exposed to public sale on the at by  
acting under the authority of the said Fiscal, and sold to as the highest  
bidder at the said sale for the sum of

And whereas the said (purchaser) hath duly paid into the hands of the said Fiscal the whole of the said purchase money and thereby become entitled to all the right title and interest of the said C. D. in the said property.

Now these presents witness that the said Fiscal in consideration of the said sum of so paid by the said (purchaser) as aforesaid, the receipt whereof the said Fiscal doth hereby acknowledge, hath sold and assigned, and by these presents doth sell and assign unto the said (purchaser) his Heirs, Executors, Administrators and Assigns, the said property; to wit and bounded on the by  
 on the by  
 on the by  
 and on the by  
 containing

To have and hold the said premises with their and every of their appurtenances to him the said (purchaser) his Heirs, Executors, Administrators and Assigns for ever.

In witness whereof the said Fiscal hath hereunto subscribed name at this day of in the year of our Lord One thousand Eight hundred and

Witnesses G. H. of  
 J. K. of

(Fiscal's Signature.)

FORM D.

No. of Note	No. of Note
No. of Suit	No. of Suit
Name of Payer	To the Government Agent of
£	Please to receive
Date of Payment	from
Sig: of Cutcherry	£
received.	Fiscal's Office.

FORM E.

No.	No. of Suit	Name of Payer	On what Account	Amount	Date of Issue	Date when Receipt sent back

Given at Colombo this Twenty-third day of December, One Thousand Eight Hundred and Thirty-six.

By His Excellency's Command,  
 P. ANSTRUTHER,  
 Colonial Secretary.

No. 1,—1837. (Repealed by Ordinance No. 4 of 1839.)

For declaring the authority requisite to act in, and to make provision for the faithful discharge of the duties of the Office of Notary.

No. 1,—1837.

WHEREAS it is expedient to declare what authority shall be requisite to entitle persons to act in the capacity, and to make provision for the faithful discharge of the duties of the Office of Notary.

1. It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that no person, whether European, Burgher, or Native, is or shall be authorized to act as a Notary, unless he shall have obtained a Warrant under the hand of the Governor, or any of his successors, and shall have duly made and signed before some District Judge, the declaration following, viz. " I, A. B. do sincerely promise and

No. 1,—1837.

declare, that I will truly and faithfully and to the best of my ability execute the office of Notary according to the authority given to me by Warrant of the Governor bearing date the \_\_\_\_\_ day of \_\_\_\_\_ 18 " and until he shall have given Bond to His Majesty and security for the faithful and proper discharge of his duties as Notary in such amount as shall be required of him, either of two or more responsible securities, or by deposit of moveable property, or hypothecation of immoveable property, in that behalf; and until he shall have filed in the Supreme Court, as well as in the Court of the District in which he shall reside, an attested copy of such Warrant, together with a certificate of his having given such bond and security, and made and signed such declaration as aforesaid.

2. And it is further enacted, that every person, whether European, Burgher, or Native, at present authorized to act as Notary, shall on or before the First day of September One Thousand Eight Hundred and Thirty-seven, transmit to the Office of the Colonial Secretary his appointment or authority to act as Notary, in order that the same may be enregistered, and that fresh Warrants may, in case such shall be deemed necessary by the Governor, be issued, with such alterations, and to such persons only, as shall be found expedient.

3. And it is further enacted, that a Registry of all Warrants to act as Notary shall from and after the said First day of September One Thousand Eight Hundred and Thirty-seven, be kept at the Colonial Secretary's Office, and that it shall be lawful for the Governor for the time being, by notification thrice published in the Government Gazette, to recal and cancel the Warrant of any Notary in case of his misconduct or other ground of distrust.

4. And it is further enacted, that the Secretary of every District Court shall, on pain of punishment by fine, or dismissal, or both, for neglect, make a correct list of all Notaries becoming entitled in manner aforesaid to act as such, and residing within the limits of the jurisdiction of the District Court; and shall from time to time correct the same as occasion shall require, and keep such correct list at all times suspended or affixed from some part of the wall of the District Court for general information.

5. And it is further enacted, that from and after the said First day of September One Thousand Eight Hundred and Thirty-seven, any person who shall practise, or act as, or exercise the function of a public Notary, without being previously authorized in manner aforesaid, or any Notary who shall continue to practise or act as or exercise the functions of such office, after his resignation, or the cancelment or extinction of his Warrant, shall, upon conviction, forfeit for every such offence a sum not exceeding Fifty pounds.

6. And it is further enacted, that any Notary who 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 of Notary, or shall demand or insist upon a larger fee or remuneration than he is authorized to receive, shall, upon conviction, forfeit for every such offence a sum not exceeding Fifty pounds.

7. And it is further enacted, that it shall be lawful for the Governor for the time being, on due notification in the Government Gazette, to alter, vary or rescind the fees of Notaries at present taken or authorized, and from time to time to substitute other fees, or to allow and limit fees or charges in such cases as shall from time to time be found expedient, and a correct list of such fees so from time to time to be authorized, shall be suspended or affixed and kept suspended or affixed to the wall of every District Court, by the Secretary of the Court, on pain of being fined or dismissed, or both, in case of neglect.

8. And it is further enacted, that every Notary shall, on pain of being fined, at the discretion of the Court, for violation or neglect, strictly observe the following Rules:

- 1.—He shall not divulge the secrets confided to him in the course of the performance of his duties, unless required to do so by due course of law.
- 2.—He shall not attest or authenticate any deed or other instrument whatever, unless the person executing the same be known to him or to the witnesses.
- 3.—The witnesses shall be men of reputed good character, and such only as are able to write their names in letters.
- 4.—All deeds or other instruments whatsoever, executed before him, shall be carefully dated on the day on which they are executed.
- 5.—He shall not attest or authenticate any will or testament containing any disherison, unless the cause thereof be therein expressed; or containing any devise, bequest or benefit to himself or any of his family.
- 6.—Duplicates of all deeds and instruments executed before him shall be duly transmitted to the Court of his District as required by the Ordinance No. 7 of 1834.

9. And it is further enacted, that every Notary shall strictly be bound, on pain of being fined, at the discretion of the Court for neglect, to preserve with care, and with his signature to each attached, his protocols, minutes, drafts, or other material documents of, or pertaining to all instruments of whatsoever nature passed or attested by him; and to keep a Register thereof, with convenient index and entries, in proper order of time as nearly as may be, in order that recourse may be had thereto when necessary.

10. And it is further enacted, that any party to whom damages shall be awarded by judgment of law against any Notary for negligence, error, or improper discharge of the duties of his office, shall be entitled to levy and recover the same, if not otherwise satisfied, from and out of the securities by the 1st Clause of this Ordinance required to be given as aforesaid; and that other parties so recovering damages against such Notary shall, until such security is exhausted, be in like manner entitled:—Provided that the sureties shall not be rendered liable beyond the amount for which they have bound themselves, and that, when several suits against any Notary for such damages shall be pending at the same time, the parties who shall become so entitled shall recover proportionably out of such security.

11. And it is further enacted, that any Notary who shall commit fraud in the discharge of his office, or shall attest, or authenticate any fraudulent or illegal deed or instrument whatsoever, knowing the same to be fraudulent or illegal, or shall authenticate or attest any deed or instrument whatsoever, without the parties who executed it and the attesting witnesses having appeared personally before him, or without having explained to the parties the contents of such deed or instrument, or who shall wantonly, maliciously, or dishonestly mutilate or destroy, or make away with any Notarial deed or other instrument whatsoever, or any protocol, minute, draft, or document, which he was bound to preserve, shall be guilty of a misdemeanor and punishable accordingly.

12. And it is further enacted, that every Notary who shall resign his office, or be thereof deprived by cancelment of his Warrant, shall forthwith deposit in the Court of the District in which he was lastly in the habit of practising, all the protocols, minutes, drafts, and documents pertaining to his office, with the register and index thereof; and upon the death of any Notary, his Executors or Administrators shall within two calendar months from the time of obtaining Probate or Letters of Administration, or if there be then no Executors or Administrators, the person or persons having possession or control over the property of such deceased Notary shall, within two months from his decease, deposit in the District Court of the place in which such deceased Notary usually resided during his practice, all the Notarial protocols, minutes, drafts, and documents, register, and index, found among his property pertaining to his office, or which were in his custody as Notary; and any Notary so resigning, or deprived of his office, and the Executors or Administrators of any deceased Notary or other person or persons having possession or control in manner aforesaid, who shall refuse or neglect to deposit in Court any documents as hereinbefore directed, shall be liable to punishment by fine or otherwise, at the discretion of the Court.

13. And it is further enacted, that all documents deposited in Court pursuant to the directions hereinbefore contained (except any such as shall evidently belong to others entitled to the possession thereof, to whom, on application and on giving a proper receipt, the same shall be delivered;) shall be carefully preserved in such Court for reference and inspection of all persons interested therein, who shall moreover be entitled to copies thereof, or extracts therefrom, duly certified as correct by the Secretary of such Court, on paying to such Secretary, for his own benefit, a reasonable remuneration for his trouble, to be settled in case of dispute by the District Judge.

*Given at Colombo this Sixth day of March, One Thousand Eight Hundred and Thirty-seven.*

By His Excellency's Command,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 2,—1837. (Repealed by Ordinance No. 1 of 1843.)**

*For providing for the better security and recovery of Debts due to the Crown.*

**No. 2,—1837.**

WHEREAS it is expedient to repeal the Regulation No. 7 of the year 1809, entitled "*For providing a more effectual course of proceeding in the recovery of Debts due to the Crown,*" and to make further provisions in lieu thereof, as well for the security, as for the recovery of all Debts due to the Crown, and to extend the same throughout these Settlements:

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of January One Thousand Eight Hundred and Thirty-eight, the said Regulation No. 7 of the year 1809, be and the same is hereby repealed, save and except as regards all suits or proceedings commenced or had thereon.

2. And it is further enacted, that from and after the said First day of January One Thousand Eight Hundred and Thirty-eight, it shall and may be lawful for any Government Agent or Assistant Government Agent within his Province or District, and upon his own knowledge of the default of payment by any Debtor to His Majesty, or notice to him given of any Debt having accrued due to His Majesty, promptly and immediately to seize, take, and in safe custody to keep, but without removing the same, (except in those cases only where there are no adequate means for safely and securely keeping the said property at the place where it is seized, and no sufficient security given for the value thereof) all and every the property of any Debtor or Debtors to the Crown, to an amount computed to be sufficient to cover the said Debt so due and owing, and the costs attending the same.

No. 2, — 1837.

3. Provided always, and it is further enacted, that the said Government Agent or Assistant Government Agent, shall within Three days at farthest (exclusive of Sundays and other authorised public Holidays), after such seizure as aforesaid, file in the District Court of the District wherein the said Debt shall have accrued, a certificate of the nature and amount of the Debt so due to His Majesty; and all District Courts, upon any such certificate being filed as aforesaid, (whether any previous seizure of any property shall have been made or not under the preceding clause), are hereby required to deliver to the Fiscal a Warrant to sequester the property of the said defendant, with a clause of Citation to be inserted in such Warrant, setting forth the said demand of the Crown, and calling on the defendant to shew cause why the same should not be decreed against him, and the sequestered property sold in satisfaction thereof; and such further proceedings shall then be had thereon, as is now or hereafter may be ordered by any General Rule of practice of the Supreme Court relative to Revenue Cases.

4. And it is further enacted, that all lands and tenements, which any Treasurer, Government Agent, Assistant Government Agent, Collector of Customs, Government Farmer or Renter, or other Officer employed in the collection, charge, receipt, or expenditure of the Revenue, public money, stores, or other property belonging to Government, or any other public Accountant now hath, or at any time hereafter shall have, within the time during which he shall respectively remain accountable to Government, shall be liable for the payment of all arrearages or debts, and all fines, penalties and forfeitures due or adjudged to His Majesty, His Heirs and Successors, by or from such Officer or public Accountant. And the said lands and tenements, and all other the goods, chattels, property and effects of the said Officer or public Accountant shall be seized and sold in execution for the payment of all such arrearages or debts, fines, penalties or forfeitures, as may be adjudged due and payable to His Majesty, his Heirs and Successors, by any competent Court of law, in like and as large and beneficial a manner to all intents and purposes, as if the said Officer or public Accountant had, the day he became first an Officer or Accountant as aforesaid, specially mortgaged the said lands and tenements to His Majesty, His Heirs and Successors, for the full payment of such arrearages or debts, fines, penalties and forfeitures, and had also at the same time, by a Notarial Bond, acknowledged the said arrearages or debts, fines, penalties and forfeitures, to be due to His Majesty, His Heirs and Successors.

5. And it is further enacted, that all Debts due to His Majesty, His Heirs and Successors, upon mortgage, judgment, award, bond, or other speciality, or upon simple contract, from any other persons than Officers and public Accountants mentioned in the preceding clause, shall be entitled from the accruing thereof respectively, to a preference of payment over all specialties or other Debts which shall, subsequent to such date, have been contracted by or become due from such Crown Debtors to any other person or persons whatsoever.

6. Provided always, and it is further enacted, that this Ordinance or any thing therein contained, shall not extend to or affect the right of any person or persons or body corporate, who has or have any special mortgage or hypothecation of any land or other immovable property, of a prior date to the claim of the Crown and duly executed before a Notary Public or other person appointed by Government for the passing of deeds or other instruments, or to affect the right of any person or persons or body corporate, who has or have a legal lien, mortgage or privilege, which is entitled to preference over any such prior special mortgage or hypothecation as aforesaid of immovable property, according to the Roman Dutch Law as now administered in the Maritime Districts of this Island, any thing before mentioned to the contrary thereof notwithstanding.

7. Provided also, and it is further enacted, that no sale, pledge, transfer or alienation of any goods, chattels or other moveable property, upon good consideration and bonâ fide, to any person or persons or body corporate, prior to the date of the execution of the Crown upon any judgment or award of any debt, fine, penalty, or forfeiture being due and payable to it, shall be invalidated by any thing contained in this Ordinance to the contrary notwithstanding.

8. And it is further enacted, that all gifts, grants, sales, transfers, mortgages, bonds, suits, judgments and executions, as well of lands and tenements, as of goods and chattels of any debtors, to His Majesty, His Heirs or Successors, which have been or shall at any time hereafter be contrived, executed, had or made by fraud, covin, collusion or guile, to the end, purpose and intent to delay, hinder or defraud His Majesty, His Heirs or Successors, of his or their just and lawful action, suits, debts, accounts, damages, penalties, or forfeitures, shall be from henceforth deemed and taken to be utterly void and of none effect; and any party or parties thereto, knowing of such fraud, covin, collusion, or guile, shall incur the penalty of one year's value of such lands or tenements, and the whole value of the said goods or chattels, as well as the consideration given for the same, and shall be liable moreover, upon being lawfully convicted thereof, to imprisonment not exceeding One year.

*Given at Colombo this Sixteenth day of September, One Thousand Eight Hundred and Thirty-seven.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*



**No. 3,—1837.** (*Repealed by Ordinance No. 20 of 1844.*)

*For making provision for the Registration of Slaves in those parts of the Island in which the same is not already provided for by law.*

**No. 3,—1837.**

**WHEREAS** by the Regulation No. 9 of 1818 and other enactments subsequent thereto, provision was made for the Registration of all Slaves in those parts of the Island of Ceylon which then constituted the Maritime Provinces of the said Island: And whereas it is expedient to make provision for the Registration of Slaves in those parts of the Island to which the Regulations aforesaid do not extend.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that all proprietors or persons in charge of Slaves and resident in those parts of the Island of Ceylon to which the Regulation No. 9 of 1818 does not extend, shall and they are hereby required to enregister the names, age, sex and description of their several Slaves in a Register according to the Schedule A. to this Ordinance annexed, to be opened for that purpose by the District Judge of the District in which any such proprietor or person in charge of a Slave resides, before the First day of July One Thousand Eight Hundred and Thirty-eight.

2. And it is further enacted, that from and after the said First day of July One Thousand Eight Hundred and Thirty-eight, on the death of any registered Slave, or on the birth of any child of a Slave, notice thereof shall, within eight days after the event occurring, be given personally or in writing by the proprietor or person in charge of such Slave to the Secretary of the Court of the District in which such Slave owner or holder resides; and if such notice be given in writing, the information specified in the Schedules B. and C. to this Ordinance annexed respectively, shall be fully detailed; and if the mother of the child whose birth may be so reported, shall not previously have been registered in that District, it shall be necessary for such proprietor or person in charge to produce a certificate of the last registry of such mother.

3. And it is further enacted, that on the acquisition of any registered Slave, whether by purchase, gift, legacy, inheritance or otherwise, the person acquiring the same or the person acting on his or her behalf, shall in like manner give notice to the Secretary of the Court of the District in which he or she shall be resident, within eight days after the acquisition of such Slave; and if such notice be in writing, the information specified in the Schedule D. to this Ordinance annexed shall be fully detailed; and if the Slave so acquired shall not previously have been registered in that District, it shall be necessary for the person acquiring the Slave, or the person acting on his or her behalf, to produce a certificate of the last registry of such Slave.

4. And it is further enacted, that within Forty-eight hours (exclusive of Sundays and other authorized public Holidays) after the receipt of notice of the birth, death, or acquisition of any Slave, and on production of the certificate in the two preceding clauses required, the Secretary of the District Court shall enter the same in the proper book, to be kept by him according to the Schedules E. F. and G. to this Ordinance annexed respectively; and if the Slave whose death is reported, or the mother of the Slave whose birth is reported, or the Slave reported to have been acquired, shall not previously have been registered in that District, but in some other District to which this Ordinance is applicable, he shall within Forty-eight hours of the receipt of such notice, transmit a full report, specifying the particulars detailed in the Schedules E. F. and G. as the same may be applicable, to the Secretary of the District Court in which such Slave is registered.

5. And it is further enacted, that certificates of the Registry directed in the first and fourth Clauses of this Ordinance, shall be issued by the Secretary of the District Court at his proper Office to the persons making such registry, and he is hereby required to issue such certificates (unless there should be any good or reasonable cause for delay) within Twenty-four hours (exclusive of Sundays and other authorized public Holidays) after he shall have been applied to. Provided, that if the Secretary shall be absent, the District Judge, upon application made to him in open Court, shall order such certificates to be prepared and issued within the period above specified by some other proper Officer of his Court.

6. And it is further enacted, that such certificates shall be written upon a stamp of One shilling, if applied for within Three months after the date of registration, and of Five shillings if applied for at any subsequent period, such stamp to be furnished by the Slave owner or holder; and no Court shall, from and after the said First day of July One Thousand Eight Hundred and Thirty-eight, deem or consider any person to be a Slave unless a certificate of his or her last registry be produced.

7. And it is further enacted, that any person registered as being a Slave, shall be furnished by the Secretary of the District Court, at his proper Office, with a copy of his registry within Twenty-four hours (exclusive of Sundays and other authorized public Holidays) after application made to him, or to the District Judge, free of all charge whatever.

8. And it is further enacted, that any proprietor or person in charge of a Slave, who shall fail to comply with the several provisions of this Ordinance, shall be liable to the following penalties respectively.

**No. 3,—1837.**

For failing to enregister any Slave as required by the first Clause of this Ordinance, or the acquisition of any Slave, or the birth of any child of a Slave, within the periods prescribed, the forfeiture of all right in and to any Slave or child not registered, and all the children of such Slave if a female, who shall be and are hereby declared absolutely free.

For omitting to give notice of the death of any Slave, a fine not exceeding Five pounds, half of which fine shall be paid to the informer; and it shall in all cases be upon the defendant to prove that he has complied with the provisions of this Ordinance.

9. And it is further enacted, that the penalties imposed by this Ordinance shall be over and above all such punishment as may by law be inflicted, or in Civil damages recoverable upon any person detaining free persons in Slavery of disposing of them as Slaves.

10. And it is further enacted, that any Secretary of a District Court, who shall neglect or refuse to comply with the provisions of this Ordinance, shall be liable to a fine not exceeding Ten pounds.

11. And it is further enacted, that any person claiming to register any Slave under the first Clause of this Ordinance, shall, on the day of registration, bring such Slave openly before the District Court; and the Court shall put to the person claiming to enregister and also to the person to be registered, such questions as the Court shall think necessary to satisfy itself that the person brought before the Court is the person intended to be registered; the District Judge shall then cause it to be explained to the person claimed to be registered, that he is alleged to be a Slave, he shall compare the Slave with the description given for the purpose of registration, and he shall sign his name in the original Register opposite to the Slave's name and in the column marked for the purpose, in token that the person produced agrees with the description.

12. And it is further enacted, that a copy of each register of a Slave, and of each alteration of the same, shall be translated into the Native language of the District and hung up in some conspicuous place at the Court House for Three months after registration.

13. And it is further enacted, that the forms of keeping the Registers and of issuing Certificates, shall be according to the Schedules A. E. F. G. H. I. K. L. and M. to this Ordinance annexed, and that a full and correct transcript of the Registry of Slaves, made in pursuance of this Ordinance, shall be transmitted by the District Judge of the District to the Colonial Secretary's Office, immediately after the said First day of July One Thousand Eight Hundred and Thirty-eight, and a correct transcript of all new entries or alterations made in the Registers for every Three months subsequent thereto, shall be sent to the Colonial Secretary's Office, within One month after the termination of each Quarter.

14. And it is further enacted, that any person who shall make a false report to any Secretary of a District Court, or who shall bring before the Court any person not being the person intended to be registered, with a view to making a false or fraudulent registry, or any person who shall wilfully make any false entry, either in the original Registry or in the transcripts thereof required to be transmitted to the Colonial Secretary's Office, or who shall fraudulently erase or alter any such entry, or shall, being an Officer duly authorized to issue extracts from the same, issue any false or fraudulent paper purporting to be an extract therefrom, shall be deemed to be guilty of a Misdemeanour, and punished accordingly.

15. And it is further enacted, that every proprietor or person in charge of a Slave shall be held liable to support every sick or infirm Slave registered as his property or in his charge, and it shall be lawful for any District Court, on application by or on behalf of any such sick or infirm Slave, to make such enquiry as may be necessary to ascertain the truth of such complaint, and to make such order as it shall deem fit to provide for the due support of such Slave, or for a monthly allowance being paid for the subsistence of, and, if necessary, medical assistance to such Slave, at the cost of the owner or person in charge, to be recovered from him by distress to be levied on his property.

16. And it is further enacted, that within Three months after the termination of Three years from the closing of the Register directed by the first Clause of this Ordinance to be opened in each District, or within Three months after the termination of Three years from the Registry of the birth or acquisition of a Slave, as directed by the fourth Clause hereof, according to the circumstances of the case, and thereafter in like manner triennially, every proprietor or person in charge of a Slave shall take out from the District Court a renewed certificate of the Registry of such Slave, which certificate shall be written upon a stamp of one shilling, to be furnished by the proprietor or person in charge of such Slave; and prior to the issue thereof, each Slave for whom such renewed certificate is claimed to be taken out shall be brought openly before the District Court, when the Registry shall be examined, and such questions put as the Court shall deem necessary to satisfy itself that the person brought before the Court is the person registered, whereupon the District Judge shall enter in the proper columns of the Registry, the date of such Slave appearing before the Court, and such alteration of the description of such Slave as he shall find necessary, and shall affix his initials thereto; and in any case where the proprietor or person in charge of a Slave shall omit to take out a renewed certificate of registry as hereby required, such Slave shall be and is hereby declared absolutely free. Provided always, that such neglect shall not exonerate any person from the obligation to maintain any sick or infirm Slave to which he is liable under the fifteenth Clause of this Ordinance.

17. And it is further enacted, that such renewed certificates of Registry shall be issued in like manner as is provided by the fifth Clause of this Ordinance in respect to certificates of original Registry.

No. 3,—1837.

SCHEDULE A.

ALPHABETICAL REGISTER OF SLAVES IN THE DISTRICT OF

No.	Date of Registration.	Name of Slave	Age.	Sex.	Description specifying the size, colour, caste and any peculiar marks of the Slave.	Name of Proprietor or person in charge.	Signature of District Judge.	Date of appearance for renewed Certificate.	REMARKS.

SCHEDULE B.

NOTICE OF DEATH OF SLAVE.

This is to give notice that \_\_\_\_\_, registered under the Number \_\_\_\_\_ in the Register of the District of \_\_\_\_\_ as the (male or female) Slave of \_\_\_\_\_, died at \_\_\_\_\_ on the day of 183 \_\_\_\_\_.

Signature of Owner.

SCHEDULE C.

NOTICE OF BIRTH OF SLAVE.

This is to give notice, that the female Slave \_\_\_\_\_ registered as the property of \_\_\_\_\_ under Number \_\_\_\_\_ in the Register of the District of \_\_\_\_\_ was delivered of a (male or female) child on the \_\_\_\_\_ day of \_\_\_\_\_ 183 \_\_\_\_\_.

Signature of Owner.

SCHEDULE D.

NOTICE OF ACQUISITION OF SLAVE..

This is to give notice that I \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 183 \_\_\_\_\_ residing at \_\_\_\_\_ became the proprietor on \_\_\_\_\_ of the (male or female) Slave \_\_\_\_\_ in the Register of the District of \_\_\_\_\_ as the property of \_\_\_\_\_.

Signature of Owner.

SCHEDULE E.

ALPHABETICAL REGISTER OF BIRTHS OF SLAVES IN THE DISTRICT OF

No.	Date of Registration.	Age.	Sex.	Description specifying the size, colour, caste and any peculiar marks of the Slave.	Name of Proprietor.	Name of Mother.	Reference to Number of Register of Mother.	Date of Birth.	Remarks.	Signature of District Judge.

SCHEDULE F.

ALPHABETICAL REGISTER OF DEATHS OF SLAVES IN THE DISTRICT OF

Name of Slave.	Sex.	Name of Proprietor.	Date of Death.	Reference to Number in Register.	REMARKS.

SCHEDULE G.

ALPHABETICAL REGISTER OF ACQUIRED SLAVES IN THE DISTRICT OF

No.	Date of Registration.	Name of Slave.	Age.	Sex.	Description specifying the size, colour, caste and any peculiar marks of the Slave.	Name of the former Proprietor.	Reference to Number of last Registry.	How acquired.	REMARKS.

SCHEDULE H.

CERTIFICATE OF ENREGISTRATION OF A SLAVE.

No. on Register. \_\_\_\_\_

Name of Proprietor. \_\_\_\_\_

Name, Sex, and Age of Slave. \_\_\_\_\_

Place and date of enregistration. \_\_\_\_\_

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

SCHEDULE I.

CERTIFICATE OF ENREGISTRATION OF A SLAVE CHILD.

No. and District of Mother's Register. \_\_\_\_\_

Name of Proprietor. \_\_\_\_\_

Date of Birth, Name and Sex of Child. \_\_\_\_\_

No. of Child's register. \_\_\_\_\_

Place and date of registration. \_\_\_\_\_

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

SCHEDULE K.

CERTIFICATE OF ENREGISTRATION OF DEATH OF A SLAVE.

No. and District of Register. \_\_\_\_\_

Name of Slave.	Name of Proprietor.
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Date of death and place of registry. \_\_\_\_\_

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

## SCHEDULE L.

No. 3,—1837.

## CERTIFICATE OF ENREGISTRATION OF ACQUISITION OF A SLAVE.

No. and District of original Register.

Name of Slave, Age and Sex.

Name of original Proprietor.	Name of new Proprietor.
Date and place of Registry.	New Number of Registry.

Signature.

## SCHEDULE M.

## RENEWED CERTIFICATE OF ENREGISTRATION OF A SLAVE.

No. on Register.

Name of Proprietor.

Name, Sex and Age of Slave.

Place and date of Enregistration.

Date of verification of Registry.

Signature.

*Given at Colombo this Sixteenth day of September, One Thousand Eight Hundred and Thirty-seven.*

By His Excellency's Command,

P. ANSTRUTHER,

*Colonial Secretary.*No. 4,—1837. (*Disallowed.*)

*For the better regulation of Servants, Labourers, and Journeymen Artificers, under Contracts for Hire and Service.*

No. 4,—1837.

WHEREAS it is expedient to pass a general Ordinance for the better regulation of Servants, Labourers and Journeymen Artificers under Contracts for Hire and Service, and to repeal the 17th Clause of the local Ordinance No. 3 of 1834, declaring hired Servants wilfully breaking their engagements to be liable to punishment, and to make other general provisions in lieu thereof, to extend throughout this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, that the said 17th Clause of the said Ordinance No. 3 of 1834, entitled "*For improving the Police within the Town, Fort and Four Gravets and Port of Colombo, and for consolidating and amending the Laws relating to the same,*" be and the same is hereby repealed, excepting so far as respects all offences which have been heretofore committed against the same.

2. And it is further enacted, that every verbal or unwritten contract or agreement for the hire of any menial or domestic Servant or Labourer in the service of Government, or of any person or persons, except for any work usually performed by the day, by the job or by the journey, shall be deemed and taken in law to be a contract or agreement for hire and service for One month, and a week's notice or warning by either party wishing to discontinue or not to renew such service, of his or her intention to put an end to the same; and the wages for such service shall be payable monthly: Provided always, that any such contract or agreement may at any time be determined by the misconduct of either party in their relative capacity of Master and Servant, which may be proved by either party against the other. And any Master, Mistress or employer shall be entitled to discharge any Servant or Labourer from his or her service under any such contract or agreement, without giving Fifteen days previous notice or warning of his intention to determine such services as aforesaid, if such Servant or Labourer be paid his or her wages for Fifteen days from the date of such intention being notified to him or her.

3. And it is further enacted, that every verbal or unwritten contract or agreement for the hire according to time of any Journeyman Artificer (where no special contract or agreement for any shorter period shall be made and duly proved), shall be deemed and taken in law to be a contract or agreement for the hire of such Artificer during the period of One day, and no longer.

4. Provided always, that nothing in the two preceding Clauses of this Ordinance shall be construed to prevent any Servant, Labourer or Journeyman Artificer, who may continue in

No. 4.—1837.

the service of his or her Master, Mistress or employer, beyond the period for which any verbal or written contract or agreement entered into by him or her is respectively declared binding only in law as aforesaid, from recovering his or her wages according to the full period or time of his or her being in such service; nor to prevent any similar subsequent verbal or unwritten contract or agreement being respectively implied in law from the continuance of such service or otherwise.

5. And it is further enacted, that no contract or agreement for the hire or service of any menial or domestic Servant or Labourer, to employed in the service of Government or of any person or persons for any longer period of time than One month, nor for the hire or service of any Journeyman Artificer for any longer period than One day, shall be good and valid in law, so as to subject any party thereto to the provisions of this Ordinance for not performing the same, unless such contract or agreement shall be in writing, and shall clearly express the terms or conditions thereof, and shall be signed by both parties, or by some person or persons duly authorized by them; and unless every such agreement or contract be also acknowledged by such Servant, Labourer or Artificer in the presence of one or more witnesses, who are hereby required in every such case to previously explain, or cause to be fully explained to the said Servant, Labourer or Artificer, the terms of such contract and agreement, and to certify on the back thereof that such Servant, Labourer or Artificer fully understands the terms of such contract or agreement, and is desirous to fulfil the same: Provided always, that no written contract or agreement as aforesaid for the service of any Servant, Labourer or Journeyman Artificer, not resident within this Island at the time of his or her entering into such contract, shall be good and valid in law so as to subject such person to the provisions of this Ordinance, until the same shall have been also explained and assented to by the parties before some Government Agent, or Assistant Government Agent, District Judge, Collector of Customs, or Assistant Collector of Customs, Superintendent of Police or Notary Public, who shall certify the same on the back thereof: And provided also, that every written contract or agreement for the service of any Servant, Labourer, or Journeyman Artificer for any longer period than One month, shall be determinable by either party on One month's previous notice unless any other period for such notice, be stated in such contract, or some other agreement be expressly made therein to the contrary.

6. And it is further enacted, that no contract or agreement in writing for the hire or service of any menial or domestic Servant, Labourer or Artificer, shall be good and valid in law so as to bind the parties entering into the same, for any longer period of hire or service than One year, where such contract or agreement shall be made with any Servant or Labourer resident within these Settlements at the time of his or her entering into such contract or agreement; or for more than Three years, where such contract or agreement shall be made with any Servant not resident as aforesaid. Provided always, that nothing in this Ordinance contained shall extend to any contract or agreement for any person serving as an Apprentice for the term of Seven years or any shorter period, or during the minority of any child so apprenticed, if bonâ fide for the purpose of learning any trade; or any agreement for enlisting or entering into His Majesty's Service, as a Soldier or Sailor: And provided further, that nothing in this Clause shall extend to prevent any renewal of such contract or agreement upon similar terms and conditions.

7. And it is further enacted, that any menial or domestic Servant, or Labourer or any Journeyman Artificer who, without reasonable cause, shall neglect or refuse to attend at and during the time and hours, or at the place, where and when he shall have contracted or agreed to attend, in commencing or carrying on any work, or in case of no special contract or agreement in that behalf, during such hours as, according to their respective trades and occupations, it shall be usual so to attend, or who, without reasonable cause, shall leave unfinished, or refuse to finish any work contracted to be done, or who shall be guilty of any drunkenness, wilful disobedience of orders, insolence, or gross neglect of duty, or other misconduct in the service of his or her Master or Mistress or employer, or who shall quit the service of such Master or Mistress or employer, without leave or reasonable cause, before the end of his or her term of service or previous warning as required by the second Clause of this Ordinance, or of such longer period as may be specially stipulated in his or her contract, shall be punishable at the discretion of the District Court by forfeiture of all wages then due, if not exceeding the wages of One month, or for the period of warning specially stipulated for, and in addition thereto, according to the circumstances of the case, such offenders may be sentenced to imprisonment with or without hard labour, at the discretion of the Court.

8. And it is further enacted, that if any menial or domestic Servant, Labourer, or Journeyman Artificer, shall wilfully destroy, injure or damage in any manner any of the property belonging to, or in the possession or care of his or her Master or Mistress or employer, or shall embezzle, or shall fraudulently withhold, conceal, dispose of, or make away with any material or article delivered to him to fashion or work upon, or to clean, alter or repair, or any working tool or implement, or other property belonging to, or in the possession or care of his or her Master or Mistress or employer, or shall fraudulently obtain from any shopman or other person, any article, money, goods or other property, under pretence or colour of his or her being such Servant, Labourer or Artificer, without the consent of his or her Master or Mistress or employer, or shall commit any other fraud upon his or her Master, Mistress or employer, he or she shall be guilty of a Misdemeanour, and punishable accordingly.

9. And it is further enacted, that every Servant, Palanquin bearer or Cooly, who, having engaged to go on any journey, and having received an advance of hire, shall without any just cause, desert or refuse, or neglect to proceed on such journey or any stage thereof, or shall be guilty of any misbehaviour mentioned in the seventh Clause of this Ordinance, shall be punishable by the District Court, by forfeiture of all wages then paid or contracted for, and in addition thereto, may be sentenced by the said Court to such further punishment as the said Court may in its discretion award. Provided always, that no Servant, Palanquin bearer or Cooly shall be obliged to travel more than two stages or more than Twenty-five miles during every Twenty-four hours, nor shall any Cooly be obliged to carry a greater weight than Forty pounds, unless otherwise specially agreed upon for a short distance only, nor to proceed in case of any actual illness, or bodily injury rendering him incapable to travel the journey, or any stage thereof; and any person obliging any Servant, Palanquin bearer or Cooly, against his free will and consent, to act contrary to the regulations contained in this proviso, shall be punishable by fine or imprisonment, at the discretion of the District Court.

10. And it is further enacted, that any Headman, Master Tradesman, Maistry of Workmen, or other person, who shall by violence to the person or property, or by threats or intimidation, or by molesting or in any way obstructing another person, force or endeavour to force any Servant, Labourer, or Journeyman Artificer, being hired and employed in any service, employment or work, to depart from his or her hiring, employment or work, or to return his or her work before the same shall be finished; or who shall prevent or endeavour to prevent any Servant, Labourer or Journeyman Artificer not being hired or employed, from hiring himself or herself to, or from accepting work or employment from any person or persons; every person so offending or aiding or abetting or assisting therein, shall be liable to such punishment by fine and imprisonment with or without hard labour, as the District Court may in its discretion award.

11. And it is further enacted, that upon any complaint by any Servant, Labourer or Journeyman Artificer for non-payment of wages or damages for breach of contract or misconduct by his or her Master, Mistress or employer, before the District Court, it shall be lawful for such Court at its discretion to make a proportionable abatement out of any sum to be awarded as the wages or damages due to any such Servant, Labourer or Artificer, for such days or time as he or she shall be proved to have been, without the consent of his or her Master, Mistress or employer, absent from or neglecting his or her service or work, and also for the value of any breakages or damage done to any of the property of his or her Master, Mistress or employer, by or through his or her misconduct, or gross negligence or carelessness. Provided always, that unless any express contract be made to the contrary, no such abatement shall be ever made, where such absence or neglect of service or work by any Servant, Labourer or Artificer appears to have been owing only to his or her being incapacitated therefrom by actual sickness or other reasonable cause;—and no such abatement shall be made for medical attendance, or medicines supplied during illness to any Servant, Labourer or Artificer by his or her Master, Mistress or employer.

12. And it is further enacted, that if any person shall knowingly and wilfully pretend, or falsely assert in writing that any Servant, Labourer or Journeyman Artificer has been hired or retained in his or her service or employment, or in the service or employment of any other person or persons for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which such Servant, Labourer or Artificer shall have been so employed, hired, or retained; or if any person shall otherwise knowingly and wilfully write, sign, or give any untrue, false, forged or counterfeit certificate or writing in favour of the character of any such Servant, Labourer or Artificer, then in every such case such person or persons so offending shall, besides being liable to damages upon any Civil action, also forfeit a sum not exceeding Ten pounds, to be immediately recovered by warrant of distress and sale of his or her goods and chattels, and in default of payment thereof every such person or persons shall be further punishable by imprisonment with or without hard labour, as the District Court may award.

13. And it is further enacted, that if any person shall offer himself or herself as a Servant, Labourer or Journeyman Artificer, asserting or pretending that he or she hath served in any service or employment, in which such Servant, Labourer or Artificer shall not actually have served, or with a false, forged, or counterfeit certificate of his or her character, or shall in anywise add to, or alter, efface or erase any word, date, matter or thing contained in or referred to in any certificate given to him or her, by his or her last or former actual Master or Mistress or employer, or by any other person or persons duly authorized by such Master or Mistress or employer to give the same, that then in any of the said cases, such person or persons so offending shall be liable to punishment by fine of Three pounds, or imprisonment not exceeding Three months with or without hard labour, as the District Judge shall award.

14. And it is further enacted, that if any person or persons having been before in service or employment as a Servant, Labourer or Journeyman Artificer, shall when offering to hire himself, herself, or themselves in any such employment, capacity or service, falsely and wilfully pretend not to have been hired or retained in any such previous employment or service, that then and in such case such person or persons so offending shall be liable to

**No. 4,—1837.**

such punishment by fine of Three pounds, or imprisonment not exceeding One month, as the District Judge shall award.

*Given at Colombo this Twenty-second day of September, One Thousand Eight Hundred and Thirty-seven.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 5,—1837.**

*(Repealed in part by Ordinances No. 8 of 1840, No. 6 of 1842, No. 7 of 1843, No. 5 of 1847, No. 4 of 1848; and for the remainder by No. 18 of 1852.)*

**No. 5,—1837.**

*An Ordinance to amend the Laws relating to the Ports and Customs.\**

**No. 1.—1836.**

*An Ordinance to amend the Ordinance No. 3 of 1836.*

**No. 1,—1836.**

Preamble.

WHEREAS it is expedient to discontinue the sale of Salt on account of Government in certain parts of the Island of Ceylon and its Dependencies, and to exempt such parts thereof from the restrictions to which they are subject under the 12th, 14th and other Clauses of the Ordinance No. 3 of 1836. And whereas it is expedient, that the Governor for the time being shall have full and sufficient power to effect the same.

Governor empowered to exempt any parts of the Island from the restrictions of Ordinance No. 3 of 1836.

It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, it shall and may be lawful for the Governor for the time being, by any Proclamation or Proclamations to be by him issued and published in the Government Gazette, from time to time, to exempt any part or parts of the said Island from all or any of the restrictions to which the same are subject under the Ordinance No. 3 of 1836, in regard to the sale, possession, removal, or manufacture of Salt; which Proclamation or Proclamations it shall be lawful for the said Governor for the time being, at any time thereafter, if he shall see fit, to alter, suspend, or revoke by any subsequent Proclamation or Proclamations, to be issued and published in like manner and under like authority as aforesaid.

*Given at Colombo this Twenty-fourth day of July One Thousand Eight Hundred and Thirty-eight.*

By His Excellency's Command,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 2,—1836.**

*An Ordinance to repeal the Ordinance No. 5 of 1836.*

**No. 2,—1836.**

Preamble.

WHEREAS it is expedient to repeal the Ordinance No. 5 of 1836, entitled "*For consolidating and amending the laws concerning Auctioneers and the Duties on Auctions,*" and to allow of the free sale of property by auction.

Ordinance No. 5 of 1836 repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of August next, the said Ordinance No. 5 of 1836 shall be and the same is hereby repealed, except in so far as relates to any dues, liabilities, rights, fines or punishments then or previously accrued under the provisions of the said Ordinance, and to the repeal of any previous Regulations concerning Auctioneers and Duties on Auctions.

Sales by Auction unrestricted.

2. And it is further enacted, that from and after the said First day of August next it shall be lawful for any person to sell and dispose of by Public Auction any property whatsoever, whether moveable or immovable, upon such terms and conditions and for such remuneration as may be mutually agreed upon by and between such person and the person or persons employing him, nor shall the proceeds of such sales be subject to any duties whatever.

And free of duty.

3. And it is further enacted, that all conditions of sale of property sold as aforesaid shall

Conditions of sale free of Stamp duty.

\* The repealed enactments relating to the Customs are not published at length.



be exempt from the Stamp duty to which they would otherwise be subject under the provisions of the Ordinance No. 6 of 1836.

*Given at Colombo this Twenty-fourth day of July, One Thousand Eight Hundred and Thirty-eight.*

By His Excellency's Command,  
P. ANSTRUTHER,  
Colonial Secretary.

**No. 1,—1839.**

*To amend the Laws relative to Fiscals and their Officers.*

WHEREAS it is expedient to amend the Laws relative to Fiscals and their Officers.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 7 of 1827, entitled "*For requiring periodical Returns from Fiscals of all Prisoners detained in their custody,*" and the Ordinance No. 9 of 1836, entitled "*For defining the powers, duties and responsibilities of Fiscals and their Officers,*" shall be and the same are hereby repealed, except as to any offences already committed, or fines, liabilities and forfeitures incurred thereunder, or the repeal of any previous Regulation or Proclamation thereby.

2. And it is further enacted, that all Fiscals and their Deputies duly appointed, shall execute all citations, monitions, summonses, mandates, rules, orders, warrants, commands and process of all Courts of Justice duly constituted within these Settlements, required to be executed by a public Officer, according to the extent of jurisdiction of the said Courts respectively, and make and certify the return, together with the execution thereof, to the said Courts, and shall receive and detain in prison such persons as shall be by the said Courts or other competent authority committed to the charge of such Fiscals respectively for that purpose.

3. Provided always, that whenever any Court shall direct or decree any process against any Fiscal, or direct any process in any cause, matter, or thing, wherein on account of his being related to either of the parties, or for any other just cause, it shall appear to such Court to be improper that he should execute the same, the Court shall name and appoint some other fit person to execute and return the process, which shall be directed to the person or persons so named, and the cause of such special proceeding shall be suggested and entered on the records of the said Court.

4. And it is further enacted, that any Fiscal, whenever he shall nominate and appoint any person to be his Deputy, shall, within three days after the execution of the warrant of deputation, which shall be made according to the Form A. subjoined to this Ordinance, send a correct transcript thereof to the Supreme Court, and to every other Court having jurisdiction within such Deputy's District or Division, and also to the Colonial Secretary, and shall in like manner notify whensoever he shall revoke any such deputation.

5. And it is further enacted, that it shall be lawful for such Fiscal or his Deputy to appoint by writing under his hand any person or persons to execute process either generally or in any particular case.

6. And it is further enacted, that the principal and other native Headmen shall be authorized and required to execute all process, either in Civil or Criminal cases, sent to them by any such Fiscal for execution, and in the execution thereof they and such subordinate Officers as they may employ, shall be maintained and protected by law as the Officers of such Fiscal, although not holding any written deputation or warrant from him, further than a copy authenticated by the signature of such Fiscal of the process which such persons shall and may be employed to serve and execute.

7. Provided always, that every person proceeding to execute process under the authority of the Fiscal, except the Native Headmen and Police Vidahns when within their ordinary local limits, shall have in his possession a staff with a crown and initials indicating the Reigning Sovereign painted or otherwise emblazoned thereon, as also the name of the Province to which he belongs; and shall, if required so to do, produce and openly shew such staff when in the act of executing such process.

8. And it is further enacted, that all such Native Headman and Police Vidahns shall severally be civilly responsible to such Fiscal for the due performance of the duty entrusted to them.

**No. 1,—1839.**

Preamble.

Former Laws repealed

Fiscals to execute Process of Courts.

And receive Prisoners

If Fiscal personally interested.

Nomination of Deputy Fiscal.

Fiscal may appoint person to execute Process.

Native Headmen to execute Process.

Officers except local Headmen, to carry a staff.

Native Headmen civilly responsible to Fiscals.

**No. 1,—1839.**

Fees.

Resistance to Fiscals or Officers.

Headmen to aid in execution of Process.

Fiscal civilly responsible for himself and Officers.

Action against Fiscal.

Rules for execution of Process.

Time of arrest in Criminal case.

Do. in Civil case.

When outer door may not be forced.

When it may.

When admittance to be first demanded.

Person arrested to be confined in Gaol.

9. And it is further enacted, that any Fiscal, Deputy Fiscal, or any of his Officers, or any person in his employ, who shall demand or take any fee for the execution of any process issuing out of any Court, or for performing any other business of the Fiscal's Office, save and except the fees which the Supreme Court is authorized to allow, shall be liable to a fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any term not exceeding Six months, at the discretion of the Court, for each offence.

10. And it is further enacted, that every person making or inciting resistance or obstruction to any Fiscal, his Deputy or Deputies or others his Officers, or to the principal or other Headmen in the lawful execution of process, shall be subject to punishment according to the nature and circumstances of the case.

11. And it is further enacted, that all Native Headmen and Police Vidahns, although process be not specially directed to them, shall within their local limits afford their aid and assistance to the Fiscal and his Officers in the lawful execution of their duties, when required by him or them so to do: and any Native Headman or Police Vidahn wilfully neglecting or refusing to assist such aid or assistance, or making any statement or report to the Fiscal or his Officer calculated to mislead or deceive him or them, shall be subject to punishment according to the nature and circumstances of the case.

12. And it is further enacted, that every Fiscal shall in the execution of any process directed to or returnable by him, be civilly responsible in damages to any person who may be aggrieved in consequence of any fraud, negligence, or want of ordinary diligence, or of any irregularity of proceeding, or abuse of authority (but not otherwise) on the part of such Fiscal, his Deputy or others his Officers, or of the Native Headmen, Police Vidahns or other subordinate Officers in the execution of such process. Provided that nothing herein contained shall preclude any person aggrieved from appealing to the laws for redress against the immediate wrongdoer, civilly or criminally, according to the nature and circumstances of the case.

13. Provided always, that no action shall be maintainable against any Fiscal to recover damages for any act or neglect of himself or his Deputies or other Officers, unless previous notice in writing (distinctly setting forth the grounds of such action) be given to him by the plaintiff or his proctor, One month at least before the commencement of such action; and it shall be lawful for such Fiscal at any time before the commencement of such action, to tender amends to the party aggrieved, and if the same be refused, to plead such tender, at the same time paying into Court the amount tendered, and if the Court on the decision of the case shall declare and record that the tender so made and paid into Court is sufficient amends to the party aggrieved, judgment for the said amount tendered, with full costs, shall be entered for such Fiscal.

14. And it is further enacted, that the service or execution of process against person or property shall respectively be subject to the following general Rules.

**RULE 1.**—Any person charged with a Criminal offence, and any person who, having been once duly arrested on Civil process, shall have escaped or shall have been rescued, may be arrested at all times and on all days, whether by night or by day and whether on Sunday or any other day.

**2.**—Process in Civil cases whether at the suit of the Crown or individuals, shall not be served or executed between the period of sun-set and sun-rise; nor on a Sunday, Good Friday, or Christmas-day; nor on any Christian Clergyman, nor on any Minister of any other religion while performing his functions in any place of public worship, nor upon any individual of any congregation during the performance of public worship at any such place.

**3.**—The outer-door of any dwelling-house shall not be forced open in order to seize the person under Civil process issued at the suit of a private individual.

**4.**—Any door may be forced in the execution of Criminal process.

**5.**—Any door may be forced open in execution of process against property, but not until admittance shall first have been demanded by the Fiscal or his Officer in the presence of the Constable, Police Vidhan or other Headman of the Division or village in which the dwelling is situate, in whose presence also, if admittance be not granted, whether there be any person therein or not, the Fiscal or his Officer shall force open the same.

**6.**—After any person shall have been taken into the custody of any Fiscal under Civil process, such person shall not be allowed by any Fiscal, Deputy Fiscal or Gaoler,

on any pretence to go beyond the walls or other enclosed limit of the prison in which such person may be confined, unless upon the special rule and order of some competent Court requiring the attendance of such person, or on the application of such person to be carried before any such Court for the purpose of preferring any complaint or application, on pain that the Fiscal in whose custody such person may be shall be answerable to the party at whose suit he shall have been confined, for the full amount for which he was in custody, if on a final judgment, or otherwise for such damages as the Court may award thereon.

**No. 1,—1839.**

- 7.—It shall nevertheless be lawful for the Fiscal to permit as well Christians as those professing any other religion, being prisoners for debt, to attend public worship at the Church, Temple or Mosque nearest to the prison, once in every fortnight between the hours of 9 in the morning and 2 o'clock each day, under a proper guard; and to permit all prisoners for debt to bathe at the nearest bathing place to the prison, (in case only there shall be no sufficient means of bathing within the prison itself,) once in every week under a proper guard; but it shall not be lawful for the Fiscal, or any of his Officers, to permit any prisoner either on going to or returning from the Church, Temple, or Mosque, or place of bathing, to go to his own house, or any other house or place, on any pretence whatsoever: and the person in charge of such prisoner, in case he shall so permit him, shall be liable to punishment.
15. And it is further enacted, that in all cases of disputed property, the person in possession, or if the property be in the joint possession of the debtor and any other person or persons, then the debtor, shall be considered *prima facie* the proprietor thereof, until the contrary be shewn, or unless such reasonable suspicion be thrown on the right and title of such possessor, as having originated in force or fraud, as shall in the judgment of the Court require the possessor to prove his title.
16. And it is further enacted, that whenever it shall appear to the District Court, and be so found and declared in any judgment pronounced by such Court in any suit instituted by or against any person or persons so claiming property pointed out or seized in execution, that such claim is altogether groundless, and preferred only to defeat or delay the execution: every such claimant shall be liable to a penalty not exceeding treble costs of suit, or in failure of payment, to imprisonment with or without hard labour, at the discretion of the Court.
17. And it is further enacted, that the party or parties at whose suit any one or more persons shall be detained in prison, whether on Mesne process or in execution, shall make an allowance in money for the maintenance of each person so detained, at the rates to be fixed by order of the Government from time to time, as occasion shall require: and such allowance shall be paid to the Fiscal one month in advance; and in case such allowance shall be in arrear, the Court, on application of the Fiscal, (which he is hereby required to make without delay,) or of the person so detained, shall forthwith discharge such person, who shall in the mean time, and until so discharged, be supported by Government.
18. And it is further enacted, that the amount of all allowances so paid for the maintenance of any prisoner, shall be recoverable against him and his property by process of parate execution on the plaint and affirmation of the person detaining.
19. And it is further enacted, that the rates of allowance in money or provisions to be made by Fiscals for the maintenance of prisoners committed under Criminal process, shall in like manner be fixed by order of the Government from time to time as occasion shall require.
20. Provided always, that every Fiscal shall within Three days from receiving any order fixing or varying the rates of Gaol allowance, cause to be affixed in a conspicuous part of the Gaol a copy thereof attested by him, together with a translation thereof in the Singhalese and Tamul languages.
- 21.—And it is further enacted, that payments to Fiscals and by Fiscals' Officers, shall be made in manner and subject to the Rules following, and not otherwise.
- RULE 1.**—Whenever any person, whether the original debtor or a purchaser of property sold in execution, shall have occasion to pay money to the Fiscal, he shall signify the same to the Fiscal or his Deputy, who shall give him a note addressed to the Government Agent or Assistant Government Agent, of the Form subjoined marked B., which the person who is to pay the money shall carry to such Government Agent or Assistant Government Agent's Office, and deliver to the Shroff or Receiver of the Office, and pay to him the amount stated in such note.

Unless attending Divine service or bathing.

Disputed property.

If claim declared groundless.

Allowance to Civil prisoners.

Recovery of the same.

Allowance to Criminal prisoners.

Tables of allowances to be affixed to Gaols.

Rules for payments to Fiscals and by Fiscals' Officers.

**No. 1,—1839.**

- 2.—The receipt shall then be acknowledged by the signature of the Government Agent or Assistant Government Agent on that part of the note reserved for that purpose, which shall be cut off and delivered to the person who shall have made the payment, the remaining part being reserved as the authority for receiving the money.
- 3.—In cases of payment of ready money, or a partial payment for immoveable property, the Fiscal shall give a receipt accordingly on stamped paper, to be furnished by the purchaser.
- 4.—The Fiscal's Officers shall make payment of all deposits and ready money received by them, within Forty-eight hours after the sale, to the Office of the Government Agent or Assistant Government Agent, being furnished for that purpose with a note of the said form marked B.
- 5.—A Register of such notes in the subjoined form marked C., shall be kept by the Fiscal, liable to the call of Government at any period.

Monies paid in to be subject to order of Court.

22. And it is further enacted, that all monies paid into any Government Agent or Assistant Government Agent's Office as aforesaid, shall be retained until disposed of by order of the Court whence the process of execution shall have issued. Provided always, that nothing herein contained shall be construed to affect the powers vested in the Loan Board by law.

**FORM A.**

Know all men by these presents, that I, A. B., Esquire, Fiscal for the Province of \_\_\_\_\_, in the Island of Ceylon, have nominated and deputed, and do hereby nominate and depute C. D. to be my Deputy in the said Office of Fiscal, during my pleasure.  
 Given under my hand and seal at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_  
 One Thousand Eight Hundred and \_\_\_\_\_

**FORM B.**

No. of Note	No. of Note
No. of Suit	No. of Suit
Name of Payer	To the Government Agent
£	Please to receive
Date of Payment	from
Signature of Cutcherry	£
received	Fiscal's Office

**FORM C.**

No.	No. of Suit	District Court	Plff.	Deft.	Payer	On what account	Amount	Date of issue	Date when receipt sent back

Given at Colombo this Eighteenth day of December, One Thousand Eight Hundred and Thirty-nine.

By His Excellency's Command,  
**GEORGE TURNOUR,**  
*Acting Colonial Secretary.*

**No. 2,—1839. (Disallowed.)**

**No. 2,—1839.**

*For reducing the Penalty on purchasing Soldiers' Necessaries and Stores, &c.*

WHEREAS by an Act passed in the Second year of the Reign of Her present Majesty, entitled "An Act for punishing Mutiny and Desertion and for the better payment of the Army, and their Quarters," it was enacted, that "any person who shall unlawfully have in his or her possession or keeping, or who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other person, on any pretence whatsoever, or shall solicit or

No. 2,—1839.

entice any Soldier, knowing him to be such, to sell any arms, ammunition, clothes, or military furniture, or any provisions or any sheets or other articles used in Barracks, provided under Barrack Regulations, or Regimental necessaries, or any article of forage provided for any horses belonging to Her Majesty's Service, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding Twenty pounds nor less than Five pounds, together with treble the value of all or any of the several articles of which such offender shall become so possessed:” And whereas it was thereby further provided, “that it shall be lawful for the Legislature of each or any of Her Majesty's Colonies, on the recommendation of the Officer for the time being administering the Government of any such Colony, but not otherwise, to make provision by Law for reducing such pecuniary penalty, if not exceeding Twenty pounds nor less than Five pounds, to such amount as may any such Legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's subjects and others inhabiting the same:” And whereas it is expedient to reduce such penalty in this Colony as hereinafter mentioned, and to repeal the former local enactments thereon.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that any person who shall be guilty of any of the offences mentioned in the above recited provisions of the said Act of Parliament, shall for every such offence forfeit a sum not exceeding Ten pounds, nor less than Five pounds, together with treble the value of all or any of the several articles of which such offender shall so become possessed, and in default of payment the said offender shall be imprisoned with or without hard labour, for a period not exceeding Six months.

2. And whereas all local Ordinances, Regulations and Proclamations on the subject, in so far as they are contrary to the said Act, are superseded thereby, and it is expedient to repeal in all other respects the whole of the said local Ordinances, Regulations and Proclamations thereon. It is therefore further enacted, that the Regulation of Government No. 11 of the year 1814, entitled “*To prevent the fraudulent purchasing of Soldiers' necessaries, Arms and Equipments,*” and also so much of the Proclamation issued in and for the Kandyan Provinces on the 19th of January 1818, as relates to the knowingly detaining, buying or receiving in exchange or otherwise from any Soldier or Deserter, or from any other person whomsoever, any arms, ammunition, clothes, caps or other equipments belonging to Her Majesty, or any such articles belonging to any such Soldier or Deserter as are generally deemed Regimental necessaries, be and the same are, so far as they are respectively not superseded by the said Act, and now in force, hereby repealed.

*Given at Colombo this Eighteenth day of December, One Thousand Eight Hundred and Thirty-nine.*

By His Excellency's Command,

GEORGE TURNOUR,

*Acting Colonial Secretary.*

**No. 3,—1839.** (*Repealed by Ordinance No. 11 of 1840.*)

*To establish Lunatic Asylums, and make general provisions for the safe custody and care of Insane persons.*

**No. 3,—1839.**

WHEREAS it is expedient to establish proper Lunatic Asylums and make general provisions for the safe custody and care of Insane persons.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that there shall be a Lunatic Asylum for the reception of Insane persons established and maintained at the expense and under the management of Government, at Colombo or such other place within the Western Province as the Governor may select and appoint, and similar Lunatic Asylums shall in like manner be established within the other Provinces of this Island, as the Governor may hereafter from time to time deem necessary and direct.

2. And it is further enacted, that it shall be lawful for the Governor to make such Regulations as to him shall seem expedient for the management and conduct of any Lunatic Asylum established under this Ordinance, and to appoint a Superintendent thereof, with such number and description of Officers and assistants as may be found necessary in proportion to the number of persons confined in such Lunatic Asylum.

3. And it is further enacted, that upon its being made known to the District Court by the Headman, Police Vidahn or other Peace Officer of any Town or Village within the District, that any person being a destitute pauper or vagrant is Insane, or if complaint shall be made thereto that any person has been discovered and apprehended under any circumstances which denote a derangement of mind and a purpose of committing some crime, for which, if committed, he would be liable to be prosecuted, it shall be lawful for the said District Court to make order for any such person to be brought up before it, and if upon view and examination of the said person, and upon the evidence of any Medical Officer or Practitioner, where the same can be without difficulty procured within the District, or other proof,

No. 3,—1839.

the said District Court shall be satisfied that such person is an Insane pauper or vagrant, or a dangerous Lunatic, or Idiot, and that no relative or friend will undertake to enter into security for his or her proper custody, care, and maintenance, in such case the said District Court shall make order for such Insane person being conveyed to and placed in the Lunatic Asylum, and if there shall be no Lunatic Asylum within the District, then the said District Court shall further make order for such Insane person being committed to the Fiscal for safe custody, until such person can be transferred, under the Warrant of the Governor, to a Lunatic Asylum, on the first convenient opportunity.

4. And it is further enacted, that when application at any time by any relative or friend of an Insane pauper or vagrant, or dangerous Lunatic or Idiot, 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 District Court under whose order such person shall have been placed therein, or to the Governor, requesting that such Insane person may be delivered over to the care and maintenance of such relative or friend, it shall be lawful for the said District Court or the Governor, upon such reasonable security as may be required being given by such relative or friend, to take care of and maintain such Insane person, to direct the immediate discharge of such person: And every person committed under the preceding Clause to any Lunatic Asylum, shall be immediately discharged therefrom by order of the Governor, upon his or her recovery being certified by the Medical Officer attending such Asylum: And in all cases where any such Lunatic shall have been removed under the power of this Ordinance to any Lunatic Asylum out of the Province to which he or she belongs, such person shall, upon being discharged from such Lunatic Asylum, either upon application as aforesaid, or upon his or her recovery, be conveyed back by Government to his or her own village or usual place of former residence, or be allowed such reasonable batta or sum for his or her travelling expenses thereto, as shall be approved of by the Governor under any Rule or Order to be issued for that purpose.

5. And it is further enacted, that it shall be lawful for the Governor, upon any petition being presented by any relative or friend of any Insane person (not being a pauper), requesting that such Insane person may be admitted into a Lunatic Asylum, and offering to enter into such security as is hereinafter mentioned for the expenses of his or her 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 by his or her relative or friend, be examined by the Medical Officer attending such Lunatic Asylum, and upon the said Officer granting a certificate of such person being Insane, that he or she shall be thereupon admitted into the Lunatic Asylum to be therein taken care of and maintained until his or her recovery, or application be made for his or her discharge by any relative or friend, or failure of payment of the rate hereinafter required. Provided always, that a bond with sufficient sureties shall, previous to the admission of any such Insane person, be given by his or her relative or friend for the due payment of such weekly rate or allowance as may be fixed and declared payable by the general regulations of such Lunatic Asylum on the reception therein of such Insane person, together with all other expenses contingent upon the maintenance and care of such Insane person during his or her continuance in such Lunatic Asylum, as well as for the removal of such Insane person within Six days after due notice given in writing by the Superintendent of such Lunatic Asylum to the said relative or friend of such Insane person, or at his or her last place of abode; and in default of any of the conditions of the said bond not being duly performed, the amount due under such bond shall be recoverable as other debts of a like nature due to the Crown.

6. And it is further enacted, that when any person shall be charged with any crime or offence, if it shall be proved to the satisfaction of the Court by any forms of proceeding or inquiry which shall be established by law or by any general Rules of practice, that the said person is either unable to stand his trial by reason of his or her being Insane, or was Insane at the time of the commission of the said crime or offence, the Court 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 Insane person to any Lunatic Asylum established under this Ordinance; and may give such other order for the safe custody of such Insane person, in such place or manner as to the Governor shall seem fit.

7. And it is further enacted, that if any person under imprisonment in any Gaol shall become Insane, and a report shall be made to the Governor by the Fiscal of the Province wherein the said Gaol is situated, with a certificate of the Medical Officer thereof, that such person is Insane, it shall be lawful for the Governor to direct, by warrant under his hand, that such person shall be removed to any Lunatic Asylum established under this Ordinance; and every person so removed shall remain under confinement in such Lunatic Asylum until he or she shall have become of sound mind, whereupon the Governor shall (if such person still remain subject to be detained in custody) issue his warrant to the Superintendent of the Lunatic Asylum, directing that such person shall be removed back from thence to the Gaol 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.

8. And it is further enacted, that in all cases where any person shall be kept in custody as an Insane person accused or convicted of any crime, or as a dangerous Lunatic or Idiot, by order of any Court or by the Governor's order consequent thereon, and shall be transferred to any Lunatic Asylum, it shall and may be lawful for the District Court to make enquiry

into the circumstances of the personal legal disability of such person, and as to his or her property, and if it shall appear that such person is possessed of sufficient property which can be applied for his or her maintenance, it shall be lawful for the said District Court to 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 of such Lunatic Asylum.

*Given at Colombo this Eighteenth day of December, One Thousand Eight Hundred and Thirty-nine.*

By His Excellency's Command,  
**GEORGE TURNOUR,**  
*Acting Colonial Secretary.*

**No. 1.—1839.** (*Repealed by Ordinance No. 16 of 1852.*)

*To amend the Laws relative to the Office of Notary.*

WHEREAS it is expedient to amend the Ordinance No. 1 of the year 1837, entitled "*For declaring the authority requisite to act in, and to make provision for the faithful discharge of the duties of the Office of Notary.*"

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Ordinance No. 1 of the year 1837 be and the same is hereby repealed, except so far as it respects any offences already committed, or any fines, penalties or liabilities already incurred; and provided also that such repeal shall not affect the validity of any warrant to act as Notary, granted under and by virtue of the said Ordinance.

2. And it is further enacted, that no person, whether European, Burgher, or Native, is or shall be authorized to act as a Notary, unless he shall have obtained a warrant under the hand of the Governor, and shall have duly made and signed before some District Judge the declaration following, vizt. "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 Notary according to the authority given to me by warrant of the Governor bearing date the \_\_\_\_\_ day of 18 \_\_\_\_ and until he shall have given bond to Her Majesty and security for the faithful and proper discharge of his duties as Notary, in such amount as shall be required of him, either of two or more responsible sureties, or by deposit of moveable property, or hypothecation of immoveable property, in that behalf; and until he shall have filed in the Supreme Court, as well as in the Court of the District in which he shall be authorized to act as a Notary, an attested copy of such warrant, together with a certificate of his having given such bond and security, and made and signed such declaration as aforesaid.

3. And it is further enacted, that a Register of all Warrants to act as Notary shall be kept in the Colonial Secretary's Office, and that the Secretary of every District Court shall, on pain of punishment for neglect, make a correct list of all Notaries duly authorized to act as such within the jurisdiction of the District Court, and shall from time to time correct the same, as occasion shall require, and keep such correct list at all times appended to some conspicuous part of the wall of the District Court for general information.

4. And it is further enacted, that any person who shall practise, or act as, or exercise the functions of a Notary, without being previously authorized in manner aforesaid, shall be guilty of a Misdemeanour and punishable accordingly.

5. And it is further enacted, that it shall be lawful for the Governor for the time being, on due notification in the Government Gazette, to alter, vary or rescind the fees of Notaries at present taken or authorized, and from time to time to substitute other fees or to allow or limit fees or charges in such cases as shall from time to time be found expedient, and a correct list of such fees so from time to time to be authorized, shall be kept appended to the wall of every District Court by the Secretary of the Court, on pain of being fined or dismissed, or both, in case of neglect; and any Notary who 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 of Notary, or shall demand or insist upon a larger fee or remuneration than he is authorized to receive, shall, upon conviction, forfeit for every such offence a sum not exceeding Fifty pounds.

6. And it is further enacted, that every Notary shall, on pain of being fined at the discretion of the Court for violation or neglect, strictly observe the following Rules.

- 1.—He shall not divulge the secrets confided to him in the course of the performance of his duties, unless required to do so by due course of law.
- 2.—He shall not attest or authenticate any deed or other instrument whatever, unless the person executing the same be known to him or to the witnesses.
- 3.—He shall carefully note the date and place of execution or attestation of all deeds or other

**No. 3.—1839.**

**No. 4.—1839.**

**No. 4, — 1839.**

instruments whatsoever executed or attested before him, on the day on which they are executed or attested.

4.—He shall at the end of each month transmit to the District Courts duplicates and attested copies of all deeds or other instruments executed or acknowledged before or attested by him during the month, as required by law.

7. And it is further enacted, that every Notary shall strictly be bound, on pain of being fined at the discretion of the Court for neglect, to preserve with care, and with his signature to each attached, his protocols, minutes, drafts, or other material documents of or pertaining to all instruments of whatsoever nature passed or attested by him; and to keep a Register thereof with convenient index and entries in proper order of time, as nearly as may be, in order that recourse may be had thereto when necessary.

8. And it is further enacted, that any party to whom damages shall be awarded by judgment of law against any Notary, for negligence, error, or improper discharge of the duties of his Office, shall be entitled to levy and recover the same, if not otherwise satisfied, from and out of the securities by the Second clause of this Ordinance required to be given as aforesaid; and that other parties so recovering damages against such Notary shall, until such security is exhausted, be in like manner entitled: Provided that the sureties shall not be rendered liable beyond the amount for which they have bound themselves, and that when several suits against any Notary for the recovery of such damages shall be pending at the same time, the parties who shall become so entitled shall recover proportionably out of such security.

9. And it is further enacted, that whenever execution shall have issued against the surety or sureties of any Notary under the preceding Clause, a certificate to that effect shall be forthwith transmitted by the District Court before which the suit was instituted, to the Colonial Secretary, when it shall be lawful for the Governor to suspend the warrant of such Notary, until new bond and security shall have been given in manner required by the Second clause.

10. And it is further enacted, that any Notary who shall commit any fraud in the discharge of his Office, or shall attest or authenticate any fraudulent or illegal deed or instrument whatsoever, knowing the same to be fraudulent or illegal, or shall authenticate or attest any deed or instrument whatsoever, without the parties who executed it and the attesting witnesses having appeared personally before him, or without having explained to the parties the contents of such deed or instrument, or who shall wantonly, maliciously, or dishonestly mutilate or destroy or make away with any Notarial deed or other instrument whatsoever, or any protocol, minute, draft, or document, which he was bound to preserve, shall be guilty of a Misdemeanour and punishable accordingly.

11. And it is further enacted, that it shall be lawful for the Governor, upon the recommendation of the Judge of any Court in this Colony, wherein any Notary shall be accused on oath of any offence mentioned in the preceding Clause, or of any crime, to suspend his warrant to act as a Notary until his trial, and in case of the conviction of the said Notary for any such offence or crime, the Governor shall thereupon cancel the warrant of such Notary.

12. And it is further enacted, that if any Notary shall continue to practise, or act in or exercise the functions of such Office, during the time that his warrant shall be suspended, or after it shall have been cancelled on any conviction, he shall be guilty of a Misdemeanour and punishable accordingly.

13. And it is further enacted, that in every case of the suspension of the warrant of any Notary, a certificate thereof shall be forthwith transmitted by the Colonial Secretary to the Supreme Court and to the District Court of the District in which such Notary shall have been authorized to act; and a copy of such certificate, with a translation in the Native languages subjoined thereto, shall, so long as the warrant of such Notary shall continue suspended, be kept appended to the wall of such District Court by the Secretary, on pain of punishment for neglect at the discretion of the Court. And whenever the warrant of any Notary shall be cancelled, a certificate thereof shall in like manner be transmitted by the Colonial Secretary to the Supreme Court and to the District Court of the District in which such Notary shall have been authorized to act; and a copy of such certificate, with a translation in the Native languages subjoined thereto, shall, during such period as to the Court may appear necessary, be kept appended to the wall of such District Court by the Secretary, on pain of punishment for neglect at the discretion of the Court.

14. And it is further enacted, that every Notary who shall resign his Office, or be thereof deprived, shall forthwith deposit in the Court of the District in which he was lastly in the habit of practising, all the protocols, minutes, drafts, and documents pertaining to his Office, with the Register and index thereof; and upon the death of any Notary, his Executors or Administrators shall, within Two calendar months from the time of obtaining Probate or Letters of Administration, or if there be then no Executors or Administrators, the person or persons having possession or control over the property of such deceased Notary, shall within Two months from his decease, deposit in the District Court of the place in which such deceased Notary usually resided during his practice, all the Notarial protocols, minutes, drafts, and documents, register and index, found among his property pertaining to his Office, or which were in his custody as Notary; and any Notary so resigning or deprived of his Office, and the Executors or Administrators of any deceased Notary, or other person or persons



having possession or control in manner aforesaid, who shall refuse or neglect to deposit in Court any documents as hereinbefore directed, shall be liable to punishment by Fine or otherwise at the discretion of the Court.

**No. 4,—1839.**

15. And it is further enacted, that whenever any document shall be deposited under the preceding Clause in any District Court, the party depositing the same shall tender to the Secretary of such Court a list thereof in duplicate; and the Secretary shall, after comparing such lists with the documents deposited, sign both the said lists, as an acknowledgment of his receipt of such documents; and one of the said lists shall be thereupon returned to the party depositing such documents, and the other shall be filed in the District Court. And every Secretary of a District Court in any way transgressing the provisions of this Clause, shall be punishable at the discretion of the Court.

16. And it is further enacted, that within One month after any documents relating to lands or immoveable property shall have been filed in any District Court, a general Index or Land Register thereof shall be prepared and made by the Secretary of such Court, according to the Form in the Schedule A. annexed to this Ordinance, on pain of punishment for neglect at the discretion of the Court.

17. And it is further enacted, that all documents deposited in Court pursuant to the directions hereinbefore contained (except any such as shall evidently belong to others entitled to the possession thereof, to whom, on application and on giving a proper receipt, the same shall be delivered), shall be carefully preserved in such Court for reference and inspection of all persons interested therein, who shall moreover be entitled to copies thereof, or extracts therefrom, duly certified as correct by the Secretary of such Court, on paying to such Secretary, for his own benefit, a reasonable remuneration for his trouble, to be settled in case of dispute by the District Judge.

18. And it is further enacted, that on the default of payment of any Fine imposed by this Ordinance, the offenders shall be liable to imprisonment with or without hard labour, at the discretion of the Court.

19. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of March One Thousand Eight Hundred and Forty.

**SCHEDULE A.**

No.	Date.	Korle, Pattoo, or other Division.	Village.	Names of Parties.	Nature of Documents.

*Given at Colombo this Eighteenth day of December, One Thousand Eight Hundred and Thirty-nine.*

By His Excellency's Command,  
**GEORGE TURNOUR,**  
*Acting Colonial Secretary.*

**No. 5,—1839.**

*To regulate the printing and publishing of Newspapers in this Colony.*

WHEREAS it is expedient to regulate the printing and publishing of Newspapers in this Colony:

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that no person shall print or publish, or shall cause to be printed or published any Newspaper in this Colony, until there shall have been delivered at the Office of the Colonial Secretary in Colombo, a declaration in writing, setting forth the title of the Newspaper to which the same shall relate, and a true description of the house or building wherein such Newspaper shall be intended to be printed and published, by, for or on behalf of the proprietor thereof, and also the true name, addition and place of abode of every person who is intended to be a printer, or to conduct the actual printing of such Newspaper, and of every person who is intended to be the publisher thereof, and of every person who shall be a proprietor of such Newspaper; and every such declaration shall be made before some District Judge, and signed by every person named therein, as printer, publisher, or proprietor of the Newspaper to which such declaration shall relate; and whenever and so often as any printer, publisher or person conducting the actual printing of such Newspaper named in such declaration, shall be changed, or shall change his place of abode, and whenever and

**No. 5,—1839.**  
 Preamble.

No person to print or publish a Newspaper, until a declaration be made and delivered at the Office of the Colonial Secretary.

Fresh declaration to be made in certain cases.

**No. 5,—1839.**

Penalty on making false declaration.

Penalty for printing or publishing a Newspaper, such declaration not having been made. £50.

Declarations to be filed and certified copies to be admitted in evidence against the persons making the same.

After production of the declaration and a Newspaper intitled as therein mentioned, it shall not be necessary to prove the purchase of the paper.

Service of legal process at the place of printing or publishing mentioned in the de-

so often as any proprietor named in such declaration shall be changed or shall intend departing from this Colony, a declaration of such change as aforesaid, or of such intended departure from this Colony, shall be made before a District Court, and delivered into the Office of the Colonial Secretary, and also whenever and so often as the title of any such Newspaper, or the printing office, or the place of publication thereof shall be changed.— And if any person shall knowingly and wilfully sign and make any such declaration, in which shall be inserted or set forth the name, addition, or place of abode of any person as a proprietor, publisher, printer, or conductor of the actual printing of any Newspaper, to which such declaration shall relate, who shall not be a proprietor, printer, publisher, or conductor thereof, or from which shall be omitted the name, addition, or place of abode of any proprietor, publisher, printer, or conductor of the actual printing of such Newspaper, contrary to the true meaning of this Ordinance, or in which any matter or thing by this Ordinance required to be set forth, shall be set forth otherwise than according to the truth, or from which any matter or thing required by this Ordinance to be truly set forth, shall be omitted, every such offender, being convicted thereof, shall be deemed guilty of a Misdemeanour and punished accordingly.

2. And it is further enacted, that if any person shall knowingly or wilfully print or publish, or shall cause to be printed or published, or shall, as a proprietor or otherwise, sell or deliver out any Newspaper relating to which such declaration as aforesaid containing such matters and things as are required by this Ordinance to be therein contained, shall not have been duly signed and made and delivered when and so often as by this Ordinance is required, or any other matter or thing required to be done or performed, shall not have been accordingly done or performed, every person in any such case offending, shall, on conviction thereof, forfeit for every such act done, the sum of Fifty pounds for every day on which any such Newspaper shall be printed or published, sold or delivered out before or until such declaration shall be signed and made and delivered, or before or until such other matter or thing shall be done or performed, as by this Ordinance is directed.

3. And it is further enacted, that all such declarations as aforesaid, shall be filed and kept in the Office of the Colonial Secretary in such manner as the Governor may direct for the safe custody thereof, and copies thereof, certified by the Colonial Secretary or Assistant Colonial Secretary to be true copies, shall be delivered to any person requiring the same, upon payment of the sum of Three shillings and no more; and in all proceedings Civil or Criminal, and upon every occasion whatsoever, touching any Newspaper mentioned in any such declaration, or touching any publication, matter or thing contained in any such Newspaper, any certified copy of such declaration as aforesaid, shall, on proof only of the signature of the Colonial Secretary or Assistant Colonial Secretary certifying the same, be conclusive evidence of the truth of all such matters set forth in such declarations as are hereby required to be therein set forth, and of their continuancé respectively, in the same condition to the time in question, against every person who shall have signed such declaration, unless it be proved, that previous to the publication in question on such trial, such person did duly sign and make a declaration that such person had ceased to be a printer, publisher, or proprietor of such Newspaper, and did duly deliver the same at the Office of the Colonial Secretary, or unless it shall be proved, that previous to such occasion as aforesaid, a new declaration of the same or a similar nature respectively, or such as may be required by law, was duly signed, and made, and delivered as aforesaid, respecting the same Newspaper, in which the person sought to be affected on such trial did not join; and whenever a certified copy of any such declaration as aforesaid shall have been produced in evidence as aforesaid against any person having made and signed such declaration, and a Newspaper shall afterwards be produced in evidence, intitled in the same manner as the Newspaper mentioned in such declaration is intitled, or wherein the name of the printer and publisher, and the place of printing, shall be the same as the name of the printer and publisher, and the place of printing mentioned in such declaration, or shall purport to be the same, whether such title, name, and place printed upon such Newspaper shall be set forth in the same form of words as is contained in the said declaration, or in any form of words varying therefrom, it shall not be necessary for the plaintiff, informant, or prosecutor in any action, prosecution, or other proceeding, to prove that the Newspaper to which such action, prosecution, or other proceeding may relate, was purchased of the defendant, or at any house, shop, or office belonging to or occupied by the defendant, or by his servant, or workman, or where he may usually carry on the business of printing or publishing such Newspaper, or where the same may be usually sold.

4. And it is further enacted, that in any suit, prosecution or proceeding, Civil or Criminal, against any printer, publisher, or proprietor of any Newspaper, service at the house or place

mentioned in any such declaration as aforesaid as the house or place at which such Newspaper is printed or published or intended so to be, of any notice, summons, subpoena, rule, order, writ, or process of what nature soever, either to enforce an appearance or for any other purpose whatsoever, shall be taken to be good and sufficient service thereof respectively upon and against every person named in such declaration as the printer, publisher, or proprietor of the Newspaper mentioned in such declaration.

5. And it is further enacted, that at the end of every Newspaper, and of any and every supplement sheets thereto, shall be printed the christian name, surname and place of abode of the printer and publisher of the same, and also a true description of the house or building where the same is actually printed and published respectively, and the day of the week, month and year on which the same is published; and if any person shall knowingly and willfully print or publish or cause to be printed or published any Newspaper or supplement sheets wherein the several particulars aforesaid shall not be printed, or wherein there shall be printed any false name, addition, place or day, or wherein there shall be printed any description of the place of printing or publishing such Newspaper, which shall be different in any respect from the description of the house or building mentioned in the declaration required by this Ordinance to be made relating to such Newspaper, as the house or building wherein such Newspaper is intended to be printed or published, every such person shall, on conviction thereof, forfeit for any and every such offence the sum of Twenty pounds.

6. And it is further enacted, that the printer or publisher of every Newspaper printed in this Colony shall upon every day on which such Newspaper shall be published, or on the day next following which shall not be a holiday, deliver or cause to be delivered at the Office of the Colonial Secretary in Colombo, if such Newspaper be published within Twenty miles of Colombo, or if published elsewhere, to the Government Agent of the Province wherein the same is published, for the Colonial Secretary, one copy of every such Newspaper and of every second or other varied edition or impression thereof so printed or published, with the name and place of abode of the printer or publisher thereof signed and written thereon after the same shall be printed, by his proper hand and in his accustomed manner of signing, or by some person appointed and authorized by him for that purpose, and of whose appointment and authority due notice in writing signed by such printer or publisher shall be given to the Colonial Secretary, or to the Government Agent to whom such copies are to be delivered; and such printer or publisher shall be entitled to demand and receive once in every month from the Officers aforesaid, to whom such Newspapers shall be delivered the ordinary price of the Newspapers so delivered; and every printer and publisher of such Newspaper who shall neglect to deliver or cause to be delivered in manner hereinbefore directed, such copy or copies signed as aforesaid, shall, on conviction thereof, forfeit for every such neglect the sum of Twenty pounds; and in case any person shall require any such Newspaper so signed and delivered, to be produced in evidence in a proceeding Civil or Criminal, the Colonial Secretary shall cause such Newspaper to be produced in Court when required, at the expense of the party applying for it, or shall deliver the same to such party, taking reasonable security for his returning it, and all copies so delivered as aforesaid shall be evidence against every printer, publisher, and proprietor of every such Newspaper, in all proceedings Civil or Criminal to be commenced or carried on as well touching such Newspapers as any matter or thing therein contained, and touching any other Newspaper, and any matter or thing therein contained, which shall be of the same title, purport or effect with such copy so delivered as aforesaid, although such copy may vary in some instances or particulars either as to title, purport or effect; and every printer, publisher or proprietor of any copy so delivered as aforesaid, shall to all intents and purposes be deemed to be the printer, publisher, or proprietor respectively of all Newspapers which shall be of the same title, purport or effect with such copies or impressions so delivered as aforesaid, notwithstanding such variance as aforesaid, unless such printer, publisher, or proprietor respectively, shall prove that such Newspapers were not printed or published by him, nor by nor with his knowledge or privity.

7. And it is further enacted, that whenever in this Ordinance the word Newspaper is used, such word shall be understood and construed to include any paper containing public news, intelligence or occurrences, printed in this Colony, in whatever way or form the same may be printed or published; and whenever in this Ordinance any word or words used in this Ordinance is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood and construed to include several persons as well as one person, females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided or there be something in the subject or context repugnant to such construction.

No. 5,—1839.

declaration, shall be deemed sufficient service.

Name of printer and other particulars to be printed on Newspapers.

Copies of Newspapers shall be delivered to the Colonial Secretary.

Construction of the terms used in this Ordinance.

**No. 5,—1839.**

Government Gazette and papers published by authority of Government exempted.

8. Provided always, and it is further enacted, that nothing in this Ordinance contained shall extend to the Government Gazette, or to any Proclamation, Notice, or other public paper printed and published by authority of Government, or to any papers containing only Lists of Prices Current, or the state of the markets, or accounts of the arrival, sailing, or other circumstances relating to merchant ships or vessels, or advertisements of a commercial or like nature, or advertisements previously published in the Government Gazette.

Ordinance when to take effect.

9. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of February One Thousand Eight Hundred and Forty.

*Given at Colombo, this Eighteenth day of December, One Thousand Eight Hundred and Thirty-nine.*

By His Excellency's Command,  
GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 1,—1840.****No. 1,—1840.**

*For abolishing the Tax upon Fish, commonly called the "Fish Rents," and for repealing the Regulation No. 24 of 1822.*

Preamble.

WHEREAS it is expedient to abolish the Tax upon Fish commonly called the Fish Rents.

Fish tax abolished, and former Regulation repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Tax upon Fish commonly called the "Fish Rents," shall be abolished, and the Regulation No. 24 of 1822, entitled "*For repealing the Twenty-First Regulation of 1820, and reviving the former system of collecting the Revenue derived from Fish in the District of Colombo,*" shall be and the same is hereby repealed, except in so far as regards any offences committed, or any fines, penalties, dues, forfeitures or liabilities incurred thereunder, and except in so far as the said Regulation No. 21 of 1820 is thereby repealed.

*Given at Colombo this Fourth day of January, One Thousand Eight Hundred and Forty.*

By His Excellency's Command,  
GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 2,—1840. (Disallowed.)****No. 2,—1840.**

*To restrain Gifts or Dispositions of Land for Religious or Charitable purposes, whereby the same become inalienable.*

WHEREAS by the Proclamation bearing date the Eighteenth day of September 1819, it is declared, that it had not been, nor should hereafter be lawful for any inhabitant to make a donation or a bequest of any land to or for the use of any Temple without a licence in writing from the Governor, and that any land granted contrary to the provisions thereof should be reclaimable by the next heir. And whereas very extensive tracts of land throughout this Island are in the possession, by succession, purchase or gift, of Religious Communities and persons, and it is doubtful whether such lands may be alienated even for the benefit of the Societies or Communities to which they respectively belong, or for any purpose whatever, and it is highly desirable therefore to extend the provisions of the said Proclamation throughout this Island, and to enable all lands held for Religious or Charitable purposes, to be alienated, with the consent of the Crown.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that so much of the said Proclamation bearing date the Eighteenth day of September 1819, as prohibits any donation or bequest of any land to any Temple without the licence of the Governor, or relates to the same as aforesaid, shall be and the same is hereby repealed.

2. And it is further enacted, that it shall not be lawful for any Religious or Charitable Corporation or Community or for any person whatever, to buy, acquire, or hold any lands or tenements, or any estate or interest therein whatsoever, under or by colour of any grant, transfer, settlement, gift, lease or disposition, or by reason of any other title whatsoever, for the purpose of applying the same or the profits thereof to any Charitable or Religious use or purpose, without the consent under his seal of the Governor, on pain of forfeiture of any such lands or tenements or estate or interest therein; and if any Corporation, Community or person as aforesaid, shall offend in any way directly or indirectly against this Ordinance, it shall be lawful for Her Majesty, Her Heirs or Successors to enter at any time into the land or property so alienated, and to hold and possess the same or dispose thereof, as of property wholly belonging to the Crown.

3. Provided always, that nothing in this Ordinance contained shall extend to prevent any Corporation, Community or person from taking, for any Religious or Charitable purpose, leases for the term of Twenty-one years or any less term, but the said leases shall not be renewed or declared renewable after the expiration of such term, without the consent of the Governor under his seal.

4. And it is further enacted, that all lands and tenements whatsoever within this Colony, and all estates, charges or interests therein, which now are or hereafter may be held by or belonging to any Temple or to any Corporation or Community whatever, or any person or persons for Religious or Charitable uses or purposes, shall be liable to be alienated or incumbered at any time by the said Corporation, Community or person, as fully and effectually and in like manner as the same could be, if held by private individuals in fee.

5. Provided always, that such alienation or incumbrance shall not be made except with the consent of the Governor under his seal, and that whenever such property is held by more than one person or by any Community or Corporation aggregate, the transfer or incumbrance to be valid shall be made by and with the consent of two-thirds in number at least of the persons having an immediate vested interest in the said property, who at the time of such alienation or incumbrance shall have attained the full age of Twenty-one years.

6. And whereas by the Proclamation of the 21st November 1818, all lands then being the property of Temples were exempted from all taxation whatever, and several Temples have since been allowed to fall into decay and are no longer maintained or kept up according to the intention of the donors thereof, or used as places of worship. It is therefore enacted, that all lands or tenements or any estate or interest therein, which have been, or may be hereafter dedicated to, or belonging to any Temple, or to any Corporation, Community or person, for any Religious or Charitable purposes whatsoever, shall upon such Temple falling into decay or being disused as a place of worship, or on failure of the Religious or Charitable purposes for which such lands or tenements or estate or interest, have been or may be hereafter dedicated, be no longer exempted from payment of any tax.

7. And it is further enacted, that this Ordinance shall commence and take effect upon and after the First day of July One Thousand Eight Hundred and Forty.

*Given at Colombo this Fourth day of January, One Thousand Eight Hundred and Forty.*

By His Excellency's Command,

GEORGE TURNOUR,

*Acting Colonial Secretary.*

**No. 3,—1840.** (*Repealed by Ordinance No. 4 of 1841.*)

*For the suppression of Vagrancy, and the punishment of idle and disorderly persons and rogues and vagabonds.*

**No. 3,—1840.**

WHEREAS it is expedient to repeal the Regulation No. 6 of 1806, and also the Regulation No. 12 of 1806, entitled, "*A Regulation for compelling the Native Headmen to the more effecting discharge of their Duty, and for authorizing Magistrates to apprehend Vagrants,*" and also the 9th, 10th, 11th and 12th Clauses of the Ordinance No. 3 of 1834, entitled, "*For improving the Police within the Town, Fort, and four Gravets and Port of Colombo,*" and also the Proclamation of the 4th May 1831, and to make further general provisions for the suppression of Vagrancy, and for the punishment of *idle and disorderly persons, rogues and vagabonds, and incorrigible rogues* in this Colony.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the commencement of this Ordinance the said Regulation No. 6 of 1806, and the said Regulation No. 12 of 1806, and the said 9th, 10th, 11th and 12th Clauses of the Ordinance No. 3 of 1834, and the said Proclamation of the 4th May 1831, be and the same 'are hereby repealed, except in so far as respects all offences which have been heretofore committed against the same.

2. And it is further enacted, that every person committing any of the offences hereinafter mentioned in this Clause shall be deemed an *idle and disorderly person* within the true intent and meaning of this Ordinance.

(1.) Every person being able to maintain himself or his family by work or other means, but who shall wilfully refuse or neglect so to do, and shall wander abroad or place himself in any public place, street, highway, court, or passage, to beg or gather alms, or cause or procure or encourage any of his family so to do, excepting Buddhist priests and pilgrims in performance of their religious vows, not being mendicants of the description mentioned in the sixth Section of this Clause.

(2.) Every common prostitute wandering in the public street or public highway or in any place of public resort, and behaving in a riotous or indecent manner.

(3.) Any person lying down drunk in the public street or highway, or behaving in a riotous, disorderly or indecent manner therein.

## No. 3,—1840.

(4.) Every person wandering abroad or lodging in any verandah, outhouse, shed or unoccupied building, or in any cart, vehicle or other receptacle, without leave of the owner thereof, and not having any visible means of subsistence, and not giving a good account of himself.

(5.) Every person wilfully exposing to view, in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibition, or without leave of the owner defacing the side of any house or building or wall, by fixing any placard, or notice, or by writing or drawing thereon.

(6.) Every person wandering abroad, or placing himself in any public place, street, highway, court or passage, and endeavouring, by the exposure of any wounds, deformities, leprosy or loathsome diseases, to obtain or gather alms.

(7.) Every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions for himself or others, of any nature or kind, under any false or fraudulent pretence.

(8.) Every person endeavouring to procure himself to be hired or employed as a servant, labourer, or journeyman artificer, by producing false, forged, or counterfeit certificates of his character, or by making false statements of his former service or employment.

(9.) Every person wilfully leaving his wife or his child destitute, without maintenance or support, whereby they shall become chargeable to, or require to be supported by his relatives, or dependent on public or private charity.

(10.) Every person gaming, playing or betting in any street, road, highway or other open and public place, or in any tavern, shop or place for the sale of spirits or liquor, or kept or used for the purpose of common or promiscuous gaming, at cockfighting, or with any table, dice, cards or other instrument for gaming, at any game or pretended game of chance.

(11.) Every person having in his custody or possession any picklock, key, crowbar, jack, bit or other implement, with intent unlawfully to break into any dwelling-house, warehouse, coach-house, stable, or out-building, or being armed with any gun, pistol, sword, knife, bludgeon, or other offensive weapon, or having upon him any instrument, with intent to commit any unlawful offence.

(12.) Every person being found in or upon any dwelling-house, warehouse, godown, stable, outhouse or other building, or in any enclosed yard, garden, plantation or compound, for any unlawful purpose, or not giving a satisfactory account of himself.

(13.) Every suspected person or reputed thief loitering or lurking about or frequenting any river, canal, or navigable stream, dock or basin, or any bazaar, quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue leading thereto, or any street, highway, or place adjacent to, or in or about any vessel, dhoney, boat or other craft in any harbour, river, canal, or other water, with intent to commit any robbery, theft, or unlawful act.

3. And it is further enacted, that every person committing any of the offences mentioned in the preceding Clause, and being convicted thereof as an *idle and disorderly person*, shall be liable upon the *first* conviction to be imprisoned with or without hard labour for any term not exceeding One calendar month, or to a fine not exceeding Five pounds, and upon the *second* conviction, or in case of any *idle or disorderly person* resisting any Constable or Police Officer apprehending him, every such person shall be deemed and taken to be a *rogue and vagabond*, and be liable to imprisonment with or without hard labour for any period not exceeding Three months, or to a fine not exceeding Ten pounds, and upon the *third* or any subsequent conviction, or in case of any person breaking or escaping out of any place of legal confinement before the expiration of the term for which he shall have been committed or ordered to be confined under this Ordinance, every such person shall be deemed an *incorrigible rogue*, and be liable to Six months imprisonment at hard labour, and also to be punished by whipping not exceeding Twenty-five lashes; and every picklock, key, crowbar, bit and other implement, and every gun, pistol, sword, knife or other offensive weapon or instrument mentioned in the preceding Clause, shall, on the conviction of such offender, become forfeited to Her Majesty.

4. And it is further enacted, that every person convicted as an *idle and disorderly person*, *rogue and vagabond*, or *incorrigible rogue*, may, in addition to any punishment imposed by the preceding Clause, be required also to give security for his good behaviour for One year after his discharge, and in default of such security being given as required, he shall be liable to additional imprisonment at hard labour not exceeding Six months.

5. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable or Peace Officer, duly appointed by, or under authority from, the Governor, to apprehend or cause to be apprehended any person being upon his own view or knowledge, or charged with being an *idle and disorderly person*, or a *rogue and vagabond*, or an *incorrigible rogue*, or accused of any robbery, theft, assault, or other crime, and forthwith to take

or send him with a report stating the date of and reason for the arrest, and all that has been done upon the occasion, before the District Court of the place wherein he shall be apprehended, and to search his house if charged with theft or other crime; and in case any such principal or other Headman, Constable or Peace Officer shall, without just cause, delay, refuse or wilfully neglect to take such offender into his custody, and to take or send him with such report before the District Court, or to search his house as aforesaid, or shall not use his best endeavours so to do, it shall be deemed a neglect of duty and be punished as hereinafter directed.

6. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable, or Peace Officer aforesaid, apprehending any person charged with being an *idle and disorderly person*, or *rogue and vagabond*, or *incorrigible rogue*, or accused of any robbery, theft, or crime, to take or send with his report any goods or property found with or in the possession of such person before the District Court, and to search such offender, and inspect his boxes, bundles, parcels, or packages accordingly; and any money which may be then found with or upon any *idle or disorderly person*, *rogue and vagabond*, or *incorrigible rogue* so apprehended, shall at the discretion of the District Court be ordered to be paid and applied for and towards payment of any fine imposed on him, and the expense of apprehending, conveying to Gaol and maintaining such offender during the time for which he shall have been in custody and committed to prison, and if upon search money sufficient for the purposes aforesaid be not found, it shall be lawful for such Court to order that a part, or if necessary the whole of his effects found on or belonging to him, shall be sold, and the produce of such sale be paid and applied as aforesaid; and the overplus of such money or effects, after deducting the charges of such sale, shall be returned to the said offender.

7. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable or other Peace Officer aforesaid, to enter into any tavern or shop or place for the sale of spirits or liquor during the hours which the same are allowed by law to be kept open, to search for and apprehend any person hereinbefore described to be an *idle and disorderly person*, or *rogue and vagabond*, or *incorrigible rogue*, or any person suspected or accused of any offence; and the District Court, upon information on oath, that any person so offending is or is reasonably suspected to be harboured or concealed in any shop or place for the sale of spirit or liquor after the hours during which it is required by law to be closed, or in any house kept for the reception, lodging or entertainment of travellers, or other building, boutique, out-house or premises, shall grant a warrant to enter at any time therein and to apprehend and bring before such Court every such *idle and disorderly person*, *rogue and vagabond*, or *incorrigible rogue*, or person suspected or accused of any offence as shall be found therein.

8. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable or other Peace Officer aforesaid, to call upon, in the name of Her Majesty, every Headman, Constable or other Peace Officer, and every inhabitant of his own or any neighbouring village, to aid and assist him in the execution of his duty in any thing required of him by this Ordinance; and if any such Headman, Constable or other Peace Officer or any inhabitant shall, when so called upon, without just cause delay, refuse or neglect to aid and assist in any arrest, seizure or search required by this Ordinance, or in the securing, detention or removal before the District Court of the offender or property seized, he shall be liable, on conviction for every such offence to a fine not exceeding One pound or to imprisonment not exceeding Fourteen days. Provided always, that whenever any person shall be required as aforesaid to go beyond a distance of Five miles, he shall be entitled to receive batta or hire from Government according to the rates payable in the Fiscal's department.

9. And it is further enacted, that in case any principal or other Headman, Constable or other Peace Officer aforesaid, shall neglect his duty in any thing required of him by this Ordinance, he shall be liable for every such offence to a fine not exceeding Ten pounds, or to imprisonment not exceeding Six calendar months with or without hard labour, at the discretion of the Court.

10. And it is further enacted, that in case any person shall hinder, disturb or molest any principal or other Headman, Constable or other Peace Officer in the execution of this Ordinance, or shall be aiding, abetting or assisting therein, or shall knowingly conceal or harbour, or knowingly attempt, aid, abet, or assist in harbouring or concealing any *idle or disorderly person*, *rogue and vagabond*, or *incorrigible rogue*, and shall be thereof convicted, every such offender shall, for every such offence, be liable to a fine not exceeding Ten pounds, or to imprisonment not exceeding One year with or without hard labour, at the discretion of the Court.

11. And it is further enacted, that all keepers of taverns or other shops or places for the retail of spirits or other liquors, who shall suffer the said taverns or other shops or places to be kept open, or shall sell spirits or other liquors at any time before the hours of five in the morning or after nine in the evening, shall be liable to a penalty of Five pounds, and in default of payment thereof to imprisonment with or without hard labour not exceeding One month; and all keepers of taverns or other shops or places for the retail of spirits or other liquors, and their agents, servants or other persons having at the time the care or management of such taverns, shops or places, who shall permit any person to be guilty of drunkenness or disorderly conduct in the said tavern, shop or place aforesaid, and every person who shall be

## No. 3,—1840.

found drunk, or be guilty of noisy or disorderly conduct in or about such tavern, shop or place aforesaid, or shall be a party in any way in transgressing or neglecting the provisions of this Clause, shall, upon the first conviction, be fined in a sum not less than Five shillings, to be levied, in failure of immediate payment thereof, by warrant of distress and sale of his goods and property, and in default of payment of such fine, or if the Court shall think it specially necessary to award further punishment, every such offender shall be liable to imprisonment with or without hard labour not exceeding Fourteen days, and upon any subsequent offence such offender shall be liable to be punished in the same manner as *idle and disorderly persons* are punishable under this Ordinance.

12. And it is further enacted, that if any keeper of any tavern or other shop or place for the retail of spirits or other liquors, shall take or receive in payment as a pledge or in barter or exchange for any spirits or liquor or other entertainment supplied in or from the said tavern, shop or place, any thing excepting money commonly current in this Island, he shall be liable to a penalty not exceeding One pound for every such offence, and every such pledge, barter or exchange shall also be illegal and void.

13. And it is further enacted, that if any keeper of any tavern, shop or place for the retail of spirits or other liquors, shall in any respect commit any breach or offence against the conditions of his Licence, he shall be liable to be adjudged in a summary manner to pay the penalty incurred thereunder.

14. And it is further enacted, that all keepers of taverns, or other shops or places for the retail of spirits or other liquors, who shall wilfully permit or countenance in or about the same or in any shed or other building, compound, garden or land adjoining or near thereto and occupied by or belonging to the keeper of such tavern, shop or place, any playing, betting, or gaming at cockfighting, or with any table, dice, cards, or other instrument for gaming, at any game or pretended game of chance, and every person who shall be a party to any such playing, betting, or gaming, or in any way in transgressing or neglecting the provisions of this Clause shall, on the *first* conviction thereof, forfeit any sum not exceeding the sum of One pound, and on failure to pay the said sum shall suffer imprisonment with or without hard labour, not exceeding One calendar month.

15. And it is further enacted, that all keepers of taverns, or other shops or places for the retail of spirits or other liquors, who shall permit or countenance therein any playing, betting or gaming in any manner described or mentioned in the preceding Clauses, on being so convicted thereof twice or more frequently, shall be deemed and taken to be at the time of such second, or subsequent offence a keeper, holder, occupier or user of a house or place for the purpose of common or promiscuous gambling, within the meaning and intent of this Ordinance, and shall be punishable as hereinafter provided.

16. Provided always, that none of the provisions of the two preceding Clauses shall extend to the Rest houses belonging to Government.

17. And it is further enacted, that all persons who shall keep, hold, occupy or use any house or other place, open or enclosed, for the purpose of common or promiscuous gaming, playing, or betting at cockfighting, or with any table, dice, cards or other instrument for gaming, at any game or pretended game of chance, or any brothel, or disorderly house, shall, upon the first conviction thereof, suffer imprisonment at hard labour for a period of Six months and shall forfeit the sum of Five pounds, and shall upon the *second* and every subsequent conviction, suffer imprisonment at hard labour for a period of Twelve months, and forfeit and pay the sum of Ten pounds, and in default of payment of such fine or fines, be liable to further imprisonment with or without hard labour, at the discretion of the Court.

18. And it is further enacted, that any person other than the real owner, keeper, or occupier of any such house or other place mentioned in the four preceding Clauses, who shall at any time hereafter act or behave as master or as having the care or management thereof, shall be deemed and taken to be a keeper, holder or user thereof, within the meaning and intent of this Ordinance, and shall be equally liable to be prosecuted and punished in the manner and to the effect aforesaid, as the real owner, keeper, or occupier thereof would be.

19. And it is further enacted, that all fines or penalties imposed by this Ordinance, shall, on failure of immediate payment, be levied by summary warrant of distress and sale of the goods, property and effects of the offender; and it shall also be lawful for any Court before whom any such offender may be convicted, to order at its discretion the whole or any part of such fine or penalty, when recovered, to be paid over or applied to the use and benefit of the person who shall first have given information against or been active in the apprehending of such offender or shall appear otherwise deserving of reward in the matter.

20. And it is further enacted, that no prosecution shall be instituted against any person for offences under the provisions of this Ordinance after the expiration of One calendar month next subsequent to the date of the offence.

21. And it is further enacted, that whenever in this Ordinance any word or words used in this Ordinance is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood and construed to include several persons



as well as one person, females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

**No. 3,—1840.**

22. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of July One Thousand Eight Hundred and Forty.

*Given at Colombo this Seventh day of January, One Thousand Eight Hundred and Forty.*

By His Excellency's Command,  
**GEORGE TURNOUR,**  
*Acting Colonial Secretary.*

**No. 4.—1840.**

*(The 3d, 4th, 5th, and 6th Clauses, and so much of the 2d Clause as regards the Registration of Carts, repealed by Ordinance No. 3 of 1848.)*

*For the supply of Bullock Carts and other means of Transport required for Her Majesty's Forces and their Baggage on Marches in this Colony.*

**No. 4,—1840.**

WHEREAS it is expedient to make regular provision for the supply of Bullock Carts and other means of Transport required for Her Majesty's Forces and their Baggage on Marches in this Colony.

Preamble. ●

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that all District Courts within their respective Jurisdictions, upon production of a requisition for that purpose signed by the Governor, or the Senior Officer of Her Majesty's Forces, or other person duly authorized on that behalf, shall issue a warrant to any Constable, Police Vidahn or Peace Officer, requiring him to provide the number of bullock carts, bullocks and drivers, mentioned in such requisition, and allowing sufficient time to do the same, and specifying the weights which such bullock carts or bullocks shall carry, the places from and to which the said bullock carts, bullocks and drivers shall travel, and the distance between the places, and also the rate of hire or payment which shall be demanded for the same; and such distance and rate shall be according to the distance and rate of hire for which bullock carts or bullocks are usually let out on private hire at the place where the same are impressed, together with such extra compensation as the District Court shall, under the circumstances, consider to be reasonable, but making no allowance for dues or Tolls on Roads, Bridges or Ferries, which are herein declared not to be demandable for the same while employed on such service, or returning therefrom; and the said Constable, Police Vidhan or Peace Officer shall, on receiving such warrant, order persons having bullock carts or bullocks to furnish the requisite supply, who are hereby required to furnish the same accordingly, together with proper drivers; and when it shall appear by a certificate of any District Judge that sufficient bullock carts or bullocks cannot be procured within his District, any adjoining District Court shall within its jurisdiction by a like course of proceeding supply the deficiency.

Supply of Bullock Carts and Bullocks.

Mode of proceeding and rate.

2. And it is further enacted, that all bullock carts plying for hire or the conveyance of goods shall be liable to be impressed under the provisions of this Ordinance before any carts kept by individuals exclusively for private use, and not let out for common hire;—and in order that the burthen may fall equally amongst all such bullock carts plying for hire, and to facilitate the carrying into effect the provisions of this Ordinance, the Government Agents shall cause annual Registers to be made out on the First day of March of this present, and on the first day of January in every succeeding year, of all bullock carts plying for hire or the conveyance of goods in each District within their respective Provinces; and in such annual Registers there shall be inserted the number of every such bullock cart (which number shall be affixed to the cart as hereinafter mentioned) and also the name or names, and place or places of abode of the owner or owners thereof.—And a copy of the respective Register for each District, when made as aforesaid, shall be forwarded to, and appended in some conspicuous part of the District Court of such District, and shall be conclusive evidence as to the carts therein registered plying for hire,—and all bullock carts so registered shall be impressed under the provisions of this Ordinance in rotation, according to such Registers, as far as practicable.

Bullock carts plying for common hire liable to be impressed before private carts.

3. And it is further enacted, that upon any bullock cart being registered as aforesaid, a Tin plate duly stamped or marked at the Cutcherry, and having painted on it the number of such cart corresponding with the number entered in the Register, shall be issued from the Cutcherry for, and affixed to the said cart by nails or rivets in such conspicuous manner as the Government Officer employed for that purpose may appoint, and if at any time afterwards such plate shall be displaced by accident, it shall without delay be refixed on the cart

**No. 4, — 1840.**

at the Cutcherry in the same manner. And in case any bullock cart shall ply for hire or for the conveyance of goods, without being annually registered or having such Tin plate properly affixed thereto in such manner as is required by this Ordinance, the owner or owners thereof shall be liable to a penalty of Ten shillings.

4. And it is further enacted, that every Tin plate issued from the Cutcherry for any bullock cart as aforesaid, shall be removed by and delivered up to the proper Officer of the Cutcherry at the expiration of the year for which such plate was issued, when the Register of the cart shall, upon the application of the owner or owners thereof, be thereupon renewed, and a fresh plate issued for and affixed to the said cart in manner hereinbefore directed; and any such plate shall be removed and delivered up as aforesaid upon the withdrawal of any such cart at any time during the current year from the Register, as no longer plying for hire, for which withdrawal, however, previous notice of one calendar month to the Government Agent shall be necessary:—And if any owner or owners of any bullock cart shall not comply with, or shall act contrary to the above provision in this Clause, or shall retain or have affixed to his, her or their cart, whether registered or not registered under the provisions of this Ordinance, any Tin plate which may have been issued from the Cutcherry for the same or any other cart, on its being registered for or during any previous year, such owner or owners shall be liable to a fine of Ten shillings; and the said old plate shall be thereupon seized and destroyed.

5. And it is further enacted, that any person or persons who shall forge or counterfeit any Tin plate required to be used or issued from the Cutcherry upon the Register of any bullock cart under this Ordinance, or shall knowingly or wilfully utter, use or possess any Tin plate which shall be forged, counterfeited or altered, or shall have been issued for any other bullock cart, shall on conviction be liable for every such offence to imprisonment with hard labour for any term not exceeding Twelve months, and the bullock cart on which such plate is fraudulently used or affixed, together with the bullocks belonging to or yoked to the same, shall be liable to be seized and to be confiscated by the District Court.

6. And it is further enacted, that all bullock carts being duly licensed to ply for hire within the Towns, Forts, and Gravets of Colombo and Galle, under the Regulations No. 4 of 1834, and No. 3 of 1835, shall be deemed to be duly registered under this Ordinance, and be inserted in the Register accordingly: And in all cases where any bullock carts not duly licensed to ply for hire or for the conveyance of goods as aforesaid, shall have been employed within either of the Towns, Forts or Gravets of Colombo or Point de Galle, for the removal of Her Majesty's Forces or their baggage on a march, with the consent of the owner or otherwise, no penalties, forfeitures or liabilities shall be thereby incurred owing to such bullock carts not being duly licensed to ply for hire or for the conveyance of goods within the said Towns, Forts or Gravets of Colombo or Point de Galle, any law to the contrary notwithstanding.

Half of rate to be paid before loading.

Weight of loading.

Twenty-four hours' notice to Constables for providing carts.

Certificate of employment to be given, and carts not liable to be impressed oftener than once a year.

Supply of carriages, &c., in cases of emergency.

7. And it is further enacted, that the owners or drivers of any bullock carts or bullocks impressed under this Ordinance, shall be entitled to be paid one-half of the hire thereof, according to the rate allowed by and specified in the warrant of the District Court, before his bullock cart or bullocks shall be loaded; and no bullock cart or bullocks shall be liable to carry a greater weight than shall be specified in the warrant of the District Court, and the loading of such bullock cart or bullock shall be first weighed, if required, at the expense of the party in fault, provided that the same can be done in a reasonable time without hindrance to Her Majesty's Service; and whenever it shall be necessary to impress bullock carts or bullocks for a march under this Ordinance, at least Twenty-four hours' notice shall be given, and in case of emergency as long notice as the case will admit shall be given to the Constable, Police Vidhan or Peace Officer who shall have to order the requisite supply. And the owner or owners of every bullock cart or bullock which shall be detained and employed under this Ordinance, shall upon the discharge of such bullock cart or bullocks be entitled to a certificate of such service or employment. And no owner of any bullock cart or bullock shall be liable to have the same detained and employed under this Ordinance against his or her will, oftener than once in each year, except in case of pressing emergency.

8. And it is further enacted, that it shall be lawful for the Governor by his warrant, distinctly stating that a case of emergency doth exist, to authorize any Officer Commanding Her Majesty's Troops in any District or place, or any Commissariat Officer or agent for the supply of Military Stores and provisions, to make a requisition in writing under his hand to any District Court within its jurisdiction to issue its warrant for the provision, not only of bullock carts and bullocks kept by or belonging to any person and for any use whatsoever, but also of horses, carriages, hackeries, waggons and vehicles, and also of boats, barges and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said requisition, therein specifying the place and distance to which such carriages, horses or vessels shall go; and on the production of the said requisition to any District Court, such Court shall, within its jurisdiction, take all the same proceedings in regard to such additional supply so required on the said emergencies, as

the said Courts are by this Ordinance required to take for the ordinary provision of bullock carts or bullocks; and all provisions whatsoever of this Ordinance, as regards the procuring of the ordinary supply of bullock carts and bullocks, and the duties of the Constables or other Officers and owners of bullock carts and bullocks in that behalf, shall be to all intents applicable for the providing and payment according to the rate of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in such case; and it shall be lawful to convey thereon, not only the baggage, provisions and Military stores of any regiment or detachment, but also the officers, soldiers, servants, women, children, and other persons of or belonging to the same.

9. And it is further enacted, that if any Constable, Police Vidhan or other Peace Officer shall wilfully neglect or refuse to execute any warrant aforesaid of the District Court which shall be directed to him for providing bullock carts or bullocks, horses, carriages or vessels, or if any person appointed by such Constable to provide bullock carts or bullocks, horses, carriages or vessels, shall refuse or neglect to supply the same, or do any act or thing by which the execution of such warrant shall be hindered, such Constable, Police Vidhan, Peace Officer or other person shall forfeit for every such offence, neglect, or refusal, any sum not exceeding Five pounds nor less than Two pounds, and the Register or licence of every bullock cart for which default shall be made, shall be thereupon forfeited, and the plate thereof accordingly ordered to be removed from such cart.

10. And it is further enacted, that if any Military Officer, Non-Commissioned Officer or soldier shall, except on emergency, constrain any bullock cart, or carriage, or vessel to proceed beyond the distance specified in the warrant of the District Court, or shall compel the owners or driver to take up any soldier or servant (except such as are sick) or shall otherwise, contrary to the will of the owner or driver, cause or permit any greater load to be put upon any carriage than is directed by this Ordinance, such Officer, Non-Commissioned Officer, or soldier shall, upon conviction, forfeit for every such offence any sum not exceeding Five pounds nor less than Two pounds.

11. And it is further enacted, that all fines or penalties imposed by this Ordinance shall, on failure of immediate payment, be levied by summary warrant of distress and sale of the goods, property and effects of the offender or offenders, and in default of payment the offender or offenders shall be liable to imprisonment not exceeding Three calendar months, and it shall also be lawful for any Court before whom any such offender may be convicted, to order at its discretion the whole or any part of such fine or penalty when recovered, to be paid over or applied to the use and benefit of the person who shall first have given information against, or been active in the apprehending of such offender, or shall appear otherwise deserving of reward in the matter.

12. And it is further enacted, that whenever the words "bullock carts" or "bullocks" are used in this Ordinance, such words shall be respectively understood and construed to include buffaloe carts as well as bullock carts, and buffaloes as well as bullocks, and that whenever any word or words is or are used in this Ordinance importing the singular number or the masculine gender only, yet such word or words shall be understood and construed to include several persons as well as one person, females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

13. And it is further enacted, that this Ordinance shall commence and take effect upon and after the First day of March One Thousand Eight Hundred and Forty.

*Given at Colombo this Thirteenth day of January, One Thousand Eight Hundred and Forty.*

By His Excellency's Command,  
GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 5,—1840. (Disallowed.)**

*To prevent Encroachments upon Crown Lands.*

WHEREAS divers persons without any probable claim or pretence of title, have taken possession of lands in this Colony belonging to Her Majesty, and it is necessary that provision be made for the prevention of such encroachments.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the District Court,

**No. 4,—1840.**

Penalties upon persons offending against provisions of this Ordinance.

Forfeiture of license of bullock cart.

Penalties upon the Military so offending.

Fines to be levied by distress.

Informer's share.

Construction of terms.

Commencement of Ordinance.

**No. 5,—1840.**

**No. 5, — 1840.**

upon information supported by affidavit, charging any person or persons with having, without probable claim or pretence of title, entered upon or taken possession of any lands which belong to Her Majesty, Her Heirs or Successors, to issue its summonses for the appearance before it of the party or parties alleged to have so illegally entered upon or taken possession of such land, and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information; and the said District Court shall proceed in a summary way in the presence of the parties, or, in case of wilful absence of any person against whom any such information shall have been laid, then in his absence to hear and determine such information; and in case on the hearing thereof, it shall be made to appear, by the examination of the said party or parties or other sufficient evidence, to the satisfaction of such District Court, that the said party or parties against whom such information shall have been laid, hath or have entered upon or taken possession of the land mentioned or referred to in such information, without any probable claim or pretence of title, then and not otherwise such District Court is hereby authorized and required to make an order, directing such party or parties to deliver up to Her Majesty, Her Heirs or Successors, peaceable possession of such lands, together with all crops growing thereon, and all buildings and other immoveable property upon and affixed to the said lands, and to pay the costs of such information; and in case the party or parties against whom any such order shall have been made shall not within Fourteen days after service thereof, deliver up possession of the said lands and premises pursuant to the said order, or shall afterwards make or cause to be made any further encroachments upon the said lands or premises, contrary to such order or in evasion thereof, then and in such case it shall be lawful for such District Court to adjudge such party or parties to pay a fine not exceeding Five pounds, or to be imprisoned with or without hard labour for any time not exceeding Fourteen days, and to make a further order for the immediate delivery over of the possession of such land and premises to Her Majesty, Her Heirs or Successors; and the District Court shall thereupon cause possession thereof to be delivered to Her Majesty, Her Heirs or Successors accordingly.

2. And it is further enacted, that any person against whom any such order as aforesaid may have been made, may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands, in case he shall be able to establish a title thereto, and may also, in such case, recover a reasonable compensation for the damage he may have sustained, by reason of his having been compelled to deliver up possession of the said premises; and in like manner, in case of the dismissal of any such information, the party having preferred the same may proceed according to the ordinary course of law as if no such information had been preferred.

3. Provided always, that in case any such information shall be dismissed, it shall be lawful for the said District Court, if it shall think fit, to order payment by Government to the party or parties against whom the same may have been preferred, of such sum as the said Court may consider to be the amount of costs fairly incurred by such party or parties, by reason of such information so dismissed.

4. And it is further enacted, that the forms of the proceedings to be observed in lodging complaints, in issuing summonses, in the examination of the party or parties, in the citation of witnesses, in the making orders, and generally for the complete carrying into execution of the powers hereby vested in the said District Court, shall be according to such general Rules of Practice as the Judges of the Supreme Court may now or hereafter frame thereon.

5. And it is further enacted, that all forest, waste, unoccupied or uncultivated lands shall be presumed to be the property of the Crown, until the contrary thereof be proved; and all chenas and other lands which can be only cultivated after intervals of several years, shall, if the same be situate within the Districts formerly comprised in the Kandyan Provinces, (wherein no Thombo Registers have been heretofore established) be deemed to belong to the Crown, and not to be the property of any private person claiming the same against the Crown, except upon proof only by such person of a Sannas or grant for the same, together with satisfactory evidence as to the limits and boundaries thereof, or of such customary taxes, dues, or services having been rendered within Twenty years for the same, as have been rendered within such period for similar lands being the property of private proprietors in the same districts. And in all other Districts in this Colony, such chena and other lands which can only be cultivated after intervals of several years shall be deemed to be forest or waste lands within the meaning of this Clause.

6. And it is further enacted, that it shall be lawful for any person in the possession of land to make application in writing to the Government Agent of the Province in which such land is situate, for a certificate of the Crown having no claim to such land: which application shall contain a full description of the property, together with a survey thereof made by or under the authority of the Surveyor General, and shall contain a declaration by the applicant, stating the nature of his right, or the manner in which he acquired possession; and if the Government Agent shall, upon investigation, be satisfied that the Crown has no claim to such land, he shall, with the consent of the Governor, grant a certificate to that effect to such applicant, and a copy of such certificate shall be previously entered in a book to be kept in the office of the Government Agent for that purpose; and such certificate, or any copy from such entry thereof, attested by the Government Agent, shall be received by any Court as a good and valid title to such land, against any right, title, or claim of the Crown thereto existing at the date of such certificate.

7. And it is further enacted, that whenever any person shall have, without any grant or title from Government, taken possession of and cultivated, planted, or otherwise improved any land belonging to Government, and shall have held uninterrupted possession thereof for Ten years, such person shall be entitled to a grant from Government of such land, on payment by him or her of half the improved value of the said land: unless Government shall require the same for public purposes, or for the use of Her Majesty, Her Heirs and Successors, when such person shall be liable only to be ejected from such land on being paid by Government the half of the improved value thereof. Provided always, that nothing herein contained shall extend to any land referred to in the Fifth clause of this Ordinance.

**No. 5,—1840.**

8. And it is further enacted, that any principal or other Headman, who shall wilfully or knowingly refuse or neglect to give every information within his knowledge or power immediately to the Government Agent of his Province, or some Assistant Agent thereof, of any encroachment made by any person or persons upon any land belonging to Her Majesty, Her Heirs or Successors, and situated in the district or village of such Headman, shall be liable for every such offence to a fine not exceeding Ten pounds.

*Given at Colombo this Thirteenth day of January, One Thousand Eight Hundred and Forty.*

By His Excellency's Command,  
**GEORGE TURNOUR,**  
*Acting Colonial Secretary.*

**No. 7.—1840.**

*(Part of Section 15, and Sections 16, 17, 18, and 19, repealed by Ordinance No. 16 of 1852.)*

*To provide more effectually for the prevention of Frauds and Perjuries.*

WHEREAS it is expedient to repeal the Ordinance No. 7 of 1834, entitled an "*Ordinance to assimilate, amend and consolidate the laws now in force in the different parts of this Island, for the prevention of Frauds and Perjuries,*" and to provide more effectually for the prevention of frauds and perjuries.

**No. 7.—1840.**

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Ordinance No. 7 of 1834, shall be and the same is hereby repealed, except as to any offences already committed, or any fines, penalties or liabilities incurred thereunder, or the repeal of the previous Regulations and Proclamation thereby repealed.

Former Ordinance repealed.

2. And it is further enacted, that no sale, purchase, transfer, assignment or mortgage of land or other immoveable property, and no promise, bargain, contract or agreement for effecting any such object, or for establishing any security, interest, or encumbrance affecting land or other immoveable property, (other than a lease at will, or for any period not exceeding one month), nor any contract or agreement for the future sale or purchase of any land or other immoveable property, shall be of force or avail in law, unless the same shall be in writing and signed by the party making the same or by some person lawfully authorized by him or her in the presence of a licensed Notary public and two or more witnesses present at the same time, and unless the execution of such writing, deed, or instrument, be duly attested by such Notary and witnesses.\*

Deeds affecting immoveable property to be executed before a Notary and witnesses.

3. And it is further enacted, that no will, testament or codicil, containing any devise of land or other immoveable property, or any bequest of moveable property, or for any other purpose whatsoever, shall be valid, unless it shall be in writing and executed in manner hereinafter mentioned; (that is to say) it shall be signed at the foot or end thereof by the testator or by some other person in his presence and by his direction, and such signature shall be made or acknowledged by the testator in the presence of a licensed Notary public and two or more witnesses, who shall be present at the same time, and duly attest such execution, or if no Notary shall be present, then such signature shall be made or acknowledged by the testator in presence of five or more witnesses present at the same time, and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary.

Every Will shall be in writing, and signed by the Testator in the presence of two witnesses at one time.

4. And it is further enacted, that no appointment made by will, testament or codicil, in exercise of any power shall be valid, unless the same be executed in manner hereinbefore required; and every will, testament or codicil executed in manner hereinbefore required, shall, so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, testament or codicil, notwithstanding that it shall have been expressly required that a will, testament, or codicil, made in exercise of such power, should be executed with some additional or other form of execution or solemnity.

Appointments by will to be executed like other wills.

And to be valid, although other required solemnities are not observed.

\* But see Ordinance No. 17 of 1852.

**No. 7,—1840.**

No Will to be revoked but by another will or codicil, or by a writing executed like a will, or by destruction.

No alteration in a will shall have any effect unless executed as a will.

No will revoked to be revived otherwise than by re-execution, or a codicil to revive it.

Publication not to be requisite.

Will not to be void on account of incompetency of attesting witness.

Gifts to an attesting witness to be void.

Creditor attesting to be admitted a witness.

Executor to be admitted a witness.

Soldiers and mariners' wills excepted.

5. And it is further enacted, that no will, testament or codicil, or any part thereof, shall be revoked otherwise than by the marriage of the testator or testatrix, or by another will, testament or codicil executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will, testament or codicil is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator or testatrix, or by some person in his or her presence and by his or her direction, with the intention of revoking the same.

6. And it is further enacted, that no obliteration, interlineation or other alteration made in any will, testament or codicil, after the execution thereof, shall be valid or have any effect, except so far as the words or effect of the will, testament or codicil, before such alteration, shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will, but the will, testament or codicil, with such alteration as part thereof, shall be deemed to be duly executed, if the signature of the testator or testatrix and the subscription of the witnesses be made in the margin or some other part of the will, testament or codicil, opposite or near to such alteration, or at the foot or end of or opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will, testament or codicil.

7. And it is further enacted, that no will, testament or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and shewing an intention to revive the same; and when any will, testament or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary be shewn.

8. And it is further enacted, that every will, testament or codicil, executed in manner hereinbefore required, shall be valid without any other publication thereof; provided always, that every such will, testament or codicil shall, after the decease of the testator or testatrix, be duly proved and recorded in the District Court empowered by the Charter to grant probate or administration in such case, according to such general Rules of Practice as may now or hereafter be made by the Judges of the Supreme Court.

9. And it is further enacted, that if any person who shall attest the execution of any will, testament or codicil, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will, testament or codicil, shall not on that account be invalid.

10. And it is further enacted, that if any person shall attest the execution of any will, testament or codicil, to whom or to whose wife or husband any beneficial devise, legacy, estate, interest, gift, disposition or appointment of or affecting any immoveable or moveable property (other than and except charges and directions for the payment of any debt or debts) shall be thereby given or made, such devise, legacy, estate, interest, gift, disposition or appointment, shall, so far only as concerns such person attesting the execution of such will, testament or codicil, or the wife or husband of such person, or any person claiming under such person or wife or husband, be utterly null and void, and such person so attesting shall be admitted as witness to prove the execution, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, disposition or appointment mentioned in such will, testament or codicil.

11. And it is further enacted, that in case by any will, testament or codicil, any immoveable or moveable property shall be charged with any debt or debts, and any creditor or the wife or husband of any creditor whose debt is so charged, shall attest the execution of such will, testament or codicil, such creditor, notwithstanding such charge, shall be admitted a witness to prove the execution of such will, testament or codicil, or to prove the validity or invalidity thereof.

12. And it is further enacted, that no person shall, on account of his or her being an executor or executrix of a will, testament or codicil, be incompetent to be admitted a witness to prove the execution of such will, testament or codicil, or a witness to prove the validity or invalidity thereof. Nor shall any executor or executrix, by reason of his or her attesting such will, forfeit the recompence or commission for his or her trouble payable by law, custom or practice.

13. And it is further enacted, that notwithstanding any thing in this Ordinance contained,

any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Ordinance.

**No. 7.—1840.**

14. And it is further enacted, that no writing, deed or instrument for the purposes aforesaid, and no will, testament or codicil, which shall have been made prior to the passing of this Ordinance, shall be deemed or taken to be invalid by reason alone of the same not having been executed and acknowledged before or attested by a Notary licensed to practise within the district wherein the land or property devised or to be affected by such writing, deed or instrument, will, testament or codicil, is situated, any provision in the hereinbefore repealed Ordinance No. 7 of 1834, to the contrary notwithstanding: Provided always, that every such writing, deed or instrument, will, testament or codicil, shall have been at the time of the date thereof duly executed, acknowledged before or attested by a Notary licensed to practise in some other district.

Deeds executed before other than proper Notary prior to passing of Ordinance.

15. And it is further enacted, that every deed or other instrument, except any will, testament or codicil, required by this Ordinance to be executed or acknowledged before or to be attested by a Notary, shall be executed, acknowledged, or attested in duplicate,—and every such Notary shall at the end of each month transmit the duplicates of all deeds or other instruments executed or acknowledged before or attested by him during that month, to the Court of the District wherein he shall have been licensed to practise, with a list, in duplicate, of such deeds or instruments.

Duplicates of deeds to be transmitted to the District Court.

16. And it is further enacted, that if the land or other immoveable property referred to in any deed or other instrument, excepting any will, testament or codicil, mentioned in the preceding Clause, be situated without the district wherein the Notary before or by whom the same is executed or acknowledged or attested, shall have been licensed to practice, such Notary shall, at the end of the month in which such deed or instrument shall have been executed, acknowledged or attested, in addition to the duplicate mentioned in the last preceding Clause, transmit an attested copy of every such deed or instrument, with lists in duplicate thereof, to the Court of the District in which such land or other immoveable property shall be situate.

17. And it is further enacted, that the provisions of the 15th and 16th Clauses of the Ordinance No. 4 of 1839, shall extend to all duplicates or attested copies of deeds or instruments, filed under this Ordinance in any District Court, as well as to any will, testament or codicil deposited in such Court upon probate or administration thereof being granted thereby, if such will, testament or codicil shall in any way affect land or other immoveable property.

18. And it is further enacted, that no duplicate or attested copy aforesaid shall require a Stamp, and the Notary shall be entitled for the same respectively to such fee as the Governor may authorize.

19. And it is further enacted, that any Notary who shall fail to transmit to the District Court, as required by the 15th and 16th Clauses of this Ordinance, within Fifteen days after the expiration of each month, the duplicates and attested copies of any deeds or instruments, excepting wills, testaments and codicils, which shall have been executed or acknowledged before or attested by him during that month, shall, on conviction of such neglect, be liable to fine or imprisonment, or both, at the discretion of the Court before which he shall be so convicted.

20. Provided always, that none of the foregoing provisions in this Ordinance shall be taken as applying to any grants, sales or other conveyances of land or other immoveable property from or to Government, or to any mortgage of land or other immoveable property made to Government, or to any deed or instrument touching land or other immoveable property, to which Government shall be a party, or to any certificates of sales granted by Fiscals of land or other immoveable property, sold under writs of execution.

Ordinance not to affect sales by Government, &c.

21. And it is further enacted, that no promise, contract, bargain or agreement, unless it be in writing and signed by the party making the same or by some person thereto lawfully authorized by him or her, shall be of force or avail in law for any of the following purposes:

No promise &c. to be in force, unless in writing and signed.

- 1.—For charging any person with the debt, default, or miscarriage of another.
- 2.—For pledging moveable property, unless the same shall have been actually delivered to the person to whom it is alleged to have been pledged.
- 3.—For the purchase or sale of any moveable property, unless such property or part thereof shall have been delivered to the purchaser or the price or a part thereof have been paid by the purchaser.
- 4.—For establishing a partnership where the capital exceeds One Hundred pounds. Provided that this shall not be construed to prevent third parties from suing part-

**No. 7,—1840.**

ners, or persons acting as such, and offering in evidence circumstances to prove a partnership existing between such persons, or to exclude parole testimony concerning transactions by, or the settlement of any account between partners.

Proviso.

22. Provided always, that nothing in the preceding Clause shall be construed to exempt any deed or instrument in any manner affecting land or other immoveable property, from being required for that purpose to be executed and attested in manner declared by the 2nd Clause of this Ordinance.

Commencement of Ordinance.

23. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of February One Thousand Eight Hundred and Forty.

*Given at Colombo this Eighteenth day of January, One Thousand Eight Hundred and Forty.*

By His Excellency's Command,

GEORGE TURNOUR,

*Acting Colonial Secretary.*

**No. 8,—1840.**

*(Repealed in part by Ordinance No. 7 of 1843, and for the remainder by Ordinance No. 18 of 1852.)\**

**No. 8,—1840.**

*To amend the Ordinance No. 5 of 1837, and to regulate the Warehousing of Goods.*

**No. 9,—1840.**

**No. 9,—1840.** *(Repealed by Ordinance No. 18 of 1852.)\**

*For prohibiting the importation of Foreign Sugar.*

**No. 10,—1840.**

**No. 10,—1840.** *(Repealed by Ordinance No. 18 of 1852.)\**

*To repeal the duty on Coal and Coke and to equalize the duty on Cinnamon.*

**No. 11,—1840.****No. 11,—1840.**

*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.*

Preamble.

WHEREAS it is expedient 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.

Ordinance No. of 3 1839 repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ordinance No. 3 of 1839, entitled "*To establish Lunatic Asylums, and make general provisions for the safe custody and care of Insane persons,*" shall be and the same is hereby repealed.

Lunatic Asylums to be established as Governor may appoint.

2. And it is further enacted, that there shall be a Lunatic Asylum for the reception of Insane persons, established and maintained at the expense and under the management of Government, at Colombo or such other place within the Western Province as the Governor may select and appoint, and similar Lunatic Asylums shall in like manner be established within the other Provinces of this Island, as the Governor may hereafter from time to time deem necessary and direct.

Regulations for management.

3. And it is further enacted, that it shall be lawful for the Governor to make such Regulations as to him shall seem expedient for the management and conduct of any Lunatic Asylum established under this Ordinance, and to appoint a Superintendent thereof with such number and description of officers and assistants as may be found necessary.

Appointment of officers.

District Court may order Insane paupers or vagrants to be placed in Lunatic Asylum.

4. And it is further enacted, that upon its being made known to the District Court by the Headman, Police Vidahn or other Peace Officer of any town or village within the District, that any person being a destitute pauper or vagrant is Insane, or if complaint shall be made thereto that any person has been discovered and apprehended under any circumstances which denote a derangement of mind and a purpose of committing some crime, for which, if committed, he would be liable to be prosecuted, it shall be lawful for the said District Court to make order for any such person to be brought up before it, and if upon view and examination of the said person, or other proof, the said District Court shall be satisfied that such person is an Insane pauper or vagrant, or a dangerous Lunatic or Idiot, and that no relative

Dangerous Lunatics.

\* The repealed enactments relating to the Customs are not published at length.



or friend will undertake to enter into security for his or her proper custody, care, and maintenance, in such case the said District Court may make order for such Insane person being conveyed to and placed in the Lunatic Asylum, and if there shall be no Lunatic Asylum within the District, then the said District Court may further make order for such Insane person being committed to the Fiscal for safe custody, until such person can be transferred under the Warrant of the Governor to a Lunatic Asylum on the first convenient opportunity.

5. And it is further enacted, that when application at any time by any relative or friend of an Insane pauper or vagrant, or dangerous Lunatic or Idiot, 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 District Court under whose order such person shall have been placed therein, or to the Governor, requesting that such Insane person may be delivered over to the care and maintenance of such relative or friend, it shall be lawful for the said District Court or the Governor, upon such reasonable security as may be required being given by such relative or friend to take care of and maintain such Insane person, to direct the immediate discharge of such person; and every person committed under the preceding Clause to any Lunatic Asylum, shall be immediately discharged therefrom by order of the Governor, upon his or her recovery being certified by the Medical Officer attending such Asylum; and in all cases where any such Lunatic shall have been removed under the power of this Ordinance to any Lunatic Asylum out of the Province to which he or she belongs, such person shall, upon being discharged from such Lunatic Asylum, either upon application as aforesaid, or upon his or her recovery, be conveyed back by Government to his or her own village or usual place of former residence, or be allowed such reasonable batta or sum for his or her travelling expenses thereto as shall be approved of by the Governor under any Rule or Order to be issued for that purpose.

6. And it is further enacted, that it shall be lawful for the Governor upon any petition being presented by any relative or friend of any Insane person (not being a pauper), requesting that such Insane person may be admitted into a Lunatic Asylum, and offering to enter into such security as is hereinafter mentioned for the expenses of his or her 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 by his or her relative or friend, be examined by the Medical Officer attending such Lunatic Asylum, and upon the said Officer granting a certificate of such person being Insane, that he or she shall be thereupon admitted into the Lunatic Asylum, to be therein taken care of and maintained until his or her recovery, or application be made for his or her discharge by any relative or friend, or failure of payment of the rate hereinafter required. Provided always, that a bond, with sufficient sureties shall, previous to the admission of any such Insane person, be given by his or her relative or friend for the due payment of such weekly rate or allowance as may be fixed and declared payable by the general Regulations of such Lunatic Asylum on the reception therein of such Insane person, together with all other expenses contingent upon the maintenance and care of such Insane person during his or her continuance in such Lunatic Asylum, as well as for the removal of such Insane 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 Insane person, or at his or her 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 recoverable as other debts of a like nature due to the Crown.

7. And it is further enacted, that when any person shall be charged with any crime or offence, if it shall be proved to the satisfaction of the Court, by any forms of proceeding or inquiry which shall be established by law or by any general Rules of practice, that the said person is either unable to stand his trial by reason of his or her being Insane, or was Insane at the time of the commission of the said crime or offence, the Court may 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 Insane person to any Lunatic Asylum established under this Ordinance; and may give such other order for the safe custody of such Insane person, in such place or manner as to the Governor shall seem fit.

8. And it is further enacted, that if any person under imprisonment in any Gaol shall become Insane, and a Report shall be made to the Governor by the Fiscal of the Province wherein the said Gaol is situated, with a certificate of the Medical Officer thereof, that such person is Insane, it shall be lawful for the Governor to direct by warrant under his hand that such person shall be removed to any Lunatic Asylum established under this Ordinance, to be there detained until the expiration of the sentence under which such person may have been imprisoned. And if such person shall become of sound mind, before the expiration of

**No. 11, — 1840.**

On application and security relatives may take Insane pauper or vagrant &c., under their own care.

Discharge on recovery.

Insane pauper, if removed out of his Province, before discharge, to receive allowance for expenses.

Governor may, on petition of relatives, admit Insane persons (not being paupers) into Lunatic Asylum.

Proviso for bond to pay the weekly allowance or rate and contingent expense of such person.

Person charged with crime, if insane at time, or on commission of offence, to be sent to Lunatic Asylum.

Prisoners under sentence in Gaol, on becoming Insane, to be removed to Lunatic Asylum.

**No. 11, — 1840.**

such sentence, of which the period of his or her 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 Gaol 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 such Insane person shall be removed, shall at the time of delivering over such person, furnish the Superintendent of the Lunatic Asylum with a copy of the sentence under which such person shall have been imprisoned.

Further proceeding at expiration of sentence.

9. And it is further enacted, that the Superintendent of any Lunatic Asylum to which any person shall be removed under the provisions of the preceding Clause, 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 Insane and that he or she would, if discharged, become destitute or a vagrant, or that such person is a dangerous Lunatic or Idiot, in any such case the said District Court may order such person to be detained in the said Lunatic Asylum, until discharged therefrom by order of the Governor, upon his or her recovery being certified by the Medical Officer attending such Asylum.

Property of Insane criminals and dangerous Lunatics to be applied for their maintenance in Lunatic Asylums.

10. And it is further enacted, that in all cases where any person shall be kept in custody as an Insane person, accused or convicted of any crime, or as a dangerous Lunatic or Idiot by order of any Court or by the Governor's order consequent thereon, and shall be transferred to any Lunatic Asylum, it shall and may be lawful for the District Court to make enquiry into the circumstances of the personal legal disability of such person, and as to his or her property, and if it shall appear that such person is possessed of sufficient property which can be applied for his or her maintenance, it shall be lawful for the said District Court to 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 of such Lunatic Asylum.

Passed in Council the Twenty-third day of October, One Thousand Eight Hundred and Forty.

P. E. WODEHOUSE,  
*Clerk to the Council.*

Published by Order of the Right Hon'ble the Governor.

GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 12, — 1840.** (*Section 9 repealed by Ordinance No. 9 of 1841.*)\*  
*To prevent encroachments upon Crown Lands.*

**No. 12, — 1840.**

Preamble.

WHEREAS divers persons without any probable claim or pretence of title, have taken possession of lands in this Colony belonging to Her Majesty, and it is necessary that provision be made for the prevention of such encroachments.

Information of encroachment.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the District Court, upon information supported by affidavit charging any person or persons with having, without probable claim or pretence of title, entered upon or taken possession of any land which belongs to Her Majesty, Her Heirs or Successors, to issue its summons for the appearance before it of the party or parties alleged to have so illegally entered upon or taken possession of such land, and of any other person or persons, whom it may be necessary or proper to examine as a witness or witnesses on the hearing of any such information; and the said District Court shall proceed in a summary way in the presence of the parties, or in case of wilful absence of any person against whom any such information shall have been laid, then in his absence to hear and determine such information; and in case on the hearing thereof, it shall be made to appear by the examination of the said party or parties, or other sufficient evidence to the satisfaction of such District Court, that the said party or parties against whom such information shall have been laid, hath or have entered upon or taken possession of the land mentioned or referred to in such information, without any probable claim or pretence of title, and that such party or parties hath or have not cultivated, planted or otherwise improved and held uninterrupted possession of such land for the period

Order for delivery up of possession.

\* See Order in Council, dated 11th August, 1841.

No. 12,—1840.

of Thirty years or upwards, then and not otherwise such District Court is hereby authorized and required to make an order, directing such party or parties to deliver up to Her Majesty, Her Heirs or Successors, peaceable possession of such land, together with all crops growing thereon, and all buildings and other immoveable property upon and affixed to the said land, and to pay the costs of such information; and in case the party or parties against whom any such order shall have been made, shall not, within Fourteen days after service thereof, deliver up possession of the said land and premises, pursuant to the said order, or shall afterwards make or cause to be made any further encroachments upon the said land or premises, contrary to such order or in evasion thereof, then and in such case it shall be lawful for such District Court to adjudge such party or parties to pay a fine not exceeding Five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding Fourteen days, and to make a further order for the immediate delivery over of the possession of such land and premises to Her Majesty, Her Heirs or Successors, and the District Court shall thereupon cause possession thereof to be delivered to Her Majesty, Her Heirs or Successors accordingly.

Penalty on disobedience of order or renewed encroachment.

2. And it is further enacted, that any person against whom any such order as aforesaid may have been made, may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands, in case he shall be able to establish a title thereto; and may also in such case recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises, and in like manner, in case of the dismissal of any such information, the party having preferred the same may proceed according to the ordinary course of law, as if no such information had been preferred.

Subsequent proceeding by ordinary course of law.

3. Provided always, that in case any such information shall be dismissed, it shall be lawful for the said District Court, if it shall think fit, to order payment by Government to the party or parties against whom the same may have been preferred, of such sum as the said Court may consider to be the amount of costs fairly incurred by such party or parties, by reason of such information so dismissed.

Court may order payment of costs.

4. And it is further enacted, that the forms of the proceedings to be observed on lodging complaints, in issuing summonses, in the examination of the party or parties, in the citation of witnesses, in the making orders, and generally for the complete carrying into execution the powers hereby vested in the said District Court, shall be according to such general Rules of Practice as the Judges of the Supreme Court may now or hereafter frame thereon.

Proceedings subject to Rules of Court.

5. And it is further enacted, that all Cinnamon lands which shall have been uninterruptedly possessed by Government for a period of Thirty years and upwards, by peeling the Cinnamon growing thereon, shall be held and deemed to be the property of the Crown.

Cinnamon Lands when the property of the Crown.

6. And it is further enacted, that all forest, waste, unoccupied or uncultivated lands, shall be presumed to be the property of the Crown, until the contrary thereof be proved; and all Chenas and other lands which can be only cultivated after intervals of several years shall, if the same be situate within the Districts formerly comprised in the Kandian Provinces (wherein no Thombo Registers have been heretofore established) be deemed to belong to the Crown and not to be the property of any private person claiming the same against the Crown, except upon proof only by such person of a Sannas or grant for the same, together with satisfactory evidence as to the limits and boundaries thereof, or of such customary taxes, dues, or services having been rendered within Twenty years for the same, as have been rendered within such period for similar lands, being the property of private proprietors in the same Districts. And in all other Districts in this Colony, such Chena and other lands which can only be cultivated after intervals of several years, shall be deemed to be forest or waste lands within the meaning of this Clause.

Waste Lands to be deemed the property of the Crown.

7. And it is further enacted, that it shall be lawful for any person in the possession of land to make application in writing to the Government Agent of the Province in which such land is situate, for a certificate of the Crown having no claim to such land, which application shall contain a full description of the property, together with a survey thereof made by or under the authority of the Surveyor General, and shall contain a declaration by the applicant, stating the nature of his right, or the manner in which he acquired possession; and if the Government Agent shall, upon investigation, be satisfied that the Crown has no claim to such land, he shall, with the consent of the Governor, grant a certificate to that effect to such applicant, and a copy of such certificate shall be previously entered in a book to be kept in the Office of the Government Agent for that purpose, and such certificate, or any copy from such entry thereof, attested by the Government Agent, shall be received by any Court as a

Government Agent when to grant certificate against the right of the Crown.

**No. 12, —1840.**

If party Ten years in uninterrupted possession of Government Land.

good and valid title to such land, against any right, title or claim of the Crown thereto existing at the date of such certificate.

8. And it is further enacted, that whenever any person shall have, without any grant or title from Government, taken possession of and cultivated, planted or otherwise improved any land belonging to Government, and shall have held uninterrupted possession thereof for not less than Ten nor more than Thirty years, such person shall be entitled to a grant from Government of such land, on payment by him or her of half the improved value of the said land; unless Government shall require the same for public purposes, or for the use of Her Majesty, Her Heirs and Successors, when such person shall be liable only to be ejected from such land, on being paid by Government the half of the improved value thereof, and the full value of any buildings that may have been erected thereon.

9. Provided always, that nothing in the preceding or in the first Clause of this Ordinance contained, shall extend to any land referred to in the sixth Clause of this Ordinance, nor to any public road, street or highway, nor to any land known or held as Toonhawul land; and provided also, that all judgments, orders and decrees heretofore given or pronounced in any action, suit or proceeding, shall be conclusive, and bind the parties in such and the same way as if this Ordinance had not been passed.

Encroachment on road, &c.

10. And it is further enacted, that all and every encroachment on any public road, street or highway, by building or other erection, or by enclosure, planting or otherwise, shall, on information thereof, be immediately abated and removed by judgment, order or decree of the District Court thereon, and the party or parties offending found liable in damages besides the costs of suit.

Headman to give information.

11. And it is further enacted, that any principal or other Headman who shall wilfully or knowingly refuse or neglect to give every information within his knowledge or power immediately to the Government Agent of his Province, or some Assistant Agent thereof, of any encroachment made by any person or persons upon any land belonging to Her Majesty, Her Heirs or Successors, and situated in the district or village of such Headman, shall be liable for every such offence to a Fine not exceeding Ten pounds.

Passed in Council the Twenty-seventh day of October, One Thousand Eight Hundred and Forty.

P. E. WODEHOUSE,  
*Clerk to the Council.*

Published by Order of the Right Hon'ble the Governor,  
GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 13, —1840. (Repealed by Ordinance No. 10 of 1844).**

*To amend the Law relative to Toddy.*

**No. 13, —1840.**

WHEREAS it is expedient to amend the Law relative to Toddy, and to make further provision for the same.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 1 of 1832, entitled, "*For confirming and more effectually securing the payment of the duty heretofore established on all Toddy consumed in the making or baking of Bread and Pastry, within the Four Gravets of Colombo,*" and the 7th, 8th, 9th, 10th, 11th, 12th and 13th Clauses of the Ordinance No. 5 of 1834, entitled "*For consolidating and amending the Laws now in force for securing the Revenue derived from the duty imposed upon Stills used for the distillation of Arrack and the retail sale of Arrack and Toddy,*" shall be and the same are hereby repealed, save and except as to the repeal of any former enactments therein contained, and except as to any arrears of duties or penalties thereby imposed which may remain unpaid, or as to any offences which may have been committed against the same.

2. And it is further enacted, that it shall not be lawful for any person to sell any Toddy by retail, unless he shall first have obtained a licence for that purpose from the Government Agent or Assistant Government Agent.

3. And it is further enacted, that it shall not be lawful for any person to draw Toddy from any Coconut, Palmira, or Jaggery tree, either on his own account being a licensed distiller of Arrack or for the purpose of selling the said Toddy to any licensed distiller of Arrack, or to any licensed renter or retailer of Toddy, unless he shall first have obtained a permit for that purpose, of the form A. to this Ordinance annexed, from the licensed renter or retailer of Toddy for the rent division within which such tree shall be situated, which permit shall be issued to such person on his application free of all charge, and shall remain in force up to the Thirtieth day of June immediately following the date thereof and no longer.

4. And it is further enacted, that it shall not be lawful for any person to draw Toddy from any Coccoanut, Palmira or Jaggery tree for any other than the afore-mentioned purposes, unless he shall first have obtained a permit for that purpose, of the form B. to this Ordinance annexed, from the renter or licensed retailer of Toddy for the rent division within which such tree shall be situated, or if there shall be no renter or licensed retailer of Toddy, then from the renter or licensed retailer of Arrack for the said rent division, which permit shall remain in force up to the Thirtieth day of June immediately following the date thereof and no longer. And such renter or licensed retailer shall be entitled to demand and receive the sum of One pound for each Coccoanut tree and for each Palmira tree, and of Two pounds for each Jaggery tree for which such permit shall be granted. Provided always, that in the case of permits bearing date at any time previous to the Thirtieth day of June One Thousand Eight Hundred and Forty-one, such renter or licensed retailer shall be entitled to demand and receive the moiety of the above sums for each tree respectively and no more.

5. And it is further enacted, that it shall not be lawful for any person, other than the licensed Toddy renter or retailer of Toddy for the rent division, or person authorized under the provisions of the 3d Clause of this Ordinance, to sell any Toddy whatsoever.

6. And it is further enacted, that it shall not be lawful for any person to possess Toddy in any quantity exceeding One gallon, unless the same shall belong to or be for the use of the renter or licensed retailer of Toddy for the rent division in which the same shall be possessed, or shall belong to or be for the use of some licensed distiller of Arrack, or shall belong to or be for the use of some person authorized under the 3d or 4th Clauses of this Ordinance to draw the same, and shall be possessed within the premises of the said renter, retailer, distiller or authorized person respectively.

6. And it is further enacted, that it shall not be lawful for any person to remove any Toddy in any quantity exceeding One gallon.

8. Provided always, that it shall be lawful for the Government Agent or for any renter or licensed retailer of Toddy within his rent division, or if there shall be no renter or licensed retailer of Toddy, then for the renter or licensed retailer of Arrack for the said rent division, to grant a permit of the form C. to this Ordinance annexed, for the removal and possession of any quantity of Toddy, which permit shall specify the places from and to which the same is to be removed, or in which it shall be kept, and shall remain in force for such period as shall be therein stated. Provided, that no such permit shall remain in force after the Thirtieth day of June immediately following the date thereof.

9. And it is further enacted, that any person drawing, selling, possessing or removing Toddy contrary to the provisions of this Ordinance, shall be liable on conviction to a fine not exceeding Ten pounds for each offence, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Twelve months. And all Toddy so illegally drawn, sold, possessed, or removed, shall be forfeited.

10. Provided always, that the restrictions hereinbefore contained in respect to drawing, selling, possessing and removing Toddy, shall not be deemed to apply to the sweet Toddy drawn from the Palmira tree in the Northern and Eastern Provinces, nor to any sweet Toddy drawn from any tree in any part of this Island for the purpose of manufacturing Sugar. And any person intending to draw sweet Toddy from the Palmira tree in the Northern or Eastern Province, or intending to manufacture Sugar from sweet Toddy in any part of this Island as aforesaid, shall obtain from the Government Agent or from the renter or licensed retailer of Toddy, or if there shall be no renter or licensed retailer of Toddy, then from the renter or licensed retailer of Arrack for the rent division, a general permit, of the form D. to this Ordinance annexed, to draw and remove the same, which permit shall state the number of trees, of whatever description the same may be, from which such sweet Toddy shall be drawn, and shall continue in force up to the Thirtieth day of June immediately following the date thereof and no longer.—And any person drawing or removing any sweet Toddy without such permit, or removing the same after it shall have fermented, with such permit, shall be liable, on conviction, to a fine not exceeding Ten shillings for each offence, and to a further fine of One shilling for every gallon of sweet Toddy so drawn or removed, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Six months. And all sweet Toddy so illegally drawn or removed shall be forfeited.

11. And it is further enacted, that one half of all fines hereinbefore directed to be levied, and the one half of the produce of all confiscations under this Ordinance, shall go to our Lady the Queen, and the other half to the informer, on conviction of the offender. And if any offender shall be unable to pay any of the fines above imposed, and shall be thereupon imprisoned, the informer shall be entitled to receive from Government his share of such fine, provided that no sum to be paid by Government as such share shall exceed the sum of Seven pounds and Ten shillings.

12. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January One Thousand Eight Hundred and Forty-one.

A.

No.

This is to certify that I, A. B., Renter or Retailer of

for the

No. 13,—1840.

rent division of \_\_\_\_\_, have this day licensed C. D. of \_\_\_\_\_ to draw Toddy from the undermentioned number of trees in the following Garden situate within the said rent division, in compliance with the provisions contained in the 3d Clause of the Ordinance No. 13 of 1840.

<i>Name of the Garden.</i>	<i>Where situated.</i>	<i>Number and Description of Trees.</i>	<i>For what purpose.</i>

This permit shall remain in force until the 30th day of June next.

Date \_\_\_\_\_

A. B.  
*Renter or Retailer.*

**B.**

No. \_\_\_\_\_

This is to certify that I, A. B., Renter or Retailer of \_\_\_\_\_ for the rent division of \_\_\_\_\_, have this day licensed C. D. of \_\_\_\_\_ to draw Toddy from the undermentioned number of trees in the following Garden situate within the said rent division, in compliance with the provisions contained in the 4th Clause of the Ordinance No. 13 of 1840, and that for so doing I have received the sum of \_\_\_\_\_

<i>Name of the Garden.</i>	<i>Where situated.</i>	<i>Number and Description of Trees.</i>	<i>For what purpose.</i>

This permit shall remain in force until the 30th day of June next.

Date \_\_\_\_\_

A. B.  
*Renter or Retailer.*

**C.**

No. \_\_\_\_\_

This is to certify that A. B. of \_\_\_\_\_ is hereby authorized by me C. D. Government Agent or Renter or Retailer of \_\_\_\_\_ for the rent division of \_\_\_\_\_, to remove \_\_\_\_\_ gallons of Toddy from \_\_\_\_\_ and to keep the same at \_\_\_\_\_

C. D.  
*Gort. Agent or Renter or Retailer.*  
This permit is to remain in force until the 30th day of June next.  
Date \_\_\_\_\_

**D.**

No. \_\_\_\_\_

This is to certify that I, A. B., Government Agent or Renter or Retailer of \_\_\_\_\_ for the rent division of \_\_\_\_\_, have this day licensed C. D. of \_\_\_\_\_ to draw sweet Toddy from the undermentioned number of trees in the following Garden, situate within \_\_\_\_\_ and to remove it to \_\_\_\_\_ in compliance with the provisions contained in the 10th Clause of the Ordinance No. 13 of 1840.

<i>Name of the Garden.</i>	<i>Where situated.</i>	<i>Number and Description of Trees.</i>	<i>For what purpose.</i>

This permit shall remain in force until the 30th June next.

C. D.  
*Gort. Agent or Renter or Retailer.*

Passed in Council the Twenty-seventh day of October, One Thousand Eight Hundred and Forty.

P. E. WODEHOUSE,  
*Clerk to the Council.*

Published by Order of the Right Hon'ble the Governor,

GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 14,—1840.**

*For securing the due collection of the Duties or Tax upon Paddy and Dry Grain.*

WHEREAS it has been found necessary to make effectual provision for securing the due collection of the Duties or Tax now respectively levied or payable under the Proclamations of the 3d September 1801, and of the 21st November 1818, and by custom, upon or in respect of the crops of Paddy and Dry Grain grown in this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that there shall continue to be levied by and payable to Government, a Tax of One-tenth or such other proportion of the crops of Paddy and Dry Grain grown in and upon all lands now liable thereto, as by law, custom or usage is at present levied or payable.

2. And it is further enacted, that in every case wherein no special agreement in respect to the Tax on any such crop shall have been made between the Government Agent or other person in that behalf authorized, and the proprietor or cultivator thereof, such crop shall not be cut until notice of the intention to cut the same shall have been given to the Headman or other person in that behalf authorized.

3. And it is further enacted, that the notice required by the preceding Clause to be given by the proprietor or cultivator, shall be in writing, and shall specify the name and extent of the land, the name and place of abode of the proprietor or cultivator, the day on which the crop is intended to be cut, (which shall not be within less than Five days from the date of such notice) and the date on which the said notice is given; and the receipt of such notice shall be forthwith acknowledged by the Headman or other person authorized to receive the same, by endorsement thereon, to be dated and signed, and such notice shall thereupon be returned to the said proprietor or cultivator.

4. And it is further enacted, that if the crop be not cut on the day notified as aforesaid, the proprietor or cultivator shall give renewed notice in like manner as before provided. Provided always, that in such case the crop shall not be cut within less than two days from the date of such renewed notice.

5. And it is further enacted, that in all places where it is the custom to thresh the crop immediately after it has been cut, the cultivator or proprietor of any crop shall, as soon as the whole of such crop shall have been cut, and not sooner, proceed without unnecessary delay to thresh the whole of such crop.

6. And it is further enacted, that in places where it is not the custom to thresh the crop immediately after it has been cut, the proprietor or cultivator shall, on the whole of the crop being cut and stacked, deliver to the Headman or other person in that behalf authorized, a description of the quantity of such crop, expressed in such terms as may be customary in such places in respect to crops in such a state. And before any such proprietor or cultivator shall proceed to thresh the said crop, he shall give notice to the Headman or other person in that behalf authorized, of his intention to thresh the said crop, in the manner hereinbefore provided in respect to the cutting of such crop, and shall at the time appointed proceed, without unnecessary delay, to thresh the whole of such crop.

7. And it is further enacted, that the mode of ascertaining the quantity due to Government on account of the Tax or Duty on any crop shall, unless it shall be otherwise agreed on, be by actual division of the produce thereof, and the proprietor or cultivator of the said crop shall (after deducting the usual quantity on account of seed grain, where such deduction is now customary) divide the said crop, as soon as the same shall have been threshed, into equal heaps in number proportioned to the rate of tax payable for such crop, from which the Headman or person authorized shall select one as the share due on account of such tax or duty.

8. And it is further enacted, that in case the tax upon the crops of any district or village shall be rented out by Government, due notice thereof shall be published throughout the limits of such rent, in the usual manner of publishing public notifications, and that in such case all the provisions of the foregoing Clauses referring to the Headman or other person authorized to act in the matter on behalf of Government shall be considered as equally applicable to, and binding upon the renter.

9. And it is further enacted, that when the amount of the tax shall have been set apart and selected in the manner prescribed by the 7th Clause of this Ordinance, it shall, if it be deliverable to the Government Agent, be delivered at the place at which Government hath

**No. 14,—1840.**

Preamble.

Former Taxes continued.

Notice to be given before crop cut.

Form of Notice.

Further notice if cutting postponed.

When crop to be threshed immediately.

Proceeding when crop is stacked before threshing. Mode of ascertaining tax.

Mode of ascertaining Tax.

Power of renter if Tax rented.

Delivery of Tax.

been accustomed to receive the said tax, and if it be deliverable to a renter it shall be delivered on the land where it shall have been threshed, and in either case a receipt shall be forthwith granted by the person receiving the same, specifying the date, the quantity received, the name and extent of the land and for what year and harvest the same is received.

Notice when to be given to Headmen.

10. And it is further enacted, that if the renters shall neglect or refuse to receive and acknowledge the receipt of the notices hereinbefore respectively required to be given by the proprietor or cultivator, of the intention to cut or to thresh his crop, or if at any time the renter shall be absent from the limits of his rent, or in case only a portion of a village be comprised within those limits, then if he shall be absent from the said village, it shall be lawful for the proprietor or cultivator to give the said notice to the nearest Headman, who shall thereupon endorse and return such notice in manner hereinbefore provided to be done by the renter, and such notice so given to the Headman shall, in every respect be of the like effect, and shall be equally binding on the renter and all parties concerned, as if it had been given to the renter himself, and information of the receipt of such notice shall be given by the Headman on the first opportunity to the renter. And if the Headman shall neglect or refuse to receive any such notice or to endorse and return the same, he shall be liable to fine at the discretion of the Court.

Renter neglecting to attend.

11. And it is further enacted, that if any Headman, renter, or other person authorized in that behalf, shall neglect or refuse to attend at the appointed time, to see any crop cut or threshed, or to receive the Government share thereof, it shall and may be lawful for the said proprietor or cultivator to cut and thresh the said crop in the presence of two respectable persons, and in their presence to set apart the share due, and the said proprietor or cultivator shall obtain a certificate from such two persons, duly signed by them, and specifying the date thereof, the name and extent of the land, the quantity of the whole produce of such crop and for what year and harvest, and the share thereof set apart on account of the tax upon the same; and such certificate shall be deemed sufficient evidence of a fair allotment of such share and shall be afterwards produced on application being made for such share.

Penalty on extortion by renter.

12. And it is further enacted, that any renter who shall wilfully exact or extort from the proprietor or cultivator of any crop more than the share due to Government in respect of the tax upon the same, shall, upon conviction, be liable to a fine not exceeding Ten pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Twelve months.

Appointment of agent by renter.

13. And it is further enacted, that if any renter of the tax upon the crops of any district or village, shall appoint any agent to act on his behalf in the receiving of such tax, or to exercise any of the powers hereinbefore conferred upon such renter, it shall be necessary for such renter to notify such appointment in writing to the principal Headman of the division in which such person shall be appointed by him to act on his behalf. And any act done by or with such agent so appointed in furtherance of the provisions of this Ordinance, shall, to all intents and purposes, be deemed to be done by or with such renter.

Penalty on proprietor cutting without notice, &c.

14. And it is further enacted, that any proprietor or cultivator, who shall, without giving due notice, cut any crop liable to tax, or who shall, without giving due notice, thresh any such crop as is referred to in the 6th Clause of this Ordinance, and any proprietor or cultivator who shall, at any time before the delivery of the share due on account of the tax to the person authorized to receive it, remove any portion of his crop; and any proprietor or cultivator who shall neglect or refuse to cut and thresh and divide the said crop, and to deliver the share due on account of the tax thereon, in manner hereinbefore enacted, shall, on conviction, be fined to the amount of double the value of such share, the quantity to be reckoned according to the extent of the land, and at the highest rate, in proportion to the extent, at which the tax shall have been received or ascertained for the same harvest, for any land in the same village; and in default of payment, he shall be imprisoned with or without hard labour, at the discretion of the Court; provided, that such fine shall in no case be less than One shilling and six-pence, and that the imprisonment in default of payment, shall be in the proportion of One day for every penny where the fine shall not exceed One shilling and six-pence, and of One month for every Five shillings in all other cases, and shall not in the whole exceed Twelve months.

Penalty on breach of agreement.

15. And it is further enacted, that in every case wherein a special agreement shall have been made between the Government Agent and the proprietor or cultivator of any land for commuting the tax payable thereon, if the proprietor or cultivator shall commit any breach of such agreement, he shall be fined to the amount of double the sum payable by such agreement for the tax upon such land, for the year in which such breach shall be committed; and in default of



payment, he shall be imprisoned with or without hard labour, at the discretion of the Court, provided that such fine shall in no case be less than One shilling and Six-pence, and that the imprisonment in default of payment shall be in the proportion of One day for every penny, where the fine shall not exceed One shilling and Six-pence, and of One month for every Five shillings in all other cases, and shall not in the whole exceed Twelve months.

16. And it is further enacted, that if any proprietor or cultivator shall have paid the fine or suffered the imprisonment awarded by either of the two preceding Clauses, he shall not be liable to any further demand for the tax on the crop, on account of which such fine or imprisonment shall have been awarded.

17. Provided always, that nothing in this Ordinance contained, shall be held to prevent the Government or the renter from instituting a Civil action for the recovery of the tax due upon any crop, if it shall appear expedient.

18. And it is further enacted, that if the Tax upon the crops of any district or village shall be rented, the renter shall, at the termination of his rent, be entitled to receive from Government a sum equal to half of the amount of the fines which may have been imposed, under the 14th and 15th Clauses of this Ordinance, upon the proprietors or cultivators of any lands included within the limits of his rent division during the period of his rent.

19. And it is further enacted, that any person making or inciting any resistance or obstruction to the collection of the Tax on any crops by the persons authorized under this Ordinance to collect the same, shall, on conviction, be liable to a fine not exceeding Ten pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Twelve months.

20. And it is further enacted, that no prosecution under this Ordinance shall be commenced after the expiration of Two months from the time of the commission of the offence, if the tax shall be rented, nor after the expiration of Six months therefrom if the tax shall be collected by Government.

Passed in Council the Twenty-seventh day of October, One Thousand Eight Hundred and Forty.

P. E. WODEHOUSE,  
*Clerk to the Council.*

Published by Order of the Right Hon'ble the Governor.

GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 16, — 1840. (Repealed by Ordinance No. 5 of 1841.)**

*For the better regulation of Servants, Labourers and Journeymen Artificers under contracts for Hire and Service.*

WHEREAS it is expedient to pass a general Ordinance for the better Regulation of Servants, Labourers and Journeymen Artificers under contracts for hire and service, and to repeal the 17th Clause of the local Ordinance No 3 of 1834, declaring hired Servants wilfully breaking their engagements to be liable to punishment, and to make other general provisions in lieu thereof to extend throughout this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said 17th Clause of the said Ordinance No. 3 of 1834, entitled "*For improving the Police within the Town, Fort and four Gravets and Port of Colombo, and for consolidating and amending the laws relating to the same,*" be and the same is hereby repealed, excepting so far as respects all offences which have been heretofore committed against the same.

2. And it is further enacted, that every verbal or unwritten contract or agreement for the hire of any menial or domestic Servant or Labourer in the service of Government, or of any person or persons, except for any work usually performed by the day, by the job, or by the journey, shall be deemed and taken in law to be a contract or agreement for hire and service for the period of at least One month, and to be renewable from month to month, and shall be deemed and taken in law to be so renewed by the parties, unless a Week's previous notice or warning be given by either party to the other of his or her intention not to renew the same, and the wages for such service shall be payable monthly; and any Master, or Mistress or employer shall be entitled to discharge any Servant or Labourer from his or her service under any such contract or agreement without previous notice, provided such Servant or Labourer be instantly paid his or her wages for the time he has served, and also for Fifteen days from the time of such discharge. Provided always, that any such contract or agreement may at any time be determined by the misconduct of either party in their relative capacity of Master and Servant, which may be proved by either party against the other.

**No. 14, — 1840.**

Further demand of tax barred.

Tax may be recovered by Civil action.

Renter to receive half of fines.

Penalty on resistance of collection of tax.

When prosecution barred.

**No. 16, — 1840.**

No. 16.—1840.

3. And it is further enacted, that every verbal or unwritten contract or agreement for the hire according to time of any Journeyman Artificer (where no special contract or agreement for any shorter period shall be made and duly proved), shall be deemed and taken in law to be a contract or agreement for the hire of such Artificer for One day, and no longer.

4. Provided always, that nothing in the two preceding Clauses of this Ordinance shall be construed to prevent any Servant, Labourer or Journeyman Artificer, who may continue in the service of his or her Master, Mistress or employer beyond the period for which any verbal or written contract or agreement entered into by him or her is respectively declared binding only in law as aforesaid, from recovering his or her wages according to the full period or time of his or her being in such service; nor to prevent any similar subsequent verbal or unwritten contract or agreement being respectively implied in law from the continuance of such service or otherwise.

5. And it is further enacted, that no contract or agreement for the hire or service of any menial or domestic Servant or Labourer, to be employed in the service of Government or of any person or persons for any longer period of time than One month, nor for the hire or service of any Journeyman Artificer for any longer period than One day, shall be good and valid in law so as to subject any party thereto to the provisions of this Ordinance for not performing the same, unless such contract or agreement shall be in writing and shall clearly express the terms or conditions thereof, and shall be signed by both parties, or if they cannot write, by some person or persons duly authorized by them; and unless every such agreement or contract be also acknowledged by such Servant, Labourer or Artificer in the presence of one or more witnesses, who are hereby required in every such case to previously explain, or cause to be fully explained, to the said Servant, Labourer or Artificer the terms of such contract and agreement, and to certify on the back thereof that such Servant, Labourer or Artificer fully understands the terms of such contract or agreement, and is desirous to fulfil the same.—Provided always, that every written contract or agreement for the service of any Servant, Labourer or Journeyman Artificer for any longer period than One month shall be determinable by either party on One month's previous notice, unless any other period for such notice be stated in such contract, or some other agreement be expressly made therein to the contrary.

6. And it is further enacted, that no contract or agreement in writing for the hire or service of any menial or domestic Servant, Labourer or Artificer shall be valid and binding under the provisions of this Ordinance, if made for a longer period of hire or service than One year. Provided always, that nothing in this Clause contained shall prevent a renewal of such contract or agreement from year to year, nor affect any contract or agreement whatever entered into for any longer period which does not fall under the provisions of this Ordinance.

7. And it is further enacted, that any menial or domestic Servant or Labourer, or any Journeyman Artificer who, without reasonable cause, shall neglect or refuse to attend at and during the time and hours, or at the place where and when he shall have contracted or agreed to attend, in commencing or carrying on any work, or in case of no special contract or agreement in that behalf, during such hours as, according to their respective trades and occupations, it shall be usual so to attend, or who, without reasonable cause, shall leave unfinished, or refuse to finish any work contracted to be done, or who shall be guilty of any drunkenness, wilful disobedience of orders, insolence, or gross neglect of duty, or other misconduct in the service of his or her Master or Mistress or employer, or who shall quit the service of such Master or Mistress or employer without leave or reasonable cause, before the end of his or her term of service or previous warning as required by the Second clause of this Ordinance, or of such longer period as may be specially stipulated in his or her contract, shall be punishable, at the discretion of the District Court, by forfeiture of all wages then due, if not exceeding the wages of One month, or for the period of warning specially stipulated for, and in addition thereto by imprisonment with or without hard labour, at the discretion of the Court, not exceeding Three months.

8. And it is further enacted, that every servant, palanquin bearer or cooly, who, having engaged to go on any journey, and having received an advance of hire, shall without any just cause, desert, or refuse, or neglect to proceed on such journey or any stage thereof, or shall be guilty of any misbehaviour mentioned in the Seventh clause of this Ordinance, shall be punishable by the District Court, by forfeiture of all wages then advanced or contracted for, and in addition thereto by imprisonment with or without hard labour, at the discretion of the Court, not exceeding Three months. Provided always, that no servant, palanquin bearer or cooly shall be obliged to travel more than Two stages or more than Twenty-five miles during every Twenty-four hours, nor shall any cooly be obliged to carry a greater weight than Forty pounds, unless otherwise specially agreed upon for a short distance only, nor to proceed in case of any actual illness or bodily injury rendering him incapable to travel the journey, or any stage thereof; and any person obliging any servant, palanquin bearer or cooly against his free will and consent to act contrary to the regulations contained in this proviso, shall be liable, on conviction, to a fine not exceeding Five pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Six months.

9. And it is further enacted, that upon any complaint by any Servant, Labourer or Jour-

No. 16,—1840.

neyman Artificer for nonpayment of wages, or damages for breach of contract, or misconduct by his or her Master, Mistress, or employer, before the District Court, it shall be lawful for such Court, at its discretion, to make a proportionable abatement out of any sum to be awarded as the wages or damages due to any such Servant, Labourer or Artificer, for such days or time as he or she shall be proved to have been, without the consent of his or her Master, Mistress or employer, absent from or neglecting his or her service or work, and also for the value of any breakages or damage done to any of the property of his or her Master, Mistress or employer, by or through the misconduct, or gross negligence or carelessness of such Servant, Labourer or Journeyman Artificer. Provided always, that unless any express contract be made to the contrary, no such abatement shall be ever made, where such absence or neglect of service or work by any Servant, Labourer or Artificer appears to have been owing only to his or her being incapacitated therefrom by actual sickness or other reasonable cause; and no such abatement shall be made for medical attendance, or medicines supplied during illness to any Servant, Labourer or Artificer, by his or her Master, Mistress, or employer.

10. And it is further enacted, that if any person shall knowingly and wilfully pretend, or falsely assert in writing that any Servant, Labourer or Journeyman Artificer has been hired or retained in his or her service or employment, or in the service or employment of any other person or persons for any period of time whatsoever, or in any station or capacity whatsoever, other than that for which such Servant, Labourer or Artificer shall have been so employed, hired, or retained; or if any person shall otherwise knowingly and wilfully write, sign, or give any untrue, false, forged or counterfeit certificate or writing in favour of the character of any such Servant, Labourer or Artificer, then in every such case, such person or persons so offending shall, besides being liable to damages upon any civil action, be liable, on conviction, to a fine not exceeding Ten pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Twelve months.

11. And it is further enacted, that if any person shall offer himself or herself as a Servant, Labourer or Journeyman Artificer, asserting or pretending that he or she hath served in any service or employment, in which such Servant, Labourer or Artificer shall not actually have served, or with a false, forged, or counterfeit certificate of his or her character, or shall in anywise add to, or alter, efface or erase any word, date, matter or thing contained in or referred to in any certificate given to him or her, by his or her last or any former actual Master or Mistress or employer, or by any other person or persons duly authorized by such Master or Mistress or employer to give the same, that then in any of the said cases, such person or persons so offending shall be liable, on conviction, to a fine not exceeding Three pounds, and in default of payment to imprisonment with or without hard labour at the discretion of the Court, not exceeding Three months.

12. And it is further enacted, that if any person or persons having been before in service or employment as a Servant, Labourer or Journeyman Artificer, shall, when offering to hire himself, herself or themselves in any such employment, capacity or service, falsely and wilfully pretend not to have been hired or retained in any such previous employment or service, that then and in such case such person or persons so offending shall be liable, on conviction, to a fine not exceeding Three pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Three months.

Passed in Council the Ninth day of November, One Thousand Eight Hundred and Forty.

P. E. WODEHOUSE,  
*Clerk to the Council.*

Published by Order of the Right Hon'ble the Governor.

GEORGE TURNOUR,  
*Acting Colonial Secretary.*

No. 17,—1840.

*To make further provision for the protection of Her Majesty's Revenue derived from Salt.*

WHEREAS it is expedient to make further provision for the protection of Her Majesty's Revenue derived from Salt.

1. It is therefore hereby enacted by the Governor of Ceylon with the advice and consent of the Legislative Council thereof, that from and after the First day of January next, the possession, removal or sale of any Salt whatever in Districts either not enumerated in the Third clause of the Ordinance No. 3 of 1836, or which may now or hereafter be released from certain restrictions by the aforesaid Ordinance, by Proclamations issued or to be issued by the Governor under the provisions of the Ordinance No. 1 of 1838, shall be unlawful, unless such Salt be of the same kind and description as the Salt manufactured or collected in some part or parts of this Island on account of Government, and shall subject the person or persons pos-

No. 17,—1840.

Preamble.

Possession, removal or sale of Salt other than Salt collected or manufactured by Government, illegal.

**No. 17,—1840.**

sessing, removing, or selling such Salt, if not duly accounted for, to the penalties respectively prescribed by the said Ordinance No. 3 of 1836, for the illicit possession, removal, or sale of Salt.

Passed in Council the Ninth day of November, One Thousand Eight Hundred and Forty.

P. E. WODEHOUSE,  
*Clerk to the Council.*

Published by Order of the Right Hon'ble the Governor,

GEORGE TURNOUR,  
*Acting Colonial Secretary.*

**No. 18,—1840. (Expired.) \*****No. 18,—1840.**

*To apply a sum not exceeding Two hundred and Thirty-nine thousand Four hundred and Ninety pounds Eleven shillings and Five pence, to the Extraordinary Service of the year 1841.*

**Order in Council.**

*At the Court at Windsor, the 11th of August, 1841.*

## PRESENT.

The QUEEN'S Most Excellent Majesty.

His Royal Highness Prince Albert,  
Marquis of Normanby,  
Viscount Melbourne,  
Lord Chamberlain,

Viscount Duncannon,  
Viscount Palmerston,  
Mr. Stanley.

ORDER IN COUNCIL :—  
11th August, 1841.

WHEREAS on the 27th day of October 1840, an Ordinance was enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, intituled "*Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, to prevent Encroachments upon Crown Lands.*"†

Now therefore Her Majesty by and with the advice of Her Privy Council, hath been pleased to confirm and allow the said Ordinance subject to the amendments hereinafter mentioned, and the said Ordinance is hereby, subject to these amendments, confirmed and allowed accordingly.

And whereas the period of Thirty years or upwards of uninterrupted possession, which by the said recited Ordinance is limited as the period after which an order for delivering up possession of land may not be made, is unreasonably long, Her Majesty is, with the advice aforesaid, pleased to order, and it is hereby ordered, that the said recited Ordinance shall be, and the same is hereby amended by the substitution of the period of Five years for the before mentioned period of Thirty years.

And the Right Honourable Lord JOHN RUSSELL, one of Her Majesty's Secretaries of State, is to give the necessary directions herein accordingly.

C. C. GREVILLE.

**No. 1,—1841.****No. 1,—1841. (Expired.) \***

*To amend the Schedules annexed to the Ordinance No. 18 of 1840.*

**No. 2,—1841. (Repealed by Ordinance No. 10 of 1842.)****No. 2,—1841.**

*For establishing an uniform rate of Tolls on the road from Colombo to Kandy and Gampola, and on the road from Kandy to Gampola.*

WHEREAS it is expedient to revise the tolls at present payable and levied at certain places on the road from Colombo to Kandy and Gampola, and on the road from Kandy to Gampola in this Island, upon passengers, carts, carriages, cattle and other animals and goods passing the same.

\* The Supply Ordinances for each year are not published at length.

† See page 106.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that tolls, according to the rates specified in the Schedule to this Ordinance annexed, shall be levied by toll-keepers to be appointed by the Government Agents for the Western and Central Provinces respectively, upon all passengers, carts, carriages, cattle and other animals and goods travelling or conveyed upon the road from Colombo to Kandy and Gampola, and upon the road from Kandy to Gampola in this Island, at the following places, that is to say, at the Bridge over the Calany river, at such two places as the Governor may direct within the Fifth and within the Twenty-fifth miles from the Fort of Colombo, at the Bridge at Ambepusse and at the Peradenia Bridge, whether they shall pass over the said Bridge or proceed to Gampola without passing over the same.

No. 2,—1841.

2. Provided always, that one half only of the appointed toll shall be levied at the same place upon any passenger, cart, carriage, animal or goods upon each subsequent occasion of his or their passing the same place in a like direction upon the same day after payment of the full toll, unless such passenger, cart, carriage or animal shall carry a different load, in which case he or they shall, on each such subsequent occasion, be liable to payment of the full toll; and that no toll shall be levied upon any passenger, cart, carriage, animal or goods, upon his or their return upon the same day after any payment of toll, unless such passenger, cart, carriage or animal, shall carry a different load, in which case he or they shall be liable to payment of the full toll; and provided further, that it shall be lawful for any party paying any toll at the Bridge over the Calany river, to demand a certificate of such payment from the toll-keeper, and such party shall be entitled, on delivery of such certificate within the same day to the toll-keeper stationed on the Fifth mile from the Fort of Colombo, to be exempted from payment of the like amount and description of toll at the said place. And any party paying any toll on the said Fifth mile shall in like manner be entitled to be exempted from payment of the like toll at the Bridge over the Calany river.

3. And it is further enacted, that any toll-keeper refusing to grant the certificate required by the preceding Clause to be given, shall be liable, on conviction, to a fine not exceeding Three pounds, one half whereof shall be paid to the informer, and in default of payment to imprisonment, with hard labour, not exceeding Three months.

4. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January, One Thousand Eight Hundred and Forty-two.

## SCHEDULE.

	s.	d.
Every passenger carrying not more than Ten pounds in weight, excepting children under Ten years of age .....	0	0½
Every passenger carrying more than Ten pounds weight .....	0	0¾
Every loaded bullock cart, with the driver .....	0	3
Each bullock belonging to such loaded cart.....	0	3
Every unloaded bullock cart, with the driver .....	0	1
Each bullock belonging to such unloaded cart .....	0	1
Every other vehicle with two or three wheels, with the passengers and driver .....	0	6
Every vehicle with four wheels, with the passengers and driver .....	0	9
Each animal belonging to any vehicle with two, three or four wheels, excepting bullocks .....	0	4½
Every horse not belonging to any vehicle .....	0	4½
Every elephant .....	0	4½
Every loaded animal not enumerated above .....	0	3
Every unloaded animal not enumerated above .....	0	1
Every palanquin .....	0	6
Each bearer belonging to such palanquin .....	0	0¾
Every cask not carried in a cart or vehicle or by men .....	0	2
Any other goods not carried in a cart or vehicle or by men, per cwt. ....	0	2

Passed in Council the First day of September, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
Clerk to the Council.

Published by Order of His Excellency the Governor.

P. ANSTRUTHER,  
Colonial Secretary.

No. 3,—1841. (Repealed by Ordinance No. 18 of 1852.)\*

For prohibiting the importation of Rum and Rum Shrub, the produce of certain places.

No. 3,—1841.

\* The repealed enactments relating to the Customs are not published at length.

No. 4, —1841.

No. 4, —1841.

*To amend the Laws relating to Vagrants.*

Preamble.

WHEREAS it is expedient to amend the Laws relating to Vagrants.

Former provisions repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Fifth and Sixteenth clauses of the Ordinance No. 3 of 1834, entitled "*For improving the Police within the Town, Fort, and four Gravets and Port of Colombo, and for consolidating and amending the Laws relating to the same,*" and the Ordinance No. 3 of 1840, entitled "*For the suppression of Vagrancy and the punishment of idle and disorderly persons and Rogues and Vagabonds,*" shall be and the same are hereby repealed, except in so far as they repeat other Regulations, Ordinances and Proclamations.

Punishment of persons behaving riotously or disorderly in the public streets.

2. And it is further enacted, that every person behaving in a riotous or disorderly manner in any public street or highway, shall be liable to a fine not exceeding Ten shillings; provided nevertheless that every person convicted four times of such conduct shall, for every subsequent offence, be punishable in the manner declared in the following Clause respecting *idle and disorderly persons.*

Persons committing offences herein mentioned, to be deemed idle and disorderly persons.

3. And it is further enacted, that every person committing any of the offences hereinafter mentioned in this Clause, shall be deemed an *idle and disorderly person*, within the true intent and meaning of this Ordinance, and shall be liable upon the first conviction to be imprisoned with or without hard labour for any term not exceeding Fourteen days, or to a fine not exceeding Twenty shillings.

(1.) Every person being able to maintain himself by work or other means, but who shall wilfully refuse or neglect so to do, and shall wander abroad or place himself in any public place, street, highway, court or passage, to beg or gather alms, or cause or procure or encourage any of his family so to do, excepting Priests and Pilgrims in performance of their religious vows, not being mendicants of the description mentioned in the Second section of the following Clause.

(2.) Every person being able wholly or in part to maintain his family, leaving his wife or his child, legitimate or otherwise, without maintenance or support, whereby they shall become chargeable to, or require to be supported by others.

(3.) Every common prostitute wandering in the public street or highway, or in any place of public resort, and behaving in a riotous or indecent manner.

(4.) Every person wandering abroad or lodging in any verandah, outhouse, shed or unoccupied building, or in any cart, vehicle or other receptacle, without leave of the owner thereof, and not having any visible means of subsistence, and not giving a good account of himself.

(5.) Every person, without leave of the owner, defacing the side of any house or building or wall, by fixing any placard or notice, or by any indecent or insulting writing or drawing thereon.

Idle and disorderly persons on second conviction, or resisting Constables, and persons committing offences herein mentioned to be deemed Rogues and Vagabonds.

4. And it is further enacted, that every person convicted a second time of being *idle and disorderly*, and every *idle and disorderly person* resisting any Constable or Police Officer apprehending him, and every person committing any of the offences hereinafter mentioned in this Clause, shall be deemed a *rogue and vagabond* within the true intent and meaning of this Ordinance and shall be liable to be imprisoned with or without hard labour for any period not exceeding One month, or to a fine not exceeding Two pounds.

(1.) Every person wilfully exposing his person in an indecent manner, or exhibiting any obscene print, picture, or other indecent exhibition, in any street, road, highway or public place or elsewhere, to the annoyance and disgust of others.

(2.) Every person wandering abroad, or placing himself in any public place, street, highway, court or passage, and endeavouring, by the exposure of any wounds, deformities, leprosy or loathsome diseases, to obtain or gather alms.

(3.) Every person going about as a gatherer or collector of alms, or endeavouring to procure charitable contributions for himself or others, of any nature or kind, under any false or fraudulent pretences.

(4.) Every person gaming, playing or betting in any street, road, highway, or other open and public place, or in any tavern, shop or place for the sale of spirits or liquor, or kept or used for the purpose of common or promiscuous gaming, at cockfighting, or with any table, dice, cards, or other instrument for gaming, at any game or pretended game of chance.

(5.) Every person having in his custody or possession, any picklock, key, crowbar, jack, bit, or other implement, with intent unlawfully to break into any dwelling house, warehouse, coach-house, stable, or out-building, or being armed with any gun, pistol, sword, knife, bludgeon, or other offensive weapon, or having upon him any instrument, with intent to commit any unlawful act; and every such offensive weapon or instrument shall, on the conviction of such offender, become forfeited to the Crown.

(6.) Every person being found in or upon any dwelling-house, warehouse, godown, stable, outhouse, or other building, or in any enclosed yard, garden, plantation, or compound, for any unlawful purpose, or not giving a satisfactory account of himself.

(7.) Every suspected person or reputed thief, loitering or lurking about, or frequenting any river, canal or navigable stream, dock or basin, or any bazaar, quay, wharf, or warehouse near or adjoining thereto, or any street, highway, or avenue, leading thereto or any street, highway, or place adjacent to, or in or about any vessel, dhoney, boat or other craft, in any harbour, river, canal, or other water, with intent to commit any robbery, theft, or unlawful act.

5. And it is further enacted, that every person convicted a third time or more often, of being *idle and disorderly*, or a second time or more often of being a *rogue and vagabond*, and every person escaping out of any place of legal confinement, before the expiration of the term for which he shall have been committed under this Ordinance, shall be deemed to be an *incorrigible rogue* within the true intent and meaning of this Ordinance, and shall be liable to imprisonment at hard labour for any period not exceeding Four months, and to corporal punishment not exceeding Twenty-five lashes.

6. And it is further enacted, that every person convicted as an *incorrigible rogue* may, in addition to any punishment imposed by the preceding Clause, be required also to give security for his good behaviour for One year after his discharge, and in default of such security shall be liable to additional imprisonment at hard labour not exceeding Four months.

7. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable or Peace Officer, duly appointed by, or under authority from the Governor, to apprehend or cause to be apprehended any person behaving in a riotous or disorderly manner in the public streets, or any *idle and disorderly person* or any *rogue and vagabond*, or any *incorrigible rogue*, or any person accused of any robbery, theft, assault or other crime, and forthwith to take or send him with a report stating the date of and reason for the arrest, and all that has been done upon the occasion, before the District Court of the place wherein he shall be apprehended, and to search his house if charged with theft or other crime; and in case any such principal or other Headman, Constable or Peace Officer shall, without just cause, delay, refuse or wilfully neglect to take such offender into his custody, and to take or send him with such report before the District Court, or to search his house as aforesaid, or shall not use his best endeavours so to do, it shall be deemed a neglect of duty and be punished as hereinafter directed.

8. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable or Peace Officer aforesaid, apprehending any person charged with being a *rogue and vagabond*, or *incorrigible rogue*, or accused of any robbery, theft, or crime, to search such offender, and inspect his boxes, bundles, parcels or packages, and to take or send, with his report, any goods or property found in his possession to the District Court; and any money which may be then found with or upon any *rogue and vagabond* or *incorrigible rogue* so apprehended, shall, at the discretion of the District Court, be ordered to be paid and applied for and towards payment of any fine imposed on him, and the expense of apprehending, conveying to Gaol and maintaining such offender during the time for which he shall have been in custody and committed to prison; and if upon search money sufficient for the purposes aforesaid be not found, it shall be lawful for such Court to order that a part, or if necessary, the whole of his effects found on or belonging to him shall be sold, and the produce of such sale be paid and applied as aforesaid; and the overplus of such money or effects, after deducting the charges of such sale, shall be returned to the said offender on his discharge.

9. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable or other Peace Officer aforesaid, to enter into any tavern or shop or place for the sale of spirits or liquor, during the hours which the same are allowed by law to be kept open, to search for and apprehend any person hereinbefore described to be an *idle and disorderly person*, or *rogue and vagabond*, or *incorrigible rogue*, or any person suspected or accused of any offence; and the District Court, upon information on oath that any person so offending is, or is reasonably suspected to be harboured or concealed in any shop or place for the sale

Persons convicted a third time of being idle and disorderly, or a second time of being Rogues and Vagabonds, and persons escaping from place of confinement to be deemed Incorrigible rogues.

Incorrigible Rogue may be required to give security for future good behaviour.

Headman and Peace Officers to apprehend offenders.

Headmen and Peace Officers to seize property of offenders.

Property of offenders available for expenses.

Officers may enter taverns during day to search for offenders without Warrant.

**No. 4.—1841.**

Search warrant when to be granted.

of spirits or liquor, after the hours during which it is required by law to be closed, or in any house kept for the reception, lodging or entertainment of travellers, or other building, boutique, outhouse or premises, shall grant a warrant to enter at any time therein and to apprehend and bring before such Court every such *idle and disorderly person, rogue and vagabond*, or *incorrigible rogue*, or person suspected or accused of any offence as shall be found therein.

All persons to aid Headmen and Peace Officers.

10. And it is further enacted, that it shall be lawful for any principal or other Headman, Constable or other Peace Officer aforesaid, to call upon, in the name of Her Majesty, every Headman, Constable or other Peace Officer, and every inhabitant of his own or any neighbouring village, to aid and assist him in the execution of his duty in any thing required of him by this Ordinance; and if any such Headman, Constable or other Peace Officer, or any inhabitant shall, when so called upon, without just cause, delay, refuse or neglect to aid and assist in any arrest, seizure or search required by this Ordinance, or in the securing, detention or removal before the District Court of the offender or property seized, he shall be liable, on conviction, for every such offence to a fine not exceeding One pound, or to imprisonment not exceeding Fourteen days. Provided always, that whenever any person shall be required as aforesaid to go beyond a distance of Five miles, he shall be entitled to receive batta or hire from Government, according to the rates payable in the Fiscal's Department.

Officers neglecting their duty.

11. And it is further enacted, that in case any principal or other Headman, Constable or other Peace Officer aforesaid, shall neglect his duty in any thing required of him by this Ordinance, he shall be liable for every such offence to a fine not exceeding Five pounds, or to imprisonment not exceeding Two calendar months, with or without hard labour, at the discretion of the Court.

Persons obstructing Officers.

12. And it is further enacted, that in case any person shall hinder, disturb or molest any principal or other Headman, Constable or other Peace Officer in the execution of this Ordinance, or shall be aiding, abetting or assisting therein, or shall knowingly conceal or harbour, or knowingly attempt, aid, abet, or assist in harbouring or concealing any *rogue and vagabond*, and shall be thereof convicted, every such offender shall, for every such offence, be liable to a fine not exceeding Three pounds, or to imprisonment with or without hard labour for any period not exceeding Four months; and every person who shall knowingly conceal or harbour or knowingly attempt, aid, abet or assist in harbouring or concealing any *incorrigible rogue*, shall be liable to a fine not exceeding Five pounds, or to imprisonment for any period not exceeding Six months with or without hard labour.

During what hours taverns to be kept open.

13. And it is further enacted, that all keepers of taverns or other shops or places for the retail of spirits or other liquors, who shall suffer the said taverns or other shops or places to be kept open, or shall sell spirits or other liquors at any time before the hours of Five in the morning or after Nine in the evening, shall be liable to a penalty of Five pounds; and all keepers of taverns, or other shops or places for the retail of spirits or other liquors, and their agents, servants or other persons having at the time the care or management of such taverns, shops or places, who shall permit any person to be guilty of disorderly conduct in the said tavern, shop or place aforesaid, and every person who shall be guilty of noisy or disorderly conduct in or about such tavern, shop or place aforesaid, shall, upon conviction, be fined in a sum not exceeding Twenty shillings.

Disorderly conduct in taverns.

Tavern keepers receiving pledge:

14. And it is further enacted, that if any keeper of any tavern or other shop or place for the retail of spirits or other liquors, shall take or receive in payment as a pledge or in barter or exchange for any spirits or liquor or other entertainment supplied in or from the said tavern, shop or place, any thing excepting money commonly current in this Island, he shall be liable to a penalty not exceeding One pound for every such offence, and every such pledge, barter or exchange shall also be illegal and void.

Violating conditions of licence.

15. And it is further enacted, that if any keeper of any tavern, shop or place for the retail of spirits or other liquors, shall in any respect commit any breach or offence against the conditions of his licence, he shall be liable to be adjudged in a summary manner to pay the penalty incurred thereunder.

Gaming in taverns how punished for first offence.

16. And it is further enacted, that all keepers of taverns or other shops or places for the retail of spirits or other liquors, who shall wilfully permit or countenance in or about the same, or in any shed or other building, compound, garden or land, adjoining or near thereto, and occupied by or belonging to the keeper of such tavern, shop or place, any playing, betting or gaming at cockfighting, or with any table, dice, cards or other instruments for gaming, at any game or pretended game of chance, and every person who shall be a party to any such playing, betting or gaming, or in any way in transgressing or neglecting the provisions of



this Clause, shall on the *first* conviction thereof forfeit and pay any sum not exceeding the sum of Two pounds.

No. 4.—1841.

17. And it is further enacted, that all keepers of taverns or other shops, or places for the retail of spirits or other liquors, who shall permit or countenance therein any playing, betting or gaming, in any manner described or mentioned in the preceding Clause, on being so convicted thereof twice, or more frequently, shall be deemed and taken to be at the time of such second or subsequent offence, a keeper, holder, occupier, or user of a house or place for the purpose of common or promiscuous gambling, within the meaning and intent of this Ordinance, and shall be punishable as hereinafter provided.

Subsequent offences.

18. Provided always, that none of the provisions of the five preceding Clauses shall extend to the Rest Houses belonging to Government.

Government Rest Houses excepted.

19. And it is further enacted, that all persons who shall keep, hold, occupy or use any house or other place, open or enclosed, for the purpose of common or promiscuous gaming, playing, or betting at cockfighting, or with any table, dice, cards, or other instrument for gaming, at any game or pretended game of chance, shall, upon the first conviction thereof, suffer imprisonment at hard labour for a period of Six months, and shall forfeit and pay the sum of Five pounds, and shall, upon the *second* and every subsequent conviction, suffer imprisonment at hard labour for a period of Twelve months, and shall forfeit and pay the sum of Ten pounds.

Keepers of common gaming houses how punished for first offence.

Subsequent offences.

20. And it is further enacted, that any person other than the real owner, keeper or occupier of any such house or other place mentioned in the four preceding Clauses, who shall at any time hereafter act or behave as master, or as having the care or management thereof, shall be deemed and taken to be a keeper, holder or user thereof, within the meaning and intent of this Ordinance, and shall be equally liable to be prosecuted and punished in the manner and to the effect aforesaid, as the real owner, keeper, or occupier thereof would be.

Any person acting as master of any gambling house, to be deemed the keeper thereof.

21. And it is further enacted, that all fines or penalties imposed by this Ordinance shall, on failure of immediate payment, be levied by summary warrant of distress and sale of the goods, property, and effects of the offender, and in default of payment, every such offender shall be imprisoned at hard labour for the space of One month for every Pound of such fine which shall remain unsatisfied, and in like proportion for every lesser sum, provided that such imprisonment on any one conviction shall never exceed the term of Twelve months, and it shall also be lawful for any Court before whom any such offender may be convicted, to order, at its discretion, the whole or any part of such fine or penalty, when recovered, to be paid over, or applied to the use and benefit of the persons who shall first have given information against or been active in the apprehending of such offender, or shall appear otherwise deserving of reward in the matter.

Fines to be levied by distress.

Informer's share.

22. And it is further enacted, that no prosecution shall be instituted against any person for offences under the provisions of this Ordinance, after the expiration of One calendar month next subsequent to the date of the offence.

No prosecution to be instituted after one month.

23. And it is further enacted, that whenever in this Ordinance any word or words used in this Ordinance is or are used importing the singular number or the masculine gender only, yet such word or words shall be understood and construed to include several persons as well as one person, females as well as males, and several matters or things as well as one matter or thing, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Construction of terms.

24. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January One Thousand Eight Hundred and Forty-two.

Ordinance when to take effect.

Passed in Council the Sixth day of September, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

## No. 5,—1841.

## No. 5,—1841.

*For the better regulation of Servants, Labourers and Journeymen Artificers under Contracts for Hire and Service, and of their Employers.*

- Preamble. WHEREAS it is expedient to amend the Ordinance No. 16 of 1840, entitled an Ordinance "For the better regulation of Servants, Labourers and Journeymen Artificers, under Contracts for Hire and Service."
- Former Ordinances repealed. 1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Ordinance No. 16 of 1840 shall be and the same is hereby repealed, except in so far as it repeals any other Ordinance, or part of any other Ordinance, and except in so far as respects all offences which have been heretofore committed against the same.
- Term of verbal contract of a servant, etc. 2. And it is further enacted, that every verbal or unwritten contract or agreement for the hire of any menial or domestic Servant or Labourer in the service of Government, or of any person or persons, except for any work usually performed by the day, by the job, or by journey, shall be deemed and taken in law to be a contract or agreement for hire and service for the period of at least One month, and to be renewable from month to month, and shall be deemed and taken in law to be so renewed by the parties, unless a week's previous notice or warning be given by either party to the other of his or her intention not to renew the same, and the wages for such service shall be payable monthly, and any Master, Mistress or employer shall be entitled to discharge any Servant or Labourer from his or her service under any such contract or agreement, without previous notice, provided such Servant or Labourer be instantly paid his or her wages for the time he has served, and also for Fifteen days from the time of such discharge. Provided always, that any such contract or agreement may at any time be determined by the misconduct of either party in their relative capacity of Master and Servant, which may be proved by either party against the other.
- Term of verbal contract for Journeyman Artificer. 3. And it is further enacted, that every verbal or unwritten contract or agreement for the hire according to time of any Journeyman Artificer, (where no special contract or agreement for any shorter period shall be made and duly proved,) shall be deemed and taken in law to be a contract or agreement for the hire of such Artificer for One day, and no longer.
- If service continued after contract. 4. Provided always, that nothing in the two preceding Clauses of this Ordinance shall be construed to prevent any Servant, Labourer or Journeyman Artificer, who may continue in the service of his or her Master, Mistress or employer, beyond the period for which any verbal or written contract or agreement entered into by him or her is respectively declared binding only in law, as aforesaid, from recovering his or her wages according to the full period or time of his or her being in such service; nor to prevent any similar subsequent verbal or unwritten contract or agreement being respectively implied in law from the continuance of such service or otherwise.
- Written contracts to be signed by and explained to parties. 5. And it is further enacted, that no contract or agreement for the hire or service of any menial or domestic Servant or Labourer, to be employed in the service of Government or of any person or persons for any longer period of time than One month, nor for the hire or service of any Journeyman Artificer for any longer period than One day, shall be good and valid in law so as to subject any party thereto to the provisions of this Ordinance for not performing the same, unless such contract or agreement shall be in writing, and shall clearly express the terms or conditions thereof, and shall be signed by both parties, or if they cannot write, by some person or persons duly authorized by them; and unless every such agreement or contract be also acknowledged by such Servant, Labourer or Artificer in the presence of one or more witnesses, who are hereby required in every such case to previously explain, or cause to be fully explained to the said Servant, Labourer or Artificer, the terms of such contract and agreement, and to certify on the back thereof that such Servant, Labourer or Artificer fully understands the terms of such contract or agreement, and is desirous to fulfil the same. Provided always, that every written contract or agreement for the service of any Servant, Labourer, or Journeyman Artificer, for any longer period than One month, shall be determinable by either party on One month's previous notice, unless any other period for such notice be stated in such contract, or some other agreement be expressly made therein to the contrary.
- Written contract how determinable. 6. And it is further enacted, that no contract or agreement in writing for the hire or service of any menial or domestic Servant, Labourer or Artificer, shall be valid and binding under the provisions of this Ordinance, if made for a longer period of hire or service than One year. Provided always, that nothing in this Clause contained shall prevent a renewal of
- Ordinance not to affect contract for more than One year.

such contract or agreement from year to year, nor affect any contract or agreement whatever entered into for any longer period, which does not fall under the provisions of this Ordinance.

7. And it is further enacted, that any menial or domestic Servant or Labourer, or any Journeyman Artificer who, without reasonable cause, shall neglect or refuse to attend at and during the time and hours, or at the place where and when he shall have contracted or agreed to attend, in commencing or carrying on any work, or in case of no special contract or agreement in that behalf, during such hours as, according to their respective trades and occupations, it shall be usual so to attend, or who, without reasonable cause, shall leave unfinished or refuse to finish any work contracted to be done, or who shall be guilty of any drunkenness, wilful disobedience of orders, insolence, or gross neglect of duty; or other misconduct in the service of his or her Master or Mistress or employer, or who shall quit the service of such Master or Mistress or employer without leave or reasonable cause, before the end of his or her term of service or previous warning, as required by the Second clause of this Ordinance, or of such longer period as may be specially stipulated in his or her contract, shall be punishable, at the discretion of the District Court, by forfeiture of all wages then due, if not exceeding the wages of One month, or for the period of warning specially stipulated for, and, in addition thereto, by imprisonment with or without hard labour, at the discretion of the Court, not exceeding Three months.

8. And it is further enacted, that every Servant, Palanquin bearer or Cooly, who, having engaged to go on any journey, and having received an advance of hire, shall, without any just cause, desert, or refuse, or neglect to proceed on such journey or any stage thereof, or shall be guilty of any misbehaviour mentioned in the Seventh clause of this Ordinance, shall be punishable by the District Court, by forfeiture of all wages, then advanced or contracted for, and in addition thereto, by imprisonment with or without hard labour, at the discretion of the Court, not exceeding Three months. Provided always, that no Servant, Palanquin bearer or Cooly shall be obliged to travel more than Two stages, or more than Twenty-five miles, during every Twenty-four hours, nor shall any Cooly be obliged to carry a greater weight than Forty pounds, unless otherwise specially agreed upon for a short distance only, nor to proceed in case of any actual illness or bodily injury rendering him incapable to travel the journey, or any stage thereof; and any person obliging any Servant, Palanquin bearer or Cooly, against his free will and consent, to act contrary to the regulations contained in this proviso, shall be liable, on conviction, to a fine not exceeding Five pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Six months.

9. And it is further enacted, that upon any complaint by any Servant, Labourer or Journeyman Artificer, for non-payment of wages, or damages for breach of contract, or misconduct by his or her Master, Mistress or employer, before the District Court, it shall be lawful for such Court, at its discretion, to make a proportional abatement out of any sum to be awarded as the wages or damages due to any such Servant, Labourer or Artificer, for such days or time as he or she shall be proved to have been, without the consent of his or her Master or Mistress or employer, absent from, or neglecting his or her service or work, and also for the value of any breakages, or damage done to any of the property of his or her Master, Mistress or employer, by or through the misconduct, or gross negligence, or carelessness of such Servant, Labourer, or Journeyman Artificer. Provided always, that unless any express contract be made to the contrary, no such abatement shall be ever made where such absence or neglect of service or work by any Servant, Labourer or Artificer, appears to have been owing only to his or her being incapacitated therefrom by actual sickness or other reasonable cause; and no such abatement shall be made for medical attendance, or medicines supplied during illness to any Servant, Labourer or Artificer, by his or her Master, Mistress, or employer.

10. And it is further enacted, that in case any Master, Mistress or employer, not having reasonable cause of complaint, shall refuse payment of wages when due, or not having given notice or made part-payment, as required by the Second and Fifth clauses of this Ordinance, shall refuse to continue full payment to any Servant, Labourer or Journeyman Artificer, during the whole term of any contract, written or verbal, entered into between them, every such Master, Mistress or employer, so refusing, shall, in addition to payment of all wages actually due, or of all that would have become due if the contract had been properly observed, or both, as the case may be, be liable to a fine not exceeding Ten pounds, and, during default, to imprisonment, provided that the same shall in no case exceed Three months.

11. And it is further enacted, that if any person shall knowingly and wilfully pretend,

**No. 5, — 1841.**

Servant, etc. refusing to work or guilty of misconduct.

Servant, etc. engaged for a journey deserting, or guilty of misconduct.

Distance to be travelled and weight, carried.

Court may make abatement of wages or damages for misconduct.

Proviso.

Penalty on employers refusing without cause to act up to contract.

Persons giving false character.

**No. 5,—1841.**

or falsely assert in writing that any Servant, Labourer or Journeyman Artificer has been hired or retained in his or her service or employment, or in the service or employment of any other person or persons for any period of time whatsoever, or in any station or capacity whatsoever other than that for which such Servant, Labourer or Artificer shall have been so employed, hired, or retained; or if any person shall otherwise knowingly and wilfully write, sign, or give any untrue, false, forged or counterfeit certificate or writing in favour of the character of any such Servant, Labourer or Artificer, then, in every such case, such person or persons so offending, shall, besides being liable to damages upon any Civil action, be liable, on conviction, to a fine not exceeding Ten pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Twelve months.

Servant, etc. making false statement of former employment, or altering character.

12. And it is further enacted, that if any person shall offer himself or herself as a Servant, Labourer or Journeyman Artificer, asserting or pretending that he or she hath served in any service or employment, in which such Servant, Labourer or Artificer shall not actually have served, or with a false, forged, or counterfeit certificate of his or her character, or shall in anywise add to, or alter, efface or erase any word, date, matter or thing contained in or referred to in any certificate given to him or her, by his or her last or any former actual Master or Mistress or employer, or by any other person or persons duly authorized by such Master or Mistress or employer to give the same, that then, in any of the said cases, such person or persons so offending shall be liable, on conviction, to a fine not exceeding Three pounds, and in default of payment, to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Three months.

Servant, etc. denying former employment.

13. And it is further enacted, that if any person or persons having been before in service or employment as a Servant, Labourer or Journeyman Artificer, shall, when offering to hire himself, herself or themselves in any such employment, capacity or service, falsely and wilfully pretend not to have been hired or retained in any such previous employment or service, that then and in such case such person or persons so offending shall be liable, on conviction, to a fine not exceeding Three pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, not exceeding Three months.

Ordinance when to take effect.

14. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January, One Thousand Eight Hundred and Forty-two.

Passed in Council the Sixth day of September, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 6,—1841.**

**No. 6,—1841.** (*Repealed by Ordinance No. 3 of 1842.*)

*To require persons professing other than the Christian Religion to make solemn Affirmations in lieu of Oaths.*

WHEREAS much inconvenience arises from peculiar forms of Oath being required to be administered to persons professing other than the Christian Religion, and it is expedient to provide a form of solemn Affirmation which may be applicable to such persons.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First of January One Thousand Eight Hundred and Forty-two, instead of any Oath or Declaration now authorized or required by law, every person not professing the Christian faith shall make Affirmation to the following effect:

“I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.”

2. And it is further enacted, that if any person making such Affirmation as aforesaid, shall wilfully and falsely state any matter or thing which, if the same had been sworn before the passing of this Ordinance, would have amounted to Perjury, every such offender shall be subject to the same punishment to which persons convicted of Perjury were subject before the passing of this Ordinance.

3. And it is further enacted, that any person causing or procuring another to commit the offence defined in the Second clause of this Ordinance, shall be subject to the same punishment to which persons convicted of subornation of Perjury were subject before the passing of this Ordinance.

No. 6,—1841.

Passed in Council the Sixth day of September, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
Clerk to the Council.

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
Colonial Secretary.

**No. 7,—1841. (Repealed by Ordinance No. 2 of 1848.)**

For making provision for the use of Stamps in certain Judicial Proceedings.

No. 7,—1841.

WHEREAS it is advisable that the use of Stamps should be required in certain Judicial proceedings of a Civil nature :

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the several written instruments used in Civil proceedings specified in the Schedule annexed, shall bear a Stamp of such value and amount as therein provided.

SCHEDULE.

CLASSES	1.	2.	3.	4.	5.	6.	7.	8.	9.
	Under £2.	£2 and under £5.	£5 and under £10.	£10 and under £20.	£20 and under £40.	£40 and under £100.	£100 and under £250.	£250 and under £500.	£500 and upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Proxy ... ..									
Libel ... ..									
Summons, without reference to the number of Defendants ... ..									
Every Rule, Nisi or Absolute ... ..									
Every Affidavit ...									
Answer or Admission									
Replication ... ..									
Rejoinder ... ..									
List of Witnesses ...									
Decree ... ..									
Bill of Costs ... ..	0 0 4	0 0 8	0 1 6	0 2 6	0 3 6	0 5 0	0 6 0	0 8 0	0 10 0
Attachment ... ..									
Translation of each Document ... ..									
Execution against Property ... ..									
Execution against Person ... ..									
Subpœna, one to each witness including Duces Tecum ... ..									
Commissions of all kinds ... ..									
Notice of Trial ... ..									
Warrant of Arrest in Meane Process ... ..									
Recognizance in Meane process and in Appeal ... ..									
Writ of Sequestration									
Notice of Sequestration ... ..	0 0 8	0 1 6	0 2 6	0 4 6	0 6 6	0 10 0	0 12 0	0 16 0	0 1 0
Edictile Citation ...									
Certificate in Appeal									
Final Adjudication in Appeal ... ..									
Certificate of Government Agent in Revenue cases ... ..									

No. 7,—1841.

CLASSES—	1.	2.	3.	4.	5.	6.	7.	8.	9.
	Under £2.	£2 and under £5.	£5 and under £10.	£10 and under £20.	20 and under £40.	£40 and under £100.	£100 and un- der £250	£250 and un- der £500	£500 and up- wards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Award ... ..									
Letters of Adminis- tration ... ..									
Probate of Wills ...									
Inventory ... ..									
Account, provisional or Final ... ..									
Bond of Executors, Administrators, Guardians and Cu- rators ... ..	0 0 8	0 1 6	0 2 6	0 4 6	0 6 6	0 10 0	0 12 0	0 16 0	1 0 0
Bond of Arbitration and Submission ...									
Certificate of quiet possession... ..									
Exhibit Stamp to un- stamped Vouchers, each ... ..									
All Applications a... Office copy, for 120 words ... ..	0 0 2	0 0 4	0 0 6	0 0 9	0 1 0	0 1 6	0 2 0	0 3 0	0 4 0
Commitment ... ..									
Depositions in Appeal Lists of Appraisement Discharges... ..	Blank								
Petition of Appeal in cases wherein no wit- nesses have been heard	0 0 9	0 1 6	0 3 0	0 5 0	0 7 6	0 10 0	0 15 0	1 5 0	2 0 0
Do. six or less do.	0 1 6	0 3 0	0 5 0	0 7 6	0 10 0	0 15 0	1 5 0	2 0 0	3 0 0
Do. ten do.	0 3 0	0 5 0	0 7 6	0 10 0	0 15 0	1 5 0	2 0 0	3 0 0	4 10 0
Do. twenty do.	0 5 0	0 7 6	0 10 0	0 15 0	1 5 0	2 0 0	3 0 0	4 10 0	6 0 0
Do. twenty-one or more do.	0 7 6	0 10 0	0 15 0	1 5 0	2 0 0	3 0 0	4 10 0	6 0 0	9 0 0
Poundage at the rates specified in the Rules and Orders of 10th August and 19th Oc- tober 1820.									

Passed in Council the Sixth day of September, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
Clerk to the Council.

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
Colonial Secretary.

No. 8,—1841. (Repealed by Ordinance No. 10 of 1842.)

No. 8,—1841.

For regulating the collection of Tolls.

WHEREAS it is expedient that measures be adopted for the protection of the public from undue exaction or other vexatious conduct, on the part of the persons employed at certain Bridges, Ferries, and other places in this Island, to collect the Tolls appointed to be levied at the same.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that at every Bridge, Ferry, or other place at which it either now is, or may at any time hereafter be declared lawful to levy any Toll upon any passenger, cart, carriage, cattle, animal or goods passing the same, there shall be suspended, at some conspicuous place immediately adjoining thereto, a board whereon shall be legibly painted in the English and in the Native languages, a list of the several Tolls authorized to be levied at such Bridge, Ferry, or other place.

2. And it is further enacted, that if any person appointed to collect the Tolls at any

Bridge, Ferry, or other place, shall wilfully remove, conceal, alter or deface the board herebefore directed to be suspended at such place, or if any such person shall demand any Toll which shall not be in conformity with the list painted on such board, or if any such person shall wilfully subject any passenger, cart, carriage, cattle, animal or goods to unreasonable delay or detention, he shall be liable, on conviction, to a fine not exceeding Three pounds, one half whereof shall be paid to the informer, and in default of payment, to imprisonment with hard labour, not exceeding Three months.

3. And it is further enacted, that if any person appointed to collect the Tolls at any Bridge, Ferry, or other place, shall in any respect commit any breach or offence against the conditions of his appointment, he shall be liable to be adjudged in a summary manner to pay the penalty incurred thereunder.

4. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January One Thousand Eight Hundred and Forty-two.

Passed in Council the Twelfth day of October, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 9,—1841.**

*To repeal the Ninth Clause of the Ordinance No. 12 of 1840, and to re-enact certain of its provisions.*

WHEREAS it is expedient to repeal the Ninth clause of the Ordinance No. 12 of 1840, entitled "*To prevent Encroachments upon Crown Lands.*"

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ninth clause of the Ordinance No. 12 of 1840, entitled "*To prevent Encroachments upon Crown Lands,*" shall be and the same is hereby repealed.

2. And it is further enacted, that none of the provisions contained in the Eighth clause, nor the provision touching prescription contained in the First clause of the said Ordinance No. 12 of 1840, shall extend to any land referred to in the Sixth clause thereof, nor to any public road, street, or highway, nor to any land known or held as Toonhawul land.

Passed in Council the Twelfth day of October, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 10,—1841. (Repealed by Ordinance No. 1 of 1846.)**

*To provide for the transmission of Letters to and from this Island by Extraordinary Express.*

WHEREAS the convenience of the Public would be greatly promoted by the occasional employment of Steam-packets or other extraordinary conveyances for the despatch of Letter-mails to and from this Island; And whereas such arrangements would involve great expense, and it might be necessary to impose a rate of Postage on Letters, Newspapers, Price Currents and Shipping Reports so conveyed, different from that provided by the Ordinance No. 8 of 1836, entitled "*For protecting the Revenue derived from the Post Office, and for revising the Rates of Postage.*"

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, any provisions of the said Ordinance No. 8 of 1836 notwithstanding, it shall be lawful for the said Governor, with the consent of the Executive Council, to employ any Steam-packet or other mode of express for the conveyance of Letter-mails to and from this Island, and to impose upon all Letters, Newspapers, Price Currents, and Shipping Reports conveyed thereby, such rates of Postage as to him and them shall appear requisite. Provided always, that such rates shall have been previously notified in three successive Gazettes.

2. And it is further enacted, that no action or prosecution shall be maintainable before any Court in this Island against the Postmaster General, or any other person or persons

**No. 8,—1841.**

**No. 9,—1841.**

Preamble.

Ninth clause of Ordinance No. 12 of 1840 repealed.

Eighth clause and part of the First clause of Ordinance No. 12 of 1840, not to extend to any land referred to in the Sixth clause thereof.

**No. 10,—1841.**

**No. 10,—1841.**

acting under his authority, on account of any sum of money demanded or received by him or them, at any time before the passing of this Ordinance, as Postage on letters conveyed to or from this Island by means of any Steam-packet or other conveyance, the sailing or despatch of which, for the purpose of carrying Letters, had been previously notified in the Gazette. And every such action or prosecution which shall have been so instituted, shall be abated, and all proceedings had thereon shall be rendered null and void.

2. And it is further enacted, that the exception contained in the Second clause of the abovementioned Ordinance No. 8 of 1836, in favour of "Letters to be sent by any private friend or friends in their way of journey or travel," shall be and the same is hereby repealed.

Passed in Council the Twelfth day of October, One Thousand Eight Hundred and Forty-one.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 11,—1841. (Expired.)\*****No. 11,—1841.**

To apply a sum not exceeding One hundred and Sixty-one thousand Six hundred and Eighty pounds and Eighteen shillings, to the Contingent Service of the year 1842.

**No. 1,—1842.****No. 1,—1842.**

To make certain Regulations respecting the granting of Schedules on occasion of the execution of Deeds affecting Land in the Northern Province.

## Preamble.

WHEREAS a custom exists in some parts of the Northern Province for the Headmen, upon application to them, to give certain certificates and extracts from the Thombos, commonly called Schedules, on occasion of the intended execution of any Deed affecting Land, for which they receive certain fees; and whereas there is much vexatious delay on the part of the Headmen in performing what, by this custom, is required of them, and many attempts are made to exact exorbitant fees, and it is necessary to make provision for the prevention of these delays and undue exactions.

## Fee payable to Headman on granting of Schedule.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that every Headman shall be entitled to receive for every such Schedule which he shall grant to any party applying for the same, a fee of Two per cent on the value of the Land for which it is granted. Provided always, that such fee shall never be less than One shilling and Six-pence nor more than Five pounds, and that it shall not be considered due until after the Schedule has been delivered, and until after every such act in relation thereto, which by custom the Headman is bound to perform, has been performed.

## Headman refusing to grant Schedule, to give reasons in writing for such refusal.

2. And it is further enacted, that it shall be lawful for a Headman to refuse to grant a Schedule to any party applying for the same, whom he shall have reasonable grounds for believing not to be entitled thereto. Provided always that he shall forthwith give to such party a statement in writing of the ground of such refusal.

## Penalties on Headman for negligence or misconduct.

3. And it is further enacted, that any Headman who shall neglect or delay to attend to any proper application that shall be made to him for a Schedule, or who shall unnecessarily protract the granting of it, or the performance of any act in relation thereto, which by custom he is bound to perform; and any Headman who shall unnecessarily delay the giving of the statement required by the Second clause to be given, under the circumstances therein stated, to the applicant for a Schedule; and any Headman who shall demand or receive a greater fee for granting a Schedule than is by this Ordinance allowed; shall be liable to a fine according to the discretion of the Court, not exceeding Five pounds, to be recovered from him by distress, and in default of payment, to imprisonment not exceeding One month.

## Ordinance when to come into operation.

4. And it is further enacted, that this Ordinance shall come into operation from and after the First day of January, One Thousand Eight Hundred and Forty-three.

Passed in Council the First day of August, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

\* The Supply Ordinances for each year are not published at length.



No 2,—1842.

No. 2,—1842.

*An Ordinance to amend the law respecting the Concealment of the Birth of Children.*

WHEREAS it is expedient to repeal the Ordinance No. 9 of 1823, and to make fuller provision in lieu thereof, for the punishment of women concealing the birth of their children.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 9 of 1823, entitled "*For declaring it penal in any unmarried woman delivered of a child to conceal the birth thereof, if the child be found dead,*" shall be and the same is hereby repealed, except as to any offence committed before the passing of this Ordinance.

Regulation No. 9 of 1823 repealed.

2. And it is further enacted, that from and after the passing of this Ordinance, if any woman shall be delivered of a child, and shall, by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such woman shall be guilty of an offence, and shall, on conviction thereof, be liable to imprisonment with or without hard labour, for any term not exceeding Two years; and it shall not be necessary to prove whether the child died before, at, or after its birth. Provided always, that if any woman tried for the murder of her child, shall be acquitted thereof, it shall be lawful for the jury by whose verdict she shall be acquitted, to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did by secret burying, or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof; and thereupon the Court may pass the same sentence as if she had been convicted upon an information for the concealment of the birth.

Punishment of woman endeavouring to conceal the birth of her child.

Proviso that jury may find a woman charged with child-murder guilty of concealment of birth.

Passed in Council the First day of August, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

No. 3,—1842.

*For the substitution of solemn Affirmations in lieu of Oaths in certain cases.*

No. 3,—1842.

WHEREAS it is expedient to substitute a solemn Affirmation in lieu of every Oath hitherto required to be taken by persons professing other than the Christian Religion, and by Quakers, Moravians and Jews; and whereas the provisions of the Ordinance No. 6 of 1841 are not sufficiently extensive for that purpose.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ordinance No. 6 of 1841, entitled "*To require persons professing other than the Christian Religion to make solemn Affirmations in lieu of Oaths,*" shall be and the same is hereby repealed.

Ordinance No. 6 of 1841 repealed.

2. And it is further enacted, that from and after the passing of this Ordinance, every individual not professing the Christian faith, and every Quaker, Moravian or Jew, shall on all occasions whatsoever where an Oath is required by the existing or by any other law hereafter to be made, make a solemn Affirmation or Declaration in lieu thereof, and every such Affirmation or Declaration shall be of the same force and effect as an Oath taken in the usual form, any thing in the Ordinance No. 6 of 1834, entitled an "*Ordinance declaring English Rules of Evidence to be in force in this Island, unless in cases otherwise expressly provided for by law: and prescribing the course by which Evidence is to be obtained in certain cases,*" to the contrary notwithstanding: Provided always, that every such Affirmation or Declaration shall commence with the following words, or words to that effect, "*I, A. B., do solemnly, sincerely and truly declare and affirm.*"

Solemn Affirmations to be substituted for Oaths.

Form of Affirmation.

3. And it is further enacted, that if any person making such Affirmation or Declaration as aforesaid, shall wilfully and falsely state any matter or thing which, if the same had been stated on Oath in the usual form before the passing of this Ordinance, would have amounted to Perjury, every such person shall be subject to the same punishment to which persons convicted of Perjury were subject before the passing of this Ordinance. Provided nevertheless, that in all prosecutions for false Affirmation, the testimony of two witnesses at least to the very fact as to which the person or persons accused are alleged to have affirmed falsely, shall be necessary for the conviction of such person or persons, unless such person or persons shall have freely and voluntarily confessed the offence charged, or shall plead guilty to the

Penalty on making false declaration.

Proviso.

**No. 3,—1842.**

same in open Court, or unless the Oath or solemn Affirmation of one witness to the very fact be supported by the production of documentary evidence inconsistent with or contradictory to the Affirmation of such person or persons.

Penalty on procuring others to make false Declaration.

4. And it is further enacted, that every person causing or procuring another to commit the offence defined in the preceding clause of this Ordinance, shall be subject to the same punishment to which persons convicted of Subornation of Perjury were subject before the passing of this Ordinance.

Passed in Council the Fifteenth day of August, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 4,—1842.**

*For the protection of Her Majesty's rights in the digging for Dead Chanks.*

**No. 4,—1842.**

Preamble.

WHEREAS it is necessary to make provision for the more effectual protection of the deposits of Chanks, called "Dead Chanks," in the Crown lands in the Northern Province.

Penalty for digging for dead Chanks without permit.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, any person who shall dig for Dead Chanks, in any land belonging to the Crown, without the permission in writing of the Government Agent, or other person duly authorized by him in that behalf, or contrary to the terms of such permit, shall be liable to a penalty, for the first offence, not exceeding Three pounds, and in default of payment to be imprisoned with or without hard labour for a term not exceeding Three months; and for the second or any subsequent offence, to a penalty not exceeding Five pounds, and in default of payment to be imprisoned, with or without hard labour, for a term of Five months.

Chanks where to be stored and not to be removed without permit.

2. And it is further enacted, that the Dead Chanks, obtained by digging in the Crown lands, shall, on first being dug up, be taken to and kept only at such stores or places in the immediate neighbourhood of the lands whence the Dead Chanks were dug up, as may be approved of by the Government Agent as places for storing such Dead Chanks, and that they shall not be thereafter removed from such stores or places without the permission in writing of the Government Agent, or of some person duly authorized by him on that behalf; and that the taking or removal of Dead Chanks contrary to the provisions of this Clause shall be an offence, and shall be punished by the confiscation of all Dead Chanks so taken or removed.

Penalty.

Fines how to be disposed of.

3. And it is further enacted, that one-half of all fines hereinbefore directed to be levied, and one-half of the produce of all confiscations under this Ordinance, shall go to Our Lady the Queen, and the other half to the person in consequence of whose information the offender is convicted: Provided always, that in the event of the inability of any defendant to pay any such fine, and sentence of imprisonment being awarded for any such offence, the District Judge shall nevertheless pay to such informer the amount to which he would have been entitled, if such fine had been paid.

Proviso.

Passed in Council the Fifteenth day of August, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 5,—1842.**

*For the protection of Her Majesty's Chank Fishery.*

Preamble.

WHEREAS it is necessary to make provision for the protection of Her Majesty's Chank Fishery.

Every boat &c. found fishing for Chanks without license to be confiscated.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, every boat, canoe, raft, or vessel whatsoever, which shall be found employed in the fishing for, or

in any way for the collection of Chanks, without the written licence for its so being employed of the Government Agent of the Province on the coasts of which it shall be so found, or of some person duly authorized by him to grant such licences, or contrary to the terms thereof, shall, together with all its appurtenances, be confiscated, and every person found therein shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding One pound, and in default of payment, to imprisonment with or without hard labour, for a period not exceeding One month.

**No. 5, — 1842.**

Persons found therein held guilty of an offence and liable to fine or imprisonment.

2. And it is further enacted, that all persons found fishing for, or otherwise attempting to collect Chanks, without a licence for that purpose from the Government Agent of the Province on the coast of which they shall be so found, or from some person duly authorized by him to grant such licence, or contrary to the terms thereof, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding One pound, and in default of payment, to imprisonment with or without hard labour, for a period not exceeding One month.

Penalty on persons found fishing for or attempting to collect Chanks without licence

3. And it is further enacted, that all Chanks shall be landed at some place on the coasts of this Colony, within such time after their being fished up or otherwise collected, as shall be stipulated in their licence, and every person failing so to land any Chanks in the fishing or collection of which he shall have been employed, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding One pound, and in default of payment, to imprisonment with or without hard labour, for a period not exceeding One month. And every person procuring, instigating, or assisting another to commit the said last mentioned offence, shall be liable to the same punishment as a person actually committing it.

Chanks to be landed on the coasts of the Colony within a stipulated period.

Penalty,

4. And it is further enacted, that the possession of Chanks at any place on the coasts of this Island, other than a Port of entry, without the permit of the Government Agent of the Province, or some person authorized by him to grant such permits, or contrary to the terms of any permit for such possession that may have been granted, shall be an offence, and all Chanks found so possessed, shall be confiscated.

Possession of Chanks without permit an offence.

5. And it is further enacted, that all Headmen, Officers of Police or Customs, and all persons specially appointed for that purpose by the Government Agent, shall be and they are hereby empowered to demand of all persons fishing for or attempting to collect Chanks, or having them in their possession, the production of any licence or permit required of them by this Ordinance; and in case the same shall not be produced, or being produced, shall not be deemed satisfactory, to seize and take such persons before the District Court, and detain and in safe custody keep, any boat, canoe, raft, or vessel employed, or Chanks possessed by them unlawfully, until they shall receive the directions of the said Court for their disposal; and every person making or inciting any resistance to such Officers or other persons in the exercise of their duty, shall be liable to imprisonment with or without hard labour, or fine, or both, at the discretion of the District Court.

Officers empowered to demand the production of licence

Persons resisting such Officers or inciting resistance liable to fine and imprisonment.

6. And it is further enacted, that no dredge, or other apparatus for the purpose of collecting Chanks shall be used: and that any such apparatus that may be found on board any boat, canoe, raft, or vessel, shall, together with such boat, canoe, raft, or vessel, be confiscated, and the tindal and crew of such boat, canoe, raft, or vessel shall be liable to imprisonment at hard labour, for a period not exceeding Three months.

Penalty for using a dredge or apparatus of a like nature.

7. And it is further enacted, that one-half of all fines recovered and one-half of the produce of all confiscations made under this Ordinance, shall go to Our Lady the Queen; and the other half to the person in consequence of whose information the offender is convicted: Provided always, that in the event of the inability of any defendant to pay the fines above directed, and sentence of imprisonment being awarded in consequence thereof, the Agent of the Province shall nevertheless pay to such informer the amount to which he would have been entitled if such fine had been paid.

Fines how to be disposed of.

Proviso.

Passed in Council the Twenty-ninth day of August, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,  
*Acting Clerk to the Council*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 6,—1842.****No. 6,—1842.** (*Repealed by Ordinance No. 18 of 1852*).\**An Ordinance to amend the Laws relating to the Customs.***No. 7,—1842.** (*Repealed by Ordinance No. 20 of 1844.*)**No. 7,—1842.***For making further provision for the Registration of Slaves in those parts of the Island formerly termed the Maritime Provinces.*

WHEREAS by the Regulation No. 9 of 1818, and other enactments subsequent thereto, provision was made for the Registration of all Slaves in those parts of Ceylon which then constituted the Maritime Provinces of the said Island, but none for the periodical renewal of the same; and whereas there is great reason to believe that many of the persons whose names appear on the Registers as now actually existing, as Slaves, have either died, or by the default of their proprietors to comply with the provisions of the enactments referred to, have become free; and whereas it is necessary to make provision for ascertaining the facts as to such persons, and that a true and perfect account of the actual number of Slaves shall at all times henceforth be afforded in the Registers.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that every proprietor or person in charge of a Slave registered under the provisions of the Regulation No. 9 of 1818, or of any subsequent enactment relative to Slavery in the Maritime Provinces, who may wish to retain such Slave, shall, on or before the First day of January One Thousand Eight Hundred and Forty-three, and within Three months after that same day, in every successive third year thereafter, or within Three months after the termination of every successive third year from the Registry of the birth or acquisition of a Slave, either by himself in person, or by some person duly authorized by him in writing in that behalf, appear before the District Court in which such Slave was last registered, or in which the last Registry of such Slave is deposited of record, and shall there apply to the Judge thereof for a renewal of such Registry.

2. And it is further enacted, that every such application shall be in writing and shall bear a stamp of Three shillings, and shall be, as near as is material, of one or other of the Forms hereunto annexed, and that every proprietor or person in charge of a Slave making the same, shall at the same time produce, or cause to be produced before the District Judge, except in cases hereinafter excepted, the Slave whose Registry he applies to renew, together with a certificate of the last registration of such Slave, and shall set forth clearly and distinctly in such application, that the person referred to therein and in such certificate of Registry, is one and the same person, and that he is the *bonâ fide* Slave of the applicant. And every such proprietor or person in charge of a Slave, or person duly authorized to apply in his behalf, shall make solemn affirmation or oath according as he may be a person professing or not professing the Christian Religion, or a Moravian or Quaker, to the truth of the matter contained in such application. And such application shall be read, and such affirmation or oath made in the presence and within the hearing of the Slave, to whom they have reference, excepting in cases where it shall appear to the District Judge, either by the solemn affirmation or oath of the applicant, or by that of any third person, to be produced by him, that owing to the sickness, flight, or unavoidable absence of such Slave, the same cannot be done.\*

3. And it is further enacted, that the District Judge shall thereupon cause to be explained to such Slave, if present, the nature and object of such application and affirmation or oath, and shall compare the Slave with the description given at his or her last Registry, and shall thereupon make an entry in the original Register of such Slave, in a column to be provided for that purpose, of the date of such application and affirmation or oath being made, and shall note any alteration that may have taken place in the description of such Slave, since his or her last registration, and he shall affix his initials to every such entry and notice, and such entry shall be deemed and taken to be the renewal of the Registry of such Slave. And he shall forthwith cause to be given two certified copies of such entry (one to the applicant and the other to the Slave) free of all charges whatsoever.

4. And it is further enacted, that if it shall appear to the District Judge that the party claiming to be proprietor of a Slave, has failed to comply with any of the provisions of the Regulation No. 9 of 1818, or of any subsequent enactment relative to Slavery in the Maritime Provinces, and that by reason thereof, he has forfeited all his right in and to such Slave, or has incurred any pecuniary penalty, or if the District Judge shall have reason to believe, either from the statement of the person produced to be registered as a Slave, or from any other cause, that the person so brought before him, is not the person intended to be registered, or that he is not the Slave of the person claiming to register him as such, he shall forthwith give notice of the same to the Queen's Advocate, or some representative of the Queen's Advocate in his District.

5. And it is further enacted, that the notification of the deaths of Slaves and of the birth of children of female Slaves, required by the 20th Clause of the Regulation No. 9 of 1818, to be made by the proprietor to the Schoolmaster of the parish, or to the principal Headma

\* The repealed enactments relating to the Customs are not published at length.

of the Pattoo, shall in future be made by the proprietor or person in charge of such Slave personally, or in writing, to the Secretary of the District Court in which the Slave is registered, or in which the last registry of such Slave is deposited of record. And every such Secretary shall be required thereupon to do and perform all things, by the said Clause required to be done and performed by Schoolmasters and Headmen, and shall be liable, in case of failure, to a fine of Five pounds, to be recovered from him by distress and sale of his property. And every person who would have been liable, under the 23d Clause of the said last mentioned Regulation, to any penalty for failing to make any notification referred to in the beginning of this Clause, to any Schoolmaster or Headman, shall be liable to the same penalty for failing to make a like notification to such Secretary.

6. And it is further enacted, that such Secretary, or any person appointed by the District Judge of the said Court to act on behalf of such Secretary, who shall neglect or refuse to perform any duty imposed upon him by this Ordinance, or by the Regulation No. 9 of 1818, upon the Secretary of the Provincial Court or Magistrate, to the powers and authorities of which or of whom the Court of which he is Secretary shall have succeeded, shall be liable to a fine of Five pounds, to be recovered from him by distress and sale of his property. And every person who is required by the said last mentioned Regulation, to give any notice to the Secretary of a Provincial Court, or to a Magistrate, shall henceforth be required to give the like notice to the Secretary of the District Court, which shall have succeeded to the powers and authority of such Provincial Court or Magistrate. And every such person failing so to do, shall be liable to the same penalties as are imposed by the said last mentioned Regulation, upon persons failing to give such notices to Secretaries of Provincial Courts or Magistrates.

7. And it is further enacted, that every proprietor or person in charge of a Slave, shall be held liable to support every sick or infirm Slave registered as his property or in his charge, and it shall be lawful for any Court of competent authority, on complaint being made by or on behalf of any sick or infirm Slave registered therein, to make such enquiry as may be necessary to ascertain the truth of the complaint, and to make such order as it shall deem fit, to provide for the due support of such Slave, and for medical assistance to such Slave, if required, at the cost of the proprietor or person in charge, to be recovered from him, if necessary, by distress and sale of his property.

8. And it is further enacted, that if any proprietor or person in charge of a Slave, shall fail to apply to renew the Registry of such Slave, and to make or procure to be made the required affirmation or oath within the time prescribed by this Ordinance, the Slave in respect of whom such omission shall have been made, shall be and is hereby declared to be absolutely free. Provided always, that if any Slave shall be sick or infirm, at the time of becoming free in consequence of such omission on the part of the proprietor or person in charge of such Slave, such proprietor or person shall nevertheless be liable to maintain and provide medical assistance for such Slave, until his or her complete recovery from such sickness or infirmity. And provided further, that if any Slave, being Fifty years of age, shall become free in consequence of a like omission, the proprietor or person in charge of such Slave at such time, shall in like manner be liable for the maintenance and care of such Slave until his or her death. And provided also, that no proprietor or person in charge of a Slave shall have any right or power to emancipate such Slave during his sickness or infirmity, or after he has attained the age of fifty years, except the consent of such Slave shall first be had and obtained thereunto in writing.

9. And it is further enacted, that a translation of every original Registry of a Slave, and of every renewal or alteration thereof, shall be made into the native language of the District, and hung up in some conspicuous place at the Court House, for Three months after every such registry, renewal, or alteration.

10. And it is further enacted, that the penalties provided by the 29th Clause of the Regulation No. 9 of 1818, shall be applicable to all like offences against this Ordinance.

11. And it is further enacted, that the District Judge shall send to the Colonial Secretary's Office, a correct transcript of all renewed Registrations made under this Ordinance, immediately after the same shall have been completed; and also a correct transcript of all new entries or alterations made in the Registries for every Three months subsequent thereto, within One month after the termination of each quarter.

#### FORM.

##### *Application of proprietor or person in charge of Slave, when appearing in person.*

I, A. B., of (residence) do hereby† solemnly, sincerely and truly declare and affirm, that (name of Slave) of (name of residence)\* whom I now produce in Court is my Slave, and is the person referred to in the certificate which I now produce, and that he (or she) was last registered in my name on (date) in (place) and I do hereby apply for a renewal of the registry of the said (Slave) as my Slave.

(Signature of proprietor.)

Affirmed (or sworn) before me (date)  
(Signature of District Judge)

**No. 7,—1842.**

## FORM.

*Application of person authorized by proprietor or person in charge of a Slave to make affirmation (or oath) for him.*

I, C. D., of (residence) having the due authority in writing of A. B. of (residence) which I now produce to apply for the renewal of the Registry of (Slave) of (residence) as his Slave, do hereby † solemnly, sincerely and truly declare and affirm, that I believe the said (name of Slave)\* whom I now see in Court to be the Slave of the said A. B., and to be the person referred to in the certificate which I now produce, and that he (or she) was last registered as the Slave of the said A. B. on (date) in (place) and I hereby on behalf of the said (A. B.) make application for the renewal of the Registry of the said (Slave) as Slave of the said (A. B.)

(Signature of C. D.)

Affirmed (or sworn) before me (date)  
(Signature of District Judge.)

\* In cases where the Slave cannot be produced, these words must be omitted, and the following words added at the end of the affirmation, (or oath) "And I do further solemnly sincerely and truly declare and affirm, that I am unable to bring the said (Slave) before this Court" (here state fully the reasons of such inability.)

† In cases where an oath is required instead of an affirmation these forms must be altered accordingly.

Passed in Council the First day of September, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 8,—1842. (Expired.) \***

**No. 8,—1842.** *To apply a sum not exceeding One hundred and Forty-one thousand and Sixty-three pounds to the Contingent Service of the year 1843.*

**No. 9,—1842.***For the prevention of mischief by Dogs.***No. 9,—1842.**

Preamble.

WHEREAS much mischief is occasioned by Dogs in this Colony, and it is expedient to make provision for the prevention thereof.

Governor empowered to issue orders for the destruction of Dogs.

Proviso.

Person suffering Dog to make his premises its usual place of resort to be held its owner.

Any person authorized to kill a ferocious dog attacking him or a mad dog.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, it shall be lawful for the Governor to issue orders to such persons, and at such times as he shall think fit, to destroy or cause to be destroyed all dogs not being led or carried, which shall be found within a certain period to be named in every such order, and in no case to exceed Ten days, in any throughfare or public place within this Colony or within any part of it, to which the Governor shall think proper to limit the extension of such order. Provided nevertheless, that no such order shall be carried into execution until at least Twenty-four hours' notice thereof shall have been given, by publishing the same in the Government Gazette, and also either by beat of tom-tom or in such other manner as may be most usual in the place within which such order shall be declared to be in force. And such notice shall specify the period during which and the limits within which such order is to be in force.

2. And it is further enacted, that every person who shall knowingly suffer a Dog to make his house or premises its ordinary place of resort, unless it shall notoriously belong to or be in the charge of some resident therein, shall be deemed and held to be the owner of such Dog, so far as to be liable civilly and penally for all mischief done, and all acts of nuisance committed by such Dog while so resorting.

3. And it is further enacted, that it shall be lawful for any person, at any time, to kill upon the spot any Dog which shall ferociously fly at or attack him, and to pursue and kill any Dog not being securely tied up or otherwise confined, which he shall have reasonable ground to believe to be mad. And if the owner of any Dog which has been bitten by any Dog or other animal reasonably suspected to be in a rabid state, shall permit the same to go at large, after being informed of its being in such a state, or knowing it to have been bitten by any Dog or other animal in a rabid state, shall be guilty of an offence and liable to a penalty not exceeding Three pounds, and in default of payment, to imprisonment at hard labour for any term not exceeding Three months.

\* The Supply Ordinances for each year are not published at length.

4. And it is further enacted, that upon any complaint being substantiated before a District Court, of any Dog being dangerous, the District Judge shall issue orders to the owner or owners thereof so to secure the same as to prevent all risk for the future of the danger complained of; and if, nevertheless, any subsequent complaint of a like nature shall be substantiated before the same or any other competent Court in respect of the same Dog, the Judge thereof shall issue his order to such Officer of Police as he shall deem best able to execute the same, for the destruction of such Dog. And every Officer of Police receiving such order, is hereby empowered and required to destroy such Dog or cause it to be destroyed, and if necessary to pursue the same or cause it to be pursued into any house or premises within which it shall have taken shelter. Provided always, that if after any such subsequent complaint shall have been substantiated in respect of any Dog, the owner thereof or some person in his behalf shall offer to pay immediately into Court a fine of One pound, it shall be competent for the District Judge, if he shall think fit, to accept such offer in lieu of issuing such order as aforesaid, for the destruction of such Dog.

5. Provided further, and it is hereby declared and enacted, that in addition to every liability imposed upon the owner of a Dog by this Ordinance on account of any mischief done by such Dog, such owner shall be also liable to any action for damages in respect of the same mischief to which he would have been liable before the passing of this Ordinance.

6. And it is further enacted, that no person authorized under this Ordinance to kill Dogs, shall be held justified in using means for that purpose which are calculated to endanger personal safety or to give unnecessary annoyance.

Passed in Council the Fifteenth day of September, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 10,—1842.** (*Repealed by Ordinance No. 9 of 1845.*)

*For making provision for the collection of Tolls to be established in this Island.*

WHEREAS it is expedient to make certain general provisions for the collection of Tolls, at present or hereafter to be established on any Roads in this Colony, and that all such provisions should be brought together within one and the same Ordinance.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 17 of 1822, entitled "*For the more effectual protection of the rights of the Crown to levy exclusive Tolls on the passage of Bridges and Ferries over the Rivers in these settlements;*" as also so much of the Regulation No. 3 of 1831, entitled "*For confirming the Tolls on Roads, Bridges, &c. heretofore established*" as does not relate to Tolls established on Canals; the Ordinance No. 2 of 1841, entitled "*For establishing an uniform rate of Tolls on the Road from Colombo to Kandy and Gampola, and on the Road from Kandy to Gampola;*" and the Ordinance No. 8 of 1841, intitled "*For regulating the collection of Tolls,*" shall be and the same are hereby repealed.

2. And it is further enacted, that all Tolls established at the places specified in the Schedule A. hereunto annexed, and all such as shall hereafter be established at any place in this Colony, shall be taken and levied by Toll-keepers, to be appointed by the Government Agents of the Provinces in which such places are situated, or their Assistants, according to such rates as the Governor shall from time to time appoint, provided the same shall in no case exceed the rates specified in the annexed Schedule B.

3. And it is further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, to establish one or more branch stations for the collection of Tolls in connection with any principal station duly established for that purpose, and to remove any station for the collection of Tolls now or hereafter to be established, to any other place on the same road; notice thereof being given by advertisement in the Government Gazette.

4. And it is further enacted, that no Toll shall be levied upon any passenger, cart, carriage, animal or goods, upon his, its, or their return through any place at which he, it, or they shall have paid Toll on the same day (to be computed from 12 o'clock at night to 12 o'clock of the succeeding night;) and upon the production of a ticket denoting such payment to have been made; and that one-half only of the appointed Toll shall be levied upon any passenger, cart, carriage, animal or goods, at any place through which he, it, or they shall have passed in a like direction on the same day, and paid full Toll; unless such passenger, cart, carriage or animal shall carry a different load; in either of which cases he, or it, shall be liable to payment of full Toll.

**No. 9,—1842.**

District Judge may direct any Dog being proved to be dangerous, to be secured by owner and upon a second complaint, to be destroyed.

Proviso.

Owner of mischievous Dog to be liable civilly as well as penally.

Persons authorized to kill Dogs not to employ dangerous means.

**No. 10,—1842.**

**No. 10,—1842.**

5. And it is further enacted, that every party having once paid Toll at any station, payment at which shall have been declared by the Governor by advertisement in the Gazette to clear any other station, shall on the production at such other station of a ticket denoting such payment to have been made, pass through the same without any additional payment of Toll.

6. And it is further enacted, that every person appointed to collect Tolls at any station, shall be provided with tickets consecutively numbered, denoting the payment of Toll, and mentioning the stations cleared by the payment of Tolls at such station, one of which tickets, duly signed by him, shall be delivered gratis to the person paying the Toll, and which shall also have printed or written thereon the day on which the same is delivered; and every such ticket shall be in the English and in the Native languages, and in the form hereunto annexed. And there shall be suspended in the front, or some other conspicuous place at every Toll station, so as to be distinctly legible from the road, a table in the English and in the Native languages, containing the name of the Toll station with the list of the Tolls payable at such station, and the name of every other station cleared by the payment of Toll at such station.

7. And it is further enacted, that if any person appointed to collect Tolls as aforesaid, shall at any time omit to suspend such table, or shall wilfully remove, conceal, alter or deface the same, or permit it to become illegible,—or shall demand or take a greater or less Toll than he shall be authorized to do by virtue of the provisions of this Ordinance, or shall fail to grant to any person having paid Toll, a ticket denoting such payment as hereinbefore required, or shall wilfully subject any passenger, cart, carriage, animal or goods to unreasonable delay or detention, such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment, to imprisonment with or without hard labour for a period not exceeding Five months.

8. And it is further enacted, that if any person liable to payment of Toll on any road, shall pass from such road over any land near or adjoining thereto (not being a public highway) with intent to evade such payment, or shall fraudulently or forcibly pass by or through any Toll bar, station, or place duly appointed for the collection of Tolls, or shall resist or make forcible opposition against any person duly appointed to collect Tolls, in the execution of his office, or if any person shall maliciously damage any bar, boat, bridge, or other thing employed for the purpose of collecting Tolls, or shall maliciously remove, deface, alter, or damage any table of Tolls suspended as hereinbefore directed; or if any person, other than a person duly appointed to collect Tolls, shall give, or if any person shall receive from any person other than a person duly appointed as aforesaid, or shall forge, counterfeit, or alter any ticket or certificate of payment or exemption, with intent to evade the payment of any Toll, or if any person shall do any other act whatsoever, in order to evade the payment of any Toll, and whereby the same shall be evaded, every such person shall be guilty of an offence, and shall be liable to such punishment as the Court, before whom such person shall be convicted, shall deem proportionate thereunto, in addition to any Civil action which may be brought against him by any party injured.

9. And it is further enacted, that if any person shall convey for hire or other consideration whatever, any passenger, cart, carriage, animal or goods not being his or her property, or in his or her service, across any river or stream by any boat or other means, within a distance of one mile above or below any Ferry or Bridge established for the collection of Tolls, such person shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding Five shillings, one-half whereof shall be paid to the informer; and in default of payment, to imprisonment with or without hard labour, for a period not exceeding Ten days.

10. And it is further enacted, that the Governor, or Lieutenant Governor, and his suite when in immediate attendance on him, the Government Agents, the Civil Engineer and Surveyor General, the Commissioner of Roads, and their respective Assistants, when on duty, together with all their necessary attendants, horses, animals, conveyances, baggage and implements, Military Officers and Soldiers, mounted or unmounted, whether on duty or not, but provided they be in uniform dress or undress, and all messengers, carriages and horses drawing or carrying the public Mails, shall be exempted from payment of any Toll. And it shall be open to the Government Agent to direct the Toll-keeper in writing to permit cattle or sheep driven to grass; persons with cattle, agricultural instruments, manure, or seed grain, for the cultivation of their lands, and children going to or from School, to pass without payment of Toll; and all persons, carts or animals employed in the repairs of any Road, Bridge or Canal within Five miles of the Toll station, shall pass without payment of Toll on production of a certificate of such employment from the Officer superintending the work.

11. And it is further enacted, that no person shall be deemed incompetent to give evidence of any offence created by this Ordinance, by reason of any reward to which such person may be entitled upon the conviction of the offender, any thing in the Ordinance No. 6 of 1834, entitled "*Ordinance declaring English Rules of Evidence to be in force in this Island, unless in cases otherwise expressly provided for by law: and prescribing the course by which evidence is to be obtained in certain cases,*" to the contrary notwithstanding.



12. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January One Thousand Eight Hundred and Forty-three.

No. 10, — 1842.

SCHEDULE. A.

FERRIES, BRIDGES AND ROADS.

<p>Bridge of-Boats &amp; the following branch stations viz.                  The Draw-bridge at the Grand-pass.                  The Bridge at Oeroegodde.                  Pasbatal Ferry, and                  At any place within the 8th mile on the Kandy high road from Colombo.</p> <p>Mutual.                  Dandogame Bridge.                  Kottugodde.                  Muttuwadiye.                  Wewelle.                  Situake.                  Cottah Bridge and the branch station at Pamankadde Bridge.                  Pantura and the branch station at Dehewelle Bridge.                  Horekally.                  Bolgodde.                  Ruggahatottepolle.                  Caltura.                  Kaymel.                  Toppoe.                  Kattane.                  Kosgahamankade.                  Giroolle.                  Kottewatte.                  Kottedeniawe.                  Angurnatotte.                  Chilaw.                  Ginge-oya.                  Dedoroo-oya.                  Putlam.                  Calpentyn.                  Palawy.                  Madrankooly Bridge.                  Toonmoderah Bridge and the following branch stations, viz.                  Kudawewe.                  Madampe.                  Wellepittiyie, and                  Maylawe.</p> <p>At the Dedoroo-oya on the road from Kurunagalle to Putlam.                  Ruanwelle.                  Karonelle.                  Retigaha-oya.                  Allauwe.                  Alhootgamme Bridge on the Kandy high road.                  Ambepusse Bridge, and                  Tolls at any two such places as the Governor may determine upon, between Ambepusse and Peradenia.                  Halpatotta.</p>	<p>Keembeeya-Ela.                  Gindurah.                  Ballepitty-moderah.                  Bentotte.                  Pol-oya.                  Pol-watte.                  Walleway.                  Wallewaymodera.                  Ridiyegantotte.                  Bedigantotte.                  Mamadelatotte.                  Warekatotte.                  Demuwatte.                  Batticaloa Ferry—(This toll is collected at three places, viz. between the Barrier-gate and Callady-torre—between the Bazar and Cattemone and at Vechucalmone.)                  Kolombogam and Calmonai Ferry, and at a branch station on the road between Kolombogam and Jaffna.                  Pannetorra.                  Araly.                  On the road from Jaffna to Point Pedro.                  On the road from Jaffna to Chawagachery.                  On the road from Jaffna to Mallagam.                  On the road from Jaffna to Sangane.                  Manar.                  Kokolaay.                  Peradenia—on the road from Colombo to Kandy and Gampola, and on the road from Kandy to Gampola.                  Gannarowe.                  Illookmodere.                  Gonawatte.                  Kundasale.                  Lewelle.                  Allutgantotte.                  Pinga-oya.                  Hallalowe.                  Gampola.                  Maha-oya.                  Oma-oya.                  Billhool-oya.                  On the road between Gampola and Ambegamme.                  On the road between Ambegamme and Tallagamme.                  At Rambodde on the road from Kandy to Nuwera-Ellia.                  On the road from Kandy to Matelle at the Ballakaddu Pass.                  On the road from Kandy to Kurnegalle at the foot of the Galledera Pass.</p>
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SCHEDULE B.

	£ s. d.
1 Every passenger carrying not more than Fifteen pounds, children under twelve years excepted	0 0 0½
2 Every passenger carrying more than Fifteen pounds	0 0 0½
3 Every vehicle for passengers, drawn by one horse, pony or mule, driver and passengers inclusive	0 1 0
4 Every vehicle for passengers, drawn by two horses, ponies or mules, driver and passengers inclusive	0 1 6
5 Every additional horse, pony or mule, belonging to any of the above vehicles	0 0 3
6 Every vehicle for passengers, drawn by one bullock	0 0 9
7 Every additional bullock belonging thereto	0 0 1½
8 Every horse and keeper, with or without rider, loaded or unloaded	0 0 4
9 Every other loaded beast of burden (elephant excepted) with its driver or keeper	0 0 2
10 Every other unloaded beast of burden (elephant excepted) with its driver or keeper	0 0 1
11 Every loaded cart drawn by one horse, bullock, buffalo, or any other beast of burden (elephant excepted) driver inclusive	0 0 6
12 Every loaded cart drawn by two horses, bullocks, buffaloes, or any other beast of burden (elephant excepted) driver inclusive	0 0 9
13 Every loaded cart drawn by three horses, bullocks, buffaloes, or any other beast of burden (elephant excepted) driver inclusive	0 1 0
14 Every additional horse, bullock, buffalo, or other beast of burden (elephant excepted) belonging thereto	0 0 3

No. 10,—1842.

SCHEDULE B. (Continued.)

£ s. .

15 Every unloaded cart drawn by one horse, bullock, buffalo, or any other beast of burden (elephant excepted) driver inclusive .....	0 0 3
16 Every unloaded cart drawn by two bullocks, buffaloes, or any other beast of burden (elephant excepted) driver inclusive .....	0 0 4½
17 Every additional horse, bullock, buffalo or other beast of burden (elephant excepted) belonging thereto.....	0 0 1½
18 Every loaded elephant waggon drawn by two elephants, with their drivers and leaf cutters included .....	0 2 0
19 Every unloaded elephant waggon drawn by two elephants, with their drivers and leaf cutters included .....	0 1 0
20 Every loaded elephant cart drawn by one elephant, with its driver and leaf cutters included	0 1 6
21 Every unloaded elephant cart drawn by one elephant, with its driver and leaf cutters included	0 0 9
22 Every loaded elephant with its driver and leaf cutters .....	0 0 9
23 Every unloaded elephant with its driver and leaf cutters .....	0 0 6
24 Every palanqueen with four bearers .....	0 0 6
25 Every additional bearer .....	0 0 0½
26 Every animal (dog excepted) not enumerated herein .....	0 0 0½
27 Every leaguer or cask not empty and not carried in a cart.....	0 0 2
28 Every leaguer or cask empty.....	0 0 1
29 All goods not carried in a vehicle or by men, per load .....	0 0 2
30 Every vehicle not enumerated above .....	0 0 3
31 Every log of wood, piece of stone or other heavy article, not being carried in a vehicle or by men .....	0 1 6

FORM OF TICKET.

No.

Toll Station ( ) Date 18

This Ticket clears

Received for

the sum of

Signature

Passed in Council the Fifteenth day of September, One Thousand Eight Hundred and Forty-two.

KENNETH MACKENZIE,  
*Acting Clerk to the Council*  
Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

No. 11,—1842.

An Ordinance to provide for a Church in Kandy.

Preamble.

WHEREAS several persons have, with the concurrence of the Lord Bishop of the Diocese, subscribed certain sums of money for the purpose of erecting a Church at Kandy, for the celebration of Divine Worship according to the rites of the United Church of England and Ireland, and by some Minister thereof duly appointed by Government. And whereas the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, has consented to grant from the public chest, a sum equal to the amount of subscriptions paid up, provided that such sum shall not exceed the sum of £1,500. And whereas it is expedient to provide for the immediate appointment, and continual succession of Trustees for the direction of the building of the said Church, according to such plan and specification as shall be agreed upon between His Excellency the Governor of this Colony and the Trustees.

Governor empowered to issue £1,500 towards building the Church.

Proviso.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor by warrant under his hand, to authorize the issue from the Treasury of this Colony of any sum or sums not exceeding in all £1,500, to be applied, under the direction of Trustees to be appointed as hereinafter provided, to the building of a Church in Kandy: provided that no such issue shall be made until a moiety of the estimated costs thereof shall have been raised by subscription and lodged in the General Treasury.

Three Trustees to be elected by subscribers and three nominated by Governor.

2. And it is further enacted, that before any sum or sums of money shall be issued as aforesaid, the parties subscribing shall, by plurality of votes, elect from among themselves three persons to act as Trustees; and such election shall take place at a meeting of the sub-

scribers, of the time and place of holding which meeting Fourteen days' notice shall have been previously published in the Government Gazette. And upon intimation being given to the Governor of the election of such Three persons as aforesaid, the said Governor shall thereupon nominate Three other persons to act as Trustees. And the real estate in the said Church and in all lands and hereditaments thereunto belonging, shall be thereupon conveyed to the said Trustees so elected and nominated, and their successors for ever, duly elected and nominated as hereinafter provided, in trust for the purposes of the said Church.

**No. 11, — 1842.**

3. And whereas a provisional Committee of Management for the purposes of the said Church, was appointed at a certain General Meeting of the Subscribers to the said Church held at the Kandy Library on the 27th January 1841. It is therefore enacted, that upon the election and nomination of Trustees as aforesaid, the said Provisional Committee shall deliver over to the said Trustees, all deeds, books, plans, papers, and vouchers relating to the said Church, in their custody or power, and all and any sums of money, donations, or subscriptions, given or subscribed for the purpose aforesaid, in their possession or control, and the said Committee of Management, and the office and duties thereof, shall thereupon cease and determine.

Committee of management to hand over papers, &c. to Trustees.

4. And it is further enacted, that the said Trustees so elected and nominated as aforesaid, shall continue to be and to act as Trustees until the last Monday in the month of January One thousand Eight hundred and Forty-four. And upon such day such Trustees shall cease to have any power or authority so to act. And Three persons shall be elected at a General Meeting to be held on that day, and Three other persons shall be nominated by the Governor as soon as convenient thereafter to be the Trustees of the said Church for the year immediately ensuing. And a fresh election and nomination of Trustees shall in like manner take place upon every last Monday of the month of January thereafter, and copies of the minutes of every election or nomination of a Trustee which shall take place under the provisions of any Clause in this Ordinance, shall be transmitted without delay to the Colonial Secretary and the Registrar of the Bishop of the Diocese. Provided always, that no person shall be elected a Trustee at any General Meeting before the completion of the said Church, who shall not have paid up a subscription thereto of at least Five pounds, or after its completion, who shall not be a renter of at least Three sittings therein; nor any person who shall not be a member of the United Church of England and Ireland.

Trustees to be elected annually.

5. And it is further enacted, that the Colonial Chaplain for the time being duly appointed to the said Church, or during his absence the Clergyman duly appointed to officiate for him, shall at all times be ex-officio Chairman of the Trustees, but shall not have the power of voting by reason of being such Chairman, except in cases where the votes of the Trustees present shall be equal.

Proviso.

Colonial Chaplain to be ex-officio Chairman of Trustees.

6. And it is further enacted, that whenever any Trustee shall die or shall resign, or shall leave the Colony, then in case such Trustee shall have been originally elected at a General Meeting, his vacancy shall be filled by some other person duly qualified in like manner as such Trustee, to be elected at a General Meeting to be called for that purpose as soon as may be convenient by the continuing Trustees, or the major part of them. And in case such Trustee shall have been originally nominated by the Governor, his vacancy shall be filled as soon as may be convenient, by some other person duly qualified, to be nominated in like manner. Provided always, that if such General Meeting shall not be called within One month after the death, resignation or departure of such Trustee from the Colony, it shall be lawful for the Governor to nominate some person duly qualified as aforesaid to be a Trustee.

Vacancies occasioned by death, resignation or removal of Trustees how to be filled.

Proviso.

7. And it is further enacted, that the Trustees for the time being, duly nominated and elected as aforesaid, or the major part of them, are hereby authorized and required to set apart as soon as conveniently may be after the completion of the said Church, one-sixth part of the whole number of sittings therein, to be appropriated, free of any charge whatever, to the use and accommodation of the poorer classes of the population; and also one pew containing not more than six sittings, nor less than four, for the use and occupation, free from all charges, of the Clergyman licensed to officiate in the said Church; and the remaining sittings, after due provision shall have been made for the accommodation of the Governor and of the Military, shall be assigned to the Trustees for the time being and their successors, for the purposes hereinafter mentioned.

Sittings in Church how to be appropriated.

8. And it is further enacted, that it shall and may be lawful for the Trustees for the time being, or the major part of them, and they are hereby required so soon as such partition of the Church shall have taken place as in the preceding Clause mentioned, to assess and fix a rent or rate for each pew or sitting therein, with the exception of such pews or sittings as

Trustees to fix the rent of sittings annually.

**No. 11, — 1842,**

shall have been set apart and reserved as aforesaid, and to make agreements and contracts with any person desirous to engage the same, according to such assessment. And such rate or rent shall be in force for One year from the time of the assessment thereof. And at the expiration of such year the Trustees for the time being shall assess and fix a fresh rate or rent for the year immediately following. And a fresh assessment shall in like manner be made annually and every year. And the Trustees for the time being shall be at all times empowered to make agreements and contracts in respect of any pew or sitting which shall be vacant. Provided always, that if it shall at any time appear to the Trustees or the major part of them, that such annual assessment will be insufficient to defray the several charges and costs necessary for affecting and providing all things required by this Ordinance, it shall and may be lawful for such Trustees or the major part of them, by Ten days' previous notice in writing affixed in some conspicuous place in the said Church, to call a General Meeting for the purpose of taking into consideration the expediency of amending and increasing such assessment, and if it shall appear to the majority of such meeting, not being fewer in number than Twenty, that such assessment will not be sufficient to provide for all such necessary costs and charges, it shall and may be lawful for the said majority to substitute such higher assessment as by them shall be deemed sufficient to meet such costs and charges, and such higher rate shall thereupon become due and payable, and shall continue to be charged and collected for the same period that the rate for which it is so substituted would otherwise have been in force.

Proviso,

Subscribers of £5 to have priority of choice of sittings.

9. And it is further enacted, that every subscriber towards the building of the said Church, to the amount of not less than Five pounds, shall have a right in the first instance to become a renter of a pew or sitting, in preference to any other person who shall not have so subscribed, and such subscribers shall, amongst themselves, have priority in the choice of pews or sittings not exceeding Six sittings, according to the amount of their subscriptions, the subscriber to the larger amount to have the prior choice, and the choice of subscribers to an equal amount to be determined, if need be, by lot.

Party having engaged a sitting not to be disturbed.

10. And be it further enacted, that any person having engaged any pew or sitting, and continuing to pay rent for the same according to the rate fixed, and also conducting himself or herself in the said Church so as not wilfully or maliciously to disturb the performance of public worship, or to molest any part of the congregation attending the same, shall not be, under any pretence whatever, removed or rejected without his or her own consent from the occupation of such pew or sitting, at all times when the said Church shall be open for the performance of public worship, the ministration of any sacrament, or other rite or ceremony, according to the use of the United Church of England and Ireland. Provided nevertheless, that if any person having engaged any pew or sittings in the said Church under agreement to pay for the same, according to the rate or rent assessed thereupon, shall suffer such rent to fall into arrear, and to continue unpaid for Three months, after the same shall have been demanded by the Trustees, or by any person empowered by them or the major part of them, or if any person having engaged as aforesaid any such pew or sitting, shall refuse to pay for the same such increased rate of rent as the Trustees, according to the provisions hereinbefore described, shall have assessed and affixed, or if any person engaging and occupying any such pew or sittings, and continuing to pay the rent assessed upon the same, shall by any unsuitable noise, gesture or deportment, wilfully and irreverently interrupt the celebration of public worship, or shall designedly and habitually disturb any part of the congregation within the said Church, in all such cases it shall and may be lawful for the Trustees to issue a monition to every such defaulter or offender, and in case such defaulter or offender shall not forthwith pay all such arrears, or shall not amend and desist from the practice so complained of, it shall be lawful for the said Trustees to convene a General Meeting, to whom it shall be competent to authorize the said Trustees to declare such pew or sittings occupied by the party complained of to be vacant.

Proviso,

Trustees authorized to permit the erection of Monuments and digging of vaults, with the previous consent of the Bishop of the Diocese.

11. And it is further enacted, that it shall and may be lawful for the major part of the Trustees, with the previous consent of the Bishop of the Diocese, and with his approval of any proposed epitaph or inscription, to permit any monuments to be erected or placed in such parts of the said Church, or of the enclosed ground about the same, or of the Burial Ground belonging thereto, as they may deem convenient, or vaults to be dug and made in the said Burial Ground, upon payment to the said Trustees for the use of the said Church, for such permission, by the person or persons desiring to erect or place any monument in the said Church or enclosed ground about the same, or in the said Burial Ground, or to dig and make any vault in the said Burial Ground, of such charges as are contained and set forth in the Schedule hereunto annexed, over and above the fees which may be legally demanded for

burial; and it shall be lawful for any person or persons erecting or placing any monument in the said Church or enclosed ground about the same, or digging or making any vault in the said Burial Ground, by and with such permission as aforesaid, to have and maintain and keep up such monument or vault, according to the terms of such permission, to and for the sole and separate use of the said person or persons, and his or their heirs for ever.

12. Provided always, and it is further enacted, that it shall not be lawful to bury any body within the said Church or within the enclosed ground about the same.

Bodies not to be buried within or near the Church.

13. And it is further enacted, that it shall be lawful for the Trustees for the time being, or the major part of them, and they are hereby required to collect and gather or cause to be collected or gathered, all sums of money which shall be due for pews or sittings in the said Church, and all subscriptions and donations thereunto, and all rents and revenues that may at any time arise out of any land or hereditaments belonging to the said Church and all fees or payments for monuments or vaults, and to apply for the said sums and to sue for the recovery of the same from all persons who shall fail or refuse to pay the same. And the said Trustees shall, out of the said sums so received or recovered, regularly pay the salaries allotted to all lay persons holding any office in or about the said Church, according to such rates and at such periods as shall be determined upon by the majority of the said Trustees, and shall apply the surplus in such repairs and such improvement of the said Church and premises, as shall to them appear most expedient.

Trustees to collect all dues to the Church and to appropriate them in payment of salaries, repairs, &c.

14. And it is further enacted, that it shall be lawful for the Trustees for the time being or the major part of them, to make or enter into, perform and execute, and compel the performance and execution of all such contracts and agreements, matters and things, and to commence and maintain all such suits and actions as they shall deem necessary to the performance of the trust reposed in them. And all such contracts and agreements shall and may be entered into and enforced, and all such suits and actions be brought by them, in the name of "the Trustees of the Church at Kandy" or "the Trustees of Church at Kandy" (describing the same by its name, after it shall have been named at consecration) as the case may require, without specifying the Christian or Surnames of the Trustees, and no action shall abate by reason of the death or removal or going out of office of any Trustee. And all suits or actions, the cause of which shall rise or accrue to any person whatsoever, from or by reason of any contract or agreement, or any other matter or thing, made or entered into, done or performed by the said Trustees, in the execution of the said trust, shall be brought by such person against the said Trustees, under the name and title aforesaid.

Actions to be brought by and against Trustees.

15. And it is further enacted, that one person, not being a Trustee, shall be elected at a General Meeting to be called by the Trustees immediately after the completion of the building of the said Church, to be an Auditor of the accounts rendered by the Trustees of the said building; and one other person, not being a Trustee, shall be nominated by the Governor, to be an Auditor for the same purpose. And one person shall thereafter be elected at a General Meeting on the second Monday in every January to be an Auditor of the yearly accounts of the said Trustees, and one other person, not being a Trustee, shall be thereupon nominated by the Governor to be an Auditor for the same purpose and during the same period.

Auditors to be elected annually.

16. And it is further enacted, that the Trustees shall keep an account, wherein they shall enter all moneys received and paid by them, under and by virtue of the provisions of this Ordinance, which account the Auditors or either of them, may inspect at all reasonable times, and the said account, together with any report of the Auditors or either of them thereon, shall be laid before the General Annual Meetings, to be held on the last Monday of the month of January, and the said accounts shall be thereupon published in the Government Gazette.

Trustees to keep annual accounts and to submit them with Auditors' report at a General Meeting every year.

17. And it is further enacted, that it shall be lawful for the Trustees for the time being, or the major part of them, and they are hereby required to call a General Meeting of the subscribers or renters of sittings, as the case may be, within Twelve days after receiving any requisition in writing to that effect, signed by not less than Twenty of such subscribers or renters. And Ten days' notice of the time and place of holding such General Meeting shall be affixed in some conspicuous part of the said Church, when completed, or until its completion in some conspicuous place or places within the town of Kandy.

Trustees to call a General Meeting upon receiving a requisition signed by twenty subscribers or renters of sittings.

18. And it is further enacted, that the right of voting at every General Meeting, until the said Church shall have been reported by the proper authority to be completed and fit for use, shall be vested in subscribers who have paid up their subscriptions previous to the date of the notice to convene such General Meeting, and that from and after such time as the said Church shall have been so reported to be completed and fit for use, the right of

Who to vote at General Meetings.

**No. 11,—1842.**

Proviso.

No person to read prayers or preach, except Colonial Chaplain or person officiating for him.

Penalty on disturbing congregation.

voting shall be vested in renters of sittings in the said Church who shall have duly paid up their rent. Provided always, that no such subscriber or renter of sittings shall on any occasion be allowed to give more than one vote.

19. And it is further enacted, that no person shall be suffered to sing or say the Common or open Prayer, or to administer the Sacraments, or to preach any Sermon in the said Church, except the Colonial Chaplain duly appointed to the said Church, or some Clergyman 'duly authorized to officiate for him.

29. And it is further enacted, that every person who shall wilfully and maliciously either within or from without the said Church, disturb the performance of public worship therein, or in any way during such time molest any of the congregation, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Ten pounds, and in default of payment to imprisonment with or without hard labour for any period not exceeding Three months.

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**SCHEDULE.**

Erecting a Tablet or Monument in the Church; not less than Five pounds, nor more than Twenty pounds.

Erecting a Monument in the ground adjoining the Church, not being the Burial Ground; any sum not less than Three pounds, nor more than Ten pounds.

Burial in a brick or stone grave; in the Burial Ground; One pound.

Headstone or footstone (each); Ten shillings.

A stone covering over such grave; One pound.

A vault; for each person it is capable of containing; One pound ten shillings.

A raised Tomb over a vault; for each person it is capable of containing; One pound ten shillings.

Passed in Council the Twenty-ninth day of September, One Thousand Eight Hundred and Forty-two.

**KENNETH MACKENZIE,**

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

**P. ANSTRUTHER,**

*Colonial Secretary.*

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**Letters Patent,—January 28, 1843.**

*(Revoked in part by Letters Patent of the 2nd July 1844.)*

*VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen Defender of the Faith. To all to whom these presents shall come. Greeting.*

LETTERS PATENT.—28th  
January, 1843.

WHEREAS His late Majesty King WILLIAM THE FOURTH, by his Charter or Letters Patent bearing date the Eighteenth day of February in the Third year of his Reign and in the year of Our Lord One thousand Eight hundred and Thirty-three, did grant, ordain, and appoint, that there should be within the Island of Ceylon, one Supreme Court which should be called the Supreme Court of the Island of Ceylon. And whereas by the said Charter or Letters Patent, divers provisions were made for the Administration of Justice within the said Island, and it was thereby provided that nothing therein contained, and that no act which should be done under the authority thereof, should extend or be construed to extend to prevent His late Majesty, His Heirs and Successors, by any other Letters Patent to be by him or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking the said recited Charter or any part thereof, or for making such further or other provision for the Administration of Justice throughout the said Island and its Dependencies, at his and their will and pleasure, as circumstances might require. And whereas experience hath shewn that the provisions of the said recited Charter from time to time require amendments for the adaptation thereof to the exigencies of Society within the said Island; and inasmuch as no authority exists within the said Island competent to that purpose, and such amendments can be made only by Supplementary or Additional Charters under the Great Seal of the United Kingdom, it hath in fact happened that such amendments are scarcely practicable. Now, therefore, for the avoidance of the inconvenience aforesaid, and for promoting the Administration of Justice within the said Island, We have, of Our special grace, mere motion and certain knowledge, granted, appointed, and declared, and do hereby for Us, Our Heirs and Successors, grant, appoint, and declare, that it shall and may be competent to the Governor or to the Officer for the time being administering the Government of the said Island, by any Laws or Ordinances to be by him from time to time made, with the advice and consent of the Legislative Council of the said Island, to make provision for the better Administration of Justice within the said Island, and for altering and amending the constitution of the said Supreme Court, or of any other Court of Civil or Criminal Justice

within the same, and for regulating the manner of proceeding within such Courts or any of them, and the limits whether territorial or otherwise of the Jurisdiction of such Courts respectively, and the times and places of holding such Courts, and the number and functions of the Officers to be employed in and about the Administration of Justice, in or under the Orders of the said Courts respectively, and the powers and authorities of the Judges and other Officers of the said respective Courts, and all other matters and things incident to or which to them may appear necessary for the economical, prompt, and effective Administration of Civil and Criminal Justice within the said Island and its Dependencies. And all such Laws and Ordinances to be made as aforesaid shall, within the said Island and Dependencies have the same force and authority as any other Laws or Ordinances of the said Governor and Legislative Council, any thing in the said Charter or Letters Patent contained to the contrary notwithstanding. Provided that every such Law or Ordinance be so made in such manner and form, and subject to all such Rules and Regulations as are or shall be in force in reference to any other Laws or Ordinances of the Local Legislature of the said Island. And also provided, that no Law or Ordinance relating to or affecting the Administration of Justice within the said Island or its Dependencies shall take effect within the said Island, or shall have the force or authority of Law there, until the same shall have been ratified and confirmed by Us Our Heirs and Successors, unless the same shall have been passed by the unanimous votes of the said Legislative Council, nor unless all the Judges for the time being of the Supreme Court aforesaid shall have certified under their respective hands to the Governor or Officer for the time being administering the Government of the said Island, their unanimous opinion that it would be expedient that such Law or Ordinance should take immediate effect and should not be suspended for the signification of Our pleasure; but in any case wherein any such unanimous votes of the Members of the said Legislature and any such certificates of the unanimous opinion of the said Judges shall be given in favour of the immediate operation of any such Law or Ordinance as aforesaid, then and in every such case it is Our further will and pleasure that the same shall take effect within the said Island, and shall have the force and authority of Law there, immediately from and after the date and enactment thereof: subject nevertheless to Our right and authority to disallow the same if in any such case We should be so advised. Provided always, that nothing in these presents contained, nor any act which shall be done under the authority hereof, shall extend or be construed to extend to prevent Us Our Heirs and Successors, by any other Letters Patent to be by Us or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking these presents or any part thereof, or from making such further or other provisions for the Administration of Justice throughout the said Island and its Dependencies at Our and their will and pleasure, as circumstances may require. In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Twenty-eighth day of January in the Sixth year of Our Reign.

LETTERS PATENT,— 28th  
January, 1843.

By Writ of Privy Seal.  
EDMUNDS.

**No. 1,—1843.** (*Repealed by Ordinance No 14 of 1843.*)

*For providing for the better security and recovery of Debts due to the Crown.*

WHEREAS it is expedient to repeal the Ordinance No. 2 of 1837, and to make further provision in lieu thereof, as well for the security as for the recovery of all debts due to the Crown throughout this Island and its Dependencies.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Ordinance No. 2 of 1837, entitled "*For providing for the better security and recovery of debts due to the Crown,*" shall be and the same is hereby repealed, save and excepting as to all suits or proceedings commenced or had thereon, and save and except as to the repeal of any former enactment therein contained.

2. And it is further enacted, that it shall be lawful for any Government Agent or Assistant Government Agent (or other person duly authorized by writing signed by such Government Agent or Assistant Government Agent) within his Province or District, and upon his own knowledge of the default of payment by any debtor to Her Majesty, or notice to him given of any debt having accrued due to Her Majesty, promptly and immediately to seize, take, and in safe custody to keep, but without removing the same, (except in those cases only where there are no adequate means for safely and securely keeping the said property at the place where it is seized, and no sufficient security given for the value thereof) all and every the property of any debtor or debtors to the Crown, to an amount computed to be sufficient to cover the said debt so due and owing, and the costs attending the same.

3. Provided always and it is further enacted, that within Three days at farthest (exclusive of Sundays and other authorized Public Holidays) after such seizure as aforesaid, a libel or information setting forth the nature and amount of the debt so due to Her Majesty shall be filed in the District Court having jurisdiction in the case, and all District Courts upon any

**No. 1,—1843:**

## No. 1, — 1843,

such libel or information being filed, together with the certificate of the property seized, signed by the person making the seizure, are hereby required to deliver to the Fiscal a warrant to sequester the property of the said debtor; and any further proceedings which may be had thereon shall be according to such general Rules of Practice as now are or hereafter may be framed.

4. And it is further enacted, that all lands and tenements which any Treasurer, Government Agent, Assistant Government Agent, Collector of Customs, Government Farmer or Renter, or other Officer employed in the collection, charge, receipt or expenditure of the revenue, public money, stores, or other property belonging to Government, or any other public accountant now hath or at any time hereafter shall have, within the time during which he shall respectively remain accountable to Government, shall be liable for the payment of all arrearages or debts, and all fines, penalties and forfeitures due or adjudged to Her Majesty, her Heirs and Successors, by or from such officer or public accountant; and the said lands and tenements and all other the goods, chattels, property and effects of the said officer or public accountant, shall be seized and sold in execution for the payment of all such arrearages or debts, fines, penalties or forfeitures, as may be adjudged due and payable to Her Majesty, Her Heirs and Successors, by any competent Court of law, in like and as large and beneficial a manner, to all intents and purposes, as if the said officer or public accountant had, the day he became first an officer or accountant as aforesaid, specially mortgaged the said lands and tenements to Her Majesty, Her Heirs and Successors, for the full payment of such arrearages or debts, fines, penalties and forfeitures, and had also at the same time by a Notarial Bond acknowledged the said arrearages or debts, fines, penalties and forfeitures, to be due to Her Majesty, Her Heirs and Successors.

5. And it is further enacted, that all debts due to Her Majesty, Her Heirs and Successors, upon mortgage, judgment, award, bond, or other specialty, or upon simple contract, from any other persons than officers and public accountants mentioned in the preceding Clause, shall be entitled from the accruing thereof respectively, to a preference of payment over all specialties or other debts which shall, subsequent to such date, have been contracted by or become due from such Crown debtors to any other person or persons whatsoever.

6. Provided always, and it is further enacted, that this Ordinance or any thing therein contained, shall not extend to or affect the right of any person or persons or body corporate, who has or have any special mortgage or hypothecation of any land or other immovable property, of a prior date to the claim of the Crown, and duly executed before a Notary Public or other person appointed by Government for the passing of deeds or other instruments, or to affect the right of any person or persons or body corporate, who has or have a legal lien, mortgage or privilege which is entitled to preference over any such prior special mortgage or hypothecation as aforesaid of immovable property, according to the Roman Dutch law as now administered in the Maritime Districts of this Island, any thing before mentioned to the contrary thereof notwithstanding.

7. Provided also, and it is further enacted, that no sale, pledge, transfer or alienation of any goods, chattels or other moveable property, upon good consideration and bona fide, to any person or persons or body corporate, prior to the date of the execution of the Crown upon any judgment or award of any debt, fine, penalty, or forfeiture being due and payable to it, shall be invalidated by any thing contained in this Ordinance to the contrary notwithstanding.

8. And it is further enacted, that all gifts, grants, sales, transfers, mortgages, bonds, suits, judgments and executions, as well of lands and tenements, as of goods and chattels, of any debtors to Her Majesty, Her Heirs or Successors, which have been or shall at any time hereafter be contrived, executed, had or made by fraud or covin, collusion or guile, to the end, purpose and intent to delay, hinder or defraud Her Majesty, Her Heirs or Successors, of her or their just and lawful action, suits, debts, accounts, damages, penalties or forfeitures, shall be from henceforth deemed and taken to be utterly void and of none effect; and any party or parties thereto, knowing of such fraud, covin, collusion or guile, shall incur the penalty of One year's value of such lands or tenements and the whole value of the said goods or chattels, as well as the consideration given for the same, and shall be liable moreover, upon being lawfully convicted thereof, to imprisonment not exceeding One year.

9. And it is further enacted, that this Ordinance shall commence and take effect upon and from the Fifteenth day of February One Thousand Eight Hundred and Forty-three.

Passed in Council the Fourth day of February, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*



**No. 2,—1843. (Expired.)\***

*To apply a sum not exceeding One hundred and Fifty thousand and Six hundred and Twenty-three pounds to the Contingent Service of the year 1844.*

**No. 2,—1843.****No. 3,—1843.**

*An Ordinance to apply a sum of money for the erection of a Suspension Bridge over the Talata Oya on the lower road from Kandy to Badulla, and to establish a Toll thereon.*

**No. 3,—1843.**

WHEREAS it is expedient that a Suspension Bridge should be erected over the Talata Oya on the lower road from Kandy to Badulla; and whereas by the Ordinance No. 8 of 1842, entitled an Ordinance "To apply a sum not exceeding One hundred and Forty one thousand and Sixty-three pounds to the Contingent service of the year 1843," no sum of money was appropriated for the erection of such Suspension Bridge. And whereas it is necessary that a sum of money sufficient for the erection of such Suspension Bridge should be charged upon the Revenue of this Island.

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 Seven hundred and sixty-seven pounds Eleven shillings and Seven pence shall be and the same is hereby charged upon the Revenue of this Island, such sum to be applied in the erection of a Suspension Bridge over the Talata Oya on the lower road from Kandy to Badulla.

£767.11. 7. to be charged upon the Revenue of this Island for the erection of a Suspension Bridge over the Talata Oya on the lower road from Kandy to Badulla.

2. And it is further enacted, that the Treasurer of the said Colony shall issue and pay the said sum to such persons for the purpose hereinbefore mentioned, upon such days and 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 that the payments so to be made shall be charged upon and payable out of the Revenues of the said Colony.

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

3. And it is further enacted, that 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 that 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 that he shall and do receive credit for the same accordingly.

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

4. And it is further enacted, that upon the completion of such Suspension Bridge, it shall be lawful for the Governor, by Proclamation in the Gazette, to establish such Toll upon such Bridge as to the Governor, with the advice and consent of the Executive Council, shall seem fit. Provided nevertheless that the rates thereof shall in no case exceed the rates specified in the Schedule marked B. annexed to the Ordinance No. 10 of 1842, entitled an Ordinance "For making provision for the collection of Tolls to be established in this Island."

Governor and Executive Council empowered to establish Tolls upon such Suspension Bridge.

Proviso.

Passed in Council the Twenty-eighth day of September, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
Acting Clerk to the Council.

Published by Order of His Excellency the Governor.

P. ANSTRUTHER,  
Colonial Secretary.

**No. 4,—1843. (Expired.)**

*To apply a sum of money for the repairs of certain Wharves and for the construction of a new Wharf in Colombo, and to impose Wharfage and Cranage dues on certain goods imported into or exported from the Port of Colombo during a certain period.*

**No. 4,—1843.**

WHEREAS it is expedient to make certain repairs in the Queen's wharf and the Wharf near the Custom House at Colombo, and to construct a new Wharf at Colombo. And whereas by the Ordinance No. 8 of 1842, entitled an Ordinance "To apply a sum not exceeding One hundred and Forty-one thousand and Sixty-three pounds to the Contingent service of the year 1843," no sum of money was appropriated for any such purpose. And whereas it is necessary that a sum of money sufficient for the making of such repairs and for the construction of such new Wharf should be charged upon the Revenue of this Island. And whereas it is desirable, in order to meet the expense of the construction of such new Wharf, that certain Wharfage and Cranage dues should be payable and levied during a period of Twelve months on certain goods, wares and merchandize imported into or exported from the Port of Colombo.

\* The Supply Ordinances for each year are not published at length.

No. 2, — 1843.

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 One thousand Two hundred pounds shall be and the same is hereby charged upon the Revenue of this Island.

2. And it is further enacted, that the said sum of One thousand Two hundred pounds shall and may be issued and appointed for the repair of the Queen's wharf near the Custom House at Colombo, and for the construction of a new Wharf in the vicinity of the Master Attendant's Office at Colombo.

3. And it is further enacted, that the Treasurer of this Island shall issue and pay the said sum to such persons for the purposes herein before mentioned, upon such days and in such proportions as the said 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 that the payments so to be made shall be charged upon and payable out of the Revenues of the said Island.

4. And it is further enacted, that 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 that 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 that he shall and do receive credit for the same accordingly.

5. And it is further enacted, that Wharfage and Cranage dues shall be paid and levied during the Twelve months next ensuing after the passing of this Ordinance on certain goods, wares and merchandize, landed or shipped at the Port of Colombo, of the description and according to the rates specified in the Schedule hereunto annexed. Provided always, that no such Wharfage or Cranage dues shall be payable on any article declared to be exempted therefrom in the said Schedule.

6. And it is further enacted, that the said Wharfage and Cranage dues shall be levied collected, paid, and recovered in like manner as is provided in respect of the levying, collection, payment and recovery of dues imposed by the Ordinance No. 5 of 1837, entitled "An Ordinance to amend the laws relating to the Ports and Customs."

## SCHEDULE.

*Wharfage and Cranage payable on all goods, wares and merchandize landed or shipped at the Port of Colombo.*

	£	s.	d.
On every pipe, puncheon, butt or other cask of the capacity of 80 gallons or upwards, and containing wine, spirits, or other liquids .....	0	0	6
On every hogshead, half puncheon, tierce, or other cask of the capacity of 40 gallons, and under 80 gallons, and containing wine, spirits or other liquids .....	0	0	3
On every quarter cask, barrel, keg, or other cask of less capacity than 40 gallons, containing wine, spirits or other liquids .....	0	0	1½
On every crate of earthenware or empty bottles .....	0	0	6
On every case, bale, box or trunk or other package whatsoever not otherwise described. If measuring 20 cubic feet and upwards .....	0	0	6
Do. 10 do. and less than 20 .....	0	0	4
Do. 5 do. and less than 10 .....	0	0	2
Do. 2 do. and less than 5 .....	0	0	1
On every bag of coffee, sugar, saltpetre and arrecanuts .....	0	0	1
On every 1,000 bricks, if landed at any Wharf .....	0	0	6
On every Ton of Coals, if landed at any Wharf .....	0	0	6
On every Ton of heavy goods not otherwise described .....	0	1	0
On every horse .....	0	2	6

\* All goods not included or enumerated in the foregoing Table, and not exempt from Wharfage, to pay in proportion to the rates therein contained, according to weight or size.

## EXEMPTIONS.

All rice, paddy, wheat, gram, pease and beans.  
 All empty casks, staves, headings or hoops.  
 All live stock not otherwise charged with Wharfage.  
 All articles imported and exported Coastwise.  
 All public Stores, Naval and Military baggages.  
 Wearing apparel and cabin furniture of passengers.  
 All articles exported on which dues shall have been levied at the time of Importation.

Passed in Council the Nineteenth day of October, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
 P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 5,—1843. (Expired.)\*****No. 5,—1843.**

*To apply a sum not exceeding Fifteen thousand and Eighty pounds to defray the Supplementary Contingent charges of the year One thousand Eight hundred and Forty-three.*

**No. 6,—1843.**

*An Ordinance for the creation of Justices of the Peace.*

**No. 6,—1843.**

Preamble.

WHEREAS it is expedient to make more effectual provision for the preservation of the public peace, and for the apprehension, examination, and commitment to prison of persons charged with the commission of crimes or offences, in order that such persons may be brought to trial before some Court of competent Jurisdiction.

Of appointments of Justices of the Peace.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the said Governor from time to time as occasion may require, to appoint fit and competent persons under the public seal of the Island of Ceylon to act as Justices of the Peace within such Districts thereof as to the said Governor shall seem expedient, and as shall be named in their respective instruments of appointment; and every such Justice of the Peace so appointed shall take and subscribe the Oath of Allegiance and the Oath of Office set forth in the Schedule hereunto annexed marked A. before the Judge of some District Court, which Judge is hereby empowered and required, upon application in that behalf, to administer the same and to enter in the Records of his Court that the said Oaths were duly administered and taken before him, and forthwith to transmit a copy of every such entry to the Registrar of the Supreme Court to be entered in the Records of his Court.

Of their duties and powers.

2. And it is further enacted, that every Justice of the Peace shall have power and is hereby required to preserve the public peace, and for that purpose to call to his aid and assistance all Headmen, Police Officers, and all Peace Officers whatsoever, and all Military Officers and others Her Majesty's subjects, to quell all riots, brawls, and other disturbances, and to lodge all rioters, brawlers, vagrants, and disturbers of the peace, in any prison for the district for which he is assigned to act, to be dealt with according to law, and to enquire of all crimes and offences committed or alleged to be committed within his jurisdiction, and for that purpose to summon and examine upon oath all witnesses touching such crimes and offences, and to summon or apprehend and cause to be summoned or apprehended all criminals and offenders, and to deal with them according to law, and to search or cause to be searched all places wherein any stolen goods, or any goods, articles, or things with or in respect of which any offence has been committed, are alleged to be kept or concealed. And the said Justices of the Peace are hereby authorized and required, upon information or complaint in writing upon oath made to them or any of them, to cause to come before them all those who have used any threats towards any person or persons, whether regarding their bodies or the firing of their houses, and to require of them sufficient security for the peace, or for their good behaviour towards Her Majesty or Her subjects, and if they shall not give such security, then to cause them by warrant under their hand to be safely kept in prison till they shall find such security. Provided that no person shall be kept in prison for a longer period than One year.

Oaths &c. made before Justices of the Peace to be filed in Supreme Court.

3. And it is further enacted, that whenever it shall be necessary or customary for any person by reason of any law or of any custom now or hereafter to be in force, to make oath, affidavit, affirmation or declaration before a District Judge, on the doing of any act matter or thing, or for the purpose of verifying any accounts, book, entry or return, or for any other like purpose, it shall be lawful and sufficient for any Justice of the Peace, within his own District, to administer to such person any such oath, affidavit or declaration. And a notice in writing signed by such Justice, that such oath, affidavit, affirmation or declaration, was duly made before him, shall be transmitted by such Justice to the Registrar of the Supreme Court to be filed among the records of his office, in all cases in which a like transmission is now made by reason of any law or custom by District Judges, and shall in all other cases be given by such Justice upon demand, to the party making such oath, affidavit, affirmation or declaration. And such notice shall be good and sufficient evidence of such oath, affidavit, affirmation or declaration having been duly made by such party before such Justice.

District Judges not to exercise powers transferred to Justices of the Peace.

4. And whereas by the Regulation No. 6 of 1833, entitled "*To obviate doubts of the District Courts having succeeded to all the functions whether Judicial or otherwise heretofore exercised by the Provincial Courts, as well as of the Government Agents possessing all the powers previously exercised by Collectors or Agents of Government or the Revenue Commissioner of*

\* The Supply Ordinances for each year are not published at length.

**No. 6, — 1843.**

*Kandy,*" certain duties are imposed upon and powers vested in District Judges, which are more proper to be imposed upon and vested in Justices of the Peace. It is therefore hereby enacted, that from and after the time of any Ordinance coming into operation by which any duty or power is imposed upon or vested in Justices of the Peace, which is imposed upon or vested in District Courts or District Judges by the said Regulation No. 6 of 1833, it shall not be lawful for any District Judge, unless he shall also be a Justice of the Peace, to perform any such duty or exercise any such power.

Of actions against Justices of the Peace.

5. And it is further enacted, that no action shall be commenced at the suit of a subject against any Justice of the Peace for any thing by him done in the execution of his office, until notice in writing of such intended action shall have been delivered to him or left at the usual place of his abode, signed by the party who intends to commence such action, or by his Proctor where a Proctor may be employed, at least One calendar month before the commencement of such action; and every such notice shall clearly and explicitly specify the cause of action which such party has or claims to have against such Justice, and on the back thereof shall be endorsed the name and place of abode of such party or of his Proctor. And no evidence shall be permitted to be given by the plaintiff on the trial of any such action as aforesaid, of any cause of action except such as is contained in the notice hereby directed to be given.

Of judgment thereon.

6. And it is further enacted, that no person shall recover any judgment against any Justice of the Peace, in any case where the action shall be grounded upon any act of the defendant as such Justice, unless it is proved upon the trial of such action that such notice was given as aforesaid, but in default thereof such Justice shall be entitled to a judgment, and his full costs.

Of amends tendered by Justice of the Peace.

7. And it is further enacted, that it shall and may be lawful for such Justice of the Peace within One calendar month after such notice given as aforesaid, to tender amends to the party complaining or to his Proctor, and in case the same is not accepted to plead such tender to any such action brought against him, together with the plea of not guilty, and any other plea with the leave of the Court, and if the Court before which such action is brought shall find the amends so tendered to have been sufficient, then such Court shall give judgment for the defendant, and in such case or in case the plaintiff shall not proceed in his action, or in case judgment shall be given for the defendant on any proceeding in the nature of a demurrer, such Justice of the Peace shall be entitled to like costs as he would have been entitled to in case he had pleaded not guilty only; and if the Court shall find that no amends were tendered, or that the same were not sufficient, and also against the defendant on such other plea or pleas, then the said Court shall give judgment for the plaintiff, and such damages as the said Court shall think proper, and either with or without costs as the justice of the case may require.

Limitation of actions.

8. And it is further enacted, that no action shall be brought against any Justice of the Peace for any thing done in the execution of his office, unless commenced within Six calendar months after the act committed.

Of removal of Justices of the Peace.

9. And it is further enacted, that it shall be lawful for the Governor at any time to remove any person from his office of Justice of the Peace.

Ordinance when to come into operation.

10. And it is further enacted, that this Ordinance shall come into operation from and after the First day of January One Thousand Eight Hundred and Forty-four.

#### SCHEDULE.

##### *Form of Oath of Allegiance.*

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen VICTORIA.

So help me God.

##### *Form of Oath of Office.*

I do sincerely promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of Justice of the Peace for

So help me God.

Passed in Council the Twenty-sixth day of October, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 7,—1843.** (*Repealed by Ordinance No. 18 of 1852.*)**No. 7,—1843.**

*Ordinance to alter the law relating to the Deposit of Bullion Coin or Gold or Silver Articles as Security for Duties of Customs.\**

**No. 8,—1843.****No. 8,—1843.**

*An Ordinance to provide for the better holding of Inquests touching sudden and violent Deaths.*

WHEREAS it is expedient to amend the Laws now in force in this Colony relative to Inquests touching sudden and violent deaths.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Proclamation of the 24th of January and of the 21st of May in the year 1822, and the Regulation No. 6 of 1823, entitled "*For amending the Regulations of Government relative to the manner of taking informations touching sudden, violent, and accidental deaths,*" shall be and the same are hereby repealed, save and except in so far as they repeal any other Proclamation or Regulation.

2. And it is further enacted, that it shall be lawful for the Governor, from time to time as occasion may require, to appoint persons by Commissions under the Public Seal of the Island of Ceylon, to be called and to act as Coroners and Deputy Coroners within such Districts thereof as to the said Governor shall seem expedient, and as shall be named in their respective Commissions. And every such Coroner and Deputy Coroner so appointed, shall take and subscribe the Oath of Allegiance and the Oath of Office, which said Oaths shall be as near as is material of the form set forth in the Schedule hereunto annexed marked A. before the Judge of some District Court, or before some Justice of the Peace of the District for which such Coroner is appointed to act; and every such Judge or Justice is hereby empowered and required, on application for that purpose, to administer the same and give notice in writing to the Registrar of the Supreme Court, that such Oaths were duly administered and taken to be entered in the records of his office.

3. And it is further enacted, that it shall be lawful for the Governor at any time to remove any person from his office of Coroner or Deputy Coroner.

4. And it is further enacted, that in all cases where any person shall come to his or her death by violence, accident, or of a sudden, or where the body of any person shall be found dead without its being known how such person came by his or her death, every person who may discover the same shall forthwith make the circumstance known to the nearest Constable, Peace Officer, or Headman of the village or District in which the body shall have been discovered.

5. And it is further enacted, that the Constable, Peace Officer or Headman, to whom any such information shall have been given, shall forthwith repair to the spot, and use his best endeavours to discover the cause of the death of the deceased, and to trace and apprehend all such persons as may be reasonably charged with or suspected of having caused the said death, and shall within One hour from receiving such information, despatch notice thereof with such further particulars as may have come to his knowledge, to the Coroner or some Deputy Coroner of the District in which such body shall be lying.

6. And it is further enacted, that upon such information having been given, the Coroner or some Deputy Coroner shall forthwith proceed to the spot, and if the body shall have been interred or otherwise disposed of, he is hereby authorized and required to cause the same to be dug up and produced, and shall also forthwith by warrant directed to one or more Constable or Constables, Peace Officer or Peace Officers of the District in which such body shall be lying, cause to be summoned before him a Jury of Thirteen men, who shall be not less than Twenty-one nor more than Sixty years of age.

7. And it is further enacted, that it shall be lawful for any Coroner or Deputy Coroner to issue his warrant for the apprehension and production before him of every person summoned to attend as a Juror before such Coroner or Deputy Coroner under the authority of such warrant as aforesaid, and failing without good and sufficient excuse to attend at the time and place mentioned in his summons; and every person who shall so fail to attend, or who attending shall refuse to take the oath or perform the duties of Juror, shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine of One pound.

\* The repealed enactments relating to the Customs are not published at length.

Preamble.

Repeal of certain Proclamations.

Of the appointment of Coroners.

And their removal.

Information of death how to be given.

Constables to make inquiries, and report to Coroner.

Where Coroner to hold Inquest.

Jury to be summoned.

**No. 8.—1843.**

And suspected persons apprehended.

8. And it is further enacted, that if any party shall have been apprehended upon suspicion of having been concerned in the death of the deceased, as principal or accessory before the fact, the Coroner or Deputy Coroner about to hold such Inquest shall be authorized and is hereby required to issue his warrant to the person in whose custody such party shall be, to produce such party before him at such Inquest, and he shall not commence the proceedings of such Inquest until the arrival of such party, unless the delay occasioned thereby shall appear to such Coroner or Deputy Coroner calculated to defeat the ends of justice. And such party shall be at liberty to cross-examine any witness that may appear to give evidence against him at such Inquest.

Proceedings before Coroner.

9. And it is further enacted, that so soon as a sufficient Jury shall be assembled, and the party accused shall have arrived, or if such party shall not arrive within convenient time, then without waiting for such party the Coroner or Deputy Coroner shall administer to the foreman and other members thereof respectively, oaths as near as is material of the forms in the Schedule B. hereunto annexed, and the said Coroner or Deputy Coroner shall thereupon enquire, upon the view of the body, into the cause of the death of the person deceased, and shall, for the purpose of such enquiry, be, and he hereby is authorized and required to summon before him all such persons as he shall have reason to believe are able to give information in such matter, and examine all witnesses on oath and separately, and reduce their evidence to writing or as much thereof as shall be material. And he shall take down in writing any statement which any party charged or suspected shall voluntarily make, after being duly cautioned that such statement may be used in evidence against him. And when the requisite witnesses shall have been heard, and the party charged or suspected have made his statement, if he choose to make any, the Coroner or Deputy Coroner shall state his opinion to the Jury of the effect of such evidence and statements, and shall take and record the finding of the said Jury or of the major part of them, and the Inquisition shall be signed by himself and each of the Jurors, and a copy thereof shall be transmitted to the Queen's Advocate or to some Deputy Queen's Advocate.

Proceedings before Deputy Coroner to be sent to the Coroner.

10. And it is further enacted, that wherever any Inquest is holden by a Deputy Coroner, the Inquisition shall be transmitted to the Coroner to whom he is Deputy.

Inspection to be made by Coroner of place of death.

11. And it is further enacted, that the Coroner or Deputy Coroner shall in all cases make local inspections, and take or cause to be taken a plan of the place where the deceased was killed, and shall annex such plan to the Inquisition.

Articles produced at Inquest.

12. And it is further enacted, that the Coroner or Deputy Coroner shall cause all writings and other articles produced at any Inquest and likely to be used in evidence at the trial of any person for the murder or manslaughter of the deceased, to be marked in the presence of the party producing the same, so as they may be capable of being identified at the trial of such person, and shall cause the same to be kept in safe custody until the trial, and to be then produced, unless they shall be sooner called for by the Queen's Advocate or some Deputy Queen's Advocate, or some Justice of the Peace of the District in which the deceased died, or in which the act was committed by means of which his death was caused.

And witnesses bound over to give evidence.

13. And it is further enacted, that every Coroner or Deputy Coroner may require any witness, either alone or together with one or two sufficient sureties, to the satisfaction of the said Coroner or Deputy Coroner, to enter into a recognizance under condition that the said witness shall at any time within Eight months from the date thereof appear and give evidence at the trial of the person or persons charged with being concerned in the death of the deceased, upon being summoned thereto by summons to be left at some certain place to be elected by such witness. And if any witness being so required to enter into any such recognizance, shall refuse or fail so to do, such witness shall be guilty of an offence and shall be liable, on conviction thereof before any competent Court, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Twelve months.

Coroner may adjourn Inquest.

14. And it is further enacted, that if the place where a body shall be found lying, shall be inconvenient for the purpose of holding the Inquest as aforesaid, or if any material witnesses be absent or affected by undue influence, or unwilling to attend, or there be any other good cause why the Inquest cannot be properly completed, it shall be lawful for the said Coroner or Deputy Coroner to adjourn it to another time or place, informing the Jury when and where they are again to meet, and first taking, as he is hereby authorized and required to take, the recognizance of each Juror for his appearance at such adjourned time and place. And every such Juror failing without sufficient cause to attend at such adjourned Inquest, shall be guilty of an offence and be liable, on conviction thereof, to a fine of One pound.

15. And it is further enacted, that whenever upon the summoning or holding of any Inquest, it shall appear to the Coroner or Deputy Coroner, that the deceased person was attended at his death or at any time after receiving the injury of which he died, by any person professing to be a medical practitioner, whether Native or otherwise, it shall be lawful for such Coroner or Deputy Coroner to issue his summons for the attendance of such practitioner as a witness at such Inquest, and if it shall appear to the Coroner or Deputy Coroner that the deceased person was not attended at or immediately before his death by any medical practitioner, or if the evidence of such practitioner cannot for any reason be obtained, or if it shall appear that such practitioner was not a person of sufficient experience, it shall be lawful for the said Coroner or Deputy Coroner to issue his summons for the attendance of any medical practitioner being at the time in actual practice within Five miles of the place where the said Inquest shall be holden, and it shall further be lawful for the said Coroner or Deputy Coroner, either in his order for the attendance of such medical practitioner, or at any time between the issuing of such order and the termination of the Inquest, to direct the performance of a post-mortem examination, with or without an analysis of the contents of the stomach or intestines, by such medical practitioner; provided that if any person shall state upon oath before such Coroner or Deputy Coroner, that in his belief the death of the deceased was caused partly or entirely by the improper or negligent treatment of any person professing to be a medical practitioner, or any other person, no such person shall be allowed to perform or assist at the post-mortem examination of the deceased.

**No. 8,—1843.**  
Summoning of Medical Practitioners.

16. And it is further enacted, that every medical practitioner being so summoned as aforesaid, and not attending at the time and place mentioned in his summons, or attending and refusing to give evidence or to perform any service which may be legally demanded of him, without good and sufficient excuse, shall be guilty of an offence and be liable, on conviction thereof, to a fine exceeding Ten pounds.

Penalty on Medical Practitioner not obeying summons.

17. And it is further enacted, that whenever any medical practitioner\* has attended and given evidence at any Inquest in obedience to any such order as aforesaid, he shall be entitled to receive payment from the Fiscal of the Province, upon the presentation to such Fiscal of a certificate of such attendance, signed by the Coroner or Deputy Coroner before whom the same was given, according to the following rates, that is to say,

Medical Practitioner entitled to pay.

- £1. 1s. for attendance and examination at an Inquest whereat no post-mortem examination was made by such practitioner. Provided that he be not the same practitioner who attended the deceased at his death, or at any time after his receiving the injury of which he died.
- £2. 2s. for the making of a post-mortem examination, and giving evidence thereon.
- £3. 3s. for the making of a post-mortem examination, with an analysis of the contents of the stomach or intestines, and giving evidence and sending in to the Coroner a Report thereon if required.

Provided always, that if any medical practitioner not being in the employ of Government, shall at the request of any Coroner or Deputy Coroner attend and make such post-mortem examination at any distance beyond Five miles from his place of residence, he shall be entitled to receive, in addition to the charges hereinbefore authorized, travelling expenses at the rate of Two shillings for every additional mile to the place where the Inquest is holden.

18. And it is further enacted, that every Fiscal's Officer and every Constable and Peace Officer is hereby authorized and required to serve personally upon the party named therein, or at his dwelling house upon some member of his household, every summons which he shall be called upon to serve by any Coroner or Deputy Coroner.

Service of Summons.

19. And it is further enacted, that it shall be lawful for any Coroner or Deputy Coroner to issue his warrant for the apprehension and production before him of every person summoned to attend as a witness before such Coroner or Deputy Coroner, and failing to attend at the time and place mentioned in his summons. And every person who shall so fail to attend, or attending shall refuse to take the oath of a witness, or shall refuse to answer any question which shall legally be demanded of him, shall be guilty of an offence, and shall be liable, on conviction thereof before any competent Court, to a fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months.

Penalty on Witness disobeying Summons.

20. And it is further enacted, that if it shall appear to any Coroner that sufficient enquiry was not made by any Deputy Coroner at any Inquest holden by him, it shall be lawful for such Coroner either to hold a fresh Inquest himself, or to direct the same or any other Deputy Coroner to hold a fresh Inquest. And for the purpose of such fresh Inquests it shall be lawful

Coroner may hold a fresh Inquest where not satisfied with the Inquest holden by his Deputy.

\* But see Ordinance No. 7 of 1846, § 3.

**No. 8, —1843.**

for such Coroner or Deputy Coroner holding the same, to cause the disinterment and production of the body of the deceased. And all such fresh Inquests shall be proceeded with in the same manner as near as may be as is prescribed by this Ordinance in relation to the holding of Inquests; and the attendance thereat of Jurors and Witnesses and Medical Practitioners shall be required and enforced in like manner.

Coroner to issue Warrant for the apprehension of every party charged by the verdict of the Jury.

21. And it is further enacted, that wherever a Jury shall at any Inquest as aforesaid charge by their verdict any person with the murder or manslaughter or with being an accessory before the fact to the murder of the deceased, it shall be lawful for the said Coroner or Deputy Coroner, and he is hereby required to issue his warrant for the apprehension of every such person and his production before the said Coroner, by whom he shall be committed to prison until he shall be discharged according to law. And every such warrant shall be executed by all Constables, Peace Officers, or persons to whom they shall be addressed either within or without the District for which such Coroner or Deputy Coroner may be appointed to act. And every Gaoler or keeper of a Gaol shall receive into his custody and safely keep every such person so committed, until he shall be discharged by due course of law. Provided always, and it is further enacted, that it shall be competent for any Justice of the Peace for the District in which the act was committed by which the death of the deceased was occasioned, or for the District within which the deceased died, if he shall deem it necessary for the purpose of further inquiry into the crime or alleged crime in respect of which any person shall have been committed to Gaol under warrant of any Coroner, to issue his warrant to the keeper of the Gaol to which such person shall have been so committed, to cause such person to be brought before him at such time and place as shall be named in such warrant. And every keeper of a Gaol to whom such warrant shall be directed is hereby authorized and required to obey the same.

Justice of Peace may make further inquiry.

Bodies not to be removed before Inquest.

22. And it is further enacted, that no body found dead and no body of any person dying under the circumstances set forth in the 4th Clause of this Ordinance, shall be burnt or buried or be otherwise disposed of, except for the purpose of safekeeping, until after an Inquest shall have been holden thereon as herein provided, or until the Coroner or Deputy Coroner shall have given permission that such dead body may be buried or otherwise disposed of. And every person burning, burying, or disposing of any dead body before such Inquest shall have been holden or such permission shall have been given, shall be guilty of an offence, and be liable, on conviction thereof before a competent Court, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months.

Coroner neglecting duty.

23. And it is further enacted, that if any Coroner or Deputy Coroner shall refuse or neglect to perform any duty imposed upon him by this Ordinance, he shall be guilty of an offence and be liable, on conviction thereof, to a fine not exceeding Twenty pounds.

Penalty for obstructing or resisting Coroner.

24. And it is further enacted, that if any person shall obstruct or resist any Coroner or Deputy Coroner or any other person in the execution of any duty or in the exercise of any authority imposed upon or vested in him by this Ordinance, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, or to imprisonment with or without hard labour, not exceeding Three months.

And for non-performance of duty by certain Officers.

25. And it is further enacted, that every Fiscal and his Deputy or Officer, and every Headman and Constable, and every Peace Officer who shall refuse or neglect to perform any duty imposed upon him by this Ordinance, and any person offending against the provisions of the 4th Clause hereof, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months.

Ordinance when to come into operation.

26. And it is further enacted, that this Ordinance shall come into operation on the First day of January, One Thousand Eight Hundred and Forty-four.

**SCHEDULE A.***Form of Oath of Allegiance.*

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen VICTORIA.

So help me God.

*Form of Oath of Office.*

I do sincerely promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of Coroner (or Deputy Coroner) for

So help me God.



## SCHEDULE B.

No. 8,—1843.

*Form of Oath of Foreman of Jury.*

do sincerely promise and swear that I will diligently enquire and true presentment make on the behalf of our Sovereign Lady the Queen, how and in what manner A. B. (or a person unknown as the case may be) here lying dead came to his death, and of such other matters relating to the same as shall be lawfully required of me.

So help me God.

After the Foreman has been sworn the rest may be sworn 3 or 4 together, as follows:

Such Oaths as A. B. the Foreman of this Inquest hath for his part taken, you and every of you shall well and truly observe and keep on your parts respectively.

So help you God.

Passed in Council the Second day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

## No. 9,—1843.

*(Sections 9 and 16 repealed by Ordinance No. 20 of 1852.)*

To alter and amend in certain respects the constitution of the Supreme Court, the powers of the Judges thereof, and the manner of proceeding therein.

No. 9,—1843.

WHEREAS by Letters Patent of Her Present Majesty, dated the Twenty-eighth day of January, One thousand Eight hundred and Forty-three, it is declared among other things that it shall be competent to the Governor, or to the Officer for the time being administering the Government of the Island of Ceylon, by any Law or Ordinance to be by him from time to time made, with the advice and consent of the Legislative Council thereof, to make provisions for the better Administration of Justice within the said Island, and for altering and amending the constitution of the said Supreme Court, or for any other Court of Civil or Criminal Justice within the same, and for regulating the manner of proceeding within such Courts or any of them, and the limits whether territorial or otherwise of the jurisdiction of such Courts respectively, and the times and places of holding such Courts, and the number and functions of the Officers to be employed in and about the Administration of Justice in or under the orders of the said Courts respectively, and the powers and authorities of the Judges and other Officers of the said respective Courts, and all other matters and things incident to or which to them may appear necessary for the economical, prompt, and effective administration of Civil and Criminal Justice within the said Island and its Dependencies; any thing in the Charter or Letters Patent of King WILLIAM THE FOURTH, dated the Eighteenth day of February One thousand Eight hundred and Thirty-three, to the contrary notwithstanding.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that instead of the division of the said Island directed to be made by the said Charter into the District of Colombo, and the Three Circuits therein named, it shall be lawful for the said Governor, and he is hereby authorized and required, with the concurrence of the Judges of the Supreme Court or the major part of them, but not otherwise, by any Proclamation or Proclamations to be by him for that purpose issued, to apportion and divide this Island into Three or more Circuits, and to fix and ascertain the boundaries and limits of every such Circuit, and from time to time with the like concurrence, but not otherwise, to revoke, alter and amend any such Proclamation or Proclamations as occasion may require.

Divisions of the Island into Circuits.

2. And it is further enacted, that it shall and may be lawful for the Governor of this Island, and he is hereby authorized and required by any Proclamation or Proclamations to be by him for that purpose issued, to subdivide into Districts each of the Circuits into which the said Island shall be in manner aforesaid divided, and from time to time to revoke, alter, and amend any such Proclamation or Proclamations as occasion may require, and which appointment of the said Circuits and Districts shall be made in such a manner as may best consist with and promote the prompt and effectual Administration of Justice therein.

Subdivision of Circuits into Districts.

**No 9,—1843.**

Civil and Criminal Session  
in each Circuit.

3. And it is further enacted, that Civil and Criminal Sessions of the said Supreme Court shall be holden by some one of the Judges thereof twice in each year at the least, within each of the Circuits into which this Island shall be divided as aforesaid, at such place or places within such respective Circuits, and at such particular times in each year as the Governor shall, after previous consultation with the Judges of the said Supreme Court, by Proclamations to be by him from time to time for that purpose issued, direct and appoint.

Power of Supreme Court on  
Circuit.

4. And it is further enacted, that the said Supreme Court and the Judges thereof respectively, shall in the said Circuits so to be established as aforesaid, have and exercise all the powers, jurisdictions and authorities vested in the said Court or the Judges thereof respectively, and shall hold such and the like Civil and Criminal Sessions as are directed and appointed by the said Charter to be exercised and holden within the Three Circuits therein named, and the District of Colombo.

Competency of Supreme  
Court not affected by a va-  
cancy.

5. And it is further enacted, that upon the death, resignation, sickness or incapacity of any Judge of the Supreme Court, or in case of the absence of any such Judge from the Island, or of his suspension from office, the said Supreme Court shall consist of and be holden by and before the two remaining Judges of the said Court, until such vacancy shall be duly supplied, and the said two remaining Judges shall hold General Sessions of the said Court, and do every act and thing which the three Judges of the said Court are required and empowered by the said Charter to do collectively in as full and ample a manner as if the three Judges were present. Provided nevertheless, that if the two remaining Judges shall not concur in opinion on any Judgment Rule or Order to be pronounced or made at such General Sessions, or in any act or thing to be done by them collectively, the same shall be thereupon reserved for decision until three Judges of the said Court shall be present.

Proviso.

Secretaries not to plead.

6. And it is further enacted, that no person holding the office of Clerk or Private Secretary to any Judge of the said Court, shall be allowed to plead or practise before the said Judge on any Circuit or in Colombo or at any General Sessions.

Refusal to admit Advocates  
and Proctors.

7. And it is further enacted, that it shall not be necessary for the Judges of the Supreme Court, upon their refusal to admit any person applying to be admitted and enrolled as an Advocate or Proctor in the said Court or in any District Court, to assign and declare in open Court the reasons of such refusal, unless so required to do by such applicant.

Their removal.

8. And it is further enacted, that every person admitted and enrolled as an Advocate or Proctor of the Supreme Court, or of any District Court, shall be subject to be removed by the Judges of the said Supreme Court collectively at any General Session, from his station therein upon reasonable cause. Provided, however, that every such Advocate or Proctor shall be subject to be suspended by any Judge of the Supreme Court upon such cause as aforesaid.

Proviso.

9. And it is further enacted, that at every Criminal Sessions of the Supreme Court to be holden on any Circuit in its appellate jurisdiction, three Assessors shall be associated with the Judge of such Court at the hearing and determining of every appeal, and all and every the appellate powers, jurisdictions, and authorities vested in the said Supreme Court at any Criminal Sessions, to be holden on any Circuit, shall be exercised by the Judge for the time being of such Circuit and the Assessors so to be associated with him as aforesaid.

Supreme Court empowered  
to remand prosecutions.

10. And whereas by the said Charter, no power is expressly given to the said Supreme Court to remand any prosecution or complaint in which appeal shall have been brought for a further hearing or for the admission of any further evidence: It is therefore hereby further enacted and declared, that at every Sessions of the Supreme Court in its appellate jurisdiction to be holden on any Circuit, the said Court shall have full power and authority to amend any prosecution or complaint for a further hearing, or for the admission of further evidence to the District Court from which such prosecution or complaint shall have been brought in appeal.

Case may be transferred  
from a District Court in one  
Circuit to a District Court in  
another Circuit.

11. And whereas by the said Charter, power is given to the Supreme Court holding Civil and Criminal Sessions on any Circuit, to make order for the transfer of any cause, suit or action, or of any prosecution depending in any District Court within such Circuit to any other District Court within the same Circuit; and whereas it may often be more convenient that such cause, suit or action or prosecution should be transferred to some adjoining District Court, which may happen to be within the limits of another Circuit: It is therefore hereby further enacted, that it shall be competent to any Judge of the Supreme Court holding Civil or Criminal Sessions on any Circuit, to make order for the transfer of any cause, suit or action, or of any prosecution or complaint, from any District Court within the same Circuit, to any other District Court within the same Circuit, or to the Court of any District within any other

Circuit that shall be adjoining to the District in the Court of which such cause, suit, action, prosecution or complaint, shall be depending.

**No. 9,—1843.**

12. And it is further enacted, that it shall be lawful for the said Supreme Court, at any Sessions to be holden on any Circuit as aforesaid, to make order for the transfer of any prosecution depending at any Criminal Sessions on such Circuit to any other Circuit, if it shall be made to appear to the satisfaction of the said Court, that there is any sufficient cause or reason to conclude that in such particular prosecution, Justice would not probably be done in the Circuit in which the said prosecution has been commenced, and the said Supreme Court shall, upon the Circuit to which such prosecution shall be so transferred, take cognizance thereof, and have power and jurisdiction for the hearing, trial, and decision of the same, as effectually to all intents and purposes as the said Supreme Court could or might have had on the Circuit in which such prosecution was originally depending. And it is further enacted that whenever any prisoner or defendant shall have pleaded to any information exhibited against him at any Sessions of the Supreme Court holden on any Circuit as aforesaid, without pleading to the jurisdiction of the Court, although it may appear in evidence at the trial or afterwards, that the crime or offence with which such person is charged was committed within the limits of another Circuit, the said Supreme Court shall have jurisdiction over such prosecution, crime, or offence, in such and the like manner as if the crime or offence with which such person is charged had been committed within the Circuit in which the said prosecution shall have been commenced.

Prosecutions may be transferred from one Circuit to another.

13. And whereas by the 45th Clause of the said Charter, the Judge holding the Criminal Sessions of the Supreme Court on any Circuit is empowered and required to issue his Mandate for certain purposes therein mentioned, to the Fiscals and keepers of prisons within such Circuits; and whereas it is convenient that the Judges of the Supreme Court should have the power of issuing such Mandate before they shall actually begin to hold Sessions: It is therefore hereby enacted, that any Judge of the Supreme Court, after any Criminal Sessions to be holden before him, shall have been appointed by Proclamation as aforesaid, shall and may issue his Mandate in like manner, and for the same purpose as by the said 45th Clause of the said Charter the Judge on any Circuit holding the Criminal Sessions of the Supreme Court is empowered and required to issue his Mandate. And such Mandate shall be obeyed and executed in the manner provided in the said 45th Clause of the said Charter, with respect to the Mandate of the Judge holding the Criminal Sessions of the Supreme Court on Circuit.

When Mandates to Fiscals may be issued.

14. And whereas it might appear from the wording of the 47th Clause of the said Charter, that the General Sessions of the Supreme Court could not be holden by the Judges thereof, unless some questions of Law, Pleading, Evidence, or Practice had been reserved, as therein mentioned, for their collective decision: It is therefore hereby further enacted, that it shall also be lawful for the said Judges of the said Supreme Court, and they are hereby required to hold General Sessions of the Supreme Court, for all such purposes as shall be necessary for the due execution of the powers and jurisdiction vested in them by the said Charter, or by this Ordinance, or by any Ordinance which now is, or may be hereafter enacted.

When General Sessions may be held.

15. And whereas by the 49th Clause of the said Charter, power is given to any Judge of the Supreme Court, at any Sessions to be holden on Circuit, or at any General Sessions, to issue Mandates in the nature of writs of Habeas Corpus, and to grant Injunctions; and whereas it is expedient to enable the Judges to exercise similar powers at all times and places within the jurisdiction of the Supreme Court: It is therefore hereby enacted, that any Judge of the Supreme Court shall at all times and places within the jurisdiction of the Supreme Court, have full authority to exercise the powers vested in him, when holding Circuit or at General Sessions by the said 49th Clause of the said Charter.

Injunctions, &c., may be granted at all times.

16. And it is further enacted, that when it shall appear upon the Records of any District Court being transmitted to the Judges at Colombo, that any appeals shall have been entered from any judgment, decree, rule, or order of any District Court in its Civil jurisdiction, not having the effect of a final or definitive sentence, or from any sentence, judgment, or order of any District Court in its Criminal jurisdiction, any Judge of the Supreme Court sitting in Court with three Assessors at Colombo at such time and in such manner as may be required for that purpose by any General Rules and Orders of the Supreme Court to be made in that behalf, shall have full power and authority to hear any such appeal, and to decide the same; and shall have full power and authority to make order for the transfer of Civil and Criminal cases, and in all respects to exercise the same powers and jurisdictions in the matters aforesaid, as the said Supreme Court, or any Judge thereof, might exercise upon any Civil or Criminal Sessions being holden by him on the Circuit wherein the District Court is situate, from which such appeal has been entered, or application for transfer has been made.

17. And whereas by the 45th Clause of the said Charter of King WILLIAM, power is given to the Judges of the Supreme Court to make Rules and Orders touching and concerning the

Supreme Court to make Rules for taking Bail.

**No. 9, —1843.**

taking of Bail: It is therefore hereby declared and enacted, that the power of the said Judges to make Rules and Orders in respect of Bail in Criminal cases, shall be limited to the form and manner of taking such Bail.

And to exercise an appellate jurisdiction in Matrimonial cases.

18. And it is further enacted, that the said Supreme Court shall have and exercise an appellate jurisdiction in all Matrimonial causes, suit, or matters, in which the District Courts have now or may hereafter have original jurisdiction.

And to determine fees payable to Advocates and Proctors.

19. And it is further enacted, that it shall be lawful for the Supreme Court, by any Rules and Orders to be made by them in that behalf, to determine the amount of fees to be lawfully demanded by and payable to Advocates and Proctors.

Ordinance when to come into operation.

20. And it is further enacted, that this Ordinance shall commence and take effect from and after the Proclamation by the Governor in the Government Gazette, that the same has been ratified and confirmed by Her Majesty, unless the same shall be passed by the unanimous votes of the Legislative Council; and all the Judges for the time being of the Supreme Court, shall certify under their respective hands to the Governor, their unanimous opinion that it is expedient that the same should not be suspended for the signification of Her Majesty's pleasure. And if such unanimous votes of the Legislature, and such certificates of the unanimous opinion of the said Judges, shall be given in favour of the immediate operation of this Ordinance, the same shall commence and take effect immediately from and after the date and enactment of the same.

Passed in Council the Second day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 10, —1843.**

(*Section 17 and Schedule repealed by Ordinance No. 2 of 1848; and Sections 5, 9, 10, 11, 12, 13, and 22, by Ordinance No. 22 of 1852.*)\*

**No. 10, —1843.**

*An Ordinance for the establishment of Courts of Inferior Civil Jurisdiction, to be called Courts of Requests.*

Preamble.

WHEREAS by Letters Patent of Her Present Majesty, dated the Twenty-eighth day of January, One thousand Eight hundred and Forty-three, it is declared among other things, that it shall be competent to the Governor, or to the Officer for the time being administering the Government of the Island of Ceylon, by any Law or Ordinance to be by him from time to time made, with the advice and consent of the Legislative Council, to make provision for the better Administration of Justice within the said Island, anything in the Charter or Letters Patent of King WILLIAM the FOURTH, dated the Eighteenth day of February, One thousand Eight hundred and Thirty-three, to the contrary notwithstanding. And whereas it is expedient to establish within the said Island Courts of Inferior Civil Jurisdiction.

Courts of Requests to be established.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor for the time being, by any Proclamation or Proclamations to be by him for that purpose from time to time issued, to establish Courts of Inferior Civil Jurisdiction, which shall be called Courts of Requests, and shall exercise jurisdiction, and be holden within such limits as the said Governor in such Proclamation or Proclamations shall appoint; and to revoke, alter, and amend any such Proclamation or Proclamations, as occasion may require.

And Commissioners thereof appointed.

2. And it is further enacted, that it shall be lawful for the Governor for the time being, from time to time by warrant under his hand, to appoint fit and proper persons to preside over the said Courts who shall be called Commissioners of the said respective Courts; and such Commissioners shall hold office during the pleasure of Her Majesty, Her Heirs and Successors. Provided always, that it shall be lawful for the Governor for the time being, with the advice and consent of the Executive Council, to suspend any such Commissioner from his office, until the pleasure of Her Majesty, Her Heirs and Successors shall be made known.

Who shall take certain oaths.

3. And it is further enacted, that every person to be appointed a Commissioner of any

\* See Part II. Schedule to Ordinance No. 19 of 1852.

Court of Requests by virtue of this Ordinance, shall, before he shall begin to execute the duties of his office, take and subscribe the Oath of Allegiance and the Oath of Office set forth in the Schedule hereunto annexed, before the Judge of some District Court; and every District Judge, upon application being made to him in that behalf, is hereby empowered and required to administer the same. And such oath shall be entered on the Records or Proceedings of the Court over which the Judge administering the same shall preside, and a copy of such entry shall be forthwith transmitted to the Registrar of the Supreme Court, to be entered on the Records of that Court.

4. And it is further enacted, that there shall be attached to such Courts respectively such and so many Officers as to the Governor for the time being shall appear necessary for the due Administration of Justice therein, and such Officers shall from time to time be appointed to and removed from their respective offices in such manner as the Governor for the time being shall direct. Provided always, that it shall be lawful for the Commissioner of any such Court to suspend any such Officer for misconduct or other sufficient reason, and to appoint some other person to act in his stead until the Governor's pleasure shall be made known.

Appointment of the Officers of Court and their removal.

5. And it is further enacted, that the said Courts of Requests respectively shall be Courts of Record, and shall hear and determine in a summary way, and according to equity and good conscience, all actions, plaints and suits for the payment and recovery of any debts, demands, damages or matter not exceeding Five pounds in value, except the matter in question shall relate to the title of any lands or tenements, or to any thing whereby rights in future may be bound: Provided that the party or parties defendant shall be resident within the jurisdiction of such Court, or that the act, matter or thing in respect of which any such action, plaint or suit shall be brought, shall have been done or performed within such jurisdiction.

6. And it is further enacted, that the judgment and award of such Courts of Requests shall in all cases when necessary, be carried into execution by attachment and sale of the goods and effects or by corporal arrest of the party or parties against whom such judgment or award shall have been given or made.

May enforce judgment by attachment, &c.

7. And it is further enacted, that for the better discovery of the truth, and the more speedily obtaining the end of suits in such Courts, every party to such suit shall be liable to be summoned and examined *vivâ voce* in open Court, or by interrogatories to be issued by such Court, but not upon oath, if such Court shall consider that any such examination shall be necessary, and shall be liable to be punished for any false statement made therein in like manner as for any contempt before such Court.

And summon parties to suit.

8. And it is further enacted, that no written pleadings shall be permitted to be used in the said Courts hereby established, but that all actions, plaints, suits and matters pending before any such Courts, shall be heard and determined in a summary way by the party or parties or persons representing the party or parties where such persons shall be allowed to appear, stating *vivâ voce* in open Court their several complaints and answers, and producing any vouchers or written evidence relating thereto, and by the examination of witnesses in like manner, or by interrogatories and on oath.

No written pleadings to be used.

9. And it is further enacted, that no cause of action which shall exist at any one time, and shall amount in the whole to a sum beyond the sum of Five pounds as aforesaid, shall be split or divided so as to be made the ground of two or more different actions, in order to bring such cases within the jurisdiction of any Court created by this Ordinance; but if the Commissioner of the said Court shall find that the plaintiff in any case shall have split his cause of action as aforesaid, he shall dismiss the said action, with the ordinary costs of a dismissal, without prejudice however to the plaintiff's proceeding to sue upon such cause of action in such other manner as he lawfully may: Provided however, that in case the defendant or defendants in any action shall appear to have given Bills of Exchange or Promissory Notes for the payment of any debt originally above the amount of jurisdiction created by this Ordinance, but which Bills of Exchange or Promissory Notes are separately secured by a sum not exceeding Five pounds, each bill or note shall be regarded as forming a distinct and separate contract, and may be sued upon and recovered in the same way as any other debt recoverable under this Ordinance.

10. Provided further and it is further enacted, that if such plaintiff shall be satisfied to recover any such sum as according to this Ordinance the jurisdiction of the said Court of Requests is made to extend to, in full of the whole of such his demand, then the said Commissioner shall and may, if such plaintiff shall satisfactorily prove his case, make and pronounce one decree for such plaintiff, for such sum as shall in such case be demanded by the process, so as such sum does not exceed the jurisdiction created by this Ordinance, and the same shall be expressed in such decree to be, and shall be in full discharge of the whole of such demand, and shall be a full and complete bar to any other action, plaint or suit which may be brought thereon, in the same or any other Court whatever.

No. 10, — 1843.

11. And it is further enacted, that nothing in this Ordinance shall extend to any debt being the disputed balance of an unsettled account originally exceeding Five pounds, nor to any debt for any money or thing won or alleged to have been won at or by means of any wager or any kind of gaming or play.

12. And it is further enacted, that in every case where any sum or sums of money whatsoever, not exceeding the sum of Five pounds, shall be due and owing to any menial servant, clerk, book-keeper, journeyman, shopman, shopwoman, labourer, or any other person whatsoever under the age of 25 years, for wages or piece work, or for work as a servant, it shall and may be lawful for such servant, clerk, book-keeper, journeyman, shopman, shopwoman, labourer or other person, to sue for and recover such debt in the said Court in the same manner as if he or she were of full age.

13. And it is further enacted, that no person whatever shall be permitted to appear and act in any Court of Requests in any suit for or in behalf of any party to such suit, unless the Commissioner of such Court shall be satisfied that there exists some good and sufficient cause why such party should not be required to attend in person. Provided always, that in every case instituted before any such Court in which the Crown shall be a party interested, it shall be competent for the Queen's Advocate or any Deputy Queen's Advocate empowered to act within the District, or the Government Agent or Assistant Government Agent, or the Collector or Controller of Customs of the District or any person authorized in that behalf by writing under the hand of the Queen's Advocate, or of any such Deputy Queen's Advocate, or of the Government Agent, Assistant Government Agent, or Collector or Controller of Customs of the District, to appear and represent the Crown in such case; and provided further, that where any person shall be allowed to appear and act for any party to a suit, no costs incurred in respect of such appearance shall be made payable by the opposite party, whatever may be the result of the suit.

Execution of Process.

14. And it is further enacted, that all processes of every Court of Requests against the person or property of any party in any cause, suit or action, or for the examination upon interrogatories, or attendance of any witness required therein, may be issued into and shall be carried into execution in any other Districts or place whatsoever within this Colony, in such manner and form and in such cases as shall be provided by any Rules or Orders of the Supreme Court.

Penalty on witnesses not obeying summons.

15. And it is further enacted, that it shall and may be lawful for any of the said Courts to punish by fine not exceeding One pound, or by imprisonment not exceeding Fourteen days, any person summoned as a witness to attend any of the said Courts, and not attending in pursuance of such summons, or any person guilty of any contempt or prevarication before any such Court. Provided always, that every party charged with any such contempt or prevarication shall be committed to prison till the following day, or shall give security either on his own recognizance or that of another person, as the Commissioner of the Court before whom such contempt or prevarication shall have been committed, shall consider necessary for the appearance of such party on such following day. And if on such following day such party shall fail by his answers to satisfy the said Commissioner that no contempt or prevarication was intended, it shall be lawful for the said Commissioner to pass such sentence on such party as is hereinbefore declared.

Proviso.

Where witnesses commit perjury, Commissioner to inform Queen's Advocate.

16. And it is further enacted, that if it shall appear to the Commissioner of the said Court of Requests that any person examined or making affidavit on oath or affirmation, has in any proceeding whatever hereafter to be instituted in or in any way connected with the said Courts of Requests, committed wilful and corrupt perjury, or wilfully and corruptly affirmed falsely, then and in each and every such case the said Commissioner shall forthwith give information thereof to the Queen's Advocate or to some Deputy Queen's Advocate empowered to act within the District.

17. And it is further enacted, that the several written instruments employed in the said Courts of Requests and specified in the Schedule B. hereunto annexed, shall respectively bear a stamp of the value therein set opposite to them. And no such written instrument which shall not bear such stamp shall be of any validity or effect.

Abolition or change of limits of said Courts.

18. And it is further enacted, that whenever any Court of Requests shall be abolished, or the limits of its jurisdiction altered by any Proclamation or Proclamations to be issued by the Governor, every cause, suit, action, matter or thing, which shall be then depending before any Court thereby abolished, or the limits of which shall have been thereby altered, shall or may be proceeded upon in the Court in which it ought to have been instituted, if it had been instituted after any such Proclamation shall have been issued, and all Proclamations which shall thereafter be had in such cause, suit, action, matter or thing respectively, shall be conducted in like manner as if such cause, suit, action, matter or thing had been instituted in such last mentioned Court, and all records, muniments and proceedings whatsoever, belonging or appertaining to any such cause, suit, action, matter or thing, shall after any

such Proclamation shall have been issued, be delivered over by the Court in which such cause, suit, action, matter or thing shall be then depending, to the Court in which such cause, suit, action, matter or thing ought to have been instituted, if it had been instituted after the time when such Proclamation shall have been issued.

19. And it is further enacted, that where by any Ordinance heretofore enacted, certain things are required to be done before District Courts or by or before Judges or other Officers of District Courts in relation to any suit, complaint, matter or thing, which by this Ordinance is made cognizable by Courts of Requests, every such thing may and shall be done in like manner or as near as may be compatibly with the true spirit of such Ordinance, and with the constitution of such Courts of Requests before such Courts of Requests, or by or before the Commissioners or corresponding Officers of such Courts.

20. And it is further enacted, that the Supreme Court or any Judge thereof, shall have full power and authority to grant and issue Injunction to prevent any irremediable mischief which might ensue, before the party making application for such Injunction could prevent the same by bringing an action or complaint in any Court of Requests. Provided always, that it shall not be lawful for the said Supreme Court or any Judge thereof, in any case to grant an Injunction to prevent any person from prosecuting a suit in any Court of Requests or from insisting on any ground of action or defence.

21. And it is further enacted, that the Supreme Court or any Judge thereof, shall have full power and authority to grant and issue Mandates in the nature of Writs of Mandamus Procedendo and Prohibition against any Commissioner or other ministerial Officer of any Court of Requests, and to make order for the transfer of any cause, suit or action, matter or thing depending in any one Court of Requests to some other Court of Requests, or where it shall seem more expedient, to some District Court, if it shall be made to appear to the satisfaction of the said Supreme Court or Judge thereof, that there is any sufficient cause or reason to conclude that in such particular cause, suit, action, matter or thing, Justice would not probably be done in the Court of Requests in which the same had so been commenced. And in every such case, the Court to which any such cause, suit, action, matter or thing shall be so transferred, shall take cognizance thereof, and have power and jurisdiction for the hearing, trial, and decision of the same, as fully and effectually to all intents and purposes as if such Court originally had such power and jurisdiction.

22. And it is further enacted, that the proceedings of all Courts established under the provisions of this Ordinance, may be brought under the review of the said Supreme Court, and the said Supreme Court may set aside or correct such proceedings for incompetency of the Court in respect of any excess of jurisdiction, or that the case has been already tried, or forms the subject of a trial pending in some other competent Court, or for incompetency of the Court in respect of the Commissioner himself, as that either the Commissioner or his near kinsman had an interest in the cause, or for malice or corruption on the part of the Commissioner, or for gross irregularity in the proceedings, or on account of the admission of illegal or incompetent evidence, or of the rejection as illegal of legal and competent evidence. Provided always, that when any party shall make application to have any such proceedings reviewed by the Supreme Court, such application shall distinctly set forth the particular facts and grounds on which such review is applied for.

23. And whereas for carrying into effect the various provisions of this Ordinance it is necessary that Regulations should be made respecting the course and manner of proceeding to be observed and followed in all suits, actions, and other proceedings whatsoever to be brought or commenced before Courts of Requests. It is therefore enacted, that it shall be lawful for the Judges of the Supreme Court collectively, at any General Sessions to be by them holden at Colombo from time to time, to frame, constitute, and establish such General Rules and Orders of Court as to them shall seem meet, touching and concerning the form and manner of proceeding to be observed in the said Courts of Requests, and touching and concerning the practice and proceedings to be therein brought, and touching and concerning the manner, time, and place, in which such proceedings shall be brought under the review of the said Supreme Court, and touching and concerning the proceedings of the ministerial Officers of the said Courts, the process of the said Courts, and the mode of executing the same, together with all such General Rules and Orders as may be necessary for giving full and complete effect to the provisions of this Ordinance, in whatsoever respects the form and manner of administering Justice in the Courts hereby constituted; and all such Rules Orders and Regulations from time to time to revoke, alter, amend or renew, as occasion may require. Provided always, that no such Rules Orders or Regulations shall be repugnant to this or any future Ordinance, and that the same shall be so framed as to promote as far as may be the discovery of truth, economy and expedition in the dispatch of the business of the said several Courts respectively. And that the same be drawn up in plain, succinct and com-

**No. 10,—1843.**

Certain things required by past Ordinances to be done by or before District Judges to be done by or before Commissioners of Courts of Requests.

Supreme Court to grant Injunctions in certain cases.

And to issue Writs of Mandamus.

And to make Rules and Orders for their mode of proceeding.

No. 10, — 1843.

Ordinance when to come into operation.

pendious terms, avoiding all unnecessary repetitions and obscurity, and published in the Government Gazette and otherwise promulgated in the most public and authentic manner, as long before the same shall operate and take effect as to such Judges may appear practicable and convenient. And provided always, that all such Rules Orders and Regulations, shall forthwith be transmitted to Her Majesty, Her Heirs and Successors, under the Seal of the said Court, for Her or Their approbation or disallowance.

24. And it is further enacted, that this Ordinance shall commence and take effect from and after the Proclamation by the Governor in the Government Gazette, that the same has been ratified and confirmed by Her Majesty, unless the same shall be passed by the unanimous votes of the Legislative Council, and all the Judges for the time being of the Supreme Court shall certify under their respective hands to the Governor, their unanimous opinion that it is expedient that the same should take immediate effect, and should not be suspended for the signification of Her Majesty's pleasure. And if such unanimous votes of the Legislature and such certificates of the unanimous opinion of the said Judges shall be given in favor of the immediate operation of this Ordinance, the same shall commence and take effect immediately from and after the date and enactment of the same.

SCHEDULE.

*Form of Oath of Allegiance.*

I do sincerely promise and swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.  
So help me God.

*Form of Oath of Office.*

I do sincerely promise and swear (or affirm) that I will faithfully and diligently execute to the utmost of my abilities the several duties of the Office of a Commissioner of a Court of Requests.  
So help me God.

SCHEDULE B.

*Fees to be levied by Stamps in Courts of Requests in the Island of Ceylon.*

	1st Class under £ 2			2nd Class 2l. & under 5l.		
	£	s.	d.	£	s.	d.
Summons to defendant	0	1	0	0	3	0
Affidavits	0	0	6	0	1	0
Warrants of arrest in mesne process	0	1	0	0	2	0
Recognizance or bail bond	0	1	0	0	2	0
Sequestration	0	1	0	0	2	0
Translations each document	0	0	6	0	1	0
Exhibit	0	0	3	0	0	6
Subpoena to each witness	0	0	6	0	1	0
Decree	0	0	6	0	1	0
Execution against property	0	0	6	0	1	0
Execution against person	0	0	6	0	1	0
Commitment	0	0	3	0	0	6
Petition of review in cases wherein no witnesses have been heard	0	0	9	0	1	6
Petition of review in cases wherein witnesses have been heard	0	1	6	0	3	0
Poundage at the rate at which it shall for the time being be leviable in District Courts.						

Passed in Council the Second day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*



*Ordinance for the Establishment of Police Courts.*

WHEREAS by Letters Patent of Her present Majesty, dated the Twenty-eighth day of January One thousand Eight hundred and Forty-three, it is declared among other things, that it shall be competent to the Governor or to the Officer for the time being administering the Government of the Island of Ceylon, by any Law or Ordinance to be by him from time to time made with the advice and consent of the Legislative Council thereof, to make provision for the better Administration of Justice within the said Island, any thing in the Charter or Letters Patent of King WILLIAM the FOURTH, dated the Eighteenth day of February One thousand Eight hundred and Thirty-three, to the contrary notwithstanding.

And whereas it is expedient to establish in convenient places within the said Island, Courts of Inferior Criminal Jurisdiction.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor of the said Island, with the advice of the Executive Council, by any Proclamation or Proclamations to be by him for that purpose issued, to establish from time to time Courts of Inferior Criminal Jurisdiction to be called Police Courts, which shall be holden and shall exercise Jurisdiction within such limits as shall be specified and defined in such Proclamation or Proclamations, and from time to time to revoke alter and amend any such Proclamation or Proclamations as occasion may require. And the said Courts so established shall be Courts of Record.

Police Courts to be established.

2. And it further enacted, that it shall be lawful for the Governor for the time being to appoint fit and proper persons to preside over the said Courts, who shall be called Police Magistrates, and such Magistrates shall hold office during the pleasure of Her Majesty, Her Heirs and Successors. Provided always, that it shall be competent to the Governor, with the advice and consent of the Executive Council, to suspend any such Magistrate from his office until such time as the pleasure of Her Majesty, Her Heirs or Successors, shall be made known.

Police Magistrates to preside therein.

3. And it is further enacted, that every person to be appointed a Police Magistrate by virtue of this Ordinance shall, before he shall begin to execute the duties of his office, take and subscribe the Oath of Allegiance and the Oath of Office set forth in the Schedule hereunto annexed, before the Judge of some District Court, and every District Judge, upon application being made to him in that behalf, is hereby empowered and required to administer the same. And he shall make entry in the Records of his Court that such oath was duly taken, and a copy of such entry shall be forthwith transmitted to the Registrar of the Supreme Court, to be entered on the Records of that Court.

Who shall take certain oaths.

4. And it is further enacted, that there shall be attached to such Courts respectively such and so many officers as to the Governor for the time being shall appear necessary for the due Administration of Justice therein, and for the due execution of the powers and authorities which are hereby vested in the said Police Courts, and such officers shall from time to time be appointed to and removed from their respective offices in such manner as the Governor for the time being shall direct. Provided always, that it shall be lawful for the Police Magistrate presiding over any such Court to suspend any such officer for misconduct or other sufficient reason, and to appoint some other person to act in his stead until the Governor's pleasure shall be made known.

Subordinate officers of such Courts.

When they may be suspended.

5. And it is further enacted, that the said Police Courts respectively shall have full power and authority and are hereby required to hear, determine, and dispose of in a summary way, all crimes and offences committed wholly or in part within their respective Districts, and not punishable by imprisonment with or without hard labour, for a longer period than Three months, or by fine exceeding Five pounds, or by public or private whipping exceeding Twenty lashes.

Police Courts to hear and dispose of criminal charges in a summary way.

6. And it is further enacted, that all persons apprehended within the local limits of the jurisdiction of any of the said Police Courts for any crime, offence, matter or thing, for the hearing, determining, and disposing of which such Police Court has jurisdiction, shall be brought before the said Court, if then sitting, immediately, or if otherwise, on the first sitting thereof after their apprehension; and the said Police Magistrate shall proceed forthwith to hear, determine, and dispose of the charges against such persons, or shall bind over such persons in their recognizances to appear before such Court upon some early day then and there to take their trial upon such charges, or in the event of such party failing to enter into such recognizances, shall commit such party to prison until such early day. Provided always, that if any such person shall be so apprehended as aforesaid, and lodged in any prison or watch-house or other convenient place within the local limits of the jurisdiction of the said Court on the night

Proceedings relating thereto.

Proviso.

**No. 11, — 1843.**

Processes of Courts to be executed any where within the Island.  
Proviso.

preceding any Sunday or Public Holiday on which the said Court shall not be holden, it shall and may be lawful for the said Police Magistrate to cause such persons to be brought before him at an early hour next morning, and after summary examination of such persons to commit them to prison until the next Court day, or hold them to bail, or discharge them, as the case may require.

7. And it is further enacted, that all processes of every Police Court against person or property, or for the attendance of witnesses, may be issued into and shall be carried into execution in any other District or place whatever within this Island. Provided always, that where any prosecutor before any such Court shall desire the attendance of any witness who shall not reside within Ten miles of such Court, he shall make special application to such Court to that effect, and such Court shall not issue any summons for the attendance of any such witnesses, unless such prosecutor or some person on his behalf shall have first lodged with the proper officer of such Court, a sum of money sufficient to meet the probable expenses of such witness. And if the party accused shall be convicted, the Court shall order such party to make immediate payment of the money so advanced, to the prosecutor, or to give good security for such payment. And if such party shall fail so to do, it shall be lawful for the said Court to enforce payment of the same in such and the same manner as it is lawful for the said Court to enforce payment of any Fine imposed by the said Court.

Of summonses and examinations.

8. And it is further enacted, that all summonses, sentences, decrees, writs, notices, orders, warrants, and other proceedings of the said Courts, shall be in such language or languages as the circumstances of the case may require, and that all witnesses examined for or against any accused person shall be examined and deliver their evidence *visá voce*, and on oath in open Court.

Penalty on disobedience of summons.

9. And it is further enacted, that it shall be lawful for any of the said Police Courts, to punish by fine not exceeding One pound, or by imprisonment not exceeding Fourteen days, any person duly summoned to attend any of the said Courts, and not attending in pursuance of such summons, or any person guilty of any contempt or prevarication before any such Court. Provided always, that every party charged with any such contempt or prevarication, shall be committed to prison till the next day, or shall give security either on his own recognizance or that of another person, as the Police Magistrate shall consider necessary, for his appearance on such next day; and if on such next day he shall fail by his answers to satisfy the said Magistrate that no contempt or prevarication was intended, the said Magistrate shall and may pass such sentence on him as is hereinbefore declared.

Perjury of witnesses to be made known to Queen's Advocate.

10. And it is further enacted, that if it shall appear to any Police Magistrate that any person examined on oath or affirmation has in any proceeding whatever hereafter to be instituted in or in any way connected with the Court over which he shall preside as aforesaid, committed wilful and corrupt perjury, or wilfully and corruptly affirmed falsely, in swearing or affirming in any affidavit or affirmation required to be made before the said Court, then and in each and every such case, the said Magistrate shall forthwith give information thereof to the Queen's Advocate or to some Deputy Queen's Advocate empowered to act within the District.

The Queen's Advocate may stop proceedings.

11. And it is further enacted, that it shall at any time be competent for the Queen's Advocate or any Deputy Queen's Advocate empowered to act within the District, to appear in the Police Court by himself, or by any person authorized by him in that behalf in writing under his hand, and to commence therein and carry on the prosecution of any crime or offence cognizable by such Court, or to take up at any stage thereof the prosecution of any crime or offence which shall have been commenced therein by any private party, and to assume the entire management of the prosecution in such case, or to apply by motion to the Police Magistrate presiding over such Court, to stop all further proceedings therein, in order that a prosecution for the same crime or offence may be instituted at the instance of the Queen's Advocate, in the same or before some superior Court, or until the private party having commenced such prosecution shall produce to such Police Magistrate a certificate signed by the Queen's Advocate or some Deputy Queen's Advocate empowered to act within the District, that he is at liberty to recommence such prosecution; and such Magistrate shall, in every such case, make an order in compliance with such motion. And all such proceedings so stopped, shall be deemed and taken to be null and void, and of no effect.

Penalty on false or frivolous prosecutions.

12. And it is further enacted, that whenever it shall appear to the satisfaction of any Police Court, that any prosecution has been instituted therein on false, frivolous, or vexatious grounds, it shall be lawful for the said Court to adjudge the party or parties instituting the same, to pay any fine not exceeding One pound, as well as the reasonable expenses of such

witnesses attending at such prosecution as to the said Court shall seem fit. And if any party adjudged to make payment of the expenses of any such witnesses, shall fail to make the same at such time and place as the said Court shall direct, it shall be lawful for the said Court to enforce payment of the same in such and the same manner as it is lawful for the said Court to enforce payment of any fine imposed by the said Court.

13. And it is further enacted, that where by any Ordinance heretofore enacted, certain things are required to be done before District Courts, or by or before Judges or other officers of District Courts, in relation to any prosecution, complaint, matter, or thing which by this Ordinance is made cognizable by Police Courts, every such thing may and shall be done in like manner, or as nearly as may be compatibly with the true spirit of such Ordinance and with the constitution of such Police Court, before such Police Courts, or by or before the Magistrates or corresponding Officers of such Courts.

14. And it is further enacted, that the Supreme Court shall have full power and authority to review the proceedings of the said Police Courts, and if necessary to set aside or correct the same for incompetency of the said Police Court, in respect of any excess of jurisdiction, or that the case has been already tried or forms the subject of a trial pending in some other competent Court, or for incompetency of the Court in respect of the Magistrate himself, or that either the Magistrate or his near kinsman had an interest in the cause, or for malice or corruption on the part of the Magistrate, or for gross irregularity in the proceedings, or on account of the admission of illegal or incompetent evidence, or of the rejection as illegal of legal and competent evidence. Provided always, that when any party shall make application to have any such proceedings reviewed by the Supreme Court, such application shall distinctly set forth the particular facts and grounds on which such review is applied for. And provided further, that no such application shall have the effect of staying the execution of any sentence or judgment pronounced by any such Police Court.

15. And whereas for carrying into effect the various provisions of this Ordinance, it is necessary that Regulations should be made respecting the course and manner of proceeding to be observed and followed in all complaints, prosecutions and other proceedings whatsoever, to be brought or commenced before Police Courts. It is therefore enacted, that it shall be lawful for the Judges of the Supreme Court collectively, at any General Sessions to be by them holden at Colombo from time to time, to frame, constitute, and establish such general Rules and Orders of Court as to them shall seem meet, touching and concerning the form and manner of proceeding to be observed in the said Police Courts, and touching and concerning the practice and proceedings to be therein brought, and touching and concerning the manner, time, and place in which such proceedings shall be brought under the review of the said Supreme Court, and touching and concerning the proceedings of the ministerial Officers of the said Courts, the process of the said Courts, and the mode of executing the same, together with all such general Rules and Orders as may be necessary for giving full and complete effect to the provisions of this Ordinance, in whatsoever respects the form and manner of administering Justice in the Courts hereby constituted; and all such Rules Orders and Regulations from time to time to revoke, alter, amend or renew, as occasion may require. Provided always, that no such Rules Orders or Regulations shall be repugnant to this or any future Ordinance, and that the same shall be so framed as to promote as far as may be the discovery of truth, economy and expedition in the dispatch of the business of the said several Courts respectively. And that the same be drawn up in plain, succinct, and compendious terms, avoiding all unnecessary repetitions and obscurity, and be published in the Government Gazette, and otherwise promulgated in the most public and authentic manner, as long before the same shall operate and take effect as to such Judges may appear practicable and convenient. And provided always, that all such Rules Orders and Regulations shall forthwith be transmitted to Her Majesty, Her Heirs and Successors, under the seal of the said Court, for Her or Their approbation or disallowance.\*

16. And it is further enacted, that no Advocate or Proctor or person of any description, shall be permitted to appear in any such Court on behalf of any complainant, except the Queen's Advocate or some Deputy Queen's Advocate empowered to act within the District, or some person duly authorized by writing under the hand of the Queen's Advocate or of such Deputy Queen's Advocate, or of the Government Agent or Assistant Government Agent, or of the Collector or Controller of Customs of the District, and no Advocate or Proctor, or other person, shall be permitted to appear therein on behalf of any defendant, except in cases where some Advocate or Proctor shall appear upon the opposite side.

17. And it is further enacted, that this Ordinance shall commence and take effect from

No. 11.—1843.

Certain things required by past Ordinances to be done before District Judges to be done before Police Magistrates.

Supreme Court may review proceedings.

Proviso.

And may establish Rules.

Advocates and Proctors not to appear.

Ordinance when to come into operation.

\* See Ordinance No. 8 of 1846.

**No. 11, — 1843.**

and after the proclamation by the Governor in the Government Gazette, that the same has been ratified and confirmed by Her Majesty, unless the same shall be passed by the unanimous votes of the Legislative Council, and all the Judges for the time being of the Supreme Court shall certify under their respective hands to the Governor their unanimous opinion, that it is expedient that the same should take immediate effect, and should not be suspended for the signification of Her Majesty's pleasure. And if such unanimous votes of the Legislature, and such certificates of the unanimous opinion of the said Judges shall be given in favour of the immediate operation of this Ordinance, the same shall commence and take effect immediately from and after the date and enactment of the same.

## SCHEDULE.

*Form of Oath of Allegiance.*

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen VICTORIA.

So help me God.

*Form of Oath of Office.*

I do sincerely promise and swear that I will faithfully and diligently execute to the utmost of my abilities the several duties of Police Magistrate for

So help me God.

Passed in Council the Second day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 12, — 1843.***An Ordinance to make certain alterations in the Constitution of District Courts.\****No. 12, — 1843.**

## Preamble.

WHEREAS by Letters Patent of Her Present Majesty dated the Twenty-eighth day of January One thousand Eight hundred and Forty-three, it is declared among other things, that it shall be competent to the Governor or to the Officer for the time being administering the Government of the Island of Ceylon, by any Laws or Ordinances to be by him from time to time made with the advice and consent of the Legislative Council thereof, to make provision for the better Administration of Justice within the said Island, and for altering and amending the constitution of the said Supreme Court, or of any other Court of Civil or Criminal Justice within the same, and for regulating the manner of proceeding within such Courts or any of them, and the limits whether territorial or otherwise of the jurisdiction of such Courts respectively, and the times and places of holding such Courts, and the number and functions of the Officers to be employed in and about the Administration of Justice in or under the orders of the said Courts respectively, and the powers and authorities of the Judges and other Officers of the said respective Courts, and all other matters and things incident to or which to them may appear necessary for the economical, prompt and effective Administration of Civil and Criminal Justice within the said Island and its Dependencies, any thing in the Charter or Letters Patent King WILLIAM the Fourth dated the Eighteenth day of February One thousand Eight hundred and Thirty-three to the contrary notwithstanding. And whereas it is expedient to alter in certain respects the constitution of the District Courts of this Island.

The Governor may appoint additional District Judges.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor as occasion may require, to appoint more than one District Judge to the same District Court, and that whenever any additional Judge or Judges shall be so appointed to the same District Court, then every additional Judge of such Court shall have power, and is hereby required to sit apart with three Assessors, and all and every the powers of jurisdiction vested in the District Court when holden before one Judge and three Assessors, or in the single Judge thereof, shall be respectively exercised by every such additional Judge so sitting apart as aforesaid, and the Assessors associated with him, or by the said Judge acting individually.

Criminal Jurisdiction.

2. And whereas it is expedient to make certain alterations in regard to the Criminal and Revenue jurisdiction of the said District Courts, it is therefore hereby further enacted, that

\* See Ordinance No. 12 of 1852.

each of the said Courts shall have full power and authority to enquire of all crimes and offences whatsoever committed wholly or in part within the District to which such Court may belong, and which shall not, according to any law now or hereafter to be in force within this Island, be punishable with death, or transportation, or banishment, or imprisonment with or without hard labour for more than Twelve calendar months, or by whipping exceeding Fifty lashes, or by fine exceeding Twenty pounds, and to hear and try and determine all prosecutions which shall be commenced against any person or persons for or in respect of any such crimes or offences, or alleged crimes or offences. Provided always, and it is further enacted, that each of the said Courts shall have full power and authority to enquire of all offences whatsoever against the Revenue laws of this Island, committed wholly or in part within the District to which such Court may belong, and to hear, try and determine all suits and prosecutions which shall be commenced against any person or persons, for or in respect of any such offences or alleged offences; and provided further, that it shall not be competent for any District Court to try any person for any crime or offence who shall not have been committed for trial before such Court by some competent Justice of the Peace, or unless an information in the name of the Queen's Advocate and signed by the Queen's Advocate or some Deputy Queen's Advocate empowered to act within such District, shall be exhibited in such Court against such person.

Proviso.

3. And whereas by the Forty-first Clause of the said Charter of King WILLIAM, it is directed and ordained, that all crimes and offences cognizable before any of the District Courts to be established under the provisions thereof, save and except breaches of the peace, petty assaults, and other minor offences of the like nature, for the prosecution of which other provision shall be made by the Supreme Court, shall be prosecuted, and that all fines, penalties and forfeitures recoverable therein to the use of His Majesty, shall be sued for and recovered in the name of His Majesty's Advocate Fiscal of the Island of Ceylon, and by him or by some Deputy Advocate Fiscal by an information to be exhibited without the previous finding of any inquests by any Grand Jury or otherwise. And whereas it is not expedient to render the intervention of the Queen's Advocate or of any Deputy Queen's Advocate absolutely necessary in prosecutions before District Courts. It is therefore hereby further enacted, that whenever any person shall have been duly committed by any Justice of the Peace for trial before any District Court for any crime or offence cognizable by such Court, it shall be lawful for such Court, and the Judge of such Court is hereby required, unless an information in the name of the Queen's Advocate shall have been previously exhibited in such Court in respect of such crime or offence, to take the complaint in respect of such crime or offence from the mouth of the party injured, or of any person whose name shall appear as a witness for the prosecution in the proceedings relating to such crime or offence transmitted to such District Court by the Justice of the Peace before whom such proceedings shall have been had. And the District Judge shall thereupon proceed with the hearing and decision of such complaint without any information or other similar formality being necessary. Provided always, that all crimes and offences cognizable before any District Court may be prosecuted therein by information exhibited in the name of the Queen's Advocate, and by him or some Deputy Queen's Advocate empowered to act within such District, or by any Advocate or Proctor authorized to appear for him by writing under the hand of the Queen's Advocate or of such Deputy Queen's Advocate. And provided further, that it shall at any time be competent for the Queen's Advocate or any Deputy Queen's Advocate empowered to act within the District, to appear in the District Court by himself or any Advocate or Proctor authorized by him in that behalf in writing under his hand, and to take up at any stage thereof the prosecution of any complaint which shall have been commenced therein by any private party, and to assume the entire management of the proceedings in such case, or to apply by motion to the Judge of such Court to stop all further proceedings therein, in order, that the prosecution for the same crime or offence may be instituted at the instance of the Queen's Advocate in the Supreme Court, or recommenced at the like instance in such District Court, or until the private party having commenced such prosecution shall produce to such Judge a certificate signed by the Queen's Advocate or some Deputy Queen's Advocate empowered to act within the District, that he is at liberty to recommence such prosecution, and such Judge shall, in every such case, make an order in compliance with such motion, and all such proceedings so stopped shall be deemed and taken to be null and void and of no effect.

Offences may be prosecuted without the intervention of Queen's Advocate.

But he may intervene when he thinks fit.

4. And it is further enacted, that all fines, penalties and forfeitures, recoverable to the use of Her Majesty by action before the District Courts of this Island, shall be sued for and recovered in the name of the Queen's Advocate, and by him or by some Advocate or Proctor duly authorized to appear for him in that behalf by writing under his hand or under that of some Deputy Queen's Advocate empowered to act within the District. And all suits and actions which shall be instituted in any District Court at the instance of the Crown, shall be

Crown suits to be in his name.

**No. 12, — 1843.**

instituted in the name of the Queen's Advocate, and the Crown may be represented in every such Court in every suit or action in which the Crown is a party interested by the Queen's Advocate or some Deputy Queen's Advocate empowered to act within the District, or by some Advocate or Proctor authorized to appear for him in that behalf by writing under the hand of the Queen's Advocate or of such Deputy Queen's Advocate.

Penalty on party proceeding in District Court where he might have proceeded in a Court of Requests.

5. And it is further enacted, that if any action or suit shall be commenced in any District Court for any debt or demand which might have been recovered in some Court of Requests, the plaintiff or plaintiffs in any such action or suit shall not by reason of any judgment for him her or them or otherwise, have or be entitled to any costs whatever, and if the judgment shall be given for the defendant or defendants in such action or suit, then such defendant or defendants shall be entitled to double costs.

Where party dies in one District leaving property in another.

6. And it is further enacted, that where any person shall have died at any place out of this Island leaving property within this Island, or where any person shall have died leaving property in any District of this Island, other than that in which he shall have died, or leaving property in more than one District, it shall and may be lawful for the Supreme Court or any Judge thereof, to make order directing and appointing such District Court as to the said Supreme Court or Judge thereof shall appear most expedient, to have and exercise sole Testamentary Jurisdiction in respect of the property of the person so dying, and also to make order for the transfer of any cause, suit or action, pending in any other District Court in regard to any Probate, or Letters of Administration relating to such property, to the District Court so appointed, and the Court so appointed to have and exercise sole testamentary jurisdiction shall exercise the same, and the Court to which any such cause, suit or action, shall be so transferred shall take cognizance thereof, and have power and jurisdiction for the hearing, trial and decision of the same, as effectually to all intents and purposes as the District Courts in which the same was originally brought, could or might have had.

Objection to jurisdiction of the Court.

7. And it is further enacted, that whenever any defendant or accused party shall have pleaded in any cause, suit or action, or in any prosecution brought in any District Court, without pleading to the jurisdiction of such District Court, and it shall appear in evidence at the hearing or trial thereof or afterwards, that such Court had not jurisdiction, but that the District Court of some adjoining District had jurisdiction, in such case the whole jurisdiction in the case shall be nevertheless deemed and taken to have been transferred to the District Court in which such suit action or prosecution shall have been so brought, and which Court shall take cognizance thereof and have full power and jurisdiction for the hearing, trial and decision of the same, unless it shall appear to the last mentioned Court, by the examination of the party or otherwise, that the said action, suit or prosecution, had not been brought in such Court owing to unforeseen error, or doubt existing as to the limits and boundaries of the District, but that the parties had previous knowledge of the want of jurisdiction of such Court, and had not objected thereto upon the pleadings by mutual consent or connivance.

Execution of Process of Court.

8. And it is further enacted, that all process of every District Court against the person or property of any party in any cause, suit or action, or in any prosecution or complaint within its Civil or Criminal Jurisdiction, or for the examination upon interrogatories or attendance of any witness required therein, may be issued into and shall be executed and enforced within every other District in this Island and its Dependencies, in such manner and form and in such cases as are or shall be required by any general Rules and Orders of the Supreme Court at present or hereafter to be in force.

Of the abolition or alteration of Districts.

9. And it is further enacted, that whenever any District shall be abolished or altered by any Proclamation or Proclamations to be issued by the Governor for that purpose, every cause suit, action, prosecution, complaint, matter or thing, which shall be then depending before the Court of any District thereby abolished or altered, shall or may be proceeded upon in the Court in which it ought to have been instituted after any such Proclamation shall have been issued, and all proceedings which shall thereafter be had in such cause, suit, action, prosecution, complaint, matter or thing respectively, shall be conducted in like manner as if such cause, suit, action, prosecution, complaint, matter or thing, had been instituted in such last mentioned Court; and all the records, muniments and proceedings whatsoever belonging or appertaining to any such cause, suit, action, prosecution, complaint, matter or thing, shall, after any such Proclamation shall have been issued, be delivered over by the Court in which such cause, suit, action, prosecution, complaint, matter or thing shall be then depending, to the Court in which such cause, suit, action, prosecution, complaint, matter or thing, ought to have been instituted, if it had been instituted after the time when any such Proclamation shall have been issued.

10. And it is further enacted, that so soon as any Court of Requests shall be established within the limits of the jurisdiction of any District Court, all suits or actions which shall be depending in any such District Courts in respect of any debt or demand recoverable before such Court of Requests, shall thereupon be transferred, together with all records, muniments, or proceedings relating thereto, by such District Court to such Court of Requests. And such Court of Requests shall thereupon have full cognizance thereof, and proceed to hear and decide the same. And it shall be competent for such Court of Requests to award all costs that may have been incurred in such District Court, in respect of the suit or action so transferred. Provided always, that if any party to such suit or action shall make application to such District Court to proceed with the hearing and decision thereof, and not make such transfer as aforesaid, such Court shall proceed to the hearing and decision of the same. But if such decision shall be in favour of the party making such application, such party shall not be entitled to any costs incurred subsequently to such application, and if such decision shall be against such party, then the other party or parties shall be entitled to the full costs incurred previously to the making of such application, and to double the amount of the costs incurred subsequently thereto.

**No. 12, — 1843.**  
Transfer of cases to Courts of Requests.

11. And it is further enacted, that so soon as any Police Courts shall be established within the limits of the jurisdiction of any District Court, the hearing and decision of all complaints and informations which shall have been instituted in such District Court in respect of any crime or offence cognizable by such Police Court, and which shall not have been actually brought for trial, shall thereupon be transferred by such District Court to such Police Court, and such Police Court shall thereupon have full cognizance thereof and proceed to hear and decide the same.

To Police Courts.

12. And it is further enacted, that when any question of law or fact shall have arisen for adjudication before any District Court, it shall be competent to the Judge thereof to state his opinion upon every such question, either before or after the Assessors have respectively given their opinions and votes, as to him shall appear most conducive to the ends of Justice.

Judge to state his opinion before or after Assessors, as he thinks fit.

13. And it is further enacted, that the District Courts respectively shall in all cases of Appeal to the Supreme Court, conform to and carry into immediate effect such judgment and orders as the said Supreme Court shall pronounce thereupon.

On judgment in appeals.

14. And it is further enacted, that every party to a Civil suit before a District Court shall be liable to be summoned and examined either *vivâ voce* in open Court, or by interrogatories to be issued by such Court, but not upon oath, if such Court shall consider that any such examination shall be necessary, and to be punished for any false statement made therein in like manner as for any contempt before such Court.\*

Parties to suits may be examined.

15. And whereas it is expedient to remove all doubts as to the competency of District Courts to exercise Matrimonial jurisdiction. It is therefore hereby declared and enacted, that every District Court shall within its District have and exercise an exclusive original Matrimonial jurisdiction.

District Courts to be Courts of exclusive original Matrimonial Jurisdiction.

16. And it is further enacted, that it shall be lawful for the Judge of any District Court to suspend any subordinate Officer of such Court from his Office therein for misconduct or other sufficient cause, and to appoint some other person to act in his stead until the Governor's pleasure shall be made known.

District Judge may suspend any ministerial Officers of their Courts.

17. And it is further enacted, that this Ordinance shall commence and take effect from and after the Proclamation by the Governor in the Government Gazette that the same has been ratified and confirmed by Her Majesty, unless the same shall be passed by the unanimous votes of the Legislative Council, and all the Judges for the time being of the Supreme Court shall certify under their respective hands to the Governor their unanimous opinion that it is expedient that the same should take immediate effect and should not be suspended for the signification of Her Majesty's pleasure. And if such unanimous votes of the Legislature and such certificates of the unanimous opinion of the said Judges shall be given in favour of the immediate operation of this Ordinance, the same shall commence and take effect immediately from and after the date and enactment of the same.

Ordinance when to come into operation.

Passed in Council the Eighth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

\* See Ordinance No. 9 of 1852, sect. 3.

No. 13,—1843.

No. 13,—1843. (*Repealed by Ordinance No. 17 of 1844.*)*An Ordinance for establishing an Efficient Police in certain Towns, &c.*

WHEREAS it is expedient to establish an efficient Police force within certain Towns and their neighbourhood, and to provide for the maintenance of such force by certain assessments to be levied upon the inhabitants of such Towns and neighbourhood respectively.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor from time to time as occasion may require, to establish a Police force for the effectual protection of person and property within such Towns and limits as to him shall appear to require the same, and as shall be specified and defined in any Proclamation to be by him for that purpose issued and published in the Government Gazette. And whenever the said Governor shall declare by such Proclamation, that any such Police force shall be established within any such Town and limits, this Ordinance shall come into operation therein from and after the day appointed for that purpose in such Proclamation. And it shall be lawful for the said Governor from time to time, as to him may appear expedient, by Proclamation to be by him in like manner issued for that purpose, to alter or vary any such limits.

2. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town, Fort, Port and Gravets of Colombo, the Ordinance No. 3 of 1834, entitled "*For improving the Police within the Town, Fort and Four Gravets and Port of Colombo, and for consolidating and amending the Laws relating to the same.*" and so much of the Ordinance No. 4 of 1834, entitled "*To consolidate and amend the several Regulations relating to the Assessment Tax on houses, and the Tax on Licensed Bullock Carts in Colombo and Point de Galle, and for making further provisions as to the future management and application of the said Taxes.*" as relates to the Assessment Tax on houses and shops within the Town, Fort, Port and Four Gravets of Colombo, and so much of the first Clause of the Ordinance No. 3 of 1835, entitled "*For altering amending and explaining the Ordinance No. 4 of 1834,*" as relates to the Assessment Tax on houses and shops within the Town, Fort, and Gravets of Colombo, shall be and the same are hereby declared to be repealed, except in so far as they repeal other Proclamations, Regulations and Ordinances, and except as to any offences committed, or penalties incurred or arrears due at such time in respect of such Ordinances.

3. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town, Fort and Gravets of Galle, so much of the Regulation No. 6 of 1813, entitled "*Regulation for the better Police of the Towns and Forts of Jaffnapatam and Point de Galle, and their Gravets,*" as relates to the Town, Fort and Gravets of Galle, and so much of the Ordinance No. 4 of 1834, and of the first Clause of the Ordinance No. 3 of 1835, entitled as in the preceding Clause mentioned, as relates to the Assessment Tax on houses and shops within the Town, Fort and Gravets of Point de Galle, shall be and the same is hereby declared to be repealed, except in so far as they repeal other Proclamations, Regulations and Ordinances, and except as to any offences committed, or penalties incurred, or arrears due at such time in respect of such Regulations and Ordinances.

4. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town and Fort of Jaffna, so much of the Regulation No. 6 of 1813, entitled as in the preceding Clause mentioned, as relates to the Town and Fort of Jaffnapatam, shall be and the same is hereby declared to be repealed, except as to any offences committed against, or penalties incurred and due under the said Regulation at such time.

5. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town Fort and Gravets of Trincomalie, the 39 first Clauses of the Regulation No. 5 of 1813, entitled "*Regulation for the better Police of the Town and Fort of Trincomalie and its Gravets,*" shall be and the same are hereby declared to be repealed, except as to any offences committed against or penalties incurred and due under the said Regulation at such time.

6. And it is further enacted, that so soon as this Ordinance shall come into operation within any one or more of the Towns of Manar, Negombo and Matura, and their respective Gravets, such one or more of the Regulations No. 6 of 1815, No. 4 of 1819, and No. 14 of 1820, entitled respectively, "*Regulation for the better Police for the Town of Manar and its Gravets,*" "*Regulation for the better Police for the Town of Negombo and its Gravets,*" and "*Regulation for the better Police for the Town of Matura and its Gravets,*" as relates or relate to such Town or Towns shall be, and the same is or are hereby declared to be repealed, except as to offences committed against or penalties incurred under the said Regulation or Regulations, and due at such time.

7. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town and Gravets of Kandy, the Rules and Regulations bearing date the 7th December 1818, entitled "*Rules and Regulations for the Police of the Town of Kandy established by His Excellency the Governor, and to take place from their publication in Kandy,*" shall be and the same are hereby declared to be repealed, except as to any offences committed against or penalties incurred and due under such Rules and Regulations at such time.



8. And it is further enacted, that so soon as this Ordinance shall come into operation within the bazar, village and cantonments of Kornegalle, the Rules and Regulations entitled "*Rules and Regulations for the bazar, village and cantonments of Kornegalle established by His Excellency the Governor, and to take place from their publication in the Seven Korles,*" dated 1st September 1819, shall be and the same are hereby repealed, except as to offences committed against or penalties incurred and due under the said Rules and Regulations at such time.

9. And it is further enacted, that so soon as this Ordinance shall come into operation within any of the Towns, Ports, Forts and Gravets in the preceding Clauses mentioned, so much of the Regulation No. 25 of 1822, entitled "*For amending so much of the several Police Regulations as relates to fixing the hours for the Patrole,*" as shall relate to any such Town, Port, Fort, or Gravets, shall be and the same is hereby declared to be repealed.

10. And it is further enacted, that it shall be lawful for the said Governor to appoint, by warrant under his hand and seal, some fit and proper person to be Superintendent of Police for any such Town and limits; and such Superintendent shall, before entering upon the duties of his Office, take the Oath of Allegiance, and the following Oath of Office, as near as is material:

I do solemnly swear, that I will truly and faithfully to the best of my skill and ability perform the duties and office of Superintendent of Police for the Town and limits of without fear, favour, or affection.

So help me God.

And it shall be lawful for the said Governor, at any time when to him it shall appear necessary, to remove any such Superintendent of Police from his office.

11. And it is further enacted, that it shall and may be lawful for the said Superintendent to nominate and appoint such and so many persons as the said Governor shall think fit to act as Police Officers under the control and order of the said Superintendent, with full power to the said Superintendent to suspend and (subject to the approbation of the said Governor) to remove all or any of the said Officers and to appoint other persons in their room.

12. And it is further enacted, that the said Superintendent of Police may from time to time, subject always to the approbation of the said Governor, frame Orders and Regulations for the observance of the Police Officers who shall be placed under his control as aforesaid, and also for the general government of such persons as to their places of residence, classification, rank and particular services, as well as their distribution and inspection, and all such Orders and Regulations relative to the said Police force as he may deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of its duties.

13. And it is further enacted, that all criminal warrants to be executed by any Officer of the Police force established within any such Town and limits as aforesaid, shall be directed to the Superintendent of such force. And every such Superintendent to whom such warrant shall be directed, shall execute or cause the same to be executed by an Officer of such force at any place within such Town and limits.

14. And it is further enacted, that it shall be lawful for any Justice of the Peace resident within any such Town and limits as aforesaid, to direct any criminal warrant to such Superintendent to be executed at any place within the jurisdiction of such Justice of the Peace, and such Superintendent is hereby authorized and required to execute or cause the same to be executed by some Officer of such force any where within such jurisdiction, and to make and certify the return together with the execution thereof.

15. And it is further enacted, that it shall be lawful for such Superintendent, and for any Officer of the said Police force, and he is hereby required to apprehend within the said Town and limits all loose, idle and disorderly persons, whom he shall find therein disturbing the public peace, or whom he shall have reasonable cause to suspect of having committed or of being about to commit any crime or offence, and all persons offending against any law now or hereafter to be in force relative to vagrants. And every such Officer shall forthwith deliver every person so apprehended into the custody of the principal Officer of Police of the division on duty, to be by him secured and brought with all possible despatch before the Superintendent of Police, who shall cause such person to be taken, without unnecessary delay, before some competent Court or Justice of the Peace as the case may require, to be dealt with according to law.

16. And it is further enacted, that it shall be lawful for every such Superintendent and Officer, and he is hereby required to stop, search and detain any cart, carriage, boat, craft or vessel, within the said Town and limits, in which he shall have reasonable cause to suspect that there shall be any goods or property stolen or otherwise unlawfully obtained or possessed, and to seize the same, and also to apprehend and detain any person who may reasonably be suspected of knowingly having or conveying in any manner any goods or property being stolen or otherwise unlawfully obtained or possessed; and every such Officer shall forthwith bring every such person and such property to the principal Officer of the division on duty, who shall with all possible despatch send such person and such property before the Superintendent of Police. And such Superintendent shall, without unnecessary delay, send such

No. 13,—1843.

person or property before some competent Court or Justice of the Peace, as the case may require, to be dealt with according to law.

17. And it is hereby further enacted, that whenever any person being apprehended and brought before the said Superintendent of Police, cannot be immediately sent before a competent Court or Justice of the Peace, as the case may require, it shall be lawful for the said Superintendent of the Police in cases of minor importance wherein he shall deem it prudent, to take bail by recognizance from such person conditional for his or her appearance before such Court of Justice, and to abide the decision of such Court or Justice as to the charge or complaint against such person, and every such recognizance shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken by the Court or Justice before whom such person may be required to appear; and also whenever it shall appear to the said Superintendent of the Police that any person has been taken into custody, or any carriage, boat or vessel, or any goods, matters or things have been seized or detained by any Officer of the said Police force, by mistake or without good and reasonable ground for any such detention, or upon frivolous and vexatious complaints, it shall be competent to the said Superintendent of the Police to set such person at liberty, and to release any such carriage, boat, vessel, goods or things, making an entry in his Diary of his having so done.

18. And it is further enacted, that every such Superintendent of Police is hereby authorized and required to suppress or cause to be suppressed, all tumults, riots, affrays or breaches of the peace, all public nuisance and offences against the law, in all places within such Town and limits, and shall enforce all such Rules and Regulations as are hereby or may hereafter be made respecting the Police of such Town and limits.

19. And it is further enacted, that in all cases of Fire or other calamity occurring within such Town and limits, such Superintendent of Police shall repair to the place where the same has occurred, for the protection of such person and property as may be endangered thereby, and shall be authorized to call upon all persons to aid and assist him in that behalf, and every person so called upon who shall refuse or neglect to give such aid and assistance without good and sufficient excuse, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound.

20. And it is further enacted, that it shall be lawful for such Superintendent of Police to authorize any Police Officer, by warrant under his hand, at any time in the day to enter into any shop or other place where articles are bought or sold by retail within such Town and limits, and demand the production of, and to search for and examine all balances, weights and measures used or kept therein, and to seize and detain all such as he may have reasonable cause to suspect to be false or deficient, and to bring the same before the Superintendent of the Police, and such balances, weights or measures, being examined and compared with the Government standard weights and measures, and found false or deficient, shall be forfeited. And all persons concealing or refusing to produce any balances, weights or measures, on demand as aforesaid, shall be deemed to be guilty of obstructing the said Officer of Police in the performance of his duty, and on being duly convicted thereof, shall be liable to punishment for the same accordingly.

21. And it is further enacted, that all Gold, Silver, Brass, and Copper goods or Jewels which are received in pawn within such Town and limits, shall be shewn by the receiver to the principal Officer of Police of his division, and any such receiver who shall neglect to shew such Gold, Silver, Brass, and Copper goods or Jewels accordingly to such Officer, shall be guilty of an offence. And no person who shall give any such goods or jewels in pawn, unless under deed or other instrument duly executed, or unless such act be duly witnessed by such Officer of Police, who shall make a written memorandum of such transaction to be carefully preserved by him, in order to be produced when called for, shall be entitled to recover back the articles so pawned.

22. And it is further enacted, that every householder within such Town and limits shall furnish the principal Officer of Police of his division, when required so to do by such Officer under the order received to that effect from any Justice of the Peace having jurisdiction within such Town and limits, or from the Superintendent of Police, with a list of all the inmates of his house, distinguishing the members of his family from the servants or others resident therein, and he or she shall also, if it shall be so directed in the order of the Superintendent of Police or Justice of the Peace, report any increase or diminution or change in the same, nor shall he or she, having received such notice under such order, harbour a stranger without giving such notice thereof to the principal Officer of Police of his division. And every person failing in any duty imposed upon him or her by this clause, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings.

23. And it is further enacted, that all persons who shall make or cause to be made or have, rent, or possess, any well within the said Town and limits, and shall not surround the same with a wall Two feet in height, and keep such wall of that height and in good and sufficient repair, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings.

24. And it is further enacted, that no cart of any description whatsoever shall be left or permitted to remain in any street, way, or avenue within such Town and limits, upon any pre-

tence whatever, between sun-set and sun-rise, without the permission of the Superintendent of Police, or except in such places as shall at any time be appointed and notified by such Superintendent of Police; and the owner or person in charge of any cart so left or permitted to remain as aforesaid, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings.

25. And it is further enacted, that in no case shall any description of carriage for the purpose of unloading or otherwise, be permitted to obstruct the passage of any street, nor any two or more carriages of any description to stand abreast in any street, way, or avenue, within such Town and limits; and the owner or person in charge of any such carriage not removing the same immediately when ordered or requested so to do by any Officer of Police, or by any private person, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound.

26. And it is further enacted, that all persons who shall, within such Town and limits, drive or conduct any carriage or other vehicle in a careless or violent manner, or who shall ride upon any carriage or other vehicle drawn by horses, bullocks or other cattle, without having reins, or some person on foot to guide the same, or who shall furiously ride or drive, or carelessly lead or let loose any horse, mare, bullock or other animal, in any street, to the danger and terror of passers, or shall employ any incompetent person to drive or conduct any carriage or other vehicle, or to lead any horse, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

27. And it is further enacted, that no elephant shall be permitted to pass along any street road or thoroughfare within such Town and limits, except between the hours of Two and Eight in the morning, and every person riding driving or conducting any elephant or causing any elephant to be ridden, driven or conducted along any such street, road or thoroughfare, except between such hours as aforesaid, shall be guilty of an offence, and shall be liable, on conviction thereof, to any fine not exceeding Five pounds. Provided always, that nothing in this Clause contained shall apply to the employment of elephants in the Town and neighbourhood of Kandy, under a written licence granted by the authority of the Governor.

28. And it is further enacted, that when one wheeled carriage shall pass another wheeled carriage going in the same or coming from an opposite direction, it shall pass on the off or right side of such last mentioned carriage. And every person driving or conducting a wheeled carriage who shall wilfully or negligently pass any other wheeled carriage on the wrong side, or prevent any other wheeled carriage from passing on the proper side, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five shillings.

29. And it is further enacted, that it shall be lawful for any person within whose view any of the offences specified in the 24th, 25th, 26th, 27th, and 28th Clauses of this Ordinance shall have been committed, to seize and take the party having so offended to the nearest Officer of Police, to be dealt with according to law, if such party shall refuse to give to such person on demand full information respecting his name occupation and residence. And where such offender cannot be so seized or traced, but the carriage, cart or animal in respect of which the offence in question was committed, can be identified, it shall be lawful for any competent Court to issue a warrant for the seizure of such carriage, cart or animal, together with a summons to the owner thereof to appear before such Court on a certain day to be mentioned in such summons. And if such owner shall fail to attend in pursuance thereof without good and sufficient excuse, or if attending and not being himself the offender, he shall refuse to give all information in his power respecting the party by whom such offence was committed, such owner shall be guilty of an offence, and be liable to the same punishment to which the party so having offended as aforesaid, would have been liable on conviction thereof.

30. And it is further enacted, that if any person, forming part of any procession or of any assembly of more than Ten persons, except under Military Regulation or some Regulation of Police, which shall take place or be collected for some particular purpose any where within such Town and limits, shall have about him or have placed any where near him so as to be capable of being used by him while forming part of such procession or of such assembly, any gun, pistol, sword, creese, club, or other offensive weapon, every such person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment at hard labour for any period not exceeding Three months, and every person who shall have formed part of any such procession or assembly, and who it shall be proved to the satisfaction of the Court before whom he shall be brought, was or might have made himself aware that any such offensive weapon was carried or placed near any person forming part of such procession or assembly as aforesaid, and did not give information thereof to some Officer of Police, shall be guilty of an offence, and be liable, on conviction, to any fine not exceeding Three pounds, or to imprisonment with or without hard labour, for any period not exceeding Six weeks.

31. And it is further enacted, that all persons who within such Town and limits shall publicly pursue any trade, business or occupation, on Sunday, Christmas-day, or Good-Friday, during the hours of Divine Service, and within view or hearing of any Church, Chapel, meeting-house or authorized place of Christian worship, shall be guilty of an offence, and be liable, on conviction thereof, to any penalty not exceeding Ten shillings.

## No. 13,—1843.

32. And it is further enacted, that every person who shall, under any pretence whatever, either within or from without any place of Christian worship, disturb the performance of public worship therein, or in any way during such performance, molest any of the congregation, shall be guilty of an offence, and be liable, on conviction thereof, to any penalty not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

33. And it is further enacted, that all persons who shall within such Town and limits, beat drums or tom-toms, discharge fire arms or fire works, or make any other noise in the night so as to disturb the repose of the inhabitants, except under Military regulation, or unless they shall have obtained a licence from any Justice of the Peace having jurisdiction within such Town and limits, or from the Superintendent of Police, who are hereby authorized to grant the same when it shall to them appear expedient, or who shall at any time discharge any fire arms or fire works, or play at any games in or near any street, road or thoroughfare, or fly any kite, or throw any stone or other missile, or wilfully or negligently do any act or thing in a manner calculated to terrify or injure any passenger, horse or cattle, or to injure any property, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound.

34. And it is further enacted, that all licences heretofore required to be taken out by any persons for baking bread for sale, or by any persons slaughtering cattle or carrying on the trade of a butcher within such Town and limits, shall hereafter be granted by and paid for, when payment is required, to the Superintendent of Police, who is hereby authorized to grant the same, and who shall keep a Register of the names of all persons taking out such licenses respectively.

35. And it is further enacted, that all persons who shall within any such Town and limits lay or cause to be laid or cast any dirt, rubbish, or any other matter of annoyance or obstruction, on any road, street, canal, quay, wharf or thoroughfare, or into any sewer, drain, or water course, or shall fasten any scaffolding, or place any bricks, cabook, chunam or other materials, in or upon any such road, street, canal or thoroughfare, whereby any nuisance or obstruction may be occasioned, shall be guilty of an offence, and shall be liable, on conviction thereof, to any fine not exceeding One pound.

36. And it is further enacted, that every person who shall expose goods for sale, or who shall carry on any trade or business in any road, street, canal or public thoroughfare, within any such Town and limits, so as to cause obstruction therein, except in such place or places as shall be appointed for that purpose by the Superintendent of Police, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five shillings.

37. And it is further enacted, that no filth or dirt, or dead or disabled animal, shall be cast or allowed to remain in any street, road, canal or other thoroughfare, within any such Town and limits, and every inhabitant within any such Town and limits shall keep the space and street or road, and all surface-drains, ditches and gutters before his house, clean, and the owners or occupiers of all private avenues, passages, yards and ways, and all slaughter houses, shall keep the same clean, and shall remove the offal to such place as the principal Police Officer of the division may point out under the direction of the Superintendent of the Police, and any person wilfully offending against this Clause shall be guilty of an offence; and be liable, on conviction thereof, to any fine not exceeding Five shillings.

38. And it is further enacted, that any person who shall wilfully damage any public building, wall, parapet, sluice, bridge, road, street, canal, water course, or other public property within such Town and limits, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

39. And it is further enacted, that the owners of all pigs found straying within such Town and limits, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five shillings, and all such pigs shall be forfeited and may be seized and killed by any person whatsoever, and every person killing or seizing a pig under this authority, shall give immediate notice, and if he choose take every such pig or cause it to be taken to the principal Officer of Police of the division, who shall cause every such pig to be sold by public auction, and shall pay to the person seizing or killing the same one half of the produce of such sale, and the remainder shall be paid into any Court of Criminal Jurisdiction within such Town and limits, for the use of Her Majesty.

40. And it is further enacted, that every person tying or tethering, or causing to be tied or tethered, any horse, goat, sheep, cattle, or animal of any description, so that such horse, goat, sheep, cattle or animal, can or shall make its way into any public street, road or thoroughfare, within such Town and limits, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five shillings, and it shall be lawful for any Officer of Police or any other person finding any such horse, goat, sheep, cattle or animal, so tied or tethered, to lodge the same in any pound provided for that purpose. And such horse, goat, sheep, cattle or animal shall not be released from such pound until the owner or some person in his behalf shall have paid to the person impounding such horse, goat, sheep, cattle or animal, the sum of One shilling and Six pence for every such horse, goat, sheep, head of cattle or animal, and the costs of the

keep of such animal while so impounded. Provided always, that if no person shall appear to claim such animal nor shall pay such dues as aforesaid, in respect of the impounding and keep of such animal, within Seven days after it shall have been so impounded, it shall be lawful for the Superintendent or principal Officer of Police of the division, and he is hereby required to sell the same, and after deducting the costs of the keep thereof and having paid the sum of One shilling and Six pence to the person who shall have impounded it, to pay the remainder of the produce of such sale to the use of Her Majesty.

41. And it is further enacted, that all houses and gardens within such parts of any of the said Towns and limits as the Governor shall from time to time direct by Proclamation to be for that purpose issued in the Government Gazette, shall within Six months after such Proclamation shall have been so issued, be surrounded with walls or good fences, and be cleared of brush and underwood, and every person neglecting within such time so to surround his house and garden, or to clear the same of brush and underwood, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings. Provided always, that the proprietors of adjoining lands which shall require to be fenced or walled under the provisions of this Clause, shall be liable to make and keep in repair each one half of such fence or wall, except where by any law or custom such liability shall be otherwise determined.

42. And it is further enacted, that if it shall at any time appear to the Surveyor General or his Assistant, that any building, erection, enclosure or encroachment, shall have been raised or made in any public street, road, highway or thoroughfare, within any such Town and limits, or on any waste or other ground immediately adjoining any such public street, road, highway or thoroughfare, and belonging to Her Majesty, except with the express permission in writing of the Government Agent or some other competent authority, it shall be lawful for the Surveyor General or his Assistant, to demand in writing of the person claiming to be the owner of the premises on which such building, erection, enclosure, or encroachment shall have been raised or made, the production of every deed, document and instrument upon which such person founds such claim, and if the occupier of such premises not being himself the alleged owner, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by the Surveyor General or his Assistant, or if such alleged owner shall refuse to produce within Ten days after being requested so to do, every deed, document and instrument upon which he founds his claim to the said premises, and which shall be in his possession, or if any such deed, document or instrument shall not be in his possession, shall refuse fully to inform the Surveyor General or his Assistant upon application, in whose possession they are, or if any person having in his possession any such deed document or instrument, shall refuse to produce the same within Ten days after having been requested so to do in writing by the Surveyor General or his Assistant, every such occupier, alleged owner and person so refusing, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds. And it shall be lawful for the Surveyor General or his Assistant, or any person acting under the orders of the Surveyor General or his Assistant, to enter upon any premises upon which any such building, erection, enclosure or encroachment shall have been raised or made as aforesaid, and upon any other premises which it may be necessary to enter for the purposes of the survey hereinafter mentioned, and to make such survey of all such premises as may be necessary to enable the Surveyor General or his Assistant to ascertain whether such building, erection or enclosure, is an encroachment upon any public street, road, highway or thoroughfare, or upon any land adjoining thereto and belonging to Her Majesty. And if after having made such survey, or if from the inspection of any deed document or instrument produced to him as aforesaid, the Surveyor General or his Assistant shall be satisfied that such building erection or enclosure is an encroachment as aforesaid, it shall be lawful for the Surveyor General or his Assistant to cause the same to be entirely removed. Provided always, that if such removal shall be effected after the due production of all deeds documents and instruments affecting the title to such premises, and such premises shall nevertheless be adjudged by some competent Court of Law to be the property of the party laying claim to the same, the Surveyor General or his Assistant having caused such removal, shall be liable in damages for all loss and injury occasioned thereby, but if the party claiming to be the owner of such premises shall refuse or be unable to produce all such deeds documents and instruments, or if such deeds documents and instruments shall not be produced within Ten days after application in that behalf, and the Surveyor General or his Assistant shall nevertheless have caused the removal of such building, erection, enclosure or encroachment, then in the event of such premises being adjudged to be the property of the party claiming to be the owner thereof, the Surveyor General or his Assistant shall not be liable in damages for any loss or injury occasioned thereby.

43. And it is further enacted, that if any owner or occupier of any building, or other person, shall within such Town and limits, build, place or hang up or continue any penthouse, porch or shed or other projection, so as to overhang, jet into, or encroach upon any street, canal or public thoroughfare, or shall place, make or continue any stall, bench, booth, timber barrier or other thing so as to encroach upon or cause obstruction in any street, canal or public thoroughfare within the limits aforesaid, every such person shall be guilty of an offence, and shall be liable, on conviction thereof, to any fine not exceeding One pound.

44. Provided always, and it is further enacted, that nothing herein contained shall be construed to prevent any public Officer duly authorized in that behalf, from making temporary use of any part of the public road or canal for the public service, nor to prevent the

## No. 13, — 1843.

said Superintendent of Police from granting his licence to the inhabitants for the erecting of temporary fences and enclosures in order to the building, pulling down or repairing of their houses and other buildings, or of temporary decorations, within such Town and limits: Provided that the length and breadth of such enclosures be described in such licence, and that there be sufficient room for coaches, carts and other carriages or boats to pass; and provided that the person obtaining such licence shall, immediately after sun-set, during all the time that the enclosure shall continue, if required by the said Superintendent of Police in such licence, place and keep a sufficient light upon the premises till day break; and any person removing or extinguishing such light during such time, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound, or to imprisonment with or without hard labour for any period not exceeding Fourteen days.

45. And it is further enacted, that all trees or bushes growing within any garden, enclosure or other premises adjoining to any street, road, canal or thoroughfare, within such Town and limits, shall be cut, pruned or trimmed in the manner best calculated to prevent the concealment of thieves, and to preserve the public roads and canals, and render them convenient for passengers, and to admit of the free circulation of air, whereby the health and comfort of the public may be promoted; and all live hedges shall be kept pruned so as not to exceed the height of Eight feet throughout more than the one half their whole extent: the particular portion of such live hedges in which the height may be allowed to exceed the said height of Eight feet, to be subject to the approval of the Superintendent of Police. And it is further enacted, that from and after such time as this Ordinance shall come into operation within any such Town and limits, no tree, bush or shrub, shall be planted in any public street or road within such Town and limits. And every person so planting any tree, bush or shrub, shall be guilty of an offence, and be liable, on conviction thereof, to the payment of any fine not exceeding Five shillings.

46. And it is further enacted, that it shall be lawful for the Surveyor General or his Assistant, or the Superintendent of Police, to give order verbally, or by notice in writing to be served personally, or by affixing the same in some conspicuous part of the premises, to any person causing or continuing any of the projections, encroachments or obstructions mentioned in the 43d Clause of this Ordinance, forthwith to remove the same, and to give like order to the owner or occupier of any house, shop, garden or other premises, to cause the same to be surrounded with a proper enclosure, or to cause any well to be properly surrounded with a wall not less than two feet high, or to cut, prune and trim all hedges, trees or bushes, in manner provided for by the 45th Clause of this Ordinance, or to cut down, grub up and carry away any tree, bush or shrub, which shall have been planted within any street or road within such Town and limits, subsequently to this Ordinance having come into operation therein. And it shall be lawful for the Superintendent of Police to give order, either verbally or by notice in writing, to any person causing any other public nuisance mentioned in this Ordinance, to abate and remove the same. And if any such owner or occupier or other person to whom such order or notice shall have been given, shall refuse or neglect to comply with the same in a reasonable time, or if there be any doubt as to who is the proper person to whom such order or notice should be given, or if any person to whom such order or notice as the Surveyor General or his Assistant, or the Superintendent of Police, is herein before authorized to issue in certain cases in respect to such encroachment or obstructions as are mentioned in the 43d Clause of this Ordinance, shall refuse or neglect to comply with the same in a reasonable time, or if there be any doubts as to who is the proper person to whom such order or notice should be given, it shall be lawful for the Surveyor General or his Assistant, or the Superintendent of Police, to cause any such encroachment or public nuisance to be forthwith removed or abated, and for that purpose it shall be lawful for the Surveyor General or his Assistant, or the Superintendent of Police, where necessary to enter into any house, garden, enclosure or other premises, and to cause to enter therein such persons, instruments and things as may be necessary, and to proceed to do therein, or cause to be done all such things as may be necessary for such removal or abatement. And upon the Surveyor General or his Assistant, or Superintendent of Police, certifying to the proper Police Magistrate the costs which have been bonâ fide incurred in effecting such removal or abatement, such Magistrate shall summon the party or parties on account of whose non-compliance with any such order or notice, such costs were incurred, to appear before him on a certain day then and there to make payment of such costs where it shall appear after due investigation that such costs were properly incurred. And if such party or parties shall refuse or fail to make such payment, the Police Magistrate shall proceed to recover such payment in such and the same manner as he would proceed to recover any fine or penalty incurred under any sentence of the Court in which he presides.

47. And it is further enacted, that every person who, under the pretence of preventing or removing any encroachment or obstruction, or abating any nuisance, shall use unnecessary violence, or give, uncalled for, any vexatious annoyance, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

48. And it is further enacted, that for the purpose of providing a fund sufficient for the maintenance and keeping of such Police force within such Town and limits, it shall be lawful for the Governor, with the advice of the Executive Council, to direct by Proclamation to be published in the Government Gazette, that a Tax shall be payable and levied on the Thirty-

first day of March, on the Thirtieth day of June, on the Thirtieth day of September, and on the Thirty-first day of December for the Quarter ending on the said days respectively, on all houses, warehouses, shops, bazaars and other premises within such Town and limits, to an amount not exceeding Ten per cent on the annual value of the said dwelling houses, warehouses, shops, bazaars and other premises, such annual value of the said houses, warehouses, shops, bazaars and other premises, to be assessed according to the bonâ fide yearly or other rent or value at which the same shall be holden or let, or when any dwelling house, warehouse, shop, bazaar or other premises aforesaid are occupied by the proprietor thereof, or shall be unoccupied, the annual value of the same shall in that case be assessed at the rent paid on other houses, warehouses, shops, bazaars and other premises of the same description in the neighbourhood. Provided always, that the Tax so payable and levied shall in no case be less than Two shillings per annum; and provided further, the said Tax shall not be levied on or payable for any Hospital, or any building appropriated to Religious Worship or other public use.

49. And it is hereby further enacted, that the said Assessment of the annual value of the dwelling houses, warehouses, shops, bazaars and other premises within such Town and limits, shall be made by a Committee of Assessors, to consist of not more than Five, nor less than Three respectable inhabitants of such Town and limits, to be nominated by the Governor annually, on or before the Thirty-first day of December for the year then next ensuing. Provided always, that the persons to be nominated Assessors in any such Town and limits for the year in which this Ordinance shall come into operation therein, may be nominated and appointed at any time within Thirty days after this Ordinance shall so come into operation; and provided further, that in case of the death, incapacity or misconduct of any such Assessors after appointment, the Governor may at his discretion appoint another Assessor in the room of the person so dying or misconducting himself, or being incapable of acting, and no person shall be obliged to serve as an Assessor on any such Committee for a longer period in continuance than One year, nor oftener than once in every Five years.

50. And it is hereby further enacted, that each person appointed as an Assessor shall be entitled to receive such remuneration as the Governor may in his discretion award. Provided always, that the whole sum to be distributed amongst the Assessors shall in no case exceed Fifty pounds, and if any person appointed an Assessor, and not being entitled to be excused or exempt therefrom under any exception or proviso in this Ordinance, shall after receiving due notice from the Government Agent or Assistant Government Agent of the Province, of his having been so appointed, neglect or refuse, without good and sufficient excuse, to execute the said office, he shall be guilty of an offence, and on conviction thereof be liable to a fine of Ten pounds.

51. And it is hereby further enacted, that such Committee shall, without unnecessary delay, after its appointment, proceed to enquire into, and according to the best of its information and judgment, ascertain and assess as aforesaid the annual value of the several dwelling houses, warehouses, shops, bazaars and other premises within such Town and limits, and the Tax hereby imposed on or payable for each of the same, and such Assessment being so made by them, shall be immediately reported to the Government Agent, or some Assistant Government Agent of the Province, who shall thereupon cause the same to be entered in a book which shall have an index, or other convenient form of reference, and shall be kept at their respective offices for public inspection, and the said Government Agent or Assistant Government Agent, shall also give a notice in writing as near as is material, according to the form to this Ordinance annexed, to be served personally, or by leaving it with some person at the dwelling house, warehouse, shop, bazaar or other premises for which any Assessment shall have been made, or by affixing the same on some conspicuous part of such dwelling house, warehouse, shop, bazaar or other premises, if no person should be therein, or if admittance should be denied to the person endeavouring to serve the same, of the respective Assessment made thereon, with a demand for the Quarter's Tax then due and payable for the same, and similar notices shall in like manner be also served for the demand of each of the other Three Quarterly payments of such Tax. And in case any Quarter's Tax shall not be paid within One month after service of any such notice and demand as aforesaid, such Quarter's Tax shall, whatever may be its amount, on proof of non-payment being established to the satisfaction of any competent Court, unless the owner or occupier shall have appealed against the Assessment, and such appeal shall not have been finally decided, be immediately levied by process of parate execution out of the said Court, against the occupier of the said dwelling house, warehouse, shop, bazaar or premises, or if such occupier, not being the owner thereof, shall have quitted the premises before such Quarter's Tax shall have become due, or before such process could be executed upon his property, and shall not have left sufficient property to satisfy the Tax so due, or if such occupier shall remain on the premises and be unable to satisfy the said Tax, or if the premises shall have remained unoccupied, then by like process of parate execution against the property of the owner of such dwelling house, warehouse, shop, bazaar or premises, who is hereby declared to be liable on such default of his tenant.

52. Provided always, and it is further enacted, that in case any owner or occupier of any dwelling house, warehouse, shop, bazaar, or other premises, shall consider any Assessment which may be assessed thereupon to have been not duly or correctly made and ascertained by the said Assessors, it shall and may be lawful for every such owner or occupier to appeal

**No. 13,—1843.**

therefrom to the District Court, but such appeal shall in all cases be made within Ten days from the service of the aforesaid notice of the Assessment on such dwelling house, warehouse, shop, bazaar, and other premises, and demand for a Quarter's Tax, and at the same time notice of such appeal and of the specific grounds thereof shall also be given to the said Government Agent or Assistant Government Agent, and such Court shall in a summary way decide such appeal, whatever may be the amount in dispute, and award the costs thereof accordingly.

53. And it is further enacted, that if any Superintendent or Officer of Police shall wantonly or maliciously exercise any of the powers or authorities confided to him by this Ordinance, or shall in any way wilfully exceed such powers and authorities, he shall be guilty of an offence.

54. And it is further enacted, that if any person shall resist or obstruct any Superintendent or other Officer of Police, or the Surveyor General or any of his Assistants, or any person duly acting under the orders of any Superintendent of Police or of the Surveyor General, or of any of his Assistants, in the execution of any duty imposed upon him by this Ordinance, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

55. And it is further enacted, that if any person shall by any misconduct subject himself to punishment under the provisions of this Ordinance, such punishment or the liability thereto shall not in any manner affect the further liability of such person in Civil damages in respect of such misconduct.

56. And it is further enacted, that this Ordinance shall come into operation on the First day of January, One Thousand Eight Hundred and Forty-four.

## SCHEDULE.

To

Take notice that in pursuance of the Ordinance No. of 184 , the dwelling house or shop situated at ( ) and in the occupation of ( ) has been by the Committee appointed under the said Ordinance (for Colombo) for this present year (184 ), assessed at the annual value of £ and that the (1st) Quarter's Tax due on the ( ) day of ( ) amounts to the sum of £ , you are hereby accordingly required to pay such Quarter's Tax of £ to the bearer hereof forthwith, or the same must be paid to the Agent of the (Western) Province at the Cutcherry at (Colombo) within One month after the service of this notice and demand, or in default thereof it will be recovered in due course of Law.

Signed this

day

184

Government Agent.

A receipt signed by the Government Agent or his Assistant will be delivered on payment of the sums hereby demanded.

Received this day of on account of the Government of Ceylon the sum of £ being the Quarter's Tax due on the of for the dwelling house or premises within mentioned.

Government Agent.

Passed in Council the Eighth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,

Acting Clerk to the Council.

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

Colonial Secretary.

**No. 14,—1843.****No. 14,—1843.**

*For providing for the better security and recovery of debts due to the Crown.*

Preamble.

WHEREAS it is expedient to repeal the Ordinance No. 1 of 1843, and to make further provision in lieu thereof, as well for the security as for the recovery of all debts due to the Crown throughout this Island and its Dependencies.

Ordinance No. 1 of 1843 repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Ordinance No. 1 of 1843, entitled "*For providing for the better security and recovery of debts due to the Crown,*" shall be and the



same is hereby repealed, save and excepting as to all suits or proceedings commenced or had thereon, and save and except as to the repeal of any former enactment therein contained.

**No. 14, — 1843.**

2. And it is further enacted, that it shall be lawful for any Government Agent or Assistant Government Agent (or other person duly authorized by writing signed by such Government Agent) within his Province or District, and upon his own knowledge of the default of payment by any debtor to Her Majesty, or notice to him given of any debt having accrued due to Her Majesty, promptly and immediately to seize, take and in safe custody to keep, but without removing the same (except in those cases only where there are no adequate means for safety and securely keeping the said property at the place where it is seized, and no sufficient security given for the value thereof) all and every the property of any debtor or debtors to the Crown, to an amount computed to be sufficient to cover the said debt so due and owing and the costs attending the same.

Government Agent to seize property of debtor upon knowledge or notice of debt.

3. Provided always, and it is further enacted, that within Seven days at farthest (exclusive of Sundays and other authorized Public Holidays) after such seizure as aforesaid, a libel or information setting forth the nature and amount of the debt so due to Her Majesty, shall be filed in any Court having jurisdiction in the case, and every such Court, upon any such libel or information being filed, together with the certificate of the property seized, signed by the person making the seizure, are\* hereby required to deliver to the Fiscal a warrant to sequester the property of the said debtor, and any further proceedings which may be had thereon shall be according to such General Rules of Practice as now are or hereafter may be framed by the Judges of the Supreme Court.

Notice, Libel or Information to be filed in Court.

Process thereupon.

4. And it is further enacted, that all lands and tenements which any Treasurer, Government Agent, Assistant Government Agent, Collector of Customs, Government Farmer or Renter, or other Officer employed in the collection, charge, receipt or expenditure of the Revenue, public money, stores, or other property belonging to Government, or any other public Accountant now hath or at any time hereafter shall have, within the time during which he shall respectively remain accountable to Government, shall be liable for the payment of all arrearages or debts, and all fines, penalties and forfeitures due or adjudged to Her Majesty, Her Heirs and Successors, by or from such Officer or public accountant, and the said lands and tenements, and all other the goods, chattels, property and effects of the said Officer or public accountant, shall be seized and sold in execution for the payment of all such arrearages or debts, fines, penalties or forfeitures, as may be adjudged due and payable to Her Majesty, Her Heirs and Successors, by any competent Court of Law, in like and as large and beneficial a manner, to all intents and purposes, as if the said Officer or public accountant had, the day he became first an Officer or accountant as aforesaid, specially mortgaged the said lands and tenements to Her Majesty, Her Heirs and Successors, for the full payment of such arrearages or debts, fines, penalties and forfeitures, and had also at the same time by a Notarial Bond acknowledged the said arrearages or debts, fines, penalties and forfeitures to be due to Her Majesty, Her Heirs and Successors.

Property of public accountant liable for debt, &c.

5. And it is further enacted, that all debts due to Her Majesty, Her Heirs and Successors, upon mortgage, judgment, award, bond or other specialty, or upon simple contract, from any other persons than Officers and public accountants mentioned in the preceding Clause, shall be entitled from the accruing thereof respectively to a preference of payment over all specialties or other debts, which shall, subsequent to such date, have been contracted by or become due from such Crown debtors to any other person or persons whatsoever.

Crown Debts on mortgage, &c. preferred to all subsequent debts.

6. Provided always, and it is further enacted, that this Ordinance or any thing therein contained, shall not extend to, or affect the right of any person or persons or body corporate who has or have any special mortgage or hypothecation of any land or other immoveable property, of a prior date to the claim of the Crown, and duly executed before a Notary Public or other person appointed by Government for the passing of Deeds or other Instruments, or to affect the right of any person or persons or body corporate who has or have a legal lien, mortgage or privilege, which is entitled to preference over any such prior special mortgage or hypothecation as aforesaid of immoveable property, according to the Roman Dutch Law as now administered in the Maritime Districts of this Island, any thing before mentioned to the contrary thereof notwithstanding.

Previous mortgage of immoveable property not affected.

7. Provided also, and it is further enacted, that no sale, pledge, transfer or alienation of any goods, chattels, or other moveable property, upon good consideration and bona fide to any person or persons or body corporate, prior to the date of the execution of the Crown upon any judgment or award of any debt, fine, penalty or forfeiture, being due and payable to it, shall be invalidated by any thing contained in this Ordinance to the contrary notwithstanding.

Nor previous transfer of moveable property.

\* Sic in orig.—should be is.

**No. 14,—1843.**

Fraudulent transfer, &c.  
void.

Penalty.

Ordinance when to take  
effect.

8. And it is further enacted, that all gifts, grants, sales, transfers, mortgages, bonds, suits, judgments and executions, as well of lands and tenements as of goods and chattels of any debtors to Her Majesty, Her Heirs or Successors, which have been or shall at any time hereafter be contrived, executed, had or made by fraud, covin, collusion or guile, to the end, purpose, and intent to delay, hinder or defraud Her Majesty, Her Heirs or Successors, of Her or their just and lawful action, suit, debts, accounts, damages, penalties or forfeitures, shall be from henceforth deemed and taken to be utterly void and of none effect, and any party or parties thereto, knowing of such fraud, covin, collusion or guile, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of the amount of One year's value of such lands or tenements, and the whole value of the said goods or chattels, as well as the consideration given for the same, and to imprisonment with or without hard labour, for any period not exceeding One year.

9. And it is further enacted, that this Ordinance shall commence and take effect from and after the Proclamation by the Governor in the Government Gazette, that the same has been ratified and confirmed by Her Majesty, unless the same shall be passed by the unanimous votes of the Legislative Council, and all the Judges for the time being of the Supreme Court shall certify under their respective hands to the Governor their unanimous opinion that it is expedient that the same should take immediate effect and should not be suspended for the signification of Her Majesty's pleasure. And if such unanimous votes of the Legislature, and such certificates of the unanimous opinion of the said Judges shall be given in favour of the immediate operation of this Ordinance, the same shall commence and take effect immediately from and after the date and enactment of the same.

Passed in Council the Eighth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 15,—1843.****No. 15,—1843.**

Preamble.

*An Ordinance for providing in certain respects for the more efficient Administration of Justice in Criminal Cases. \**

WHEREAS it is expedient to provide in certain respects for the more efficient Administration of Justice in Criminal Cases, and for that purpose to make provision for the better regulation of the proceedings at preliminary examinations of persons charged with the commission of certain crimes and offences, and also to declare in certain respects the Criminal Law of Arrest, Bail and Commitment in this Colony, and also to define in certain particulars the powers of the Queen's Advocate.

Regulation No. 5 of 1827  
repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No 5 of 1827, entitled "*For establishing certain rules for the guidance of Provincial Judges, Sitting Magistrates, and Justices of the Peace, in determining upon the propriety of admitting persons to bail who may be charged before them with crimes and other offences requiring to be finally tried before the Honourable the Supreme Court,*" shall be and the same is hereby repealed.

Justice may arrest or order  
persons whom he sees committing  
any offence to be arrested  
by others.

2. And it is further enacted, that it shall be lawful for any Justice of the Peace who has knowledge of any crime or offence, by having seen it committed within his District, to arrest the offender, or by a verbal order to authorize others so to do, who are hereby authorized and required to follow such offender and to execute the said order on him within such District, at any time within Twenty-four hours after the commission of such crime or offence.

May summon and grant  
warrant of arrest.

3. And it is further enacted, that it shall and may be lawful for any Justice of the Peace to summon or grant warrant for the apprehension of any person whom he shall himself have seen commit any crime or offence, or in any way assist in the commission thereof, or of any person concerning whose commission or assistance in the commission of any crime or offence positive information or reasonable grounds of suspicion shall be furnished to such Justice by some person or persons on oath. Provided always, that it shall not be lawful for any Justice of the Peace to grant any such summons or warrant, except when the offence charged has been committed within, or except when the person against whom the summons or warrant is issued, be known or suspected on reasonable grounds to be within the District for which the Justice of the Peace issuing the same is assigned to act.

\* See also Ordinance No, 12 of 1852.

4. And it is further enacted, that every warrant of apprehension issued by any Justice of the Peace, shall specify the crime or offence charged to have been committed, and shall direct the party described in it to be brought before him or before some other Justice of the Peace for examination. And every Justice of the Peace, on production to him of any such warrant, or on any other sufficient receipt thereof, and upon his satisfying himself that the signature to such warrant is in the handwriting of the Justice of the Peace by whom it purports to be granted, is hereby authorized and required to make his endorsement thereon, and to cause the same to be executed by some proper officer within his District or by the person so producing it.

5. And it is further enacted, that every Fiscal and his Deputies and others his Officers, and all Headmen, Constables, Superintendents and Officers of Police, and all Peace Officers whatsoever, are hereby authorized and required to obey and execute every warrant of apprehension issued or endorsed by any Justice of the Peace of the District for which such Officer of the law has been appointed to act any where within such District. Provided always, that every warrant of apprehension which shall be specially directed to any such Officer or to any private person, shall have effect and may lawfully be executed without any endorsement as aforesaid by such Officer or private person anywhere within the Island.

6. And it is further enacted, that every such Officer as aforesaid and person to whom any general or special warrant for the apprehension of any party shall be directed, shall be authorized in execution thereof, to follow and seize such party wherever he may be within the limits for which such Officer or person is empowered to act, and if necessary, after having given sufficient intimation of his object and not obtaining admission, to break open or otherwise forcibly enter any house, building or place in which he shall have reasonable ground for supposing such party to be. And such Officer shall, with all convenient speed, carry every person apprehended under any such warrant before the Justice of the Peace named therein, or if the warrant be general, before the nearest Justice within the District in which the apprehension shall have taken place.

7. And it is further enacted, that every Fiscal and his Deputies and others his Officers, and all Headmen, Constables, Superintendents and Officers of Police, and all Peace Officers whatsoever, within the limits for which they are respectively empowered to act, are hereby authorized and required to arrest every person who shall commit any crime or breach of the peace in their presence, as also every person whom they shall have reasonable grounds to suspect of having committed any treason, misprision of treason, murder, culpable homicide, rape, robbery, or assault with intent to commit any of these crimes, or in which a dangerous wound is given, arson, housebreaking with intent to commit any crime, or of having committed theft of any cattle, horse, sheep or goat, or any other crime of equal magnitude with any of the crimes aforesaid, as also every person whom they shall see engaged in committing, or instigating any affray, or whom they shall find attempting to commit a crime, or clearly manifesting an intention so to do, and after apprehending such offender, or after receiving any offender or property in charge from any private person as hereinafter provided, the Fiscal or other Officer shall immediately convey the same before some competent Justice of the Peace or Police Magistrate as the case may require, to be dealt with according to law.

8. And it is further enacted, that if any person charged with an offence, and thereupon in the lawful custody of any Fiscal or Fiscal's Officer, or of any Headman, Constable, Superintendent or Officer of Police, or of any Peace Officer whatsoever, shall escape and fly therefrom, before he shall have been brought before some Court or Justice of the Peace, or if any person not being a Peace Officer, shall aid him or her in so escaping from such custody, every such person shall, notwithstanding the innocence or alleged innocence of the person so escaping, of any previous offence against the law, be guilty of an offence, and be liable, on conviction thereof, to such punishment by fine or imprisonment with or without hard labour, as the Court before which such conviction shall be obtained shall award.

9. And it is further enacted, that every private person when called upon by any Fiscal or his Deputy or others his Officers, or by any Superintendent or Officer of Police, or by any Headman, Constable or Peace Officer, is hereby authorized and required to assist such Officer in making any arrest which by this Ordinance such Officer is authorized to make, or in suppressing any riot or affray, or in the prevention of any breach of the peace or offence against the law, or in the abatement of any public nuisance which such Officer is authorized to suppress, prevent or abate.

10. And it is further enacted, that every private person in whose presence any murder, culpable homicide, treason, misprision of treason, rape, robbery, or assault with intent to

**No. 15, — 1843.**

Warrant shall specify the offence, &c.

Warrants how to be executed.

Proviso as to special warrants.

House may be broken open to execute warrants.

Person arrested how to be dealt with.

Duty of Peace Officers, &c.

Penalty on escaping or assisting another to escape from the custody of a Peace Officer.

All persons required to assist in making an arrest when called upon.

And to pursue and arrest in certain cases.

**No. 15, — 1843.**

commit any of those crimes, or in which a dangerous wound is given, arson, housebreaking with intent to commit any crime, theft of any cattle, sheep, or goat, or other crime of equal magnitude with any of the crimes aforesaid, is committed or attempted to be committed, and every private person who has knowledge that any such crime has been recently committed, is hereby authorized and required to arrest or forthwith to pursue the offenders, and every other private person to whom the purpose of such pursuit shall be made known, is hereby authorized and required to join and assist in the same. And every private person who on such pursuit being made shall come up with any person having the property which has been stolen in his possession, or with any person whose traces have conducted his pursuers from the place where the crime was committed to the place where he shall be overtaken, is hereby authorized and required to arrest such person so having such stolen property in his possession, or so being traced as aforesaid.

And may arrest upon suspicion in certain cases, but at their peril.

And must lay hold of any person committing an affray in their presence.

Offenders or property seized by private person to be given into charge of the nearest Police or Peace Officer.

Penalty on private persons neglecting duty.

When Officer may break open doors.

Neglect by Fiscal and other Officers.

Penalty on Peace Officer taking bribes, &c.

Penalty on assaulting or molesting Peace Officer.

11. And it is further enacted, that it shall be lawful for any private person to arrest any other person upon reasonable suspicion that he has committed any of the crimes specified in the preceding Clause, or any other crime of an equal magnitude; but every arrest or attempt to arrest made by any private person upon suspicion shall be made at his own peril, if the party so arrested or attempted to be arrested be innocent.

12. And it is further enacted, that every private person is hereby authorized and required to lay hold of any person whom he may see engaged in committing or instigating any riot or affray, in order to prevent such person from continuing the affray, and to suppress the same.

13. And it is further enacted, that every private person taking any offender or property under the authority of any of the preceding Clauses, shall forthwith give the same in charge of the nearest Officer of Police or Peace Officer of the District in which such offender or property shall have been so taken. And every private person failing to perform any of the duties hereinbefore imposed upon him without good and sufficient excuse, shall be guilty of an offence, and be liable, on conviction thereof, to the payment of any fine not exceeding One pound, or to imprisonment for any period not exceeding One month.

14. And it is further enacted, that it shall and may be lawful for every Officer as aforesaid who shall be authorized to arrest any person known or suspected to have committed any crime or offence for that purpose, to break open or otherwise forcibly enter and search any house in which such person is known or suspected to be. Provided always, that such Officer shall have previously failed to obtain admission, after having audibly demanded the same and notified the purpose for which he seeks to enter such house.

15. And it is further enacted, that every Fiscal and his Deputy or Officer, and every Headman and Constable, and every Superintendent and Officer of Police, and every Peace Officer whatsoever, who shall refuse or neglect to perform any duty imposed upon him by this Ordinance, shall be guilty of any offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

16. And it is further enacted, that if any Fiscal or his Deputy or Officer, or any Headman or Constable, or any Superintendent or any other Officer of Police, or any Peace Officer whatsoever, shall take or offer to take, or shall ask or demand any sum or sums of money or other bribe, under promise to conceal any offence, or to favour the concealment or escape of any person charged with or suspected of or guilty of any offence, or if any such Officer shall use or threaten to use any power, authority, or privilege of his office, to support or countenance a false accusation, knowing it to be false, or shall use the like power, authority, or privilege to conceal any offence, or to favour the concealment or escape of any such person charged with an offence, or if any such Officer shall wilfully give false information or wilfully and deliberately make false statements for the like purpose and with the like intent, every such Officer shall, on conviction thereof, be liable to such punishment as the Court before which such conviction shall be obtained shall award.

17. And it is further enacted, that every person who shall assault or resist, or shall aid in assaulting or resisting, or shall incite to the assault of or resistance to any such Officer or private party, in the execution of any duty imposed upon him by this Ordinance, and every person who shall hinder, disturb or molest, or aid in or incite to the hindrance, disturbance, or molestation of any such Officer as aforesaid, or any private person in the execution of any duty imposed upon him by this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

18. And it is further enacted, that every person who shall wilfully give false information to any Officer of Police or Peace Officer, with intent either to support a false accusation or to prevent the detection of any offence against the law committed by another, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment for any period not exceeding Three months.

**No. 15,—1843.**

Penalty on giving false information to Peace Officer.

19. And it is further enacted, that every Justice of the Peace, upon any information taken upon oath being transmitted to him by any other Justice of the Peace, or upon any information being sworn to before himself, that there is reason to suspect that any stolen goods, or any goods, article, or thing with or in respect of which any offence has been committed, are kept or concealed in any house or place within the District in which such Justice is assigned to act, may by warrant under his hand cause every such house or place to be searched. And every such search warrant shall and may lawfully be executed by any officer of the law, or by any private person to whom it shall be directed. And if any such officer or person shall find such suspected house or other place mentioned in the said search warrant closed against him, he shall be authorized, after sufficient intimation of his object being given, to break open or otherwise forcibly enter such house or place.

Justice may grant search warrants.

20. And it is further enacted, that no person shall, in any case, under any pretence whatsoever, be kept or detained in confinement by any Peace Officer, or officer of the law authorized to apprehend offenders, for a longer period than Twenty-four hours, unless Sunday or some Public Holiday shall intervene, without being taken before some competent Justice of the Peace or Police Magistrate. And whenever any person shall be so brought before any Justice of the Peace, charged with any offence triable only before the Supreme Court, such Justice shall give immediate notice of the time when such person is to be brought before him for examination, to the Queen's Advocate or to some Deputy Queen's Advocate empowered to act within the District, if any such officer shall be resident within a convenient distance, in order that he may be present and assist if he think proper, at such examination. And every such Peace Officer or officer of the law, and every private person detaining any person in custody beyond such time, unless on account of the impassable state of the roads or rivers, or of some other sufficient cause, or frivolously or vexatiously arresting any person, shall, over and above his liability to any action for false imprisonment or other liability, be guilty of an offence, and be subject, on conviction thereof, to such punishment by fine or imprisonment with or without hard labour, as the Court before which such conviction shall be obtained shall think proper to award.

Persons to be taken before Justice or Judge within Twenty-four hours after apprehension.

Penalty on illegal detention or frivolous arrest.

21. And it is further enacted, that it shall be lawful for any Justice of the Peace, and he is hereby required, by summons under his hand, to cause to come before him for examination upon oath, all persons residing or being within the District for which he is assigned to act, who may have knowledge of any crime or offence alleged to be committed within such District, or whom he shall have any reason to suppose capable of disproving such allegation, and whenever any person having such knowledge in support or contradiction of such allegation, shall reside or be in any other District, every Justice of the Peace having authority within such other District, is hereby authorized and required, upon application in writing signed by any Justice of the Peace authorized to enquire into the offence concerning which such person has such knowledge, and accompanied by such other information relative to the said crime or offence, as can be conveniently transmitted, to summon before him such person, and take down in writing his examination on oath, which shall be signed by the witness, by the Justice of the Peace, and by the Interpreter duly sworn interpreting the same, and shall be transmitted to the Justice of the Peace authorized to make such enquiry as aforesaid.

Justice to summon witnesses for examination.

Where witness resides in another District.

22. And it is further enacted, that every Fiscal and his Deputies and others his Officers, and all Headmen, Constables, Superintendents and Officers of Police, and all Peace Officers whatsoever, are hereby authorized and required to serve personally upon the party named therein, or upon some member of his household at his dwelling house, every such summons as he or they shall be called upon to serve by any Justice of the Peace.

Service of summons.

23. And it is further enacted, that if any person on whom such summons shall have been properly served, shall not appear at any time and place mentioned in such summons, unless he shall have some reasonable excuse, or appearing shall refuse to take the oath of a witness or to answer any question which shall be legally demanded of him, it shall be lawful for the Justice of the Peace issuing such summons to grant a warrant for the apprehension and commitment to prison of such witness, until he shall comply, or until order be given for his discharge.

Penalty on disobeying summons.

**No. 15.—1843.**

How the Justice is to act when any offender is brought before him.

24. And it is further enacted, that when any person charged with any crime or offence is brought before any Justice of the Peace for examination, such Justice, before commencing the examination of any witness, shall satisfy himself that the person so charged is in his sound and sober senses, and he shall then proceed to examine on oath each witness apart from the others, and the depositions of such witnesses shall be reduced into legible writing in presence of the person charged, who shall be entitled to cross-examine every such witness. And the depositions of witnesses which shall have been taken in the absence of the person charged, shall be read over to him, and in the presence of the witnesses having made the same, except where they shall have been made before a Justice of the Peace of some other District as hereinbefore provided, or where, from some good and sufficient cause, their presence cannot be had. And whenever any witness whose depositions shall be so read, shall be present at the reading thereof, the person charged shall be entitled to cross-examine such witness. And the Justice shall ask the person so charged, what he will say in answer to the charge against him, and shall at the same time caution him that he is not obliged to make any statement that may criminate himself, and that what he shall say may be used in evidence against him, and shall make due record of such caution having been given. The statement of the person so charged shall then be taken down in writing, and the same, after being read over and explained to him, shall be subscribed by him, if he will subscribe the same, and by the Justice of the Peace, and by the Interpreter duly sworn, if any shall have been employed, who interpreted the same. And the depositions of each witness shall, in like manner, be subscribed by such witness, by the Justice of the Peace, and by the Interpreter who interpreted the same.

Certificate of materiality of witnesses for the defence.

25. And it is further enacted, that at every such enquiry into any charge, which must ultimately be prosecuted before the Supreme Court by reason of the enormity thereof, or of the election of the Queen's Advocate duly notified to such Justice of the Peace, so to prosecute it, whenever it shall appear to such Justice of the Peace after taking the depositions of the witnesses in support of such charge, and the statement of the party charged if he shall choose to make any, that such charge has been sufficiently established to warrant the commitment of such party for trial, he shall call on such party to give in the name of every person whom he purposes to call at his trial for the defence, distinguishing between those whom he purposes to call to speak to facts and those who are merely to speak to character. Provided always, that such party shall, if he require it, be allowed till the following day to give in such names and shall be remanded for that purpose. And the said Justice of the Peace shall thereupon, with all possible despatch, if the party charged shall assent thereunto, issue summonses to and in the presence of the said party put such questions to such persons as he shall propose to call to speak to facts as may be necessary to enable the said Justice to judge whether the evidence of such person is or is not material to the defence of the party charged, and the said Justice shall certify accordingly at the end of the depositions of such persons.

Justice may commit for further examination.

26. And it is further enacted, that where sufficient grounds do not appear for at once committing the person so charged for trial or for discharging him, and there shall appear to the Justice of the Peace before whom such person shall have been brought, probability that further evidence may be produced, such Justice may grant a warrant, directed to the keeper of the Gaol of the District, for the commitment of such person for further examination. And such commitment for further examination, may, if necessary, take place oftener than once, upon sufficient cause appearing to the said Justice, and being expressed in the warrant of re-commitment, and every such warrant of commitment or re-commitment, shall specify the time when the prisoner is again to be brought before the Justice for examination.

Witnesses when required must enter into recognizance to give evidence.

27. And it is further enacted, that every Justice of the Peace before whom any preparatory examination is taken, may lawfully require any witness, either alone, or together with one or two sufficient sureties to the satisfaction of the said Justice, to enter into a recognizance under condition that the said witness shall, at any time within Eight months from the date thereof, appear and give evidence at the trial of the said case, upon summons for that purpose being served at some certain place to be elected by such witness. And if any witness being so required to enter into any such recognizance, shall refuse or fail so to do, it shall and may be lawful for the said Justice of the Peace to commit and detain in prison the witness so refusing or failing, until such recognizance shall have been entered into as aforesaid, or until order shall be given for his discharge.

Commitment of offenders.

28. And it is further enacted, that where there shall appear to any Justice of the Peace, sufficient grounds for committing any person brought before him for trial, for the crime or offence of which he is accused, such Justice shall grant a warrant to commit him to the Gaol

of the District, there to be detained till brought to trial for the said crime or offence before the Supreme Court, or the District Court as the case may be, or till liberated in due course of law. And every such warrant shall clearly express the crime or offence with which the prisoner is charged. Provided always, that in every case in which any person charged with any crime or offence shall be apprehended and brought before any Justice of any District other than that in which the crime or offence is charged to have been committed, and where such Justice sees cause to commit such person either for trial or for further examination, it shall be lawful for such Justice to grant warrant to commit such person, either to the Gaol of the District in which the crime or offence is charged to have been committed, or to the Gaol of the District within which such Justice has jurisdiction to act. And if any person shall have been committed for further examination, by any Justice not having jurisdiction within the District in which such crime or offence is charged to have been committed, to the Gaol of such last mentioned District, it shall be lawful for any Justice of the Peace of such last mentioned District to proceed with the examination and disposal of the person so charged, in the same manner as if such person had been committed by such Justice himself for further examination.

29. And it is further enacted, that it shall be lawful for the Justice of the Peace for any District, on an application to that effect signed by the Queen's Advocate, to grant warrant for the removal of any person detained by virtue of any legal warrant within the Gaol of such District, on any criminal charge, to the Gaol of any other District mentioned in such application, therein to be detained for further examination, or for trial, or until liberated or removed therefrom in due course of law. And any Justice of the Peace of the District to the Gaol of which any person shall have been so removed and committed for further examination, shall have full power and authority to proceed with the examination and the disposal of such person, in the same manner as if such person had been committed by such Justice himself for further examination.

30. And it is further enacted, that when it shall be made to appear to any competent Court, by informations taken upon oath by any Justice of the Peace, that a crime or offence has been committed, and it shall also be made to appear to such Court that the accused person has absconded or fled from Justice, and that there is property belonging to such person within the jurisdiction of such Court, it shall be lawful for such Court, upon the application of the Queen's Advocate, or of the Clerk of the Peace for the District, or of any private person, to sequester such property, and to appoint such fit and qualified persons to manage the same as to the said Court shall seem expedient. And the persons so appointed shall account for such property and for all profits accruing therefrom, to such Court at such times as the Court shall appoint and direct, until the person so absconding or flying from Justice shall have surrendered himself, or shall have been apprehended.

31. And it is further enacted, that the Justice of the Peace taking preliminary informations, in respect of any serious offence, shall in all cases where he conveniently can, and where the same would be useful, make personal inspection of the place where such offence was committed, and make or cause to be made a plan thereof, and in case of serious injury to the person of any individual, he shall cause the person injured to be examined by a competent Medical practitioner, if any such can be procured, and if not then by the best qualified person that can be obtained, who shall draw up and subscribe a written statement of the appearances and facts observed on such examination; and every Medical practitioner who shall reside within Five miles of the place where any such preliminary enquiry shall be made, shall be bound to obey, in like manner as any other witness, any summons which shall be served upon him for his attendance at such enquiry, to examine any person injured as aforesaid. Provided always, that every Medical practitioner attending and making such examination, in consequence of any such summons, shall be entitled to receive from the Fiscal of the Province, upon presentation to such Fiscal of a certificate of such attendance and examination signed by the Justice of the Peace before whom such attendance and examination were given and made, the sum of One guinea. And the said Justice shall cause all writings and other articles exhibited by the witnesses in the course of such examination, and likely to be used in evidence on the prisoner's trial, to be inventorized and labelled, or otherwise marked in the presence of the person producing the same, so as to be identified at the prisoner's trial, and shall cause the same to be kept in safe custody until the trial, and to be then produced.

32. And it is further enacted, that whenever any Justice of the Peace, upon the investigation of any alleged crime or offence cognizable by a District Court, shall be of opinion that any party alleged to have committed the same, ought to be put upon his trial, but that there are peculiar difficulties or circumstances connected with the case he shall commit such

**No. 15, — 1843.**

The Justice to whose District Gaol any party is committed, may proceed with the examinations.

On the application of the Queen's Advocate the Justice may grant warrant to remove a prisoner to another District Gaol.

Property of accused party absconding to be sequestered.

The Justice to inspect the place where the offence was committed.

And cause wounds to be examined by Medical Practitioner.

And make inventory of articles produced.

Justice where he sees peculiar difficulties connected with any case cognizable by a District Court, to refer to Queen's Advocate.

**No. 15, — 1843.**

party for further examination, or bind him over in sufficient recognizances to appear before him when called on, and shall forthwith transmit a copy of the proceedings connected with such investigation to the Queen's Advocate, in order that the Queen's Advocate may give such instructions as to him shall appear requisite.

Justice to transmit examinations to the Secretary of the District Court, or the Queen's Advocate, as the case may be.

33. And it is further enacted, that whenever any Justice of the Peace shall have committed any person for trial before any District Court, he shall transmit a copy of all examinations taken by him in respect of such person, to the Secretary of such District Court, except where he shall have already transmitted such examinations to the Queen's Advocate as directed in the preceding Clause; and where he shall have committed any person for trial before the Supreme Court, or where after any examination shall have been completed, he shall be in doubt as to whether any person charged before him should be so committed or not, he shall transmit a copy of all examinations taken by him in respect of every such person, to the Queen's Advocate. And every Justice of the Peace taking such examinations, and not transmitting the same as aforesaid, within Four days thereafter, shall be liable to a fine not exceeding Twenty pounds sterling. And if upon the receipt of any examinations so transmitted to him as aforesaid, the Queen's Advocate shall make application to the Justice of the Peace transmitting the same, or to any other Justice of the Peace having authority in that behalf, to institute any further examinations, or to supply any further information in respect of such case, or to liberate such person altogether, or in cases where the party charged has not been already committed for trial, so to commit him, the said Justice is hereby required to institute such further examination, or supply such further information to the Queen's Advocate, or to liberate the person charged, or to commit him for trial.

And to institute further examinations upon application of the Queen's Advocate.

Prisoner entitled to demand a copy of his commitment.

34. And it is further enacted, that in every case where a person is committed for trial by any Justice of the Peace, he shall be entitled to demand a true copy of the warrant of commitment under the hand of the said Justice or of the Gaoler or keeper of the Gaol in which he is imprisoned. And every such Justice, Gaoler or keeper shall be liable to a penalty not exceeding Ten pounds sterling, if he refuse to give such copy, within Twenty-four hours after the same shall have been demanded by the prisoner or his agent.

And to be admitted to bail in certain cases.

35. And it is further enacted, that every prisoner committed for trial shall be entitled, as soon as the warrant of commitment for trial is made out, to be admitted to bail, unless the crime be capital, or unless it be of a serious or aggravated nature, or unless a doubt may arise concerning the degree and quality of the crime, from the uncertain issue of the deed which has been done, and the charge be also supported by positive and credible evidence of the fact, or by such evidence as shall raise a strong presumption of guilt, and for this purpose it shall be competent for the prisoner verbally at the time of commitment, to apply to the Justice of the Peace granting the warrant, and in writing if subsequent thereto, to be admitted to bail, and the Justice of the Peace shall determine within Twenty-four hours after such application, whether he will accept bail, and if he shall accept it he shall specify the amount of bail to be given, and shall thereupon take sufficient bail accordingly; provided, however, that no person shall be required to give excessive bail.

Recognizance to appeal.

36. And it is further enacted, that whenever any Justice of the Peace shall determine to accept bail, he shall require the prisoner to enter into a recognizance, either by himself alone or with one or more sureties at the discretion of such Justice, according to the nature and circumstances of the case, and the condition of such recognizance shall be, that the prisoner shall appear and answer to any information or indictment or any sufficient complaint which shall be presented against him in any competent Court for the crime or offence wherewith he is charged, at any time within the space of Eight months from the date thereof, if such Court shall be the Supreme Court, or within One month if such Court shall be a District Court, and that he will accept notice of the time and place of holding such Court at some certain place by him elected and therein expressed.

Prisoner committed for trial before Supreme Court, to be tried at first Sessions thereof.

37. And it is further enacted, that if any prisoner committed for trial before the Supreme Court shall not be brought to trial at the first Criminal Sessions after the date of his commitment, holden for the Circuit proper for the trial of such prisoner, provided Twenty-one days have elapsed between the date of the commitment and the first day of such Criminal Sessions, he shall be admitted to bail, unless good cause be shewn to the contrary. And if such prisoner is not brought to trial at the second Criminal Sessions of the Supreme Court holden for the said Circuit, after the date of his commitment, unless, by reason of the insanity or sickness of such prisoner, the Judge of the Supreme Court presiding at such last mentioned Sessions, shall issue his order to the Fiscal for the discharge of such prisoner from his imprisonment for that offence for which he has been committed for trial.

And if not brought to trial at second Sessions after commitment, to be discharged from imprisonment.



38. And it is further enacted, that if any prisoner committed for trial before any District Court shall not be brought to trial within One month after the date of his commitment, he shall be admitted to bail, unless good cause be shewn to the contrary.

39. And it is further enacted, that it shall be lawful for any Judge of the Supreme Court to bail at any time in all cases whatever.

40. And it is further enacted, that no person who has been once discharged from Gaol in consequence of not being brought to trial within the proper time, shall be subject to be re-committed to Gaol either for examination or for trial for the same offence, except in the case hereinafter mentioned. And no person who has been admitted to bail and who has not been duly brought to trial shall, unless he has forfeited his recognizance, be obliged to find further bail or shall be subject to be committed to Gaol, except as hereinafter excepted, either for examination or trial for the same offence in respect of which he was formerly admitted to bail. Provided always, that neither any such discharge from imprisonment nor the expiration of his recognizance, shall be any bar to any person being brought to trial in any competent Court for any offence for which he was formerly committed to Gaol or admitted to bail.

41. And it is further enacted, that whenever, after the expiration of the period aforesaid, the Queen's Advocate or Clerk of the Peace of the District or private party entitled to prosecute before any District Court, shall desire to put any party upon his trial for any offence for which he was formerly committed to Gaol or admitted to bail, he shall make application to the Court competent to try such offence, for a summons to the party alleged to have committed the same, to appear before such Court at the time and place mentioned in such summons then and there to take his trial. And such summons shall be served personally upon such party or left at his usual place of abode, and if after due service of such summons such party shall nevertheless fail to appear as therein directed, he shall become liable to be arrested by any officer of the Law or private person, and to be re-committed to Gaol for trial, and until he shall be so recommitted, his property shall be liable to sequestration in manner provided in the 30th Clause of this Ordinance, in respect of persons who have absconded or fled from justice.

42. And it is further enacted, that in every case in which any person considers himself aggrieved by the proceedings of any Justice of the Peace in having committed him to prison or refused to admit him to bail, or in having required excessive bail, it shall be competent to such person to apply to the Supreme Court, which shall make such order thereon as the circumstances of the case shall seem to require.

43. And it is further enacted, that no prisoner under commitment for examination shall be allowed the access of his friends or legal advisers, unless by the authority of a Justice of the Peace, and under such restrictions as to him may appear requisite. But after commitment for trial, the prisoner's friends and legal advisers shall have free access to him, subject to the Regulations of the Prison to which such prisoner shall have been committed.

44. And it is further declared and enacted, that a prisoner is not of right entitled to the assistance of any legal adviser while he is under examination.

45. And it is further enacted, that the right of prosecution for the crime of murder or treason shall not be barred by any lapse of time, but the right of prosecution for any other crime or offence shall be barred by the lapse of Twenty years from the time when the crime or offence was committed.

46. And it is further enacted, that neither the alleged commission of a crime or offence by any person, nor the conviction nor acquittal of any person of a crime or offence, shall be a bar to a Civil action for damages against such person at the instance of any person who may have suffered any injury, or who may allege that he has suffered any injury from or by reason of the commission of any such crime or offence.

47. And it is further enacted, that the Supreme Court shall in no case entertain any appeal against the acquittal of any prisoner by a District Court, which shall be lodged by any private prosecutor, unless the petition of appeal of such private prosecutor shall be accompanied by a certificate from the Queen's Advocate, that in his opinion there exist reasonable grounds for such appeal.

48. And it is further enacted, that when in the course of any trial in any inferior Court it shall appear that the crime or offence under trial is from its nature or magnitude beyond the Jurisdiction of such Court, the said Court shall stop the trial and order that the party charged shall, together with all the proceedings had before such Court in respect of such charge, be forthwith taken before some competent Justice of the Peace to be dealt with according to law.

### No. 15,—1843.

Prisoner to be tried before District Court within one month after commitment.

Judge of the Supreme Court may always admit parties to bail.

After a party is discharged from Gaol or recognizance he cannot be committed again for the same offence.

But may be brought to trial.

Person discharged from Gaol or recognizance may be summoned to stand his trial.

Any person aggrieved by Justice may apply to Supreme Court for redress.

When prisoner's friends and legal advisers may visit him.

Prisoner while under examination not entitled to legal advisers.

Twenty years a bar, except for murder or treason.

Conviction or acquittal of any person of any crime or offence not to be a bar to any Civil action against such person.

Appeals to Supreme Court against acquittals before District Court.

Inferior Court how to act when charge tried before it appears to be only cognizable by a Superior Court.

**No. 15, — 1843.**

Queen's Advocate may, any time before trial, elect to prosecute before the Supreme Court a party committed for trial before District Court.

49. And it is further enacted, that if at any time before the final commitment by any Justice of the Peace of any person charged with any offence cognizable by a District Court, or if at any time after the commitment by any Justice of any person for trial before a District Court, and before the trial, such Justice shall receive intimation from the Queen's Advocate that he elects to prosecute such person before the Supreme Court, such Justice shall thereupon be authorized and required to make out a warrant for the commitment of such person for trial before the Supreme Court; and in case of such person being already committed for trial before a District Court, shall give immediate notice to the Judge of such Court of such election of the Queen's Advocate.

And may stop prosecution.

50. And it is further enacted, that the Queen's Advocate shall have the power, at any time before conviction, of abandoning and putting an end to all prosecutions commenced by him in any Court in this Island on behalf of the Queen; but in the event of the prisoner having previously pleaded to any charge, he shall, upon the Queen's Advocate so putting an end to the prosecution, be entitled to an acquittal in respect of such charge.

And may order liberation of persons committed to gaol.

51. And it is further enacted, that the Queen's Advocate shall have full power and authority to order the liberation of any person committed to Gaol for further examination or for trial, for which liberation a writing, directed to the keeper of the Gaol in which such person is imprisoned, and setting forth that the Queen's Advocate sees no ground for prosecuting such person, and subscribed by him, shall be a sufficient warrant; and such keeper of the Gaol shall immediately upon the liberation of any such person in pursuance of such order, give intimation thereof to the Court or to the Justice of the Peace before whom such person stood committed to appear.

Powers of Queen's Advocate to be exercised by Deputy Queen's Advocate.

52. And it is further enacted and declared, that all the powers and duties hereby vested in and imposed upon the Queen's Advocate, shall and may be exercised and discharged by any Deputy Queen's Advocate within the limits of his authority, under the controul and direction of the Queen's Advocate.

Ordinance when to take effect.

53. And it is further enacted, that this Ordinance shall commence and take effect from and after the Proclamation by the Governor in the Government Gazette that the same has been ratified and confirmed by Her Majesty, unless the same shall be passed by the unanimous votes of the Legislative Council, and all the Judges for the time being of the Supreme Court shall certify under their respective hands to the Governor their unanimous opinion that it is expedient that the same should take immediate effect and should not be suspended for the signification of Her Majesty's pleasure. And if such unanimous votes of the Legislature, and such certificates of the unanimous opinion of the said Judges shall be given in favour of the immediate operation of this Ordinance, the same shall commence and take effect immediately from and after the date and enactment of the same.

Passed in Council the Eighth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 16, — 1843.\*** (*Sections 2 and 3 repealed by Ordinance No. 4 of 1850.*)

*For enabling the Governor to cause Surveys to be made and possession taken of lands belonging to individuals for public uses, and also to cause Surveys to be made of such lands under certain other circumstances.*

**No. 16, — 1843.**

Preamble.

WHEREAS it is expedient to extend the provisions of the Regulation No. 15 of 1822, and to make such provisions so extended applicable to the whole Island; and whereas it is expedient to give power to the Governor to direct Surveys to be made of lands and premises belonging to individuals, under certain circumstances.

Regulation No. 15 of 1822 repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Regulation No. 15 of 1822, entitled "*For laying down a general course by which His Majesty's Government may obtain the possession of lands belonging to individuals for public uses, paying the value thereof to the owners,*" shall be, and the same is hereby repealed.

\* See Ordinance No. 4 of 1850.

2. And it is further enacted, that whenever it shall satisfactorily appear to the said Governor and the Executive Council, that it is necessary for the public advantage that Her Majesty should obtain possession of any land or premises within this Island, belonging to any of Her Majesty's subjects, it shall be lawful for the said Governor, to direct the Surveyor General or Commissioner of Roads to enter upon such land or premises, or cause the same to be entered upon by such persons as he may deem necessary, and to make or cause to be made such Surveys thereof as shall enable the Surveyor General or Commissioner of Roads to report to the said Governor whether the possession of such land or premises by Her Majesty will be necessary for the purposes for which they appeared to be necessary as aforesaid to the said Governor and Council.

3. And it is further enacted, that if upon the report of the Surveyor General or Commissioner of Roads, it shall appear necessary to the Governor and the Executive Council to take possession for Her Majesty of any land or premises so reported upon, it shall be lawful for the Governor to issue a Commission directed to such person or persons as shall therein be named, authorizing and directing him or them, or any one or more of them, to cause to come before him or them, or any one or more of them the Commissioners in such Commission to be named, within a time to be by the said Commission limited; and after having affixed on the said land and at the offices of the Government Agent or Assissant Government Agent, and at the Court house of every Court of Law within such District, for the space of One month, a notice in writing as near as is material according to the form A. hereunto appended, a Jury of Thirteen good and lawful men of the District wherein the said land is situated, not being in the service or employ of Her Majesty, and by the oaths of such good and lawful men, or seven or more of them, which oaths the said Commissioner or Commissioners are hereby authorized to administer, to ascertain the true and full value of the said land or premises with the buildings thereon, and all the other appurtenances thereof, and to return such valuation within a period to be in the said Commission also specified, to the Governor, under the hands of the persons by whom the said valuation shall be made. And it shall be lawful for all such Commissioners to enter upon the said land or premises, and cause to enter thereupon all such persons, and to do and cause to be done therein all such things as shall to them appear necessary for the purposes of such valuation, and to require the attendance before them and such Jury, and to take the examination on oath of every person whose evidence shall appear to be desirable. And on such return being made and recorded in the Minutes of the Executive Council, it shall be lawful for the Governor to direct that the said land and premises shall be taken possession of by some Officer of the Crown, and a memorandum, as near as is material of the form in the Schedule B. to this Ordinance annexed, shall thereupon be signed by such Officer, and by the said Commissioner or Commissioners, and shall be deemed and taken to be a full and sufficient proof of a lawful possession of the said land and premises by the Crown; and the amount at which the value of the said land and premises was assessed, shall be paid to the party alleged to be the owner, or to some duly authorized agent of such party thereof, who shall, on the receipt of the same, execute a transfer of the said land and premises to the Crown; and such transfer shall be a bar to all claims whatsoever against the Crown in respect of the said land and premises, or of the value of the same. Provided always, that if at any time before such land and premises shall have been so taken possession of for the Crown, the claim of such alleged owner shall be disputed by any other party, the said amount shall be deposited in the General Treasury, until a competent Court shall declare who is the party entitled to receive the same; but if such other party shall not prosecute his claim in such Court within One year from the time of such possession being taken as aforesaid, the said amount shall be paid over to the party first alleging himself to be the owner, upon the execution of such transfer as aforesaid. And provided further, that if the owner shall be absent from the Island at the time that such land and premises shall have been so taken possession of, and shall not have left on the Island any agent authorized to receive the said amount on his behalf, the same shall be deposited in the General Treasury, until claimed by the said owner, or by some person duly authorized to make such claim on his behalf. And if no such claim shall be instituted within Ten years from the date of such deposit being made, the said amount so deposited shall be forfeited to and become the property of the Crown.

4. And it is further enacted, that if any such lands or premises so taken possession of shall be affected by any mortgage, the sum due to the mortgagee in respect of such mortgage shall be paid to such mortgagee, provided that it shall not amount to more than the value of such land or premises, as assessed by such Commissioners as aforesaid, and that the mortgage shall not be disputed by the alleged mortgagor, or some person on his behalf; and where such mortgage shall be disputed, the sum alleged to be due in respect thereof, provided that it shall not amount to more than the value of such lands and premises so assessed as aforesaid, shall be deposited in the General Treasury, to await a decision by some competent Court as to the validity of such mortgage; and if the alleged mortgagee shall not make claim before some competent Court in respect of the sum so deposited, within Ten years after such deposit shall have been made, the amount so deposited shall be paid over to the alleged mortgagor or his representative. Provided always, that if no person shall give notice of claim in respect of any such mortgage, either to the Commissioners appointed as aforesaid, or to the Governor and the Executive Council, before the Governor shall have issued his directions that any land and premises shall be taken possession of for the Crown, such land and premises shall for ever, after such

If land affected by mortgage.

**No. 16,—1843.**

direction shall have been issued, be discharged and free of every such mortgage or other similar burthen.

Where private individuals require access to their property through the property of other persons.

5. And whereas the proprietors of lands in this Island cannot in many instances enjoy the full benefit of their property, without obtaining access thereunto by means of roads or canals through the lands of other proprietors. And whereas such access, when refused by such last mentioned proprietors, cannot be obtained except by Legislative Enactment. And whereas the survey of the lands and neighbourhood in question, and a full report as to the necessity of such access being so obtained, are indispensable before the Governor can judge of the expediency and justice of the proposing such an Enactment for the adoption of the Legislative Council of this Island. It is therefore hereby further enacted, that whenever it shall appear to the Governor and the Executive Council, that any private party cannot obtain free and sufficient access to his property except through the property of some other private party, it shall be lawful for the Governor to direct the Surveyor General or Commissioner of Roads, or any of their Assistants, to enter upon or cause to be entered upon by such persons as he shall deem necessary, and to survey or cause to be surveyed all such lands as to the said Surveyor General or Commissioner of Roads, or principal Officer employed in that behalf by the Surveyor General or Commissioner of Roads, shall appear necessary to enter upon and survey, in order to enable him to report how far such access is required, and along what line and over what extent of land the same ought to be given.

Governor may order survey of such property.

And may appoint Commissioners to value it.

6. And it is further enacted, that when it shall appear to the Governor and the Executive Council, from such survey and report of the Surveyor General or Commissioner of Roads, just and necessary that a Legislative Enactment should be obtained for the purpose of giving such access to the party applying for the same, it shall be lawful for the Governor to issue a Commission in like manner as hereinbefore provided, to ascertain the amount of remuneration to which the owner of such land would be entitled by the allowance of such right of access to the party applying for the same. And the Commissioners appointed thereunder shall have the same authority, and shall proceed in the same manner to execute such Commission, as is provided in respect of the Commission to be issued under the provisions of the 3d Clause of this Ordinance. Provided always, that the expenses attending all such surveys, and all proceedings relative to the execution of such Commission, shall be borne by the party applying for such right of access, and shall be paid by such party in advance, if so required by the Governor.

Proviso.

Penalty on Juror or witness not obeying notice to serve.

7. And it is further enacted, that every person required to attend as a Juror or witness for the purposes of any Commission issued under the provisions of this Ordinance by notice in writing under the hand of any such Commissioner as aforesaid, who shall fail to attend at the time and place specified in such notice, or who attending shall refuse to take the oath or perform the duties of a Juror or witness, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings.

Penalty on witness making false statement.

8. And it is further enacted, that every person examined as a witness before any such Commissioner and Jury, who shall knowingly and wilfully make any false statement relevant to any matter or thing into which such Commissioner and Jury have authority to enquire, shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour, for any period not exceeding One year.

Penalty on corrupting or intimidating Juror, &c.

9. And it is further enacted, that every person who shall corruptly influence or attempt corruptly to influence or hold out any threats to any person having received a notice to attend as such Juror, in relation to his conduct as such Juror, and every person who shall act dishonestly or corruptly in respect of his office of Juror, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten pounds, or to imprisonment with or without hard labour, for any period not exceeding One year.

Local law or customs, of what effect.

10. Provided always, and it is further enacted, that nothing in this Ordinance contained shall be deemed or taken to supersede or set aside any local law or custom already established or existing, whereby parties in possession of any land to which there is no adequate means of access are entitled to require of the owners of other lands that such means of access shall be afforded to them through such other lands; but where any party seeking to obtain the means of access to his land, shall prefer to have recourse to the proceedings herein before authorized, instead of availing himself of any such local law or custom, he shall be at liberty to do so, such local law or custom notwithstanding.

All lands may be surveyed at all times for public purposes.

11. And it is further enacted, that it shall at all times be lawful for the Surveyor General or the Commissioner of Roads, or any of their Assistants, to enter upon or cause to be entered upon by such persons as they shall deem necessary, and who shall have been duly

authorized by them in that behalf in writing, and to survey or cause to be surveyed any land or premises within this Island, when such entry or survey shall appear to them necessary for any public purpose.

No. 16, — 1843.

12. Provided always, and it is further enacted, that if in the execution of any Survey or of any Commission authorized by this Ordinance, any injury shall be done to any land or premises, or to any thing thereupon, and such land or premises shall not be eventually taken possession of by the Government, or if a right of access through such land or premises shall not be eventually given to the party making application for the same, full compensation for all such injury shall be made to the owner of such land or premises by the Government or by such private party, as the case may be.

Proviso as to any injury done in course of survey, &c.

13. And it is further enacted, that it shall at any time be lawful for the Surveyor General or Commissioner of Roads, or for any person authorized in that behalf in writing under the hand of the Surveyor General or Commissioner of Roads, whenever it shall to them appear necessary for the purposes of any Survey to be made under the authority of this Ordinance, to demand in writing of the person claiming to be the owner of any land or premises, the production of every deed, document and instrument upon which such person founds such claim. And if the occupier of any such land or premises, not being himself the alleged owner thereof, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by the Surveyor General or Commissioner of Roads, or any person authorized in that behalf as aforesaid, or if such alleged owner shall refuse to produce to the Surveyor General or Commissioner of Roads, or to any person authorized in that behalf as aforesaid, within Ten days after being requested so to do, every deed, document and instrument upon which he founds his claim to the said land or premises, and which shall be in his possession, or if any such deed, document or instrument shall not be in his possession, shall refuse fully to inform the Surveyor General or the Commissioner of Roads, or any person authorized in that behalf as aforesaid upon application, in whose possession they are, or if any person having in his possession any such deed, document or instrument, shall refuse to produce the same within Ten days after having been requested so to do in writing by the Surveyor General or Commissioner of Roads, or any person authorized in that behalf as aforesaid, every such occupier, alleged owner, and person so refusing, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds. \*

Surveyor General, &c. may demand production of title deeds.

14. And it is further enacted, that every person molesting, resisting, or obstructing the Surveyor General or Commissioner of Roads, or any person acting under the orders of the Surveyor General or Commissioner of Roads, or any Commissioner of valuation or Juror, or any person acting under the orders of such last mentioned Commissioner in the execution of any duty or authority imposed or vested in him by this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten pounds, or to imprisonment with or without hard labour, for any period not exceeding One year.

Penalty on obstructing Surveyor General, &c.

15. And it is further enacted, that if the Surveyor General or Commissioner of Roads, or any of their Assistants, or any person acting under the orders of the Surveyor General or Commissioner of Roads or of their Assistants, or if any Commissioner of valuation or any person acting under his orders, or if any Juror or other person shall, under pretence of performing any duty or exercising any privilege imposed on or vested in him by this Ordinance, use unnecessary violence, or wantonly do any injury, or give uncalled for and vexatious annoyance, every such Officer or person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten pounds, or to imprisonment with or without hard labour, for any period not exceeding One year.

Penalty on abuse of power by Surveyor General.

16. And it is further enacted, that this Ordinance shall come into operation on the First day of January, One Thousand Eight Hundred and Forty-four.

To come into operation.

SCHEDULE A.

This is to give notice that I (or we) have been appointed under a Commission issued by His Excellency the Governor, on the \_\_\_\_\_ day of \_\_\_\_\_ Commissioners to ascertain the value of (here give a general description of the land) alleged to be the property of \_\_\_\_\_ with a view to the same being taken possession of for the use of Her Majesty, and that we shall proceed to execute the said Commission at \_\_\_\_\_ on \_\_\_\_\_

Date \_\_\_\_\_ Signed \_\_\_\_\_ A. B.  
C. D.

\* See Ordinance No. 6 of 1853.

**No. 16,—1843.**

## SCHEDULE B.

I (or we) hereby certify that I (or we) have this day taken possession for and on behalf of Her Majesty under and by virtue of the provisions of the Ordinance No. of entitled of the land and premises situated at and more particularly described in the annexed survey and description thereof authenticated by and Date Survey authenticated by Signature of Officer or Officers, to be annexed.

I (or we) hereby certify that the land and premises described in the above Memorandum, and in the annexed Survey, were valued by me (or us) and a Jury assembled for the purpose of such valuation under and by virtue of the provisions of the above mentioned Ordinance, on the day of in the year Date Signature of the Commissioner or Commissioners. Passed in Council, the Twenty-seventh day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 17,—1843. (Repealed by Ordinance No. 26 of 1852.)****No. 17,—1843.**

*To make certain provisions respecting the delivery of Salt sold by Government.*

WHEREAS by the 17th Clause of the Ordinance No. 3 of 1836 for consolidating and amending the laws for the protection of His Majesty's Revenue derived from Salt, it is enacted, that all Salt sold by any Storekeeper or other person selling Salt on behalf of Government, and by any person licensed to sell Salt within certain Districts, shall be delivered by standard measures established by law. And whereas measurement is a very uncertain mode of determining the quantity of Salt when the quantity is large, by reason of the different modes practised of putting the Salt into the measure, and the difficulty of ensuring the due observance of any particular mode that may be prescribed. And whereas it would therefore in some cases be more satisfactory and convenient, that Salt, though sold by measure should be delivered by weight.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance it shall be lawful for any Storekeeper, or other person selling Salt on behalf of Government, any thing in the said Ordinance No. 3 of 1836, entitled "*For consolidating and amending the laws for the protection of His Majesty's Revenue derived from Salt,*" to the contrary notwithstanding, to deliver any Salt sold exceeding Five bushels, either by measurement or by weight, unless the purchaser shall require, as he is hereby empowered to require, the same to be delivered by weight.

2. And it is further enacted, that if such Salt shall be delivered by weight, the weight to be delivered on account of each bushel so sold shall first be determined by careful experiment, to be conducted, if required, in the presence of the purchaser, of the actual weight of a bushel of the particular Salt so delivered.

3. And it is further enacted, that any Storekeeper or other person selling Salt on behalf of Government, who shall be convicted of issuing Salt by short or false weight, shall be subject to a fine not exceeding Ten pounds, and in default of payment to imprisonment with or without hard labour, at the discretion of the Court, for any term not exceeding Twelve calendar months, and the half of such fine, when paid, shall be given to the informer.

4. And it is further enacted, that in all measurements of Salt sold by any Storekeeper or other person selling Salt on behalf of Government, the Salt shall be put into the measure by pouring it from some vessel to be held as near as may be at the height of one foot above the surface of the measure, and that the Salt shall not be in any manner compressed into the measure.

Passed in Council, the Twenty-seventh day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 18,—1843.****No. 18,—1843.**

*To declare illegal the possession of certain Nets and Instruments within certain limits.*

WHEREAS it is expedient to prohibit the possession, within certain limits, of certain Nets and Instruments which might otherwise be used to the detriment of Her Majesty's Pearl Banks.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the possession on land of any drifting Net, or other Net not being such as are used by men walking in the Sea, or of any Dredge, or similar instrument, at any place within Twelve miles of Tallaville, or Talmanar, or at any place within Twelve miles of any part of the shore at low water mark, between Tallaville and Talmanar, shall be unlawful, and every such Net, Dredge or instrument that shall at any time be found within such limits, shall be forfeited, and every person who shall at any time have had any such Net, Dredge or instrument in his possession, or shall have moved or concealed, or assisted in, or procured the movement or concealment of any such Net, Dredge or instrument within such limits, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Ten pounds, or to imprisonment with or without hard labour, for any period not exceeding Six months.

2. And it is further enacted, that it shall be lawful for every Officer of the Customs and every Peace Officer, to search any house or premises within any such limits as aforesaid, where he shall have good reason to believe any such Net, Dredge or instrument as aforesaid to be kept or concealed, and to take the same into his charge, and to seize and take every person offending against this Ordinance before any competent Court or Justice of the Peace to be dealt with according to law.

Passed in Council the Thirtieth day of November, One Thousand Eight Hundred and Forty-three.

KENNETH MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

Preamble.

Possession of certain Nets, Dredges, and other instruments within certain limits, illegal.

Penalty.

Peace Officers may make search for such Nets, &c. and seize offenders.

**No. 1,—1844.**

*To make provision for the more easily ascertaining the Boundaries of the several landed estates possessed by Her Majesty's subjects within this Colony.*

**No. 1,—1844.**

WHEREAS much inconvenience is experienced from the want of any defined Boundaries or landmarks of the several estates possessed by Her Majesty's subjects within this Colony, and it is expedient to provide a remedy for the same; and whereas by the 7th Clause of the Ordinance No. 12 of 1840 it is enacted, that the Government Agent of any Province may, with the consent of the Governor, grant to any person possessing land within the Province, a certificate of the Crown having no claim to such land, and it appears that the provision to that effect may conveniently be extended.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, it shall at any time be lawful for the Government Agent of the Province, to demand in writing of any person claiming to be the owner of any land within the same, the production of every deed, document and instrument upon which such person founds such claim. And if the occupier or person having the superintendence or management of any such land, not being himself the alleged owner thereof, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by the Government Agent, or if such alleged owner shall refuse to produce to the Government Agent, within Ten days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said land, and which shall be in his possession, or if any such deed, document or instrument shall not be in his possession, shall refuse fully to inform the Government Agent upon application, in whose possession they are, or if any person having in his possession any such deed, document or instrument, shall refuse to produce the same within Ten days after having been requested so to do in writing by the Government Agent, every such occupier, superintendent or manager, alleged owner, and person so refusing, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

Government Agent may demand production of Title Deeds.

Penalty on refusal.

\* See Ordinance No. 6 of 1852.

**No. 1.—1844.**

Where no Survey, Government Agent may order one to be made.

Trespassers, unless wilful, not liable.

Where party has had possession for Three years of land erroneously granted by the Crown.

Where less than three years.

Proviso.

2. And it is further enacted, that if it shall appear that the person claiming to be the owner of any land, is not in possession of any deed, document or instrument in support of such claim, or if there shall not be attached or belonging to such deed, document or instrument, a correct and authenticated Survey of the land, claimed by virtue of such deed, document or instrument, it shall be lawful for the Government Agent of the Province, if he shall see fit so to do, wherein such land shall be situated, to cause a Survey thereof to be made, and to recover the costs thereof from such claimant, and such Government Agent shall forthwith proceed to grant to such claimant, a certificate of the Crown having no claim to such land in manner provided by the 7th Clause of the Ordinance No. 12 of 1840.

3. And it is further enacted, that from and after the passing of this Ordinance, no person shall be liable to any action for trespass for any entry upon any land within this Colony, or to any action for damages in respect of any injury done to the same, if the title to such land shall be founded on any grant from the Crown, or if the person claiming to be the owner thereof shall have attached or belonging to the deed, document or instrument by virtue of which he claims such land, a correct and authenticated Survey thereof, or shall at any time have received a certificate that the Crown has no claim upon such land, unless the boundaries of such land shall be clearly defined along their whole line, or at such intervals as shall accurately shew their whole line, by some wall, bank, ditch, fence, posts, stones, or other sufficient landmarks or boundary, unless such trespass or injury shall have been wilfully committed.

4. And it is further enacted, that if the Crown shall have heretofore granted, or shall hereafter grant, any land which shall have been previously granted by the Crown to any party, or which shall be possessed by any subject of the Crown in manner provided by the preceding Clause of this Ordinance, and the boundaries whereof shall not have been or shall not be clearly defined in the manner provided by the said Clause, at the time of making such erroneous grant, and if the party to whom any such erroneous grant shall have been made, shall have entered upon such land, and shall have clearly defined the boundaries thereof as aforesaid, and remained in undisturbed possession thereof, for the space of Three years subsequent to the passing of this Ordinance, and shall have cultivated or improved the same, the party so in possession shall be entitled to retain the land so cultivated and improved, upon payment to the party having a title to the same under the original grant from the Crown, or under any other good and sufficient title, of the value of such land, at the time such erroneous grant shall have been made (which value shall be determined, if necessary, by arbitration in manner hereinafter provided.) And upon such payment being made to such party, and in consideration thereof, such party is hereby required to execute a good and valid transfer of such land to the party so in possession thereof as aforesaid, and his heirs, upon application by, and at the sole cost of the said party so in possession. And the said party so in possession shall be entitled to recover from the Crown the amount paid to the Crown in respect of such erroneous grant.

5. And it is further enacted, that if the Crown shall have heretofore granted, or shall hereafter grant any land which shall have been previously granted by the Crown to any party, or which shall be possessed by any subject of the Crown in manner provided by the third Clause of this Ordinance, and the boundaries whereof shall not have been or shall not be clearly defined in the manner provided by the said Clause at the time of making such erroneous grant, and if the party to whom such erroneous grant shall have been made, shall have entered upon such land, and clearly defined the boundaries thereof, and shall have cultivated or improved the same, but shall not have remained in undisturbed possession thereof for the space of Three years subsequent to the passing of this Ordinance, then the first grantee or proprietor shall not be entitled to enter upon and take possession of the land so cultivated or improved, except upon payment to the cultivator or improver thereof, of Three-fourths of the improved value of such land, less the value of such land in its uncultivated state, such last mentioned value to be taken to be the same as that of similar land adjoining. And such questions of value shall be determined by arbitration in manner hereinafter provided. And the party having so cultivated or improved the same, shall be entitled to recover from the Crown the amount paid to the Crown by such party in respect of such erroneous grant. Provided always, that if the first grantee or proprietor of such land shall decline to enter into possession of the land so cultivated or improved, he shall be entitled to recover from the cultivator or improver thereof, the value of the land, and one-fourth of the value of the cultivation or improvements thereupon, such value to be determined by arbitration in manner hereinafter provided. And upon payment of such amount, the said first grantee or proprietor shall, upon application by and at the cost of the party having



cultivated or improved such land, execute a good and valid transfer thereof to such party and his heirs. And the said last mentioned party shall be entitled to recover from the Crown the amount paid to the Crown in respect of such erroneous grant. And provided further, that if it shall appear that the party having claim to such land under such first grant from the Crown, or under any other good and valid title, had full knowledge of such land being so cultivated or improved, and wilfully, fraudulently, or negligently abstained from giving notice to the party cultivating or improving the same, that such land was the property of the party having such claim as aforesaid, then the party so having cultivated or improved the same, shall be entitled to retain possession of such land upon the same terms, and in such and the like manner as is declared in the preceding Clause of this Ordinance in respect of parties who shall have cultivated or improved land erroneously granted to them by the Crown, and shall have remained in undisturbed possession of the same for the space of Three years subsequent to the passing of this Ordinance.

6. And it is further enacted, that if any person shall without fraud and in perfect good faith enter upon any uncultivated land which shall be the property of any of Her Majesty's subjects, the boundaries of which shall not be clearly defined as aforesaid, and shall cultivate or improve the same, and shall remain in undisturbed possession thereof for any period not less than Two nor more than Five years, the proprietor of such land so cultivated or improved shall not be entitled to enter upon or take possession of the same, unless upon payment to the party by whom it shall have been so cultivated or improved of three-fourths of the improved value of such land, less the value of such land in its uncultivated state, such last mentioned value to be taken to be the same as that of similar land in the neighbourhood. And such questions of value shall be determined by arbitration in manner hereinafter provided. Provided always, that it shall be lawful for such proprietor, if he shall think fit, to recover from the party having cultivated or improved such land, one-fourth of the value of the land, and one-fourth of the value of the cultivation or improvements thereupon; and upon payment of such amount to such proprietor, such proprietor shall, on application at the cost of the party so having cultivated or improved such land, execute a good and valid transfer thereof to such party and his heirs. And provided further, that if it shall appear that the proprietor of such land had full knowledge of such land being so cultivated or improved, and wilfully, fraudulently or negligently abstained from giving notice to the party so cultivating or improving the same, that such land was his property, such proprietor shall not be entitled to re-enter upon such land, except upon payment to the party having cultivated or improved the same of the full improved value of such land, less the value thereof in its uncultivated state. And such questions of value shall be determined by arbitration in manner hereinafter provided.

7. And it is further enacted, that if any person shall without fraud and in perfect good faith enter upon any uncultivated land, which be the property of any of Her Majesty's subjects, the boundaries of which shall not be clearly defined as aforesaid, and shall cultivate or improve the same, and shall remain in undisturbed possession thereof for upwards of Five years, the proprietor of such land shall not be entitled to enter upon and take possession of such land so cultivated or improved, unless upon payment to the party having cultivated or improved the same, of the full improved value thereof, less the value of the land in its uncultivated state, which last mentioned value shall be deemed and taken to be the same as that of similar land in the neighbourhood. And such questions of value shall be determined, if necessary, by arbitration in manner hereinafter provided. Provided nevertheless, that such proprietor shall, if he elect so to do, have full power and authority to claim and recover from the party having cultivated or improved such land, the value of such land in its uncultivated state, such value to be taken to be the same as that of similar land in the neighbourhood at the time of valuation, and to be determined, if necessary, by arbitration in manner hereinafter provided; and upon payment of such amount to such proprietor, and in consideration thereof, such proprietor is hereby required to execute a good and valid transfer thereof to the party having cultivated or improved the same, and his heirs; the costs of such transfer to be borne by such party. And provided further, that if it shall appear that the proprietor of such land had, at any time within such Five years, full knowledge of such land being so cultivated or improved, and wilfully, fraudulently or negligently abstained from giving notice to the party cultivating or improving the same that such land was his property, then it shall be competent to such party, upon payment to such proprietor of the value of such land when first entered upon by such party (such value to be determined if necessary by arbitration in manner hereinafter provided), to call upon such proprietor, and such proprietor is hereby required to execute a good and valid transfer thereof to such party and his heirs, at the cost of such party.

8. And it is further enacted, that it shall be lawful for any subject of the Crown, possessed

**No. 1,—1844.**

Where party has had possession for not less than two, nor more than five years of uncultivated land belonging to another.

Proviso.

Where more than five years.

Proviso.

Proprietors of adjoining

**No. 1, — 1844.**  
lands may call upon each other  
to define boundaries.

of land in manner provided by the third Clause of this Ordinance, the boundaries of which shall not be clearly defined as aforesaid, or any agent on his behalf, to call upon the proprietor or occupant of any land adjoining thereunto, not being Her Majesty, Her Heirs or Successors, or upon his agent, by notice in writing under the hand of such possessor, to be served personally on such last mentioned proprietor, occupant or agent, or in the event of their absence from the Colony, or of their not being known, by affixing the same for the space of one month on some conspicuous place in every Cutcherry and Court house within the District in which such land shall be situated, and upon the land itself, to cause one half of such boundary to be made or renewed as shall require to be made or renewed, except where the liability of making or renewing such boundary, or any part thereof, shall by any law, custom or agreement, be otherwise determined; and if the making or renewal of such boundary shall not be commenced within Thirty days after the service of such notice, and be diligently proceeded with, such first mentioned possessor shall be entitled to cause such half of such boundary to be made or renewed, and to recover twice the amount of the costs necessarily incurred therein from the party failing to make or renew his share of such boundary. Provided always, that where the land of any of Her Majesty's subjects shall adjoin land belonging to Her Majesty, it shall be competent for the Government Agent, or any Assistant Government Agent of the Province in which such lands so adjoin, to call upon such subject, by notice to be served in manner provided in respect of the notice hereinbefore mentioned, to make or renew the whole of such boundary, or such part thereof as shall require to be made or renewed. And if the making or renewal of such boundary shall not be commenced within Thirty days after the service of such notice, and diligently proceeded with, the said Government Agent, or Assistant Government Agent, shall be entitled to cause such boundary to be made or renewed, and to recover from such subject twice the amount of the costs necessarily incurred therein.

Where boundaries have  
been made and adjoining lands  
subsequently purchased.

9. Provided always, and it is further enacted, that if any subject of the Crown possessed of land in manner provided by the third Clause of this Ordinance, shall, after the passing of this Ordinance, clearly define the boundaries of his land as aforesaid before the lands immediately adjoining thereunto shall have been duly granted by the Crown, or otherwise held as private property, the owner of the land the boundaries of which shall have been so made, shall be authorized to claim and recover from the person or persons who shall afterwards become the proprietor or proprietors of such adjoining lands, one half of the actual value of the boundaries then existing between the said adjoining lands, and such value shall be determined, if necessary, by arbitration in manner hereinafter provided, as soon as is practicable after such adjoining land shall have been granted by the Crown, or otherwise held as private property as aforesaid.

Disputes to be referred to  
arbitration.

10. And it is further enacted, that wherever any question shall be left under the provisions of this Ordinance to be determined by arbitration, such arbitration shall be referred to two persons, one of whom shall be nominated by each of the parties, and the amount which shall be awarded under such arbitration, shall, upon due proof and verification of such award before any competent Court, be recovered in the same manner that such amount would have been recoverable if it had been decreed to be due by the judgment of such Court. Provided always, that in case such two persons so nominated as aforesaid, shall not agree in the amount of the sum to be paid, within the space of one calendar month next after such reference shall be made to them, then and in such case the same shall be referred to the determination of such indifferent person as the said arbitrators by any writing under their hands shall nominate and appoint as umpire in the case, and the decision of such umpire shall be conclusive, and the amount awarded by him shall be recoverable in like manner as is hereinbefore provided in respect to the amount awarded by the original referees. Provided also, that in case either of the parties in difference shall neglect or refuse, for the space of one calendar month after notice in writing given by the other party for that purpose, to join in the appointment of such arbitrators as aforesaid, it shall and may be lawful for the arbitrator to be chosen by the party giving such notice to nominate another arbitrator to act with him, and the award of such arbitrators, or if they shall not agree in an award, then the award of the umpire, whom they are hereby required to nominate in like manner as hereinbefore provided in respect of the umpire to be nominated by the original referees, shall be binding and conclusive, and the amount awarded under it be recoverable in like manner as if the party so neglecting or refusing had chosen an arbitrator who had actually joined and made an award therein.

Proviso.

Proviso.

11. Provided further, and it is further enacted, that in all cases where any dispute or difference shall arise between the respective owners, or persons legally possessed of such adjoining lands, as to the necessity or sufficiency of any boundary as aforesaid, then and in every such case the same shall be referred to arbitration in like manner, and shall be subject

to the like award in manner herein before provided, which award shall in like manner be binding and conclusive.

12. And it is further enacted, that it shall be lawful for any person possessed of land in manner provided by the third Clause of this Ordinance, who shall have made boundaries to the same, to call upon the Surveyor General to inspect such boundaries, or cause the same to be inspected by some proper person, and the Surveyor General is hereby authorized and required to inspect or cause the same to be so inspected, upon payment to him, or into his Office, or into the Office of the Government Agent of the Province, at the rate of One shilling for every mile that the Surveyor General, or person authorized by him to make such inspection, shall have to travel to and from the land in respect of which inspection is applied for, and at the rate of Twenty shillings for every mile of boundary that the Surveyor General or person as aforesaid shall be called upon to inspect; the extent of such boundary to be determined by the figure of Survey attached to the title deed of the land, and the person so inspecting such boundaries shall report to the Surveyor General fully as to the nature thereof. And if it shall appear to the Surveyor General from such report, or from his own personal inspection, that such boundaries are sufficiently marked, and if the full and fair payment of the costs of travelling and inspection shall have been duly made, he shall sign and give to the party applying for the same, a certificate to that effect. And such certificate shall express the period during which, in the opinion of the Surveyor General, such boundaries will continue sufficiently clear to indicate the land in respect of which they shall have been made. And during such period, the boundaries of such land shall be deemed and taken to be sufficiently defined for the purposes of this Ordinance.

13. Provided always, and it is further enacted, that no person shall acquire any right under the provisions of this Ordinance in respect of the entry upon and cultivation of land which shall be the property, sole or joint, of any person under Twenty-one years of age, or of any insane person. And provided further, that no person shall be subject to the liabilities hereinbefore declared for the not making of a proper boundary to the land possessed by him, if the making thereof shall have been stayed by any order or judgment of any competent Court of law.

14. And it is further enacted, that every person who shall wilfully and knowingly remove, destroy or efface, or attempt to remove, destroy or efface any landmark or boundary, which shall serve to mark the limits of any land, except for the purpose of repairing the same, shall be guilty of an offence, and be liable, on conviction thereof, to payment of any fine not exceeding Fifty pounds, or to imprisonment with or without hard labour, for any period not exceeding One year.

Passed in Council the Seventeenth day of January, One Thousand Eight Hundred and Forty-four.

W. C. GIBSON,

*Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 2,—1844.**

*An Ordinance to repeal the Regulation No. 5 of 1833.*

WHEREAS it is expedient to remove the restrictions at present imposed upon the cultivation, possession, sale, and export of Cinnamon.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 5 of 1833, entitled "*For repealing all the existing laws relating to Cinnamon, for allowing the cultivation, possession, and sale of Cinnamon by all persons whomsoever under certain restrictions, for allowing the exportation thereof from the Ports of Colombo and Point de Galle, on payment of a certain duty, and for securing the due payment of that duty,*" shall be, and the same is hereby repealed, save and except as to the export of Cinnamon Plants or Seeds, and except as to the repeal thereby of any former Laws, Customs, Proclamations, and Regulations, and except as to any offences

**No. 1,—1844.**

Surveyor-General to inspect boundaries:

and to give Certificate.

Ordinance not to affect property of minors or insane persons, &c.

Proviso.

Penalty on removing landmarks.

**No. 2,—1844.**

Preamble.

Repeal of Regulation No. 5 of 1833.

**No. 2, — 1844.**

already committed, and as to any fines, penalties, dues, forfeitures or liabilities incurred thereunder.

Passed in Council the Twenty-fourth day of June, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**Letters Patent, — July 2, 1844.**

VICTORIA, *by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these presents shall come. Greeting.*

LETTERS PATENT, — 2nd  
July, 1844.

WHEREAS His late Majesty King WILLIAM the FOURTH by Letters Patent bearing date Eighteenth day of February in the Third year of his Reign, and in the year of Our Lord One thousand Eight hundred and Thirty-three, did grant, ordain, and appoint, that there should be within the Island of Ceylon one Supreme Court which should be called the Supreme Court of the Island of Ceylon. And whereas by the said Charter or Letters Patent, divers provisions were made for the Administration of Justice within the said Island, and it was thereby provided, that nothing therein contained, and that no act which should be done under the authority thereof, should extend or be construed to extend to prevent His said late Majesty, His Heirs and Successors, by any other Letters Patent to be by him or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking the said recited Charter or any part thereof, or from making such further or other provision for the Administration of Justice throughout the said Island and its Dependencies, at his and their will and pleasure, as circumstances might require. And whereas by other Letters Patent bearing date the Twenty-eighth day of January in the Sixth year of Our Reign, and in the year of Our Lord One thousand Eight hundred and Forty-three, We did ordain and appoint that it should or might be competent to the Governor or Officer administering the Government of the said Island, by any Laws or Ordinances to be by him from time to time made, with the advice and consent of the Legislative Council of the said Island, to make provision for the better Administration of Justice within the said Island, and for altering and amending the constitution of the Supreme Court, or of any other Court of Civil or Criminal Justice within the same, and for regulating the manner of proceeding within such Courts or any of them, and the limits, whether territorial or otherwise, of the Jurisdiction of such Courts respectively, and the times and places of holding such Courts, and the number and functions of the Officers to be employed in and about the Administration of Justice in or under the Orders of the said Courts respectively, and the powers and authorities of the Judges and other Officers of the said respective Courts, and all other matters and things incident to or which to them might appear necessary for the economical, prompt, and effective Administration of Civil and Criminal Justice within the said Island and its Dependencies; all such Laws and Ordinances to have within the said Island and its Dependencies the same force and authority as any other Laws or Ordinances of the said Governor and Legislative Council, any thing in the said Charter or Letters Patent contained to the contrary notwithstanding. Provided only that no Law or Ordinance relating to or affecting the Administration of Justice within the said Island or its Dependencies should take effect within the said Island or should have the force or authority of Law there, until the same should have been ratified and confirmed by Us, Our Heirs and Successors, unless the same should have been passed by the unanimous votes of the said Legislative Council, nor unless all the Judges for the time being of the Supreme Court aforesaid should have certified under their respective hands to the Governor or Officer for the time being administering the Government of the said Island, their unanimous opinion that it would be expedient that such Law or Ordinance should take immediate effect and should not be suspended for the signification of Our pleasure. And whereas We have seen fit to revoke so much of the said last recited Letters Patent as provides that no such Law or Ordinance as aforesaid should take effect within the said Island until the same should have been ratified by Us, Our Heirs and Successors, unless the same shall have been passed with such unanimous consent as aforesaid, nor unless all the Judges for the time being of the said Supreme Court should have made such certificate as is therein mentioned. Now therefore, We do of Our special grace, mere motion and certain knowledge, hereby revoke and annul so much of the said recited Letters Patent of

the Twenty-eighth day of January One thousand Eight hundred and Forty-three, as provides that no Law or Ordinance relating to or affecting the Administration of Justice within the said Island and its Dependencies, shall take effect within the said Island, or shall have the force or the authority of Law there, until the same shall have been ratified and confirmed by Us, Our Heirs and Successors, unless the same shall have been passed by the unanimous votes of the said Legislative Council, nor unless all the Judges for the time being of the Supreme Court aforesaid, shall have certified under their respective hands, to the Governor or Officer for the time being administering the Government of the said Island, their unanimous opinion that it would be expedient that such Law or Ordinance should take immediate effect, and should not be suspended for the signification of Our pleasure. And whereas doubts have arisen whether under and in pursuance of the said recited Letters Patent of the Twenty-eighth day of January One thousand Eight hundred and Forty-three, it is competent to the Governor or the Officer administering the Government of the said Island, by any Laws or Ordinances to be by him from time to time made, with the advice and consent of the Legislative Council of the said Island, to abrogate all or any of the provisions of the said recited Letters Patent of the Eighteenth day of February, One thousand Eight hundred and Thirty-three. Now, for the avoidance of such doubts, We do hereby declare, that it is and shall be competent to the Governor or the Officer administering the Government of the said Island for the time being, by any Laws or Ordinances to be by him from time to time made, with the advice and consent of the Legislative Council of the said Island, to abrogate or annul all or any of the provisions of the said recited Letters Patent of the Eighteenth day of February One thousand Eight hundred and Thirty-three: subject nevertheless to Our right and authority to disallow any such Law or Ordinance, if in any such case We should be so advised. Provided always, that nothing in these presents contained, nor any act which shall be done under the authority hereof, shall extend, or be construed to extend to prevent Us, Our Heirs and Successors, by any other Letters Patent to be by Us or them from time to time for that purpose issued under the Great Seal of the United Kingdom, from revoking these presents or any part thereof, or from making such further or other provision for the Administration of Justice throughout the said Island and its Dependencies, at Our and their will and pleasure, as circumstances may require. In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster the Second day of July in the Eighth year of Our Reign.

By Writ of Privy Seal,  
EDMUNDS.

**No. 3,—1844.**

*To increase the remuneration assigned to Assessors.*

WHEREAS by the Fiftieth Clause of the Ordinance No. 13 of 1843, entitled "*An Ordinance for establishing an efficient Police in certain Towns, &c.*," it is provided that the remuneration to be assigned to the Assessors to be appointed in any Town under the provisions of the said Ordinance, shall in no case exceed Fifty pounds: and whereas it appears that the said sum of Fifty pounds is not in all cases sufficient remuneration to the Assessors employed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall and may be lawful for the Governor to distribute between the persons appointed to act as Assessors for any Town for any One year, any sum not exceeding One Hundred pounds, any thing in the said Ordinance No. 13 of 1843. to the contrary notwithstanding.

Passed in Council the Eighth day of July One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 4,—1844. (Repealed by Ordinance No. 9 of 1845.)**

*An Ordinance to establish a Toll on the Road from Jaffna to Vattacotte.*

WHEREAS it is expedient to establish a Toll on the road from Jaffna to Vattacotte.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor, with the advice

LETTERS PATENT, — 2nd  
July, 1844.

**No. 3,—1844.**

Preamble.

Remuneration of Assessors.

**No. 4,—1844.**

**No. 4.—1844.**

of the Executive Council, to establish a Toll at such place upon the road from Jaffna to Vattacotte as to him and them shall seem fit, and shall be notified by advertisement in the Government Gazette.

2. And it is further enacted, that the day on which this Ordinance shall commence and take effect shall be determined by the Governor, with the advice of the Executive Council, and shall be notified at least One month previously by advertisement in the Government Gazette.

Passed in Council the Eighth day of July, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 5.—1844. (Expired.) \*****No. 5.—1844.**

*To apply a sum not exceeding Nine thousand Nine hundred and Seventy-five pounds to defray the Supplementary Contingent charges of the year 1844.*

**No. 6.—1844. (Expired.) \*****No. 6.—1844.**

*To appropriate a portion of the surplus Revenue of 1843 for the execution of certain Public Works.*

**No. 8.—1844.****No. 8.—1844.**

*An Ordinance for the Suppression of Lotteries.*

Preamble.

WHEREAS great mischief has been found to result from the existence of Lotteries.

Lotteries declared nuisances.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that all Lotteries and all undertakings in the nature of Lotteries under whatsoever denomination or pretence they shall be set up, carried on or kept, shall be deemed and are hereby declared to be common nuisances and against law.

Person setting up Lottery.

2. And it is further enacted, that from and after the passing of this Ordinance, if any person shall set up, carry on or keep, or shall cause or procure to be set up, carried on or kept, or shall in any way be knowingly concerned in the setting up, carrying on or keeping any Lottery or undertaking in the nature of a Lottery, under any denomination or pretence whatsoever, or shall make, print or publish, or cause to be made, printed or published, any proposal or scheme under any denomination, name or title whatever, for any Lottery or undertaking in the nature of a Lottery, to be set up carried on or kept either within this Island and its Dependencies, or at any place elsewhere, or any advertisement of the sale of any ticket, share or chance in any such Lottery or undertaking, or shall keep or use, publicly or privately, any office or place for the purposes of any such Lottery or undertaking, or shall knowingly suffer any such Lottery or undertaking to be drawn or carried on, or any thing to be done in furtherance of any such Lottery or undertaking in his or her house, or in any place belonging to or occupied by him or her, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Fifty pounds.

Person drawing Ticket in Lottery.

3. And it is further enacted, that if any person shall draw, or cause to be drawn, any ticket, lot, chance, share, number or figure in any such Lottery, or undertaking in the nature of a Lottery, or shall by playing, throwing, or in any other way whatsoever, endeavour to win or obtain any prize in, or to derive any benefit for himself or for any other person from any such Lottery or undertaking, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

Person selling or buying Ticket.

4. And it is further enacted, that if any person shall, within this Island and its Dependencies, sell, deliver or dispose of, purchase, or wilfully receive any ticket, receipt, chance, share or number, or any thing in the nature or having the effect of a ticket, receipt, chance, share or number in any Lottery, or undertaking in the nature of a Lottery, set up, carried on or kept, or to be set up, carried on or kept in any place, either within or beyond this Island and its Dependencies, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

\* The Supply Ordinances for each year are not published at length.

5. And it is further enacted, that if any person shall, under any pretence, device or description whatsoever, agree to pay any sum, or deliver any goods, or to do or forbear doing any thing for the benefit of any person, whether with or without consideration, on any event or contingency relative or applicable to the drawing, winning, or obtaining of any ticket, lot, chance, share, number or figure in any such Lottery, or undertaking in the nature of a Lottery, or shall make, print or publish any proposal, under any denomination, name or title whatever, for any of the purposes aforesaid, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

6. And it is further enacted, that it shall be lawful for any person holding a warrant in that behalf under the hand of any competent Justice of the Peace, who is hereby empowered to grant the same upon complaint or information on oath of the commission of any offence specified in this Clause, or for any Superintendent or Officer of Police, or any Peace Officer whatsoever, upon reasonable grounds of suspicion, that any such Lottery, or undertaking in the nature thereof, is set up, kept, or carried on in any house, premises or place, or that any thing has lately been done, or is then in the course of being done, in any house, premises or place, in furtherance of any such Lottery or undertaking, to break open or otherwise forcibly enter any such house, premises or place, after having given sufficient intimation of his object, and not having obtained admission, and to seize and apprehend all persons whom he shall find therein doing, or assisting in the doing of any thing respecting any such Lottery or undertaking, which shall be declared punishable by this Ordinance, and to seize all papers, instruments and things employed in or about such Lottery or undertaking, and to take such persons and things before some competent Justice of the Peace or Court, to be dealt with according to Law; and every person obstructing, opposing, molesting or hindering, and every person aiding in, or inciting to the opposing, molesting or hindering any such Superintendent or Officer of Police or Peace Officer, or any person acting under the authority of such warrant as aforesaid, in the due entering into any such house or premises or place, or in the seizing, detaining or conveying any such offenders, or any such papers, instruments or things before such Justice or Court, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

7. And it further enacted, that it shall not be competent for any Court within this Island to try any person for any offence or alleged offence against this Ordinance unless the prosecution of such person for such offence shall have been expressly authorized by the Queen's Advocate.

8. And it is further enacted, that one half of all fines recovered under the provisions of this Ordinance shall go to Our Lady the Queen, and the other half to the Informers; and if any person upon whom any fine shall be imposed under the provisions of this Ordinance, shall fail to pay the same, the Informer shall be entitled to receive from the Government Agent the amount of the share of such fine to which he would have been entitled if the same had been paid: provided that the said Government Agent shall not be bound to pay in respect of any one such share, any sum exceeding the sum of Seven pounds and Ten shillings.

9. Provided always, and it is further enacted, that no person shall be deemed incompetent to give evidence at the trial of any party for any offence created by this Ordinance by reason of any reward or share to which he would be entitled under the provisions of the preceding Clause upon the conviction of such party, any thing in the Ordinance No. 6 of 1834, entitled "*Ordinance declaring English rules of Evidence to be in force in this Island unless in cases otherwise expressly provided for by law, and prescribing the course by which evidence is to be obtained in certain cases,*" to the contrary notwithstanding.

Passed in Council the Tenth day of July, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 9,—1844.** (*Repealed by Ordinance No. 1 of 1845.*)

*An Ordinance to promote the building of places of Christian worship and to provide for the maintenance of Ministers of the Christian Religion.*

WHEREAS for the advancement of the Christian Religion and the promotion of good morals in this Island, it is expedient to encourage the observance of public Christian worship and for this purpose to authorize the issue from the public Treasury of sums to be applied

**No. 8,—1844.**

Persons assisting in setting up Lottery.

Search for Lottery.

No prosecution but by authority of Queen's Advocate.

Informer's share of Fines.

Informer competent witness.

**No. 9,—1844.**

No. 9, — 1844.

in aid of the building of places of public worship and of the maintenance of Ministers of the Christian Religion.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that whenever after the publication in the Government Gazette of a Proclamation to be for that purpose issued by the Governor, declaring that this Ordinance has been confirmed by Her Majesty, any sum of money not less than One Hundred pounds shall be raised by subscription drawn exclusively from the resources of private persons for the erection of any place of Christian worship in any part of this Colony, or for the erection of any such place of worship together with a Minister's dwelling, or any sum of money not less than One Hundred pounds for the erection or purchase of a Minister's dwelling alone, in respect of any existing place of worship in the building or maintenance of which any public monies have been expended; then in case it shall be made to appear to the Governor and the Executive Council that there are resident within a reasonable distance of such existing or intended place of worship, a sufficient number of intelligent adult persons who shall have subscribed a declaration in writing that they frequent or intend to frequent such place of worship, it shall be lawful for the Governor, with the advice of the Executive Council, if to him and them it shall appear expedient, to cause to be issued from the Colonial Treasury as a contribution from the public funds, such sum or sums of money (not exceeding in any such case the sum or sums of money hereinafter respectively limited) as shall be equal to the amount of such subscription, subject to such regulations for ensuring the due outlay and appropriation as well of such contribution as of the amount of such subscription, as the said 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 always, that no one person shall sign more than one such declaration as aforesaid, if any place of worship shall have been erected in consequence of such declaration, unless such person shall become a *bonâ fide* resident of some place distant at least Ten miles from that where such place of worship was erected. And provided further, that it shall be competent to the Governor to refuse any such contribution for the erection of a place of worship only, in all cases where it shall appear desirable to him and to the Executive Council, that provision should also be made for the erection of a Minister's dwelling. And provided further, that no such sum of money shall be issued from the Colonial Treasury until the whole amount required to be furnished by subscription, shall have been deposited in the Colonial Treasury, nor until a specification and plan of the intended place of worship or Minister's dwelling, or both, as the case may be, shall have been submitted to the Governor and the Executive Council and approved of by them.

2. And it is further enacted, that the amount of such contributions from the Colonial Treasury, shall in no one year (without the express previous consent of the Legislative Council testified by a vote of that body,) exceed the sum of Four Thousand Pounds, nor shall the amount of contribution in any one case, without the express previous consent of the Legislative Council testified as aforesaid, exceed the sums next mentioned respectively, that is to say, towards the erection of a Minister's dwelling only, in any such case as aforesaid, the sum of Four Hundred pounds; towards the erection of a place of Divine worship only, the sum of One Thousand pounds; towards the erection of any such place of worship, together with a Minister's dwelling, the sum of One Thousand Four Hundred pounds.

3. And it is further enacted, that before any sum of money shall be issued from the Colonial Treasury as aforesaid, for the erection of any place of worship, Trustees shall be elected or appointed in such manner as shall be by any future Ordinance provided, in whom the real estate in the site of such place of worship or Minister's dwelling, or both, as the case may be, and of any lands and hereditaments thereunto belonging, shall be vested upon such trusts as shall in such future Ordinance be declared.

4. And it is further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, whenever to him and them it shall appear to be expedient, by warrant under his hand, to authorize from time to time the issue from the Colonial Treasury of stipends towards the support of the Ministers of the Christian religion duly appointed to officiate in any place of worship to be erected in manner aforesaid, or in any place of Christian worship already erected or maintained, either wholly or in part out of the public funds, such stipends being issued at the several rates hereinafter mentioned, that is to say, in case it shall be shewn to the satisfaction of the said Governor and Executive Council, that there is resident within a reasonable distance of the proposed place of worship, a population of One Hundred intelligent adult persons, and such persons shall subscribe a declaration setting forth their desire to attend such place of worship, it shall be lawful to issue to the Minister thereof, from the Colonial Treasury in manner aforesaid, One Hundred and Fifty pounds a year: and in case there should appear to the said Governor and Executive Council to be resident as aforesaid Two Hundred such adults, who shall subscribe such declaration, then Two Hundred and Fifty pounds a year; and in case there shall appear to the said Governor and Executive Council, to be so resident Three Hundred such adults who shall subscribe such declaration, then Four Hundred pounds a year, which shall be the highest stipend to be issued from the Colonial Treasury, under the provisions of this Ordinance towards the support of any one officiating Minister of religion. Provided always, that the amount to be issued from the Colonial Treasury for such stipends shall in no one year exceed Four Thousand pounds.

5. Provided always, and it is further enacted, that in case the number of persons by whom or on whose behalf such declaration as aforesaid shall be subscribed, shall be less than the number of One Hundred, it shall nevertheless be lawful for the Governor, with the advice



of the Executive Council, to cause to be issued a stipend to the Minister of any such place of worship of any sum not exceeding One Hundred and Fifty pounds a year, if under the special circumstances of the case, the said Governor and Executive Council shall deem it expedient.

**No. 9,—1844.**

6. And it is further enacted, that whenever it shall be made to appear to the Governor and Executive Council, that the number of persons belonging to the Congregation of any Minister who now receives or shall hereafter receive any stipend from the Colonial Treasury, shall have increased, then and in such case upon a declaration subscribed by so many intelligent adult persons as would authorize under the provisions of this Ordinance the issue of a larger stipend to the Minister officiating at such place of worship, being presented to the Governor and Executive Council, it shall and may be lawful for the Governor, with the advice of the Executive Council, to direct the issue of the stipend proportioned to such increased numbers as is by this Ordinance directed.

7. And it is further enacted, that whenever it shall be made to appear to the Governor and Executive Council, that the number of bona fide frequenters of any place of worship, in aid of the erection of which and a Minister's dwelling any issue of money shall have been made from the Colonial Treasury, has decreased, it shall be competent to the Governor, when to him and the Executive Council it shall appear expedient, to reduce the stipend of the Minister of such place of worship to such amount as Ministers may claim to receive in reference to the number of their Congregations under the provisions of the 4th Clause of this Ordinance.

8. And it is further enacted, that whenever any sum not less than Fifty pounds for any one year shall be raised by private contributions towards the maintenance of a Minister of Religion in any part of the said Colony in which there shall be no place of worship at which persons of the creed of such Minister can be reasonably expected to attend, and there shall also appear reasonable cause for delaying the erection of a permanent place of worship for the use of such persons under the foregoing provisions, it shall be lawful for the Governor, with the advice of the Executive Council, to cause to be issued from the Colonial Treasury towards the maintenance of such Minister, any sum not exceeding One Hundred and Fifty pounds which shall be equivalent to the sum raised by private contributions as aforesaid.

9. And it is further enacted, that in estimating the number of such adults, every person of the age of Fourteen shall be reckoned, and that three children under that age but above the age of Six years shall be reckoned as equivalent to one adult person, and the signature of either of the parents of such last mentioned children to any such declaration as aforesaid, may be taken in lieu of the signature of such children.

10. And it is further enacted, that no salary shall in any case be issued under the authority of this Ordinance to any Minister whose appointment shall not have been made in accordance with the laws and principles of the religious denomination to which such Minister belongs, and have been confirmed by Her Majesty or Her Successors, or by the Governor for the time being, and that no salary shall be continued in any case to any Minister after it shall have been certified to the Governor by the proper Ecclesiastical authority, that he has been tried and found guilty by competent authority according to the laws or usages of the Church to which he belongs, of such misconduct or culpable neglect of duty (specifying in particular the instance or instances of such neglect or misconduct) as according to the same laws or usages renders the discontinuance of such salary proper, nor shall any Minister continue to receive any such salary who shall not (if required) produce to the Governor sufficient proof of his having duly officiated during the period for which such salary is applied for.

11. And it is further enacted and declared, that nothing contained in this Ordinance shall have the effect of diminishing in any manner the salaries or allowances of the several Ministers who are now paid out of the public funds of this Colony.

12. And it is further enacted, that this Ordinance shall not come into operation, until notification shall be given by the Governor in the Government Gazette that the same has received the confirmation of Her Majesty.

Passed in Council the Twelfth day of July, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

**No. 10,—1844.**

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

**No. 10,—1844.**

WHEREAS it is expedient to amend the Law relative to the Distillation and Sale of Arrack, Rum and Toddy within these Settlements.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ordinance No. 5 of 1834, entitled "*For consolidating and amending the Laws now in force for securing the Revenue derived from the duty*

Ordinances No. 5 of 1834, and No. 13 of 1840, repealed.

**No. 10, — 1844.**

*imposed upon Stills used for the Distillation of Arrack, and the Retail Sale of Arrack and Toddy,"* and the Ordinance No. 13 of 1840, entitled "*To amend the Law relative to Toddy,"* shall be and the same are hereby repealed, save and except as to the repeal of any former enactments therein contained, and except as to any arrears of Duties or penalties thereby imposed which may remain unpaid, or as to any offences which may have been committed against the same.

**Distiller to have Licence.**

2. And it is further enacted, that it shall not be lawful for any person or persons to have or keep any Still whatever, for the purpose of making, distilling, rectifying or compounding spirits, without having first obtained a Licence for that purpose under the provisions of this Ordinance, signed by the Government Agent of the Province in which such Still is intended to be had or kept. Provided always, that persons in partnership, carrying on any one such trade or business in one house or place only, shall not be obliged to take out more than one such Licence in any one year; and that no one licence which shall be granted by virtue of this Ordinance, shall authorize or empower any person or persons to whom the same shall be granted, to have, keep or make use of any Still, or to distil, rectify, or compound any spirits in any other house or premises than the house or premises mentioned in such licence.

**Restriction of distillation.**

3. And it is further enacted, that no licence shall be granted for the distillation of spirit from any other substance than the produce of the Coccoanut or other description of Palm or of the Sugar Cane.

**Description of Still and premises to be furnished.**

4. And it is further enacted, that before any licence shall be granted for distilling, rectifying or compounding spirits, the person applying for the same shall furnish the Government Agent with a description of the Still, setting forth its shape, dimensions and proportions, and also a description of the premises in which it is intended to erect the same.

**Distiller to make declaration of name and residence.**

5. And it is further enacted, that before any licence shall be granted for distilling, rectifying or compounding spirits, the person applying for the same shall furnish the Government Agent with a declaration in writing, setting forth the name or names and residence or residences of himself and of the principal person or persons under whose actual management or superintendence the said trade or business is intended to be carried on: And further, that such applicant is the owner of the Still for the use of which he shall have applied for a licence, or that he is duly authorized by the actual owner thereof to make such application. And if the party making such declaration shall cease to be the owner or the authorized agent of the owner thereof, or if any other person shall be entrusted with the actual management or superintendence of such trade or business, further declaration thereof shall be forthwith made to the Government Agent, and every such declaration shall be signed by the party making the same, and shall be registered by the Government Agent in a Register to be by him kept for that purpose. And if any such declaration shall be false, the party making the same shall be guilty of an offence, and be liable, on conviction, to a fine of Twenty pounds.

**Premises to be duly secured.**

6. And it is further enacted, that no licence shall be granted for the use of any Still for the purpose of distilling, rectifying or compounding spirits, unless the premises within which such business is intended to be carried on, shall be secured to the satisfaction of the Government Agent by a wall or otherwise.

**Distiller to have store.**

7. And it is further enacted, that there shall be constructed upon the premises mentioned in the preceding Clauses, one or more safe and secure houses or stores, a particular description whereof shall be furnished to and registered by the Government Agent, and that all spirits when distilled shall be deposited therein. And any spirits which may be found in any part of the premises of any distiller, rectifier or compounder, except in such houses or stores, shall be forfeited, unless the same shall be lawfully possessed by him under any of the provisions of this Ordinance; and every person in the actual management or superintendence of the trade or business of any licensed distiller, rectifier, or compounder, on whose premises such spirits shall be found, shall, whether he be himself the licensed distiller, rectifier or compounder, or only the manager or superintendent, be guilty of an offence, and be liable, on conviction, to a penalty not exceeding Five shillings for every gallon of spirit so found.

**Spirits found out of store.**

8. And it is further enacted, that no tree, plant or shrub shall be permitted to grow or remain within Twenty feet of the buildings used by any distiller, rectifier or compounder, for the purpose of distilling, rectifying, compounding or storing spirits, and any distiller, rectifier or compounder, or his manager or superintendent, knowingly permitting any tree, plant or shrub to grow or remain, contrary to the provisions of this Clause, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

**Distillery to be kept clear of jungle.**

9. And it is further enacted, that the licence herein before required shall be issued by the Government Agent to the party applying for the same, within Ten days from the receipt of the application of such party. Provided always, that it shall and may be lawful for any Government Agent to refuse to issue a licence for the use of any Still, or for distilling, rectifying or compounding any spirits, provided that such refusal, and the reasons thereof, shall with all convenient despatch be reported to the Governor, by whom such refusal shall and may be confirmed or reversed.

10. And it is further enacted, that no licence shall be issued by any Government Agent, which shall authorize any person to have, keep, or make use of any Still for making, distilling, rectifying or compounding spirits, the body of which, without the head thereof, shall be of less capacity or content than One Hundred and Fifty gallons, unless such Still shall be of such peculiar construction as shall, in the opinion of the Government Agent, render it unnecessary to require its body to be of so large a capacity as aforesaid.

11. And it is further enacted, that every licence for the distillation of spirits which shall be granted under this Ordinance, shall be as near as is material according to the form A. hereto annexed, and shall be in force on and from the day on which the same shall be granted until the Thirty-first day of December next thereafter inclusive; And that it shall be lawful for the Government Agent, to demand and receive, before granting any such licence, the sum of Three pounds.

12. Provided always, that it shall be lawful for any Government Agent, to grant, free of all charges, to any apothecary, chemist or druggist applying for the same, a licence (which shall remain in force for such time as to such Government Agent may appear expedient, and which shall be stated in such licence,) to keep on his premises a Still, the body of which, exclusive of the head thereof, shall not contain more than Eight gallons, and to use the same for the distillation of spirit from any substance, any thing in the third Clause of this Ordinance contained to the contrary notwithstanding, for the purposes of his trade only. And any apothecary, chemist or druggist, who shall have or keep any Still, vessel or utensil adapted for the purpose of distillation, without such licence, or who shall use or permit the use of any such Still, vessel or utensil, except for the preparation of medicines or other articles required bonâ fide for medical purposes, shall be guilty of an offence, and be liable, on conviction, to a fine of Fifty pounds; and every such Still, vessel and utensil, and all spirit distilled by such apothecary, chemist or druggist, shall be forfeited.

13. And it is further enacted, that any person who shall distil any spirit from any other substance than the produce of the Cocoanut or other description of Palm, or of the Sugar cane, unless under the provisions of the preceding Clause of this Ordinance, or who shall, without obtaining a licence as hereinbefore required, unless he be acting for, and by the authority and for the benefit of and in conformity with the licence granted to any licensed distiller, rectifier or compounder, have or keep any Still, vessel or utensil, adapted for the purpose of distilling, rectifying or compounding spirits, or distil, rectify or compound any spirits, or who, after the Thirty-first day of December next after the date of any such licence, and until such person shall have obtained a new licence for that purpose, shall continue to have or keep any Still, vessel or utensil as aforesaid, or to distil, rectify, or compound any spirits, or any licensed distiller, rectifier or compounder, or manager or superintendent who shall erect, place or use any Still, vessel or utensil adapted for the purpose of distilling, rectifying or compounding spirits, upon any premises other than those mentioned in the licence granted to such distiller, rectifier or compounder, shall be guilty of an offence, and be liable, on conviction, to a fine of One Hundred pounds, or to imprisonment, with or without hard labour, for Six months, and to a further fine of Five shillings for every gallon of spirits which may be proved to have been so distilled, rectified or compounded. And every person knowingly procuring or inciting to or aiding or abetting in the commission of any such offence, shall be equally guilty with the principal offender, and shall be punishable in like manner. And every such Still, vessel and utensil, and all such spirits shall be forfeited.

14. And it is further enacted, that every licensed distiller, rectifier or compounder, and every person in the management or superintendence of the trade or business of any licensed distiller, rectifier or compounder, who shall sell or dispose of or knowingly cause or permit to be sold or disposed of on his account, any spirits in a less quantity than Thirty-five gallons at any one time, shall be guilty of an offence, and be liable, on conviction, to a penalty of Five pounds.

15. And whereas much hardship would be inflicted in those Districts in which distillation has been hitherto permitted, if this Ordinance were to come into full and immediate opera-

**No. 10.—1844.**

Issue of licence.

Agent may refuse licence.

No Still to contain less than 150 gallons.

Form of licence.

And duration.

Duty on licence.

Unless required for medical purposes.

Penalty on illicit distillation.

Distiller not to sell less than 35 gallons of spirit.

Certain Districts excluded from operation of certain pro-

**No. 10, — 1844.**

visions as to distillation of Arrack:

tion therein. It is therefore further enacted, that the sixth, seventh, eighth and tenth Clauses hereof shall not come into operation nor be of any force or effect, so far as they relate to the distillation of spirits from the produce of the Coccoanut or other description of Palm within the Districts hereinafter enumerated, that is to say, Pantura, the Raygam, Pasdoon and Wallalawitty Corles, and the Caltura division within the Western Province, and Bentotte Wallawitty Corle, Amblangodde, Wellebodda Pattoo, Gangebodda Pattoo, and Akmiamene of the Galle District, Belligam Corle and Tottamoone, Four Gravets of Matura and Wellebodda Pattoo of the Matura District, and the Girreway Pattoo within the Southern Province.

Certificates of wholesale dealers void.

16. And it is further enacted, that all certificates of registry which may have been heretofore granted to wholesale dealers in Arrack, shall be and the same are hereby declared to be void and of no effect.

Wholesale sale of spirits.

17. And it is further enacted, that no sale of spirits distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, shall be considered wholesale, unless the quantity sold amounts to or exceeds Thirty-five gallons. And any wholesale dealer who shall sell or dispose of or knowingly cause or permit to be sold or disposed of on his account, any such spirits in any less quantity than Thirty-five gallons, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

Wholesale dealer in spirits to have licence.

18. And it is further enacted, that it shall not be lawful for any person, other than a licensed distiller, rectifier or compounder, with respect to the spirit lawfully distilled, rectified or compounded by him, to deal by wholesale in spirits distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, unless he shall first have obtained a licence to that effect as hereinafter mentioned, from the Government Agent of the Province within which such wholesale dealing is intended to be carried on. And any person, except such licensed distiller, rectifier or compounder as aforesaid, selling or disposing of such spirits by wholesale, or knowingly causing or permitting such spirits to be sold or disposed of by wholesale on his account, without such licence as aforesaid, unless he be acting for, and by the authority and for the benefit of, and in conformity with the licence granted to such wholesale dealer, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Fifty pounds, and to a further fine of Five shillings for every gallon of spirits which shall be proved to have been so sold by him.

Penalty.

And a secure storehouse.

19. And it is further enacted, that it shall not be lawful for any person to deal by wholesale in spirits distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, unless he shall have one or more safe and secure Storehouses, which shall in no case be within any part of the dwelling house of such person or of any other person, for the purpose of depositing and keeping any such spirits which he may have in his possession. And any such spirits which may be found belonging to or in the possession of, or in or upon any part of the premises of any wholesale dealer, and not within such storehouse as aforesaid, unless during the actual removal of such spirits to or from such storehouse, or unless the same shall be lawfully possessed by him under any of the provisions of this Ordinance, shall be forfeited.

Application for licence.

20. And it is further enacted, that any person who may be desirous to obtain a licence to deal by wholesale in spirits distilled from the produce of the Coccoanut or other description of Palm or Sugar Cane, shall make an application in writing to that effect to the Government Agent of the Province within which such wholesale dealing is intended to be carried on, 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 his storehouse or storehouses shall be situate, and shall pay to such Government Agent the sum of Three pounds. And such Government Agent shall within Ten days from the receipt of such application and payment, issue to the person making the same a licence, as near as is material according to the form B. hereto annexed, to deal in such spirits by wholesale; which licence shall entitle the person to whom the same shall be issued, to have in his possession any quantity of such spirits lawfully purchased or distilled, either for exportation or for sale by wholesale, and shall be in force on and from the day on which the same shall be granted until the Thirty-first day of December next thereafter inclusive. But if any Government Agent shall see any just and reasonable ground for so doing, it shall be lawful for him to refuse to issue such licence; provided that such refusal and the reasons thereof, be with all convenient despatch reported to the Governor, by whom such refusal shall and may be confirmed or reversed.

Issue of licence.

Government Agent may refuse licence.

Wholesale dealer to sell at store.

21. And it is further enacted, that it shall not be lawful for any wholesale dealer in spirits distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, to

sell or dispose of such spirits at any other place than at the storehouse or storehouses mentioned in the licence which shall have been granted to such dealer, and any wholesale dealer selling or disposing of or causing or permitting to be sold or disposed of on his account any such spirits, contrary to the provisions of this Clause, shall be guilty of an offence, and be liable, on conviction, to a fine of Fifty pounds.

**No. 10, — 1844.**

22. And it is further enacted, that it shall be lawful for the Government Agent, if he shall see fit so to do, to place or cause to be placed one or more locks upon each of the doors of the storehouse or storehouses of any licensed wholesale dealer in spirits distilled from the produce of the Cocoanut or other description of Palm or of the Sugar Cane, and to entrust the keys thereof to any person that he may think fit: provided always, that such wholesale dealer shall at all times during the day have free access to such storehouse, and that on his application the person entrusted with the keys thereof shall within a reasonable time attend with the keys for the purpose of opening the same. And if any such wholesale dealer or any other person shall remove or cause to be removed any lock so placed upon his storehouse, or shall open or enter into the same or permit any person so to do, without application to or previous to the attendance of the person entrusted with the keys as aforesaid, he shall be guilty of an offence, and be liable, on conviction, to a fine of Fifty pounds.

Agent may place lock on store of wholesale dealer.

23. And it is further enacted, that no tree, plant or shrub, shall be permitted to grow or remain within Twenty feet of any storehouse of any licensed wholesale dealer, and any licensed wholesale dealer knowingly permitting any tree, plant or shrub, to grow or remain contrary to the provisions of this Clause, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

Storehouse to be kept clear of jungle.

24. And it is further enacted, that it shall and may be lawful for any person authorized in that behalf in writing under the hand of the Government Agent, at all times, as well by night as by day, to enter into any house, outhouse or place whatsoever, made use of by or on account of any licensed distiller, rectifier or compounder of, or wholesale dealer in spirits distilled from the produce of the Cocoanut or other description of Palm or the Sugar Cane, for the purpose of his trade or business, and to measure and take an account of all such spirits, and of every Still and utensil of any kind kept therein; provided that such person shall, if required so to do, produce to the person in charge of such premises the authority which may have been granted to him as aforesaid. And if any party shall in any way molest, obstruct or hinder such person in the execution of the powers vested in him as aforesaid, such party shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Twenty pounds, or to imprisonment with or without hard labour, not exceeding Six months.

Search by authority of Government Agent.

25. And it is further enacted, that if any person charged with the breach of any of the preceding Clauses of this Ordinance shall be brought before any Justice of the Peace for examination, such Justice shall not commit such person finally for trial until he shall have referred the proceedings had before him in respect of such charge to the Queen's Advocate or to some competent Deputy Queen's Advocate, nor until he shall have received the instructions of such Officer for the commitment of such person for trial.

Reference to Queen's Advocate by Justice of the Peace.

26. And it is further enacted, that no person shall sell or dispose of by retail, that is to say, in less quantity at any one time than Thirty-five gallons, any spirit distilled from the produce of the Cocoanut or other description of Palm or of the Sugar Cane, without having first obtained a licence, as near as is material according to the form C. hereto annexed, for that purpose from the Government Agent of the Province in which such sale by retail is intended to be carried on, or unless he be acting for, and by the authority and for the benefit of, and in conformity with the licence granted to such licensed retail dealer: And any person who shall sell or dispose of or cause or permit to be sold or disposed of on his account by retail any such spirits, without such licence, or contrary to the tenor thereof, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

Retail of Arrack and Rum.

27. And it is further enacted, that every person licensed to sell spirits under the provisions of the preceding Clause, shall at all times during the day be and he is hereby required during the continuance of his licence, to sell spirits not exceeding Two quarts, immediately on application for the same, and any licensed retail dealer neglecting, refusing or wilfully delaying to sell such quantity of such spirits, shall be guilty of an offence, and be liable, on conviction, to a fine of One pound.

Retailer to sell two quarts.

28. And it is further enacted, that whenever any licensed retail dealer or person acting in his behalf, shall sell spirits exceeding in quantity Two quarts, he shall grant a certificate of such sale to the purchaser, which certificate shall be signed by such licensed retail dealer or

Certificate to purchaser.

**No. 10, — 1844.**

person acting on his behalf, and shall specify the date thereof, the quantity purchased, the name of the purchaser, the period within which it is to be removed, and the places from and to which it is to be removed, and both which places must be within the District in which such person shall be licensed to sell the same, and which certificate such licensed retail dealer or person acting on his behalf, is hereby required to give upon receipt of the value of the spirits so sold, and any licensed retail dealer or person acting on his behalf neglecting, refusing or wilfully delaying to grant such certificate accordingly, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds. Provided always, that in every instance in which spirits exceeding Three gallons shall be sold by any licensed retail dealer, no certificate shall continue in force or shall be held to legalize the possession of any such spirits exceeding in quantity Three gallons, for a longer period than Forty-eight hours, unless such purchaser shall have also obtained a special licence from the Government Agent for such longer period as may be therein specified.

Licence to retail wine or spirits.

29. And it is further enacted, that no wine or spirits or spirituous liquors of any description whatsoever, shall be sold for the purpose of being consumed on the premises within which the same shall be sold, unless the person selling the same shall first have obtained a licence for that purpose from the Government Agent of the Province within which such sale is intended to be carried on, or unless he be acting for and by the authority and for the benefit of, and in conformity with the licence granted to such licensed retail dealer. And any person who shall sell or dispose of or cause or permit to be sold or disposed of on his account any wine, spirits or spirituous liquors for consumption as aforesaid, without such licence, or contrary to the tenor thereof, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

Application for licence.

30. And it is further enacted, that any person who may be desirous to obtain a licence to sell any wine, spirits or spirituous liquors, not being the produce of the Cocomnut or other description of Palm or of the Sugar Cane, for the purpose of being consumed on the premises within which the same shall have been sold, shall make an application in writing to that effect to the Government Agent of the Province within which such sale is intended to be carried on, 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, and shall pay to such Government Agent the sum of Two pounds, and such Government Agent shall, within Ten days from the receipt of such application, issue to the person making the same a licence, as near as is material according to the form D. hereto annexed, to sell spirits, wine and spirituous liquors, not being the produce of the Cocomnut or other description of Palm or of the Sugar Cane, for consumption as aforesaid, which licence shall be in force on and from the day on which the same shall be granted, until the Thirty-first day of December next thereafter inclusive. But if any Government Agent shall see just and reasonable ground for so doing, it shall be lawful for him to refuse to issue such licence, provided that such refusal and the reasons thereof, be with all convenient despatch reported to the Governor, by whom such refusal shall and may be confirmed or reversed.

Issue of licence.

Government Agent may refuse licence.

Agent may withdraw licence of wholesale or retail dealer.

31. And it is further enacted, that if any licensed wholesale or retail dealer in spirits or toddy shall be convicted of an offence against any of the provisions of this Ordinance, it shall be lawful for the Government Agent, if he shall see fit so to do, to call upon such wholesale or retail dealer in writing to give up the licence which shall have been issued to him, and such licence shall thereupon be deemed and taken to be withdrawn and shall be of no further force or effect.

Possession of Arrack and Rum.

32. And it is further enacted, that the possession by any person of any spirit distilled from the produce of the Cocomnut or other description of Palm, or of the Sugar Cane, shall be unlawful, except under the following circumstances, that is to say—

Except such spirit shall be in the possession of any licensed distiller or wholesale or retail dealer, in conformity with the provisions of this Ordinance.

Or except such spirit shall be in the possession of any person, legally empowered to remove the same.

Or except such spirit shall be possessed by the authority of the Government Agent of the Province, within which it shall be possessed.

Or except such spirit shall have been legally sold to the persons in whose possession it shall be found, provided, if the quantity be less than Thirty-five gallons, it shall have been purchased from the licensed retail dealer of the district within which it shall be possessed. And provided further, that the possessor of any such spirit shall, when necessary, have taken out the certificate or certificates required by the 28th Clause of this Ordinance.

No. 10,—1844.

And any person possessing any such Spirit under any circumstances not specified in some one or more of the above mentioned exceptions, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds, and to a further fine of Five shillings for every gallon of such spirits so illegally possessed, and all such spirits shall be forfeited.

33. And it is further enacted, that no spirit distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, in any quantity exceeding Two quarts, shall be removed without a Permit accompanying the same, as near as is material of the form E. hereto annexed, which permit shall specify the date thereof, the names of the person removing such spirit, and of the person on whose behalf it is removed, the quantity to be removed, the period within which it is to be removed, the places from and to which it is to be removed, and the mode in which it is to be removed. And such permits shall be granted by the Government Agent of the Province, or by the licensed retail dealer of the District, from or within which such spirit is to be removed, or by any other person duly authorized in writing under the hand of the Government Agent. Provided, that if the quantity of such spirit shall exceed Thirty-five gallons, no such permit shall be issued to any person not being or acting on behalf of some licensed distiller or wholesale or retail dealer, except by the Government Agent. And provided further, that if the quantity of such Spirit shall be less than Thirty-five gallons, no such permit shall be issued by any licensed retail dealer for the removal of the same beyond the limits of the District within which he shall be licensed to retail the same.

Removal of Arrack and Rum.

34. And it is further enacted, that it shall be lawful for any person authorized in that behalf in writing under the hand of the Government Agent, at all times, as well by night as by day, to stop any person removing what there may be reasonable ground to suppose to be spirit distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, and to demand the production of the permit granted for the removal of the same; provided that such first mentioned person shall produce to the person removing any such spirit the authority which shall have been granted to him as aforesaid.

Authority to demand Permit.

35. And it is further enacted, that it shall be lawful for any person authorized under the provisions of the preceding Clause, to satisfy himself that the removal of any spirit distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, is in all respects in conformity with the permit granted for the same. And if such person shall find that the quantity of such spirits removed, or the means or time of removal or the places to or from which it is removed, shall not correspond with the same particulars as appearing in the permit accompanying the same, or if no permit shall be produced for the removal thereof, it shall be lawful for such person to detain any such spirit and without delay to give the same, together with every cart, waggon, boat, vessel, animal or other conveyance employed in such removal, into the charge of the Government Agent, to be dealt with according to law. And if any person removing any such spirit shall, after production of the authority to demand the permit for such removal, refuse to produce the same, or shall in any way molest, obstruct or resist any person producing such authority in the execution of his duty under this Ordinance, he shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, or to imprisonment with hard labour for any period not exceeding Three months.

And examine spirit.

36. And it is further enacted, that if any party by the thirty-third Clause of this Ordinance empowered to grant permits for the removal of spirit, shall refuse, neglect or wilfully delay to issue such permit without fee, gratuity or reward, such party shall, over and above any damages which may be recovered against him for loss sustained by the party requiring the same, be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

Officer refusing to grant permit.

37. And it is further enacted, that all spirit distilled from the produce of the Coccoanut or other description of Palm or of the Sugar Cane, which shall be removed without a permit as required by the thirty-third Clause of this Ordinance accompanying the same, or not in conformity with the terms of such permit, and every cart, waggon, boat, vessel, animal or other conveyance employed in such removal, shall be forfeited. And the owner of such spirit and every person concerned in the removal thereof, shall be guilty of an offence, and be liable, on conviction, to a fine at the rate of Thirty shillings per gallon, whether more or less, upon the quantity so removed. And every person employed or concerned in such illegal removal, who shall not give up the true name and place of abode of the owner of such spirit, shall be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

Penalty on illegal removal of Arrack and Rum.

38. And it is further enacted, that no person shall sell any Toddy by retail, that is to say, in any less quantity at any one time than Fifteen gallons, without having first obtained a licence for that purpose, as near as is material of the form F. hereto annexed, from the Go-

Licence to retail Toddy.

**No. 10, — 1844.**

vernment Agent of the Province in which such sale by retail is intended to be carried on, or unless he be acting for and by the authority and for the benefit of, and in conformity with the licence granted to such retail dealer, which licence 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.

Permit to draw Toddy for distillers, Renters and retailers.

39. And it is further enacted, that it shall not be lawful for any person to draw or cause to be drawn any Toddy from any Coccoanut or other description of Palm, either on his own account, being a distiller duly licensed under the provisions of this Ordinance, or for the purpose of selling the said Toddy to any such distiller, or to any licensed retail dealer in Toddy, unless he shall first have obtained a permit for that purpose, as near as is material of the form G. hereto annexed, from the Government Agent of the Province, or from some person authorized in writing under his hand to grant such permit, or from the licensed retail dealer in Toddy for the District within which such Palm shall be situated, which permit shall be issued to such person on his application, free of all charge, and shall be in force on and from the day on which the same shall be granted, until the Thirty-first day of December next, thereafter inclusive.

Or for other purpose.

40. And it is further enacted, that it shall not be lawful for any person to draw or cause to be drawn any Toddy from any Coccoanut or other description of Palm for any other than the afore-mentioned purposes, unless he shall first have obtained a licence for that purpose, as near as is material of the form H. hereto annexed, from the Government Agent of the Province or from the licensed retail dealer in Toddy of the District within which such Palm shall be situated, which licence shall be in force on and from the day on which the same shall be granted, until the Thirty-first day of December next thereafter inclusive. And such Government Agent or licensed retail dealer, shall be entitled to demand and receive the sum of One pound for each Coccoanut tree and for each Palmira tree, and of Two pounds for each Jaggery tree for which such licence shall be granted.

Sale of Toddy.

41. And it is further enacted, that it shall not be lawful for any person, other than the licensed retail dealer in Toddy within the District in which he shall be licensed to retail the same, or person authorized under the provisions of the thirty-ninth Clause of this Ordinance, to sell any Toddy whatsoever.

Possession of Toddy.

42. And it is further enacted, that it shall not be lawful for any person to possess Toddy in any quantity exceeding One gallon, unless the same shall belong to or be for the use of the licensed retail dealer in Toddy for the District in which the same shall be possessed, or shall belong to or be for the use of some duly licensed distiller, or shall belong to or be for the use of some person authorized under the thirty-ninth or fortieth Clauses of this Ordinance to draw the same, and shall be possessed within the premises of the said retail dealer, distiller or authorized person respectively.

Removal of Toddy.

43. And it is further enacted, that it shall not be lawful for any person to remove any Toddy in any quantity exceeding One gallon.

Removal and possession with Permit.

44. Provided always, that it shall be lawful for the Government Agent, or any person thereto authorized by him in writing under his hand, or the licensed retail dealer in Toddy within the District in which he shall be licensed to retail the same, to grant a permit as near as is material of the form I. hereto annexed, for the removal and possession of any quantity of Toddy, which permit shall specify the places from and to which the same is to be removed, or in which it shall be kept, and shall remain in force for such period as shall be therein stated. Provided, that no such permit shall remain in force after the Thirty-first day of December next after the date thereof.

Officer refusing to grant permit.

45. And it is further enacted, that if any party by the preceding Clause of this Ordinance empowered to grant permits for the removal and possession of Toddy, shall, on application made to him, refuse, neglect or wilfully delay to issue any such permit, without fee, gratuity or reward, such party shall, over and above any damages which may be recovered against him by the party applying for such permit, be guilty of an offence, and be liable, on conviction, to a fine of Five pounds.

Penalty on illicit drawing, sale, possessing or removal of Toddy.

46. And it is further enacted, that any person drawing, selling, possessing or removing, or causing to be drawn, sold or removed any Toddy contrary to the provisions of this Ordinance, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds for each offence. And all Toddy so illegally drawn, sold, possessed or removed, shall be forfeited.

Proviso as to sweet Toddy.

47. Provided always, that the restrictions hereinbefore contained in respect to drawing, selling, possessing and removing Toddy, shall not be deemed to apply to sweet Toddy.



48. And it is further enacted, that if any spirit distilled from the produce of the Coconut or other description of Palm, or of the Sugar Cane, shall be found in the estate of any deceased person, who shall during his life-time have been legally entitled to possess the same, it shall be lawful for the legal representative or representatives of such person, at any time within One week after the death of such person, to make application in writing to the Government Agent to be placed in the same position with respect to the possession of such spirit as the deceased person. And it shall be lawful for the Government Agent, and he is hereby required, within Ten days after the receipt of such application, unless he shall have reason to doubt that the party or parties making the same is or are such bonâ fide legal representative or representatives, by a written authority under his hand to grant such application. And the party or parties to whom such written authority shall be granted shall be entitled to possess spirit in such and the same manner, and for the same period, and under the same restrictions as the deceased person would be entitled to possess the same if he were alive. Provided always, that every person who shall in any such written application to the Government Agent falsely represent himself to be the legal representative of any such deceased person as aforesaid, shall be guilty of an offence, and be liable, on conviction, to a fine of Twenty pounds, or to imprisonment with or without hard labour for any period not exceeding Twelve months.

49. And it is further enacted, that if any spirit distilled from the produce of the Coconut or other description of Palm, or of the Sugar Cane, shall be found in the estate of any deceased person who shall during his life time have been legally entitled to possess the same, and if no such application as in the preceding Clause mentioned shall have been made to the Government Agent within the period therein prescribed, or if the Government Agent shall not be satisfied that the applicant or applicants is or are the bonâ fide legal representative or representatives of the deceased party, or if any such spirit shall be found in the possession of any licensed wholesale or retail dealer, at the time when the Government Agent shall, by virtue of the powers in him vested by the thirty-first Clause of this Ordinance, call upon such wholesale or retail dealer to give up the licence which shall have been issued to him, it shall be lawful for the Government Agent to sell all such spirits by auction, at such time and place and in such manner as to him shall appear most expedient. And the Government Agent shall, after deducting the costs of such sale, and any other costs that may have been necessarily incurred in respect thereof, pay the balance of the amount realized by the same, if the spirit shall have been found in the estate of any deceased person, into the Loan Board, to be placed to the credit of the party or parties legally entitled to the same, and if such spirit shall have been found in the possession of any wholesale or retail dealer whose licence shall have been withdrawn, then to such wholesale or retail dealer respectively. Provided always, that if the quantity of such spirit shall be less than Thirty-five gallons in any one case, it shall be lawful for the Government Agent to direct the same to be delivered over to the licensed retail dealer of the District in which the same shall be, and to pay into the Loan Board, to be placed to the credit of the party or parties legally entitled to the same, or to pay to the wholesale or retail dealer whose licence shall have been withdrawn, as the case may be, the value of such spirit, at a rate of Twenty per cent under the price at which such retail dealer shall be licensed to retail the same.

50. And it is further enacted, that any person who shall forge, alter or counterfeit, or procure or incite or assist any other person to forge, alter or counterfeit any licence or permit required to be used or issued under this Ordinance, or shall knowingly and wilfully utter any such forged, altered or counterfeit licensee or permit, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Twenty pounds, or to imprisonment with or without hard labour, for any period not exceeding Twelve months.

51. And it is further enacted, that all spirits, toddy, stills, and other things which by this Ordinance are declared to be forfeited, shall and may be seized by any Officer of Police or any Peace Officer whatsoever, and when seized, shall, as soon as conveniently may be, be delivered into the charge of the Government Agent to be by him safely kept until final judgment shall be given for the condemnation or restoration of the same.

52. And it is further enacted, that all spirits, toddy, stills, and other things which shall be seized as forfeited under this Ordinance, shall be deemed and taken to have been adjudged to be duly forfeited and condemned by a competent Court of law, and may be dealt with in the manner directed by this Ordinance in respect of spirits, stills, and other things which shall have been actually so adjudged and condemned, unless the person from whom any such spirits, toddy, still or other thing shall have been seized, or the owner of them or some person authorized by him, shall, within One calendar month from the day of seizing of the same, give

**No. 10, — 1844.**

Extension of licence to representative of deceased party.

Person falsely applying as representative.

Where no representative of deceased.

Or licence withdrawn.

Punishment for forgery of permit or certificate.

Seizure of forfeitures.

Seizures to be taken to be condemned, unless claimed and security given.

**No. 10, — 1844.**

Proviso.

sufficient notice in writing to the Government Agent, that he claims such spirits, toddy, still or thing, or intends to claim them, and unless he shall also, within Ten days after the delivery of such notice, give security to the satisfaction of the Government Agent to answer and pay the costs occasioned by such claim. Provided always, that no such notice shall be taken to be sufficient, unless the same shall set forth the true and real name or names of the owner or owners of every thing so seized, and shall describe the place of residence, and the business or profession of every such owner, nor unless a declaration of the ownership of the things seized, signed by some such owner, or by some person in the actual management or superintendence of the trade or business of the owner or owners, shall accompany such notice.

Declaration of ownership.

53. And it is further enacted, that if such declaration shall be signed by the owner or part owner of any thing so seized, it shall set forth that such thing was the bonâ fide property at the time of the seizure of the person or persons declared in such notice as aforesaid to be the real owner or owners. And if such declaration shall be signed by any person in the management or superintendence of the trade or business of the owner or owners, it shall set forth, that to the best of his knowledge and belief the thing so seized was at the time of seizure the bona fide property of the owner or owners named in the said notice as aforesaid. And if any declaration so made shall be wilfully false, the person making it shall be guilty of an offence, and be liable, on conviction, to a fine of Twenty pounds.

Modes of proceeding for the condemnation of forfeitures.

54. And it is further enacted, that whenever any person shall be convicted of doing or permitting to be done or of leaving undone any thing, the doing of which or the permitting which to be done, or the leaving which undone, is declared to be an offence by this Ordinance, and the forfeiture of any spirits, toddy, still, or other thing is also declared to be the consequence of such thing being done or permitted to be done, or being left undone, it shall be lawful for any Court before whom such person shall have been convicted, at the same time that it shall pass sentence upon such person, to declare and adjudge such spirits, toddy, still or other thing to be forfeited, and to condemn the same, whatever may be the amount or value thereof. Provided always, that it shall be lawful for the Queen's Advocate, if he shall think fit, to institute separate proceedings of a civil nature for the recovery of any such forfeiture; and the acquittal of any person charged with any offence in this Clause mentioned shall not be taken to be any sufficient reason why any such proceedings should not be instituted, or being instituted should be abated, or why such forfeiture should not be recovered.

Disposal of condemned forfeiture.

55. And it is further enacted, that whenever any spirits, toddy, still, or other thing, shall have been adjudged to be forfeited and condemned by any competent Court of law, the Government Agent shall, within One month after such condemnation, cause the same to be sold by public auction to the best bidder. Provided always, that if any appeal shall be entered against any judgment of any Court in respect of any suit or information on behalf of the Crown or of the defendant, no such sale shall take place until a final decision shall be given in the matter, and all such things shall, until such time, be kept in the custody of the Government Agent.

When things seized stolen or injured.

56. And it is further enacted, that if any spirits, toddy, still, or other thing seized under the provisions of this Ordinance, and taken into the custody of the Government Agent, shall while being in such custody, be destroyed by fire or stolen therefrom, or if any cask or vessel containing spirits shall burst, or if any spirits shall waste, the owner thereof shall not have any claim on the Crown or upon the Government Agent for compensation thereof. Provided always, that if any person employed by the Government Agent about the custody of such spirits, toddy, still, or thing, shall embezzle the same or any part thereof, or if any such spirits, toddy, still, or thing shall be stolen or destroyed, or in any way injured through the negligence or misconduct of any person so employed, such person shall, in addition to any liability to be prosecuted criminally, be liable to make good to the party to whom such spirits, toddy, still, or other thing, shall be eventually adjudged, whether such party be the Crown or the claimant, double the value of the thing that shall be so embezzled, stolen, destroyed or injured.

Restoration of seizures.

57. And it is further enacted, that it shall be lawful for the Government Agent, with the sanction of the Governor, to order any spirits, toddy, still, or other thing seized under the provisions of this Ordinance, to be restored at any time before the sale thereof, in such manner and on such terms and conditions as the Governor shall think fit to prescribe, and if the owner, or any person duly authorized in his behalf, shall accept the terms and conditions so prescribed, he shall not have or maintain any action for recompense or damage on account of such seizure, and no further proceedings shall be had for the condemnation of such seizure.

Where seizures cannot be effected.

58. And it is further enacted, that whenever any spirits, toddy, still, or other thing

shall have been forfeited under the provisions of this Ordinance, but cannot be seized and secured on account of their having been made away with, or for any other reason, the owner or owners of such spirits, toddy, still, or thing, shall forfeit double the value of any spirits, toddy, still, or thing, which shall be proved to have been so forfeited.

No. 10,—1844.

59. And it is further enacted, that whenever any Officer of Police or Peace Officer whatsoever, shall have good reason to believe that any spirits, toddy, still, or other thing have become forfeited and liable to seizure under the provisions of this Ordinance, and are to be found in any house, outhouse or other premises or place whatsoever, it shall be lawful for such Officer, and for any person whom he shall call to his aid, to enter such house, outhouse, premises or place, either by day or night, and to search for such spirits, still, toddy, or thing, and to seize the same. And if admittance into any such house, outhouse, premises or place shall not be immediately given to any such officer or person called to his aid as aforesaid, upon being audibly demanded by such officer, it shall be lawful for such officer or person so called to his aid to break open or otherwise forcibly enter any such house, premises or place.

Powers of Peace Officers, &c.

60. And it is further enacted, that every person who shall hinder, molest, or obstruct any Officer of Police or Peace Officer whatsoever, or any person duly acting in aid of any such officer in the execution of any duty, or the exercise of any authority imposed upon or vested in him by this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months. And every Officer of Police or Peace Officer whatsoever, who shall receive or demand any bribe, and every person who shall bribe or attempt to bribe any such officer, shall be guilty of an offence, and be liable, on conviction, to a fine of Ten pounds, or to imprisonment with or without hard labour, for any period not exceeding Six months.

Obstruction of Peace Officers.

Bribery of or by Officers.

61. And it is further enacted, that every Officer of Police, and Peace Officer whatsoever, and every person acting in the aid of any such Officer, and every other person who shall, under pretence of performing any duty or exercising any authority imposed upon or vested in him by this Ordinance, use unnecessary violence, or wantonly do any injury, or give uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

Vexatious conduct of Officers.

62. And it is further enacted, that in case any information or suit shall be brought to trial, on account of any seizure made under this Ordinance, and the Judge before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, or to any damages in respect of such seizure, nor shall the person who made such seizure be liable to any action, information, or other suit or prosecution on account of such seizure.

Probable cause of seizure.

63. And it is further enacted, that one half of all fines actually recovered and realized under the provisions of this Ordinance shall go to Our Lady the Queen, and the other half to the informer; and if any person upon whom any such fine shall be imposed shall fail to pay the same, the informer shall be entitled to receive from the Government Agent the amount of the share of such fine to which he would have been entitled if the same had been paid, provided that the said Government Agent shall not be bound to pay, in respect of any one such share, any sum exceeding the sum of Seven pounds and Ten shillings.

Informer's share of fines.

64. And it is further enacted, that no person shall be deemed incompetent to give evidence at the trial of any party for any offence created by this Ordinance, or at the trial of any suit or information instituted for the recovery of or in relation to any forfeiture or seizure under this Ordinance, by reason of any reward or benefit to which such person may be entitled upon the conviction of such offender, or upon the adjudication of such forfeiture, any thing in the Ordinance No. 6 of 1834, entitled "*Ordinance declaring English Rules of Evidence to be in force in this Island, unless in cases otherwise expressly provided for by law, and prescribing the course by which evidence is to be obtained in certain cases,*" to the contrary notwithstanding.

Informer competent witness.

65. And it is further enacted, that wherever in any Clause of this Ordinance any person or thing is declared liable to any punishment, penalty or forfeiture, but certain exceptions are therein expressed, excepting such persons or things under certain circumstances from such liabilities, it shall not be necessary to aver or shew in any information or other proceeding for the prosecution of such offence, or for the recovery of such penalty or forfeiture, that the defendant or the subject of any such proceeding does not come within any such exception, but the proof thereof shall be upon the defendant.

Defendant to prove whether he comes under exceptions.

**No. 10,—1844.**

Powers of Assistant Agents.

66. And it is further enacted, that in all cases wherein any act is authorized or directed by this Ordinance to be done by any Government Agent of any Province, the same shall and may equally be done by any of his Assistants.

## SCHEDULE.

A.

## LICENCE TO DISTIL SPIRITS.

This is to certify that I \_\_\_\_\_ Government Agent for the  
Province, do hereby license the Distillation of \_\_\_\_\_ by the party or parties,  
with the Still and at the place hereunder mentioned.

Name of Proprietor.	Name of Manager.	Size of Still.	Where situated.

Signed this

day of

Government Agent.

B.

## LICENCE TO DEAL IN ARRACK AND RUM BY WHOLESALE.

This is to certify that I \_\_\_\_\_ Government Agent for the  
Province do hereby license \_\_\_\_\_ to deal in Spirits by wholesale in conformity  
with the provisions of the Ordinance No. \_\_\_\_\_ of 1844, at his Storehouse situated at

Signed this

day of

Government Agent.

C. and F.

## LICENCE TO RETAIL ARRACK, RUM AND TODDY.

This is to certify that I \_\_\_\_\_ Government Agent for the  
Province do hereby license \_\_\_\_\_ to sell Arrack, Rum and Toddy by retail from  
the \_\_\_\_\_ day of \_\_\_\_\_ One thousand Eight hundred and  
Forty \_\_\_\_\_ to the Thirtieth day of June One thousand Eight hundred and  
Forty \_\_\_\_\_ inclusive, at the Tavern No. \_\_\_\_\_ situated at \_\_\_\_\_ and at  
no other place, on condition that the said \_\_\_\_\_ shall sell Arrack and  
Rum at the price of \_\_\_\_\_ per Imperial Gallon, and in proportion for any  
lesser quantity—and Toddy at the price of \_\_\_\_\_ per Imperial Gallon, and  
in proportion for any lesser quantity—And at no other prices whatsoever.

Signed this

day of

Government Agent.

D.

LICENCE TO SELL WINE, SPIRITS, AND SPIRITUOUS LIQUORS  
FOR CONSUMPTION ON THE PREMISES.

This is to certify that I \_\_\_\_\_ Government Agent for the  
Province do hereby license \_\_\_\_\_ to sell any Wine, Spirits, or Spirituous Liquors,  
with the exception of Arrack, Rum and Toddy, at his premises situated at  
for the purpose of such Spirits or Spirituous Liquors being consumed on the said premises,  
from the \_\_\_\_\_ day of \_\_\_\_\_ One Thousand Eight Hundred and  
Forty \_\_\_\_\_ to the Thirty-first day of December of the same year inclusive.

Signed this

day of

Government Agent.

E.

## PERMIT FOR REMOVAL OF ARRACK AND RUM.

This is to certify that \_\_\_\_\_ has my permission to remove  
of \_\_\_\_\_ the property of \_\_\_\_\_  
from \_\_\_\_\_ to \_\_\_\_\_ within \_\_\_\_\_ days from the date  
hereof in \_\_\_\_\_ casks loaded in \_\_\_\_\_

Signed this

day of

G.

No. 10,—1844.

## LICENCE TO DRAW TODDY FOR DISTILLATION OR SALE TO DISTILLER.

This is to certify that \_\_\_\_\_ is hereby licensed to draw  
 Toddy from \_\_\_\_\_ trees, situated in the garden \_\_\_\_\_ in  
 the village of \_\_\_\_\_ for the purpose of \_\_\_\_\_  
 Signed this \_\_\_\_\_ day of \_\_\_\_\_

H.

## LICENCE TO DRAW TODDY FOR PRIVATE USE.

This is to certify that \_\_\_\_\_ is hereby licensed to draw  
 Toddy from \_\_\_\_\_ trees, situated in the garden \_\_\_\_\_ in  
 the village of \_\_\_\_\_ But such Toddy shall not be used for the  
 Distillation of Arrack nor be sold to any person whatsoever.  
 Signed this \_\_\_\_\_ day of \_\_\_\_\_

I.

## LICENCE FOR REMOVAL OF TODDY.

This is to certify that \_\_\_\_\_ has my permission to  
 remove \_\_\_\_\_ Gallons of Toddy from \_\_\_\_\_ to \_\_\_\_\_  
 to keep the same at \_\_\_\_\_ and  
 Signed this \_\_\_\_\_ day of \_\_\_\_\_

Passed in Council the Fifth day of August, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

P. ANSTRUTHER,  
*Colonial Secretary.*

No. 11,—1844.

*To provide for the Recovery of pecuniary Fines, Penalties and Forfeitures awarded after Criminal Convictions and for Contempts, and of forfeited Recognizances taken before Justices of the Peace.*

No. 11,—1844.

WHEREAS it is expedient to provide a summary process for the levying and recovery of pecuniary Fines, Penalties and Forfeitures, awarded against persons convicted of offences or guilty of contempt, and of forfeited Recognizances taken before Justices of the Peace.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, whenever any person, upon conviction before any Criminal Court in this Island, shall become liable by any Law now or hereafter to be in force to the payment of any pecuniary Fine, Penalty or Forfeiture, or to the payment of any pecuniary Fine, Penalty or Forfeiture, and in default of payment, to imprisonment, or whenever any Recognizance or Bail bond entered into by any person before any Court within this Island, shall become forfeited, if any such person shall not immediately, when to the Court it shall appear necessary, or at such other time as such Court shall appoint, pay the amount of such Fine, Penalty or Forfeiture into Court, the Judge or Magistrate of such Court shall thereupon issue a Warrant under his hand for the recovery of such amount, together with the reasonable charges incurred in respect of such recovery, by distress and sale of the property real and personal of such person, or of a sufficient portion thereof, and the overplus, if any, after such Fine, Penalty or Forfeiture and the charges of such distress and sale are deducted, shall be returned to such person on demand. Provided always, that whenever any person shall be adjudged to the payment of any Fine, Penalty or Forfeiture by the Supreme Court, the said Court shall direct such payment to be made at a certain time into some District or Police Court having jurisdiction where the offence in respect of which such Fine, Penalty or Forfeiture shall have been imposed, was committed, and if such payment shall not be made as directed, the Judge or Magistrate of the said Court shall proceed to enforce the same, and to deal with the party or parties liable thereunto in such and the like manner as he is directed by this Ordinance to enforce the payment of Fines, Penalties and Forfeitures imposed by his own Court, and the charges relating thereto, and to deal with the party or parties who shall have incurred the same.

If fine not immediately paid,  
 to be levied by warrant of dis-  
 tress and sale.

**No. 11,—1844.**

Party may be imprisoned until return to warrant.

2. And it is further enacted, that if any such Fine, Penalty or Forfeiture shall not be paid into Court at the time appointed, it shall be lawful for the Judge or Magistrate of such Court to order the party so convicted as aforesaid to be imprisoned, until return can conveniently be made to such Warrant so issued as aforesaid, unless such party shall give sufficient security to the satisfaction of such Judge or Magistrate for his appearance before him on such day as shall be appointed for the return of such Warrant.

If no sufficient distress, party to be imprisoned one month for every One pound unpaid.

3. And it is further enacted, that if upon return of such Warrant it shall appear that no sufficient distress can be had thereupon, or if it shall appear to the satisfaction of such Judge or Magistrate, either by confession of the offender or otherwise, that he hath not sufficient property whereon to levy all such Fine, Penalty or Forfeiture and charges, such Judge or Magistrate may commit such offender to Gaol, to be therein imprisoned at hard labour or otherwise, for the period of One month for every One pound, and for a proportionate period for every smaller amount of such Fine, Penalty, Forfeiture or charges, that shall remain unpaid. Provided always, that the period of imprisonment that may have been suffered under the provisions of the second Clause shall be counted as part of such period of imprisonment to be suffered in default of payment of any Fine, and that no person shall be imprisoned in respect of any one such default for a longer period than Twelve months, or where any lower maximum of imprisonment shall be expressly provided in respect of any such default by any Law or Ordinance now or hereafter to be in force, for a longer period than the period mentioned in such Law or Ordinance.

When imprisonment to be entire discharge of fine.

4. And it is further enacted, that whenever any person shall have undergone the maximum of imprisonment awarded by Law in respect of any such default of payment of any Fine, Penalty or Forfeiture and charges, not exceeding Fifteen pounds, such person shall be deemed and taken to have fully extinguished his debt to the Crown in respect of such Fine, Penalty or Forfeiture and charges, but where any person shall have\* undergone such maximum of imprisonment in respect of any default of payment of any Fine, Penalty or Forfeiture and charges, exceeding Fifteen pounds, then any sum over and above Fifteen pounds which shall remain unpaid by such person of such Fine, Penalty, Forfeiture or charges, may be recovered by Warrant of distress and sale of the property of such person at any time within Ten years from the date of the conviction of such person.

Fine: how to be recovered.

5. And it is further enacted, that if any person shall disobey any Subpœna or Summons, or commit any other contempt of any Court in this Island, and being adjudged by such Court to pay any Fine or Penalty in respect of such disobedience or contempt, shall fail to make payment thereof as directed by such Court, such Fine or Penalty and all charges relating thereto shall be recovered in the manner provided in this Ordinance for the recovery of Fines, Penalties, Forfeitures and charges awarded by the Criminal Courts of this Island.

Proviso.

6. Provided always and it is further enacted, that when upon the conviction of any person before any Criminal Court in this Island, it shall be competent to such Court to sentence such person either to the payment of a fine or to imprisonment, nothing in this Ordinance contained shall be construed into an abridgment of the power of such Court to sentence such person to imprisonment instead of the payment of a fine.

Forfeiture of Recognizance or Bail bond.

7. And it is further enacted, that if any Recognizance or Bail bond entered into before a Justice of the Peace shall become forfeited, it shall be lawful for any District Judge or Police Magistrate having jurisdiction in the place where such Recognizance or Bail bond was entered into, and he is hereby required, upon proof of such forfeiture, to enforce payment of the amount thereof (unless the same shall be made into Court at a certain time to be by him named for that purpose) and of all charges relating thereto, and to deal with the party or parties having incurred such forfeiture in such and the same manner as he is by this Ordinance directed to recover the amount of Fines, Penalties and Forfeitures imposed in his own Court, and the charges relating thereto, and to deal with the party or parties who shall have incurred the same.

If property or person beyond the District.

8. And it is further enacted, that if in any case sufficient distress cannot be had within the jurisdiction of the Court out of which the Warrant for such distress shall have issued, but the party in respect of whom such Warrant shall have been issued, shall be possessed of property within another district, or if any person liable to imprisonment under the provisions of this Ordinance shall be found within another district than that in which he has become so liable, the District Judge or Magistrate of such other district shall, upon the proper receipt of any Warrant of distress or of apprehension in respect of such party, endorse the same and direct it to the Fiscal or other proper Officer of his District for execution; and such Fiscal or other Officer is hereby required to execute such warrant, and when duly exe-

\* Should be "shall not have undergone."

cuted and returned, to transmit the same, together with the sum levied, or with the body of the defendant, or both, as the case may be, to the Court out of which such warrant originally issued.

9. And it is further enacted, that where any distress shall be made for any sum of money to be levied by virtue of this Ordinance, the distress itself shall not be deemed unlawful nor the party making the same be deemed a trespasser on account of any defect or want of form in the warrant of distress, or in any other proceeding relating thereto, nor shall the party distraining be deemed a trespasser from the beginning, on account of any irregularity which shall afterwards be committed by the party so distraining, but the person so aggrieved by such irregularity may recover full satisfaction for the special damage.

Passed in Council the Twenty-seventh day of August, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD.

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*

**No. 12,—1844. (*Expired.*)\***

*To apply a sum not exceeding One hundred and Sixty-eight Thousand Four hundred and Sixty-nine pounds to the Contingent Service of the year 1845.*

**No. 12,—1844.**

**No. 13,—1844.**

*An Ordinance for declaring what Witnesses shall be entitled to the payment of their expenses by the Fiscal, in respect of their attendance at Criminal Sessions of the Supreme Court.*

**No. 13,—1844.**

WHEREAS the public is put to much needless expense by the summoning and attendance at Criminal Sessions of the Supreme Court, at the instance of accused persons, of great numbers of unnecessary witnesses. And whereas it is expedient that Regulations should be made for the payment by the Fiscals of the expenses of witnesses bonâ fide attending to give evidence at such Criminal Sessions.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance all witnesses not residing within the district in which any Criminal Sessions of the Supreme Court shall be holden, who shall be summoned at the instance of the Queen's Advocate, or of any accused person, to give evidence at any trial which shall take place at such Sessions, and who shall attend in compliance with such summons, shall be entitled to demand payment of his expenses from the Fiscal, and the Fiscal is hereby authorized and required to make payment thereof, according to such Rules and rates as shall be prescribed to such Fiscal by the Governor with the advice of the Executive Council. Provided always, that the evidence of such witnesses for any accused person shall have been certified by the Justice of the Peace who shall have committed such person to prison, or have admitted him to bail, or by the Advocate or Proctor for such person, to be material to the defence of such person upon the facts of the case; or shall have been certified by such Justice as aforesaid to be material to the defence of such person as proving his general good character. And provided further, that payment shall in no case be made to more than two witnesses who are certified to speak only to character, unless by order of the presiding Judge as hereinafter provided.

Payments of expenses of witnesses summoned by Queen's Advocate or by prisoner.

2. Provided always, and it is further enacted, that the Judge presiding in the Supreme Court at any Criminal trial shall have full power and authority to make order on the Fiscal for the payment, according to the Rules and rates to be prescribed as aforesaid, of the expenses of any person giving evidence at such trial, who shall have attended from beyond the limits of the district in which such trial shall take place, and who would not be otherwise entitled to such payment under the provisions of this Ordinance, and whose evidence shall appear to such Judge to be material to the defence. And provided further, that the said Judge shall also have full power and authority to issue his order to the Fiscal to disallow the payment of the expenses, in so far as they shall not have been already paid, of any witness whether on the side of the prosecution or defence, otherwise entitled to payment under the provisions of this Ordinance, whom he shall consider, on account of the manner in which such witness gave his evidence, or for any other sufficient reason, not deserving of such payment. And the Fiscal, on receiving such order from the Judge, shall make or refuse to make such payment accordingly.

Judge may order or disallow payment of witnesses' expenses.

\* The Supply Ordinances for each year are not published at length.

**No. 13,—1844.**

Advance to poor witnesses.

3. And it is further enacted, that it shall be lawful for the Fiscal in any case in which it shall appear to him that any witness entitled to payment under the provisions of this Ordinance would be prevented from attending the Court in consequence of his poverty, to advance to such witness a sum not exceeding half the amount of expenses which such witness would be entitled to receive according to the rate above mentioned.

Subpœna to prisoners witnesses when not to issue.

4. And it is further enacted, that no Subpœna shall be issued to any witness at the instance of any prisoner, unless the Justice of the Peace or the Advocate or Proctor for such prisoner shall have certified as aforesaid, that the evidence of such witness is material to the defence of such prisoner, or unless such prisoner or some person on his behalf shall have previously deposited with the Fiscal at least one half the amount of expenses which such witness would be entitled to if the necessity of his evidence had been duly certified as aforesaid.

Payment of medical witnesses.

5. And it is further enacted, that every Medical Practitioner who shall attend at any Criminal Sessions of the Supreme Court in compliance with any Subpœna, or with any request of any Judge of the Supreme Court, or of the Queen's Advocate, shall, in addition to his travelling and other expenses as hereinbefore provided for, be entitled to demand of the Fiscal, and the Fiscal is hereby authorized and required to make payment to such Medical Practitioner, of the sum of One pound for each and every day that he shall be necessarily absent from his home for the purposes of such attendance as aforesaid, unless the Judge of the Supreme Court shall certify that such Medical Practitioner is not a person of sufficient experience to entitle him to any remuneration for his attendance beyond that allowed to ordinary witnesses.

Passed in Council the Twenty-fourth day of September, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 14,—1844.** (*Repealed by Ordinance No. 9 of 1845*).**No. 14,—1844.**

*An Ordinance to establish a second Toll on the road from Jaffna to Point Pedro.*

WHEREAS it is expedient to establish a second Toll on the road from Jaffna to Point Pedro, in addition to the one now existing upon that road.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor, with the advice of the Executive Council, to establish a second Toll upon the road from Jaffna to Point Pedro, at such place (not being at a greater distance than Twenty-one nor at a less distance than Twelve miles from Jaffna) as to him and them shall seem fit, and shall be notified by Advertisement in the Government Gazette.

2. And it is further enacted, that the day on which this Ordinance shall commence and take effect, shall be determined by the Governor with the advice of the Executive Council, and shall be notified at least One month previously by Advertisement in the Government Gazette.

Passed in Council the Fifteenth day of November, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 15,—1844.****No. 15,—1844.**

*Ordinance to declare the mode in which the power vested in the Supreme Court of reviewing the proceedings of Police Courts and Courts of Requests is to be exercised in certain respects.*

Preamble.

WHEREAS for the removal of all possible doubts, it is expedient to declare the mode in which the power vested in the Supreme Court of reviewing the proceedings of Police Courts and Courts of Requests, is to be exercised in certain respects.



1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the power of reviewing the proceedings of Police Courts and Courts of Requests vested in the Supreme Court by the Ordinances No. 11 and 10 of 1843, entitled respectively "*Ordinance for the establishment of Police Courts,*" and "*Ordinance for the establishment of Courts of inferior Civil Jurisdiction to be called Courts of Requests,*" shall and may be exercised by any Judge of the Supreme Court holding Sessions at Colombo or on Circuit, in respect of the proceedings of any Police Court or of any Court of Requests within the limits for which such Sessions shall be holden, or by the Judge of the Supreme Court sitting out of Sessions with three Assessors at Colombo, in respect of the proceedings of any Police Court or of any Court of Requests within this Island. Provided that such proceedings shall be brought before any such Judge in conformity with the Rules and Orders for the time being of the Supreme Court, and with every Law or Ordinance in that behalf provided. And if any question of law, evidence, or practice, shall arise out of any proceedings of any Police Court or Court of Requests, which shall be brought by way of review before any Judge of the Supreme Court, and shall appear to such Judge to be one of doubt and difficulty, it shall be lawful for such Judge to reserve such question for the decision of the Judges of the Supreme Court collectively, at some general Sessions of the said Court, who are hereby authorized and required to enquire of and decide the same.

Passed in Council the Fifteenth day of November, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD.

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

P. ANSTRUTHER.

*Colonial Secretary.*

**No. 16, — 1844.**

*(Repealed, with the exception of Clauses 16, 17, 23 and 24, by Ordinance No. 8 of 1848.)*

*An Ordinance for the preservation and improvement of the Streets, Roads, Thoroughfares, and public places within Towns, and of the public Roads, navigable Rivers, Lakes and Canals of this Island.*

WHEREAS it is expedient to make provision for the preservation and improvement of the Street, Roads, Thoroughfares and public places within Towns, and of the public Roads, navigable Rivers, Lakes and Canals of this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Government Agents, the Surveyor General, the Civil Engineer, or the Commissioner of Roads, or any of their Assistants, or for any person authorized in writing by any of them, and for their servants, workmen and labourers, at all times, and with all necessary and proper carriages and animals and other means, to enter upon all or any lands adjacent or near to any existing or intended Street, Roads, Thoroughfare, or public place within any Town, or any public Road or navigable River, Lake or Canal, and there severally to do and perform all acts matters and things necessary for the purposes of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing any such Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal, or for building, erecting, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, or for performing any act matter or thing under the provisions of this Ordinance.

2. And it is further enacted, that it shall be lawful for the said Government Agents, Surveyor General, Civil Engineer, or Commissioner of Roads, or any of their Assistants, or for any person authorized as aforesaid, with their servants workmen and labourers, at all reasonable times and with all necessary and proper carriages, animals and other means, to search for, dig, cut, take and carry away any water, timber, brushwood, stone, gravel, clay, or any other materials whatsoever, for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing, or of in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing any existing or intended Street, Road, Thoroughfare, or public place within any Town, or any public Road or navigable River, Lake or Canal, or of building, erecting, excavating, repairing, clearing, or improving any bridge, fence, drain, dam, or ditch thereupon, or in any way connected therewith, or for the construction or repair of any lines or any buildings whatsoever required on or near any such Street, Road, Thoroughfare, or public place, or navigable River, Lake or Canal, for the use of the Government Agents, Surveyor General, Civil Engineer, or Commissioner of Roads, or any of their Assistants, or of any person authorized as aforesaid, or any workmen, animals, carriages, persons or things employed in their service, in and from any land adjacent or near to any such Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal, and to carry away the same through the

**No. 16, — 1844.**

**No. 15, — 1844.**

Power of reviewing proceedings of Police Courts and Courts of Requests, how to be exercised by Supreme Court.

**No. 16, — 1844.**

ground of any person, without being deemed a trespasser or trespassers. Provided, that no timber not being indigenous shall be taken from any land, without the consent of the owner thereof. And provided further, that the said Government Agents, Surveyor General, Civil Engineer or Commissioner of Roads, or any of their Assistants, or other persons authorized as aforesaid, shall rail or fence off any quarries or pits from which any such materials shall be taken, so that the same shall not be dangerous to any person or animal.

3. And it is further enacted, that it shall and may be lawful for the said Government Agents, Surveyor General, Civil Engineer or Commissioner of Roads, or any of their Assistants or any person authorized as aforesaid, when tracing, measuring, making, working, opening, altering, turning, repairing, clearing or improving any existing or intended Street, Road, Thoroughfare, or public place within any Town, or any public Road or navigable River, Lake or Canal, or building, erecting, excavating, repairing, clearing or improving any bridge, fence, drain, dam or ditch thereupon, or in any way connected therewith, to make and erect temporary buildings on any land adjacent or near thereto for their accommodation, or for the accommodation of their servants, workmen, labourers, animals, carriages or things during the progress of the work, and to keep all such cattle, horses and animals as may be employed by any of them upon any lands near or adjacent thereto, not at the time under actual cultivation, and to continue to keep the said cattle, horses and animals on such lands for such time as may be necessary, and the person or persons in occupation of any such lands shall be bound to provide a sufficient quantity of grass or other fodder for the maintenance of such cattle, horses and animals, during such time as they may be kept upon the same, upon payment of the fair value of such grass or fodder; and if such person or persons shall on any day neglect or refuse to provide such grass or fodder, then such cattle, horses and animals, shall and may be grazed on such lands for that day.

4. And it is further enacted, that in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing or improving any existing or intended Street, Road, Thoroughfare or public place within any Town, or any public Road or navigable River, Lake or Canal, or building, erecting, excavating, repairing, clearing or improving any bridge, fence, drain, dam or ditch thereupon or in any way connected therewith, it shall and may be lawful for the Government Agents, Surveyor General, Civil Engineer, or the Commissioner of Roads, or any of their Assistants or persons authorized as aforesaid, to throw or cause to be thrown upon any lands adjacent or near thereto, such earth, rubbish or materials as it shall or may be necessary to remove from the place of any such work, and any person who shall remove back the same or any part thereof to the said Street, Road, Thoroughfare or public place, River, Lake or Canal, shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding Five pounds, and to payment of any expenses that may have been incurred in the removal of the same.

5. And it is further enacted, that it shall be lawful for the Government Agents, Surveyor General, Civil Engineer or Commissioner of Roads, or any of their Assistants, or persons authorized as aforesaid, to make or cause to be made a road through the grounds adjacent or near to any existing or intended Street, Road, Thoroughfare, or public place within any Town, or any public Road, or navigable River, Lake or Canal, during the execution of any work thereupon or in any way connected therewith.

6. Provided always, and it is further enacted, that if any objection shall be made by the owner or occupant of any land situated within the limits of any Town, to the exercise of any of the powers and authorities by the preceding Clauses conferred upon certain Public Officers and persons therein specified, in respect to the land so owned or occupied by him, such public Officer or other person shall, before proceeding to the exercise of any such power or authority, apply to the Court of Requests for permission to that effect, and such Court shall decide upon such application and objection in a summary way, and no Appeal or Review shall lie to the Supreme Court against any such decision.

7. And it is further enacted, that the eleventh, twelfth, thirteenth and fourteenth Clauses of the Ordinance No. 2 of 1835, entitled "*To provide for the protection of cultivated and enclosed lands, and of the public Roads and Canals, against the trespass and depredations of stray cattle, goats, sheep and pigs,*" and the 39th and 40th Clauses of the Ordinance No. 13 of 1843, entitled "*An Ordinance for establishing an efficient Police in certain Towns, &c.*" shall be and the same are hereby repealed, except in so far as respects any offences which shall have been heretofore committed against the same.

8. And it is further enacted, that every person tying or tethering, or causing to be tied or tethered, any horse, goat, sheep, cattle or animal of any description, so that any such animal can or shall make its way into any Street, Road, Thoroughfare, or public place within any Town, or into any public Road or Canal, unless such animal shall be so tied or tethered during the time required for loading or unloading it, or for the loading or unloading of any cart or boat to which it may belong, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Ten shillings.

9. And it is further enacted, that it shall and may be lawful for the Government Agents, the Commissioner of Roads, the Superintendents of Police, or any person thereto authorized by them by writing under their hands, to seize any horse, goat, sheep, cattle or animal, of any description which they may find tied or tethered or straying, except during the time of loading or unloading as aforesaid, upon any Street, Road, Thoroughfare, or public place within any

Town, or upon or in any public Road or Canal. Provided always, that if the person authorized as aforesaid, shall not be a Peace Officer, every animal seized by him shall be forthwith delivered into the custody of the nearest Peace Officer. And every Peace Officer seizing or receiving any animal seized as aforesaid, shall forthwith report such seizure to the proper Police Court, and such Court shall, if at the time of such report no claim be made to such animal, direct such Peace Officer to take the necessary steps for the safe custody and maintenance thereof, and to publish such seizure in the usual manner. And no animal seized as aforesaid shall be delivered to the owner thereof, unless upon payment into Court of the sum of Three shillings for the use of the person by whom the same shall have been seized, and of a further sum of Six-pence for each day during which the same shall have been kept in the custody of the Peace Officer for the use of such Peace Officer. And if no person shall claim such animal nor shall pay such dues as aforesaid within Ten days after it shall have been so seized, it shall be lawful for such Peace Officer, and he is hereby required to sell the same by public auction, and after payment of Three shillings to the person by whom the same may have been seized, and of the sum due to himself for the custody and maintenance thereof, to pay the remainder of the produce of such sale, if any, to the proper Officer for the use of Her Majesty.

10. And it is further enacted, that the owners of all pigs found tied, straying, burrowing or wallowing upon or in any Street, Road, Thoroughfare, or public place within any Town, or upon or in any public Road or Canal, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five shillings; and that it shall be lawful for every person to seize, shoot or otherwise destroy any pig that he may find tied, straying, burrowing or wallowing upon or in any Street, Road, Thoroughfare, or public place within any Town, or upon, or in any public Road or Canal; and such person may, if he choose, take such pig to any Peace Officer having jurisdiction in such matter, who shall forthwith sell the same, and pay the produce of such sale to such person.

11. And it is further enacted, that it shall be lawful for the Government Agents, Surveyor General, Civil Engineer, or the Commissioner of Roads, or any of their Assistants, or any person authorized as aforesaid, to cut, remove, or cause to be cut and removed, and placed upon any ground adjacent or near thereto, all trees and all leaves or branches, or roots of trees that shall grow in, or overhang, or in any way injure or impede the traffic or navigation upon any Street, Road, Thoroughfare, or public place within any Town, or any public Road, or navigable River, Lake or Canal, and for that purpose to enter upon any land or premises, and to cause to enter thereupon such persons, animals, instruments and things as may be necessary, and to proceed to do therein, or cause to be done all such things as may be necessary for the due cutting, lopping or removing of such trees, leaves, branches or roots.

12. And it is further enacted, that it shall be lawful for the Government Agents, Surveyor General, Civil Engineer or the Commissioner of Roads, or any of their Assistants, or any person authorized as aforesaid, to put up or make fences, hedges, ditches, drains or banks, by the side of any Street, Road, Thoroughfare, or public place within any Town, or any public Road or navigable River, Lake or Canal, whenever to them it shall appear necessary; and the owners or occupiers of land adjoining such fences, hedges, ditches, drains or banks, shall and they are hereby required to keep the same in good and substantial repair and order. And the owners and occupiers of lands adjoining any Street, Road, Thoroughfare, or public place within any Town, or any public Road, or navigable River, Lake or Canal, who shall have fences or hedges of their own bordering thereupon, shall keep the same lopped to a height of Six feet, and every owner or occupier of any such land, and every part owner or part occupier thereof, who shall fail to do any thing required to be done by the owners or occupiers of any such land, under the provisions of this Clause, shall be guilty of an offence, and shall be liable, on conviction of every such offence, to a fine not exceeding Two pounds.

13. And it is further enacted, that if the occupant of any premises adjoining any public Road, by the side of which a drain shall have been made or excavated, shall require the means of access to such premises from such Road, such occupant shall be bound to place a bridge, platform or arch, which shall in no case cover less than Four feet of the length of such drain. And it shall be lawful for the Government Agents, the Surveyor General, the Civil Engineer or the Commissioner of Roads, or any of their Assistants, or for any person authorized by any of them in writing, if it shall come to their knowledge that any parties have access to any premises situated as aforesaid, without such bridge, platform or arch as aforesaid, to call upon the occupant of such premises forthwith to construct the same, and if he shall fail to do so within a reasonable time to cause the same to be done. And upon the Government Agent, the Surveyor General, the Civil Engineer or the Commissioner of Roads, or any of their Assistants, or any person authorized as aforesaid, certifying to the proper Police Court the costs which have been bona fide incurred in the placing of such bridge, platform, or arch, such Court shall summon the party or parties on account of whose default such costs were incurred, to appear before him on a certain day, then and there to make payment of such costs, where it shall appear, after due investigation, that such costs were properly incurred. And if such party or parties shall refuse or fail to make such payment, the Court shall proceed to recover such payment in such and the same manner as it would proceed to recover any fine or penalty incurred under any sentence of such Court.

14. And it is further enacted, that if any person shall wilfully pull up, throw down, cut, break, injure, damage, or destroy, any post, rail, or fence, placed or to be placed, or put up

**No. 16,—1844.**

either by the side or sides of any Street, Road, Thoroughfare, or public place within any Town, or any public Road, or navigable River, Lake, or Canal, or at or near to any pit or quarry, which shall be used, opened, or made for the getting of stone, gravel or other materials for the making or repairing of any such Street, Road, Thoroughfare, or public place, or navigable River, Lake or Canal, or of any bridge, or other thing thereupon, or if any person shall wilfully cause any damage or injury to be done to any bridge, lock, lock gate, dam, drain, sluice, or bank, or to any arch, wall, abutment, prop, or fence belonging thereto, which already have been or which shall or may hereafter be built upon any such Street, Road, Thoroughfare, public place, River, Lake or Canal, or by the sides thereof.

Or if any person shall wilfully damage, injure, or otherwise destroy any post, or stone set up or erected by the side or sides of any such Street, Road, Thoroughfare, public place, River, Lake or Canal, to exhibit or shew the number of miles or distance, from or to any place or places whatsoever, or any direction post.

Or if any person shall wilfully remove any stone, log, or other thing laid on any such Street, Road, Thoroughfare, or public place, for the temporary prevention of the use thereof.

Or if any person shall place, or throw any earth, or rubbish, or other matter or thing upon or in any such Street, Road, Thoroughfare, or public place, River, Lake, or Canal, or into any drain, ditch, or other watercourse, under or by the sides of any such Road, River, Lake, or Canal, so as to obstruct the running off and draining of any water or moisture from or into any such Street, Road, Thoroughfare, public place, River, Lake, or Canal.

Or if any person shall, without being thereunto authorized by the Government Agents, Surveyor General, Civil Engineer or the Commissioner of Roads, or any of their Assistants, or by some person authorized as aforesaid, gather or heap up, or take away any stones, gravel, sand, or other material, slutch, dirt, mire, drift, or soil, from off any Street, Road, Thoroughfare, public place, River, Lake, or Canal, or any part thereof, or the side or sides thereof, or any footpath, or causeway belonging thereto.

Or if any person shall put up any erection, or building, or fence, or other obstruction on or at the sides of any such Street, Road, Thoroughfare, public place, River, Lake, or Canal, in such manner as to reduce the breadth thereof.

Or shall make or cause to be made any dam, ditch, drain or watercourse, upon or across, or shall otherwise break up or injure the surface of any such Street, Road, Thoroughfare, public place, River, Lake, Canal, or any part thereof.

Or if any person shall lead or drive any horse, cattle, or other animal from or off of any Street, Road, Thoroughfare, or public place, within any Town or any public Road, in such manner as to cause any injury to the same.

Or if any person shall hang up, or otherwise expose any mats, cloths, or other matter upon or immediately at the side of any Street, Road, Thoroughfare, or public place, within any Town or any public Road.

Or if any person shall make any fire or fires upon, or shall wantonly let off or throw any lighted squib, rocket or other firework, within Fifty feet of any Street, Road, Thoroughfare, or public place, within any Town or any public Road, or shall race any horse, or cattle, or any other animal, or play at any game or exercise that may cause any riot, mob, or tumultuous meeting upon such Road, River, Lake or Canal, or the side thereof, or shall, by fighting or otherwise, collect together any such mob to the annoyance of any traveller or passenger upon such Road, River, Lake or Canal.

Or if any person shall in any manner wilfully prevent any other person, or any carriage, boat, raft or other conveyance under his care, from passing upon any such Street, Road, Thoroughfare, public place, River, Lake, or Canal.

Or if any person shall haul or draw, or cause to be hauled or drawn upon any part of such Street, Road, Thoroughfare, or public place, any timber, stone or other thing, otherwise than upon wheeled carriages, or shall suffer any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon such Street, Road, Thoroughfare, or public place, to the prejudice thereof.

Or if any person shall leave any waggon, cart, or other carriage or other conveyance whatever, upon such Street, Road, Thoroughfare, or public place, or on the side or sides thereof, without any proper person in the sole custody or care thereof, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such cart, carriage or conveyance, during the time of loading or unloading the same, as near to one side of the Street, Road, Thoroughfare or public place, as conveniently may be, either with or without any beast or draught, harnessed or yoked thereto.

Or shall leave any boat or raft in any such Canal without mooring it at both ends, or in such a way as to obstruct the passage on such Canal, or shall leave any raft or timber in, or close to the same place in any such Canal (except in some part thereof which shall be at least 100 feet wide) for a longer period than Forty-eight hours.

Or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever upon such Road, River, Lake or Canal, or on any side or bank thereof, or on any side path or causeway adjoining, to the prejudice thereof, or to the prejudice, annoyance, interruption, or personal danger of any person or persons travelling or passing thereon.

Or shall suffer any water, filth, or other offensive matter or thing whatsoever to run or flow into or upon such Street, Road, Thoroughfare or public place, from any house, building, erection, lands or premises adjacent or near thereto.

Or if any person driving pigs or swine or any other animals upon such Street, Road, Thoroughfare or public place, or near such Canal, shall suffer such pigs or swine or animals to root up or damage the same, or the fences, hedges, banks or copse on either side respectively.

Or if any person shall, after having blocked or stopped any cart, waggon or other carriage, in going up or down a hill or rising ground, cause or suffer to be, or remain on such Street, Road, Thoroughfare or public place, the stone, timber or other thing with which such cart or other carriage shall have been blocked or stopped.

Or if any person shall pull down, damage or destroy any lamp or lamp-post erected in or near to the side of any such Street, Road, Thoroughfare, or public place, River, Lake or Canal, or any bridge or toll-house erected thereon, or shall extinguish the light of any such lamp.

Every person so offending in any of the cases aforesaid, shall be liable, on conviction of every such offence, to a fine not exceeding Five pounds.

15. And whereas it is customary in the cultivation of lands situated in the Peninsula of Jaffna, to remove the stones from the same from time to time, and whereas the stones so removed are frequently placed upon the public roads: It is therefore further enacted, that whenever any stones shall be found to be so placed upon any public road within the District aforesaid, the placing thereof shall be deemed to be the act of the person in occupation of the land immediately adjoining, unless the contrary be proved, and such person shall be deemed to be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds.

16. And it is further enacted, that it shall not be lawful for any person to drive any cart drawn by one or more bullocks, nor to suffer the same to remain in any Street, Road, Thoroughfare, or public place within any Town, nor upon any public Road, between the hours of sunset and sunrise, unless there shall be a light attached to such cart. And the driver or person in charge of such cart, failing to keep such light so attached during such time as aforesaid, shall be guilty of an offence, and be liable, on conviction, to any fine not exceeding One pound.

Bullock cart to carry light at night.

17. And it is further enacted, that it shall be lawful for any person, within whose view any of the offences specified in the two preceding Clauses shall have been committed, to seize and take the party having so offended, to the nearest Officer of Police or Peace Officer, to be dealt with according to law, if such party shall refuse to give to such person, on demand, full information respecting his name, occupation and residence. And where such offender cannot be seized, but the carriage, cart or animal in respect of which the offence in question was committed can be identified, it shall be lawful for the Police Court to issue a warrant for the seizure of such carriage, cart or animal, together with a summons to the owner thereof, to appear before such Court on a certain day to be mentioned in such summons. And if such owner shall fail to attend in pursuance thereof, without good and sufficient excuse, or if attending and not being himself the offender, he shall refuse to give all information in his power respecting the person or persons by whom such offence was committed, such owner shall be guilty of an offence, and be liable to the same punishment to which the party so having offended as aforesaid, would have been liable on conviction thereof.

Proceeding on offence against two preceding Clauses.

18. And it is further enacted, that it shall be lawful for the Governor, if he shall see fit so to do, to declare by Proclamation to be for that purpose published in the Government Gazette, that any Road shall be deemed to be a public Road under the provisions of this Ordinance, and such Road shall, from the date of such Proclamation, be deemed to be a public Road accordingly. Provided always, that nothing in this Clause contained, shall prevent any Court before whom any complaint may be brought in the matter, from deciding that any Road is a public Road within the meaning of this Ordinance, notwithstanding that no Proclamation to that effect shall have been published as aforesaid.

19. And it is further enacted, that every person who shall place or continue any kraal, or any fence, or any other obstruction of a like nature in any navigable River, Lake or Canal in this Island, so as to impede or in any way interfere with the convenient navigation thereof, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding

**No. 16, — 1844.**

Twenty pounds. And it shall be lawful for the Government Agent of the Province to cause any such kraal, fence, or obstruction, so placed or continued as aforesaid, to be pulled up or otherwise destroyed.

20. And whereas the line of many public Roads and Thoroughfares has been altered to suit the purposes of private parties, and many obstructions and encroachments have been made in and upon the said Roads and Thoroughfares, proof of which it is in many cases impossible to establish by evidence at this distance of time, but which alterations, obstructions, and encroachments are greatly inconvenient. It is therefore hereby further enacted, that whenever a certificate shall be filed in any District Court, signed by the Government Agent, Surveyor General, Civil Engineer, or Commissioner of Roads, to the effect that to the best of his belief the line of any Street, Road, Thoroughfare or public place, River or Canal, has been altered without proper authority, or has been stopped up, or obstructed, or obviously encroached upon in some particular place or places, by reason of such Street, Road, Thoroughfare or public place, River or Canal, being narrower in such place or places than its general breadth, such Court shall forthwith call upon the party claiming to be the owner of the land, from off which the said Street, Road, Thoroughfare, or public place, River or Canal, shall be alleged to have been turned, or upon which such stoppage, or obstruction, or encroachment shall be alleged to have been made, to prove his title to such land. And if such party shall fail within such time as to the said Court shall seem reasonable to make due appearance and to establish a clear title to such land, wholly independent of prescription, which under such circumstances shall give no title whatsoever, then in every such case such Court shall decree such land and every thing thereupon to be, and such land and every thing thereupon shall ever thereafter be deemed and taken to be the property of Her Majesty, Her Heirs and Successors. And in all cases where the line of any Street, Road, Thoroughfare, or public place, River or Canal, shall have been carried without proper authority along any other than its original line, the land over which it shall have been so carried, and everything thereupon, shall be deemed and taken to be the property of the Crown, until the Government Agent shall certify that the Crown has relinquished all claims to the same.

21. And it is further enacted, that if any plan or survey made by the authority of the Government Agent, Surveyor General, Civil Engineer, or Commissioner of Roads, shall be produced in evidence, in support of any claim of Her Majesty, such plan or survey shall be deemed and taken to be conclusive proof of the facts exhibited therein, in so far as the claim of Her Majesty is concerned, unless satisfactory proof to the contrary shall be established by the party contesting such claim.

22. And it is further enacted, that it shall be lawful for the Government Agents, Surveyor General, Civil Engineer, or Commissioner of Roads, or any of their Assistants, to give order verbally, or by notice in writing to be served personally, or by affixing the same in some conspicuous part of the premises, to any person obstructing or encroaching upon any Street, Road, Thoroughfare, or public place within any Town, or any public Road, navigable River, Lake or Canal, forthwith to remove or abate the same. And if any such person to whom such order or notice shall have been given, shall refuse or neglect to comply with the same in a reasonable time, or if there be any doubt as to who is the proper person to whom such order or notice should be given, it shall be lawful for the Government Agents, Surveyor General, Civil Engineer, Commissioner of Roads, or any of their Assistants, to cause any such obstruction or encroachment to be forthwith removed or abated, and for that purpose it shall be lawful for the said Officers or any of them, where necessary, to enter into any house, garden, enclosure, or other premises, and to cause to enter therein, such persons, instruments and things as may be necessary, and to proceed to do therein, or cause to be done, all such things as may be necessary for such removal or abatement. And upon the said Officers or any of them certifying to the Police Court the costs which have been bona fide incurred in effecting such removal or abatement, such Court shall summon the party or parties on account of whose non-compliance with any such order or notice such costs were incurred, to appear before it on a certain day, then and there to make payment of such costs where it shall appear, after due investigation, that such costs were properly incurred. And if such party or parties shall refuse or fail to make such payment, the Court shall proceed to recover such payment in such and the same manner as it would proceed to recover any fine or penalty incurred under any sentence of such Court.

Surveyor General may, in certain cases, demand production of title deeds.

23. And it is further enacted, that if it shall at any time appear to the Surveyor General, or the Commissioner of Roads, or any of their Assistants, that any building, erection, enclosure, or encroachment shall have been raised or made in any Street, Road, Thoroughfare, or public place within any Town, or any public Road, or navigable River, Lake, or Canal, or on any waste or other ground immediately adjoining thereto, and belonging to Her Majesty, except with the express permission in writing of the Government Agent, or some other competent authority, it shall be lawful for the Surveyor General, or Commissioner of Roads, or any of their Assistants, to demand in writing of the person claiming to be the owner of the premises on which such building, erection, enclosure, or encroachment shall have been raised or made, the production of every deed, document, and instrument upon which such person founds such claim; and if the occupier of such premises, not being himself the alleged owner, shall refuse to give full information respecting the name and residence of such alleged

owner, upon being requested so to do by the Surveyor General, or Commissioner of Roads, or any of their Assistants, or if such alleged owner shall refuse to produce, within Ten days after being requested so to do, every deed, document, and instrument upon which he founds his claim to the said premises, and which shall be in his possession, or if any such deed, document, or instrument shall not be in his possession, shall refuse fully to inform the Surveyor General, or Commissioner of Roads, or any of their Assistants, upon application, in whose possession they are, or if any person having in his possession any such deed, document, or instrument, shall refuse to produce the same, within Ten days after having been requested so to do in writing by the Surveyor General, or the Commissioner of Roads, or any of their Assistants, every such occupier, alleged owner and person so refusing, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds. And it shall be lawful for the Surveyor General, or the Commissioner of Roads, or any of their Assistants, or any person acting under the orders of the Surveyor General, or the Commissioner of Roads, or any of their Assistants, to enter upon any premises upon which any such building, erection, enclosure, or encroachment shall have been raised or made as aforesaid, and upon any other premises whatsoever which it may be necessary to enter for the purposes of the survey hereinafter mentioned, and to make such survey of all such premises as may be necessary to enable the Surveyor General, or the Commissioner of Roads, or any of their Assistants, to ascertain whether such building, erection, or enclosure is an encroachment upon any Street, Road, Thoroughfare, or public place within any Town, or any public Road, or navigable River, Lake, or Canal, or upon any land adjoining thereto, and belonging to Her Majesty. Provided always, that if any removal shall be effected after the due production of all deeds, documents, and instruments affecting the title to such premises, and such premises shall nevertheless be adjudged by some competent Court of Law, to be the property of the party laying claim to the same; the Surveyor General, or the Commissioner of Roads, or any of their Assistants, having caused such removal, shall be liable in damages for all loss and injury occasioned thereby; but if the party claiming to be the owner of such premises, shall refuse or be unable to produce all such deeds, documents, and instruments, or if such deeds, documents, and instruments shall not be produced within Ten days after application in that behalf, and the Surveyor General, or the Commissioner of Roads, or any of their Assistants, shall nevertheless have caused the removal of such building, erection, enclosure, or encroachment, then in the event of such premises being adjudged to be the property of the party claiming to be the owner thereof, the Surveyor General, or the Commissioner of Roads, or any of their Assistants, shall not be liable in damages for any loss or injury occasioned thereby.\*

24. And it is further enacted, that the deeds, documents and instruments in the preceding Clause mentioned, shall be produced either on the premises to which the same may relate, or at the office of the Officer demanding the production of the same, according as such Officer may require, and that the power of demanding the production thereof in the preceding Clause given, and the power of demanding a like production, given under certain circumstances to certain public Officers, by the Ordinance No. 16 of 1843, entitled "*For enabling the Governor to cause surveys to be made and possession taken of lands belonging to individuals for public uses, and also to cause surveys to be made of such lands under certain other circumstances,*" and No. 1 of 1844, entitled "*To make provision for the more easily ascertaining the boundaries of the several landed estates possessed by Her Majesty's subjects within this Colony,*" shall be deemed and taken to include the power of making such examination of such deeds, documents and instruments, as shall be necessary; and every person refusing or failing to permit such examination of any such deed, document or instrument, to any party authorized under this or either of the above mentioned Ordinances to demand production thereof, and making such demand, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

25. Provided always, and it is further enacted, that nothing herein contained shall be construed to prevent any public Officer, duly authorized in that behalf, from making temporary use of any part of any Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal, for the public service, nor to prevent the Superintendent of Police from granting his licence to the inhabitants for the erecting of temporary fences and enclosures, in order to the building, pulling down, or repairing of their houses and other buildings, or of temporary decorations within any Town and limits; provided that the length and breadth of such enclosures be described in such licence, and that there be sufficient room for coaches, carts and other carriages, or boats, to pass, and provided that the person obtaining such licence shall immediately after sun-set, during all the time that the enclosure shall continue, if required by the said Superintendent of Police in such licence, place and keep a sufficient light upon the premises all day break; and any person removing or extinguishing such light during such time shall be

No. 16,—1844.

And make survey of premises.

Proviso.

Demand of production of deed to include power of examination.

\* See also Ordinance No. 6 of 1852.

No. 16, — 1844.

guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound, or to imprisonment, with or without hard labour, for any period not exceeding Fourteen days.

26. And it is further enacted, that every party who shall sustain any loss or damage by reason of the exercise of any of the powers and authorities conferred by the 1st, 2d, 3rd, 4th and 5th Clauses of this Ordinance, upon certain public Officers and persons therein specified, shall be entitled to receive from the Government Agent of the Province compensation for the same. Provided that he shall make application in that behalf within Thirty days after the completion of the work in respect of which such damage shall be alleged to have been done. And if such party and the Government Agent shall not agree as to the amount of compensation, reference of the matter shall be made by the Government Agent to the Court of Requests having jurisdiction where such damage shall be alleged to have been done. And such Magistrate shall enquire into the same, and his decision thereupon shall be final and conclusive, and binding upon all parties, and no appeal shall lie from his decision.

27. And it is further enacted, that every Government Agent, Surveyor General, Civil Engineer, Commissioner of Roads, or Superintendent of Police, or any of their Assistants, or any person authorized as aforesaid, or any workman or other person acting under their authority, 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 any fine not exceeding Five pounds.

28. And it is further enacted, that all persons who shall wilfully resist, obstruct, hinder or molest, and all persons who shall incite, procure or assist others to resist, obstruct, hinder or molest any Government Agent, Surveyor General, Civil Engineer, Commissioner of Roads, Superintendent of Police, or any of their Assistants, or any person authorized as aforesaid, or any workman, labourer, or other person acting under any of them, in the discharge of any duty or the performance of any act which they shall be authorized or required to perform by this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds.

29. And it is further enacted, that all Headmen and all Police and Peace Officers shall be aiding and assisting in the prevention of all offences against this Ordinance committed within their respective jurisdictions. And every Headman, and every Police or Peace Officer who being cognizant of any such offence having been committed within his jurisdiction, whether upon his own view or upon the information of others, shall fail to make complaint thereof before some Judge or Magistrate or Justice, or who shall refuse to receive any information respecting any such offence, or shall fail to act promptly and vigorously thereupon, or who shall fail to observe any rules which may be laid down by the Government Agent for his guidance in the discharge of his duties in respect of this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds.

30. And it is further enacted, that one half of all fines actually recovered and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer, and if any person upon whom any such fine shall be imposed shall fail to pay the same, the informer shall be entitled to receive from the Government Agent the amount of the share of such fine to which he would have been entitled, if the same had been paid, provided that the said Government Agent shall not be bound to pay, in respect of any one such share, any sum exceeding the sum of Seven pounds and Ten shillings.

31. And it is further enacted, that no person shall be deemed incompetent to give evidence at the trial of any party for any offence created by this Ordinance, by reason of any reward or benefit to which such person may be entitled upon the conviction of such offender, any thing in the Ordinance No. 6 of 1834, entitled "*Ordinance declaring English rules of Evidence to be in force in this Island, unless in cases otherwise expressly provided for by law, and prescribing the course by which evidence is to be obtained in certain cases,*" to the contrary notwithstanding.

32. And it is further enacted, that in the construction of this Ordinance the word "*Roads*" shall be understood to include the paths, drains, embankments, ditches, and all such portions of land adjoining the same, which have been specially reserved for the protection or benefit of the Road, and all waste land or grounds lying on the side of any such Road, being part of the Road, and which has been used and accustomed to be used as a public passage. As also all such Roads as may be made under the provisions of the 5th Clause of this Ordinance. And that the word "*Canal*" shall be understood to mean the full extent of water-way from bank to bank, and to include the sides thereof, the towing path, the embankment, and all drains or sluices communicating therewith.

Passed in Council the Fifteenth day of November, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,

*Colonial Secretary.*



**No. 17.—1844.** (*Section 47 repealed by Ordinance No. 4 of 1852, and Section 53 by Ordinance No. 4 of 1853.*)

**No. 17.—1844.**

*An Ordinance for establishing an efficient Police in certain Towns, &c.*

WHEREAS it is expedient to repeal the Ordinance No. 13 of 1843, entitled, "*An Ordinance for establishing an efficient Police in certain Towns, &c.*" and to make other provisions in that behalf.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Ordinance No. 13 of 1843, shall be and the same is hereby repealed, except as to any offences committed, or penalties incurred, or arrears due in respect of such Ordinance.

Repeal of Ordinance No. 13 of 1843.

2. And it is further enacted, that it shall be lawful for the Governor, from time to time as occasion may require, to establish a Police force for the effectual protection of person and property within such Town and limits as to him shall appear to require the same, and as shall be specified and defined in any Proclamation to be by him for that purpose issued and published in the *Government Gazette*. And whenever the said Governor shall declare by such Proclamation, that any such Police force shall be established within any such Town and limits, this Ordinance shall come into operation therein, from and after the day appointed for that purpose in such Proclamation. And it shall be lawful for the said Governor, from time to time as to him may appear expedient, by Proclamation to be by him in like manner issued for that purpose, to alter or vary any such limits.

Governor may establish Police force within certain Towns by Proclamation.

3. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town, Fort, Port, and Gravets of Colombo, the Ordinance No. 3 of 1834, entitled "*For improving the Police within the Town, Fort, and Four Gravets, and Port of Colombo, and for consolidating and amending the laws relating to the same;*" and so much of the Ordinance No. 4 of 1834, entitled "*To consolidate and amend the several Regulations relating to the Assessment Tax on Houses, and the Tax on licensed Bullock Carts in Colombo, and Point de Galle, and for making further provisions as to the future management and application of the said Taxes,*" as relates to the Assessment Tax on houses and shops, within the Town, Fort, Port, and Four Gravets of Colombo; and so much of the first Clause of the Ordinance No. 3 of 1835, entitled "*For altering, amending, and explaining the Ordinance No. 4 of 1834,*" as relates to the Assessment Tax on houses and shops, within the Town, Fort, and Gravets of Colombo, shall be and the same are hereby declared to be repealed, except in so far as they repeal other Proclamations, Regulations and Ordinances, and except as to any offences committed, or penalties incurred, or arrears due at such time in respect of such Ordinance.

Ordinances to be repealed when this Ordinance comes into operation in Colombo.

4. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town, Fort, and Gravets of Galle, so much of the Regulation No. 6 of 1813, entitled "*Regulation for the better Police of the Towns and Forts of Jaffnapatam and Point de Galle, and their Gravets,*" as relates to the Town, Fort, and Gravets of Galle; and so much of the Ordinance No. 4 of 1834, and of the first Clause of the Ordinance No. 3 of 1835, entitled as in the preceding Clause mentioned, as relates to the Assessment Tax on houses and shops, within the Town, Fort, and Gravets of Point de Galle, shall be and the same is hereby declared to be repealed, except in so far as they repeal other Proclamations, Regulations and Ordinances, and except as to any offences committed, or penalties incurred, or arrears due at such time, in respect of such Regulations and Ordinances.

When in Galle.

5. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town and Fort of Jaffna, so much of the Regulation No. 6 of 1813, entitled as in the preceding Clause mentioned, as relates to the Town and Fort of Jaffnapatam, shall be and the same is hereby declared to be repealed, except as to any offences committed against, or penalties incurred and due under the said Regulation at such time.

When in Jaffna.

6. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town, Fort, and Gravets of Trincomalie, the first 39 Clauses of the Ordinance No. 5 of 1813, entitled "*Regulation for the better Police of the Town and Fort of Trincomalie and its Gravets,*" shall be and the same are hereby declared to be repealed, except as to any offences committed against, or penalties incurred and due under the said Regulation at such time.

When in Trincomalie.

7. And it is further enacted, that so soon as this Ordinance shall come into operation within any one or more of the Towns of Manaar, Negombo and Matura, and their respective Gravets, such one or more of the Regulations No. 6 of 1815, No. 4 of 1819, and No. 14 of 1820, entitled respectively "*Regulation for the better Police for the Town of Manaar and its Gravets,*" "*Regulation for the better Police for the Town of Negombo and its Gravets,*"—

When in Manaar, Negombo and Matura.

**No. 17,—1844.**

and "*Regulation for the better Police for the Town of Matura and its Gravets,*" as relates or relate to such Town or Towns, shall be and the same is or are hereby declared to be repealed, except as to offences committed against, or penalties incurred under the said Regulation or Regulations and due at such time.

When in Kandy.

8. And it is further enacted, that so soon as this Ordinance shall come into operation within the Town and Gravets of Kandy, the Rules and Regulations bearing date the 7th December 1818, entitled "*Rules and Regulations for the Police of the Town of Kandy established by His Excellency the Governor, and to take place from their publication in Kandy,*" shall be and the same are hereby declared to be repealed, except as to any offences committed against, or penalties incurred and due under such Rules and Regulations at such time.

When in Kurnegalle.

9. And it is further enacted, that so soon as this Ordinance shall come into operation within the bazaar, village, and cantonments of Kurnegalle, the Rules and Regulations entitled, "*Rules and Regulations for the Police for the bazaar, village, and cantonments of Kurnegalle, established by His Excellency the Governor, and to take place from their publication in the Seven Korles,*" dated 1st September 1819, shall be and the same are hereby repealed, except as to offences committed against, or penalties incurred and due under the said Rules and Regulations at such time.

Regulation No. 25 of 1822 when to be repealed.

10. And it is further enacted, that so soon as this Ordinance shall come into operation within any of the Towns, Ports, Forts and Gravets in the preceding Clauses mentioned, so much of the Regulation No. 25 of 1822, entitled "*For amending so much of the several Police Regulations as relates to fixing the hours for the Patrole,*" as shall relate to any such Town, Port, Fort or Gravets, shall be and the same is hereby declared to be repealed.

The Superintendent to be appointed by warrant and to be sworn.

11. And it is further enacted, that it shall be lawful for the said Governor from time to time, when to him it shall appear expedient, to appoint by warrant under his hand and seal, some fit and proper person to be Superintendent of Police for any such Town and limits, and such Superintendent shall, before entering upon the duties of his Office, take the Oath of Allegiance, and the following Oath of Office, as near as is material:

I  
do solemnly swear that I will truly and faithfully,  
to the best of my skill and ability, perform the duties and office of Superintendent of Police  
for the Town and limits of \_\_\_\_\_, without fear, favour, or affection.

So help me God.

And it shall be lawful for the said Governor, at any time when to him it shall appear necessary, to remove any such Superintendent of Police from his Office, and to appoint some other fit and proper person in his room, or in the room of any Superintendent who shall resign or die, or be otherwise incapacitated from acting.

Superintendent may appoint and suspend Police Officers and Constables.

12. And it is further enacted, that it shall and may be lawful for the said Superintendent to nominate and appoint such and so many persons as the said Governor shall think fit, to act as Police Officers under the control and order of the said Superintendent, with full power to the said Superintendent to suspend and (subject to the approbation of the said Governor) to remove all or any of the said Officers, and to appoint other persons in their room.

And make Rules for Police.

13. And it is further enacted, that the said Superintendent of Police may from time to time, subject always to the approbation of the said Governor, frame Orders and Regulations for the observance of the Police Officers who shall be placed under his control as aforesaid, and also for the general government of such persons, as to their places of residence, classification, rank, and particular services, as well as their distribution and inspection, and all such Orders and Regulations relative to the said Police force, as he may deem expedient for preventing neglect or abuse, and for rendering such force efficient in the discharge of its duties, and every Police Officer who shall neglect or violate any such Orders and Regulations, or any duty imposed upon him by this or any other Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, (which fine, or any part thereof, may be deducted from any salary then, or at any time thereafter due to such offender,) or to imprisonment with or without hard labour, for any period not exceeding One month.

Restoration of property by dismissed Officer.

14. And it is further enacted, that if any person being dismissed from, or suffered to resign his situation as Officer of Police within any such Town and limits, shall refuse, or fail forthwith, upon application being made to him in that behalf, to deliver over to the Superintendent of Police, all the clothing, and all articles whatsoever theretofore supplied to him for his use as Officer of Police, or if any such person shall wilfully injure any such clothing or article, so as to render the same of less value, every such person shall be guilty of an

offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Two months.

**No. 17,—1844.**

15. And it is further enacted, that if any person not being an Officer of the Police force within any such Town and limits, shall have in his possession any clothing or other articles, which shall have been supplied to any such Officer by reason of his being such Officer, and shall not be able to account satisfactorily for such possession, every such person shall be guilty of an offence, and be liable, on conviction thereof, to such punishment as the Police Court before which he shall be brought, shall think proper to inflict.

Penalty on unauthorized possession of Police clothing, &c.

16. And it is further enacted, that if any keeper or person in charge of any Arrack tavern, or other place for the sale of liquors, within any such Town and limits, shall permit any Officer of Police, whom such keeper or person shall know to be at such time on duty, to drink any spirits, or to remain, loiter, or conceal himself in such Tavern or place, or upon any premises belonging or adjacent thereto, every such keeper or person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

Tavern keeper harbouring Police Officer on duty.

17. And it is further enacted, that all Criminal warrants to be executed by any Officer of the Police force established within any such Town and limits as aforesaid, shall be directed to the Superintendent of such force. And every such Superintendent to whom such warrant shall be directed, shall execute, or cause the same to be executed by any Officer of such force, at any place within such Town and limits.

Warrants to be executed by any Officer of the Police shall be directed to Superintendent.

18. And it is further enacted, that it shall be lawful for any Justice of the Peace, resident within any such Town and limits as aforesaid, to direct any Criminal warrant to such Superintendent, to be executed at any place within the jurisdiction of such Justice of the Peace, and such Superintendent is hereby authorized and required to execute, or cause the same to be executed by some Officer of such force any where within such jurisdiction, and to make and certify the return, together with the execution thereof.

A Justice resident in Town may direct his warrant to be executed at any place within his Jurisdiction by the Police of such Town.

19. And it is further enacted, that it shall be lawful for such Superintendent, and for any Officer of the said Police force, to stop any person whom he shall meet within any such Town and limits, between the hours of Seven in the evening, and Five in the morning, carrying or removing in any way, or having in his charge or possession, any bundle or parcel, or any article of any description whatsoever, and to interrogate such person, and if such person shall not satisfactorily answer any questions that shall be put to him, it shall be lawful for such Superintendent or Officer to apprehend such person, and to seize such bundle, parcel, or article. And it shall be lawful for every such Superintendent and Officer, and he is hereby required to apprehend within the said Town and limits, all loose, idle, and disorderly persons, whom he shall find therein disturbing the public peace, or whom he shall see commit, or have reasonable cause to suspect of having committed, or of being about to commit any crime or offence, and all persons offending against any law now or hereafter to be in force relative to vagrants. And every such Officer shall forthwith deliver every person so apprehended, and all articles so seized, into the custody of the principal Officer of Police of the Division on duty, to be by him secured, and brought with all possible despatch before the Superintendent of Police, who shall cause such person and articles to be taken without unnecessary delay before some competent Court or Justice of the Peace, as the case may require, to be dealt with according to law.

Offenders or suspected persons to be apprehended by Police and brought before Justice or Police Magistrate.

20. And it is further enacted, that it shall be lawful for every such Superintendent and Officer, and he is hereby required to stop, search, and detain, any cart, carriage, boat, craft, or vessel, within the said Town and limits, in which he shall have reasonable cause to suspect that there shall be any goods or property, stolen, or otherwise unlawfully obtained or possessed, and to seize the same, and also to apprehend and detain any person who may reasonably be suspected of knowingly having or conveying in any manner any goods or property, being stolen or otherwise unlawfully obtained or possessed, and every such Officer shall forthwith bring every such person and such property to the principal Officer of the Division on duty, who shall with all possible despatch send such person and such property before the Superintendent of Police. And such Superintendent shall, without unnecessary delay, send such person or property before some competent Court or Justice of the Peace, as the case may require, to be dealt with according to law.

Police may seize cart, carriage or boat, in which there is stolen property, and bring property before Justice or Police Magistrate.

21. And it is hereby further enacted, that whenever any person charged with any offence cognizable by a Police Court, and brought before the said Superintendent of Police, cannot be immediately sent before a competent Court, it shall be lawful for the said Superintendent of the Police, in all such cases wherein he shall deem it prudent, to take bail by recognizance from

Superintendent may take bail in certain cases.

**No. 17, — 1844.**

and may release person or thing detained without sufficient cause.

Superintendent to suppress riots, &c. and enforce Rules.

In cases of fire &c. Superintendent to repair to the spot.

May enter shops &c. and search for false weights and measures.

Persons receiving gold, &c. in pawn and not shewing it to Police, to be guilty of an offence, and in certain cases the goods pawned not recoverable.

Householder to give lists of inmates when required.

Wells to be surrounded with wall two feet high.

such person, conditional for his or her appearance before such Court, and to abide the decision thereof as to the charge or complaint against such person, and every such recognizance shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken by the Court before whom such person may be required to appear, and also whenever it shall appear to the said Superintendent of the Police, that any person has been taken into custody, or any carriage, boat, or vessel, or any goods, matters, or things, have been seized or detained by any Officer of the said Police force by mistake, or without good and reasonable ground for any such detention, or upon frivolous or vexatious complaints, it shall be competent to the said Superintendent of the Police to set such person at liberty, and to release any such carriage, boat, vessel, goods, or things, making an entry in his diary of his having so done.

22. And it is further enacted, that every such Superintendent of Police is hereby authorized and required to suppress, and cause to be suppressed, all tumults, riots, affrays, or breaches of the peace, all public nuisances and offences against the law in all places within such Town and limits, and shall enforce all such Rules and Regulations as are hereby, or may hereafter be made respecting the Police of such Town and limits.

23. And it is further enacted, that in all cases of fire or other calamity occurring within such Town and limits, such Superintendent of Police shall repair to the place where the same has occurred, for the protection of such persons and property as may be endangered thereby, and shall be authorized to call upon all persons to aid and assist him in that behalf, and every person so called upon, who shall refuse or neglect to give such aid and assistance, without good and sufficient excuse, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound.

24. And it is further enacted, that it shall be lawful for such Superintendent of Police to authorize any Police Officer by writing under his hand, at any time in the day to enter into any Shop or other place where articles are bought or sold by retail, within such Town and limits, and demand the production of and to search for and examine all balances, weights and measures, used or kept therein, and to seize and detain all such as he may have reasonable cause to suspect to be false and deficient, and to bring the same before the Superintendent of the Police; and such balances, weights or measures, being examined and compared with the Government standard weights and measures, and found false or deficient, shall be forfeited. And all persons concealing or refusing to produce any balances, weights or measures, on demand as aforesaid, shall be deemed to be guilty of obstructing the said Officer of Police in the performance of his duty, and on being duly convicted thereof shall be liable to punishment for the same accordingly.

25. And it is further enacted, that all gold, silver, brass and copper goods or jewels, which are received in pawn within such Town and limits shall be shewn by the receiver to the principal Officer of Police of his Division, and any such receiver who shall neglect to shew such gold, silver, brass and copper goods or jewels accordingly to such Officer, shall be guilty of an offence. And no person who shall give any such goods or jewels in pawn, unless under deed or other instrument duly executed, or unless such act be duly witnessed by such Officer of Police, who shall make a written memorandum of such transaction to be carefully preserved by him in order to be produced when called for, shall be entitled to recover back the articles so pawned.

26. And it is further enacted, that every householder within such Town and limits, shall furnish the principal Officer of Police of his Division, when required so to do by such Officer under the order received to that effect from any Justice of the Peace having jurisdiction within such Town and limits, or from the Superintendent of Police, with a list of all the inmates of his house, distinguishing the members of his family from the servants or others resident therein; and he or she shall also, if it shall be so directed in the order of the Superintendent of Police or Justice of the Peace, report any increase or diminution or change in the same, nor shall he or she, having received such notice under such order, harbour a stranger without giving such notice thereof to the principal Officer of Police of his Division. And every person failing in any duty imposed upon him or her by this Clause, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings.

27. And it is further enacted, that all persons who shall make or cause to be made, or have, rent or possess, any well within the said Town and limits, and shall not surround the same with a wall two feet in height, and keep such wall of that height and in good and sufficient repair, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings.

28. And it is further enacted, that no Cart, of any description whatsoever, shall be left or permitted to remain in any street, way, or avenue, within such Town and limits, upon any pretence whatever, between sun-set and sun-rise, without the permission of the Superintendent of Police, except for such time as shall be necessary for the purpose of loading or unloading, or expect in such places as shall at any time be appointed and notified by such Superintendent of Police, and any owner or person in charge of any cart so left or permitted to remain as aforesaid, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings.

**No. 17,—1844.**

No cart to remain in the street, &c. at night under a penalty upon owner.

29. And it is further enacted, that in no case shall any description of Carriage, for the purpose of unloading or otherwise, be permitted to obstruct the passage of any street, nor any two or more Carriages of any description to stand abreast in any street, way, or avenue within such Town and limits, and the owner or person driving, loading, or in charge of any such Carriage, not removing the same immediately when ordered or requested so to do by any Officer of Police, or by any private person, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound.

No carriage to obstruct any street.

30. And it is further enacted, that all persons who shall, within such Town and limits, drive or conduct any Carriage or other vehicle in a careless or violent manner, or who shall ride upon any Carriage or other vehicle drawn by horses, bullocks or other cattle, without having reins, or some person on foot to guide the same, or who shall furiously ride or drive, or carelessly lead or let loose any horse, mare, bullock or other animal in any street, to the danger and terror of passengers, or shall employ any incompetent person to drive or conduct any Carriage or other vehicle, or to lead any horse, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

Penalty on furious or careless riding or driving.

31. And it is further enacted, that no Elephant shall be permitted to pass along any street, road, or thoroughfare, within such Town and limits, except between the hours of Two and Eight in the morning, and every person riding driving or conducting any Elephant or causing any Elephant to be ridden, driven or conducted along any such street, road, or thoroughfare, except between such hours as aforesaid, shall be guilty of an offence, and shall be liable, on conviction thereof, to any fine not exceeding Five pounds. Provided always, that nothing in this Clause contained shall apply to the employment of Elephants in the Town and neighbourhood of Kandy, under a written licence granted by the authority of the Governor.

Elephants not to pass along the streets except at certain times.

Proviso.

32. And it is further enacted, that when one wheeled Carriage shall pass another wheeled Carriage, going in the same or coming from an opposite direction, it shall pass on the off or right side of such other Carriage. And every person driving or conducting a wheeled Carriage, who shall wilfully or negligently pass any other wheeled Carriage on the wrong side, or prevent any other wheeled Carriage from passing on the proper side, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five shillings.

Rules to be observed by carriages passing each other.

33. And it is further enacted, that it shall be lawful for any person within whose view any of the offences specified in the 28th, 29th, 30th, 31st and 32nd Clauses of this Ordinance, shall have been committed, to seize and take the party having so offended to the nearest Officer of Police to be dealt with according to law, if such party shall refuse to give to such person on demand, full information respecting his name, occupation and residence. And where such offender cannot be so seized or traced, but the carriage, cart, or animal in respect of which the offence in question was committed can be identified, it shall be lawful for any competent Court to issue a warrant for the seizure of such carriage, cart or animal, together with a summons to the owner thereof, to appear before such Court on a certain day to be mentioned in such summons. And if such owner shall fail to attend in pursuance thereof, without good and sufficient excuse, or if attending and not being himself the offender, he shall refuse to give all information in his power respecting the party by whom such offence was committed, such owner shall be guilty of an offence, and be liable to the same punishment to which the party so having offended as aforesaid would have been liable on conviction thereof.

Persons offending against the 28th, 29th, 30th, 31st and 32nd Clauses of this Ordinance, may be seized.

34. And it is further enacted, that if any person forming part of any procession, or of any assembly of more than Ten persons, except under Military Regulation, or some Regulation of Police, which shall take place or be called for some particular purpose anywhere within such Town and limits, shall have about him or have placed anywhere near him so as to be capable of being used by him while forming part of such procession or of such assembly, any

Penalty on persons forming part of procession or assemblies carrying swords or other offensive weapons.

**No. 17.—1844.**

gun, pistol, sword, creese, club or other offensive weapon, every such person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment at hard labour, for any period not exceeding Three months, and every person who shall have formed part of any such procession or assembly, and who it shall be proved to the satisfaction of the Court before whom he shall be brought, was aware that any such offensive weapon was carried or placed near any person forming part of such procession or assembly as aforesaid, and did not give information thereof to some Officer of Police, shall be guilty of an offence, and be liable, on conviction, to any fine not exceeding Three pounds, or to imprisonment with or without hard labour for any period not exceeding Six weeks.

**Observance of the Sabbath.**

35. And it is further enacted, that all persons who within such Town and limits shall publicly pursue any trade, business or occupation, on Sunday, Christmas-day or Good Friday, within view or hearing of any Church, Chapel, Meeting House, or authorized place of Christian worship, and during the hours of Divine Service therein, shall be guilty of an offence, and be liable, on conviction thereof, to any penalty not exceeding Ten shillings.

**Penalty on disturbing Christian worship.**

36. And it is further enacted, that every person who shall, under any pretence whatever, either within or from without any place of Christian worship, disturb the performance of public worship therein, or in any way during such performance molest any of the Congregation, shall be guilty of an offence, and be liable, on conviction thereof, to any penalty not exceeding Five pounds, or imprisonment with or without hard labour, for any period not exceeding Three months.

**Beating of Tom Toms &c. forbidden.**

37. And it is further enacted, that all persons who shall within such Town and limits beat drums or tom-toms, discharge fire arms or fire works, or make any other noise in the night so as to disturb the repose of the inhabitants, except under Military Regulation, or unless they shall have obtained a licence from any Justice of the Peace having jurisdiction within such Town and limits, or from the Superintendent of Police, who are hereby authorized to grant the same, when it shall to them appear expedient, or who shall at any time discharge any fire arms or fire works, or play at any games in or near any street, road or thoroughfare, or fly any kite, or throw any stone or other missile, or wilfully or negligently make any noise, or do any act or thing in a manner calculated to terrify or injure any passenger, horse, or cattle, or to injure any property, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound; or in the case of children below Ten years of age, to such punishment as the Police Court shall be competent and shall deem it expedient to inflict.

**Butchers and Bakers and their licences.**

38. And it is further enacted, that all licences heretofore required to be taken out by any persons for baking bread for sale, or by any persons slaughtering cattle or carrying on the trade of a Butcher within such Town and limits, shall hereafter be granted by and paid for when payment is required, to the Superintendent of Police, who is hereby authorized to grant the same, and who shall keep a Register of the names of all persons taking out such licences respectively.

**Persons laying any rubbish or building materials in thoroughfare guilty of an offence.**

39. And it is further enacted, that all persons who shall, within any such Town or limits, lay or cause to be laid or cast any dirt, rubbish, or any other matter of annoyance or obstruction, on any road, street, quay, wharf, or thoroughfare, or into any sewer, drain, or water course, or shall fasten any scaffolding, or place any bricks, cabbook, chunam or other materials, in or upon any such road, street, canal, or thoroughfare, whereby any nuisance or obstruction may be occasioned, shall be guilty of an offence, and shall be liable, on conviction thereof, to any fine not exceeding One pound.

**Exposure of goods for sale.**

40. And it is further enacted, that every person who shall expose goods for sale, or who shall carry on any trade or business in any road, street, canal, or public thoroughfare, within any such Town and limits, so as to cause obstruction therein, except in such place or places as shall be appointed for that purpose by the Superintendent of Police, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five shillings.

**Persons to keep the space opposite their houses clean.**

41. And it is further enacted, that no filth or dirt, or dead or disabled animal, shall be cast or allowed to remain in any street, road, canal, or other thoroughfare, within any such Town and limits, and every inhabitant within any such Town and limits shall keep the space and street, or road, and all surface drains, ditches and gutters before his house, clean, and the owners or occupiers of all private avenues, passages, yards and ways, and all slaughter houses, shall keep the same clean, and shall remove the offal to such place as the principal Police officer of the Division may point out under the directions of the Superintendent of the Police, and any person wilfully offending against this Clause, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five shillings.

42. And whereas great and unnecessary nuisance is committed by persons easing themselves in whatever places they choose, without reference to the annoyance which they occasion thereby to others. It is therefore hereby enacted, that it shall be lawful for the proper Superintendent of Police to notify from time to time in as public manner as he conveniently can, the place or places in any such Town and limits, within which persons shall not be allowed to ease themselves, under the penalty hereinafter mentioned. And every person who shall, after such notification shall have been given, ease himself in any place comprehended in such notification, except in some house out-house, or enclosed place, with the leave of the occupant thereof, shall be guilty of an offence, and be liable, on conviction thereof, to any penalty not exceeding Five shillings. Provided always, that nothing in this Clause contained, shall be construed into a declaration that persons cannot commit a nuisance by easing themselves in such places as are not comprehended in such notification as aforesaid.

**No. 17, -- 1844.**

Common nuisance.

43. And it is further enacted, that any person who shall wilfully damage any public building, wall or other public property, within such Town and limits, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

Persons wilfully injuring any public building to be guilty of an offence.

44. And it is further enacted, that all houses and gardens within such parts of any of the said Towns and limits as the Governor shall from time to time direct by Proclamation to be for that purpose issued in the Government Gazette, shall within Six months after such Proclamation shall have been so issued, be surrounded with walls or good fences, and be cleared of brush and underwood, and every person neglecting within such time so to surround his house and garden, or to clear the same of brush and underwood, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten shillings. Provided always, that the proprietors of adjoining lands which shall require to be fenced or walled, under the provisions of this Clause, shall be liable to make and keep in repair each one-half of such fence or wall, except where by any law or custom such liability shall be otherwise determined.

Houses to be surrounded with walls or fences and gardens kept clear.

45. And it is further enacted, that it shall be lawful for the Superintendent of Police to give order, either verbally or by notice in writing, to any person causing any public nuisance mentioned in this Ordinance, to abate and remove the same, and if any person to whom such order or notice shall have been given shall refuse, or neglect to comply with the same in a reasonable time, or if there be any doubt as to who is the proper person to whom such order or notice should be given, it shall be lawful for the Superintendent of Police to cause any such public nuisance to be forthwith abated or removed, and for that purpose it shall be lawful for him, where necessary, to enter into or upon any house, garden, enclosure, land or other premises, and to cause to enter therein or thereupon such persons, instruments and things, as may be necessary, and to proceed to do or cause to be done therein or thereupon all such things as may be necessary for such abatement or removal, and upon the Superintendent of Police certifying to the proper Police Magistrate the costs which have been bonâ fide incurred in effecting such abatement or removal, such Magistrate shall summon the party or parties on account of whose non-compliance with any such order or notice, such costs were incurred, to appear before him on a certain day, then and there to make payment of such costs, where it shall appear, after due investigation, that such costs were properly incurred. And if such party or parties shall refuse or fail to make such payment, the Police Magistrate shall proceed to recover such payment in such and the same manner as he would proceed to recover any fine or penalty incurred under any sentence of the Court in which he presides. Provided always, that nothing in this Ordinance contained shall be construed to limit or interfere with in any way the common law right of any individual to abate any nuisance.

Nuisances how to be removed and abated.

46. And it is further enacted, that every person who under the pretence of preventing or removing any obstruction, or abating any nuisance, or of ascertaining the amount of tax due in respect of any property liable to be taxed under the provisions of this Ordinance, shall use unnecessary violence, or give uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

Unnecessary violence or vexatious annoyance an offence.

47. And it is further enacted, that for the purpose of providing a fund sufficient for the maintenance and keeping of such Police force within such Towns and limits, it shall be lawful for the Governor, with the advice of the Executive Council, to direct by Proclamation to be published in the Government Gazette, that a tax shall be payable on the Thirty-first day of March, on the Thirtieth day of June, on the Thirtieth day of September, and on the Thirty-first day of December, in every year after the passing of this Ordinance, for the quarter ending on the said days respectively, on all houses and buildings of every description,

**No. 17.—1844.**

and on all lands and tenements whatsoever within every such Town and limits, to an amount not exceeding Ten per cent on the bonâ fide annual value of such houses, buildings, lands and tenements, except in cases where such amount shall fall below the sum of Six pence per quarter, (in all which excepted cases Six-pence per quarter and no more shall be assessed, and payable); and it shall at any time be lawful for the Governor, with the advice of the Executive Council, in like manner to direct the amount of tax so to be payable to be increased or diminished, provided that the same shall, in no case, exceed the said amount of Ten per cent. Provided always, that no houses, buildings, lands or tenements, shall be exempt from the payment of such tax, except buildings appropriated to religious worship, or except as is in the next following Clause excepted.\*

Houses &c. when exempted from tax.

48. And it is further enacted, that if any building within any such Town and limits, shall have remained unoccupied for the whole of two or more consecutive quarters, it shall be lawful for the Government Agent, and he is hereby required upon application being made in that behalf, and upon his being satisfied that such building shall have really remained unoccupied during such period, to remit to the owner or owners thereof any payment that shall have been made to him as the tax due in respect of such building for such period. But nothing in this Clause contained shall be construed to exempt any owner of any such building from payment of such tax to the Government Agent in the first instance.

Committee for assessment.

49. And it is further enacted, that the bonâ fide value of all houses and buildings, lands and tenements within every such Town and limits shall be assessed by a Committee of Assessors to consist of not more than Five nor less than Three respectable inhabitants of such Town and limits, to be nominated by the Governor annually, on or before the Thirty-first day of December for the year then next ensuing. Provided always, that the persons to be nominated Assessors in any such Town and limits, for the year in which this Ordinance shall come into operation therein, may be nominated and appointed at any time within Thirty days after this Ordinance shall so come into operation; and provided further, that in case any Assessor appointed shall die or resign, or shall, in the opinion of the Governor, become incapacitated to discharge his duties, or misconduct himself, the Governor may, at his discretion, appoint another Assessor in the room of the person so dying, or resigning, or misconducting himself, or being incapable of acting.

Assessors entitled to remuneration.

50. And it is further enacted, that each person appointed as an Assessor shall be entitled to receive such remuneration as the Governor may, in his discretion, award. Provided always, that the whole sum to be distributed amongst the Assessors of any one Committee shall in no case exceed One hundred pounds.

Mode of assessment.

51. And it is further enacted, that such Committee shall, without unnecessary delay after its appointment, proceed to enquire into, and according to the best of its information and judgment, ascertain and assess as aforesaid the bonâ fide annual value of all houses, buildings, lands and tenements within such Town and limits, and the tax hereby imposed on or payable for the same, and for that purpose it shall be lawful for the said Committee or any member thereof, or for any person in company with or authorized in writing in that behalf by any such member, to enter into and upon any houses, buildings, lands and tenements, and to cause to enter therein or thereupon such persons and things as may be necessary, and to proceed to do or cause to be done therein or thereupon, all such things as may be necessary to enable such Committee to ascertain the amount of tax payable in respect of such houses, buildings, lands or tenements. And such Committee shall, without delay, report the assessment so made by them to the Government Agent of the Province, who shall thereupon cause the same to be entered in a book which shall have an index or other convenient form of reference, and shall be kept at his Office for public inspection.

Tax to be payable quarterly by owner.

52. And it is further enacted, that the tax hereby imposed shall be payable quarterly by, and shall be recovered in manner hereinafter provided from the owner or owners, or from any or either of the owner of the houses, buildings, lands or tenements liable to such tax, and if any person in the occupation of any such house, building, land or tenement so liable, and not being the owner or a joint owner thereof, shall refuse, upon application being made in that behalf, to inform the said Committee or any member thereof, or the Government Agent or any person authorized by him to make such application, as to the correct name and residence of the owner or owners of the said house, building, land or tenement, every such person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

53. And it is further enacted, that the Government Agent shall, as soon as possible after

\* See Ordinance No. 4 of 1852.



receiving the report from the Committee of Assessors, cause to be served upon the owner or upon some joint owner of every house, building, land or tenement, liable to the payment of such tax as aforesaid, a notice in the English and Native Languages, and as near as is material according to the form hereunto annexed, of the amount of tax due in respect thereof, for each quarter of the year for which the Assessment so reported shall have been made, which notice shall be served either personally upon such person, or by leaving it with some member of his household, or by affixing it to some conspicuous place of the house, building, land or tenement liable to the payment of such tax. And in case the amount due in respect of such tax shall not be paid into the Office of the Government Agent, or to some person authorized by writing under his hand to receive the same, within One month after the service of such notice, and for subsequent Quarters within One month of the termination of each of them respectively, it shall be lawful for the Government Agent to seize all and singular the property of the owner, or of any joint owner of every house, building, land or tenement, for which such tax shall be due, and all moveable property, to whomsoever the same may belong, which may be found in or upon any such house, building, land or tenement, in respect of which such tax shall be due, to an amount computed to be sufficient to cover the same, and to sell such property by public auction at any time not less than Ten days from the time of such seizure. And the Government Agent shall, after deducting any expenses which shall have been incurred on account of such seizure and sale, grant, upon application in that behalf, a receipt for the amount of tax recovered thereby, to the owner or to any joint owner of the property which shall have been so seized and sold, and shall pay to such owner or joint owner the surplus, if any, of the proceeds of such sale. Provided always, that it shall be lawful for the occupant of any house, building, land or tenement, not being the owner or a joint owner thereof, whose property shall have been seized and sold as aforesaid, or who to avoid such seizure and sale shall have paid the amount of tax due in respect of such house, building, land or tenement, to deduct the amount which shall have been so recovered or paid from the first payment of rent due on account of the said house, building, land or tenement, to the owner or owners thereof, and that the receipt of the Government Agent for the amount of tax so recovered or paid shall be deemed an acquittance in full for the like amount of rent.\*

54. And it is further enacted, that if any person upon whom any such notice as aforesaid shall have been served, shall consider that the Assessment in respect of which such notice was served was unduly or incorrectly made or ascertained, it shall be lawful for such person to object to such Assessment, whatever may be its amount, before the proper Court of Requests, and no other Court shall be competent to entertain any such objection. And such Court shall decide upon the matter of such objection in a summary way, and award the costs thereof, and no appeal or review shall lie against any such decision. Provided always, that no such objection shall be entertained by any Court of Requests, unless the same shall be made within Ten days after the service of such notice as aforesaid, nor unless the party objecting, or some person authorized by him in that behalf in writing, shall, at the time of making such objection, satisfy the Court by affidavit or otherwise, that the Government Agent has been furnished with a statement in writing of the specific grounds on which such objection is founded.

Objection to Assessment.

55. And it is further enacted, that no action shall be maintainable against any Government Agent for any act done or caused to be done by him under the provisions of this Ordinance, unless such action shall be commenced within One month from the time of the act in respect of which the same shall be brought, nor unless previous notice in writing, distinctly setting forth the grounds of such action, be given to him by the plaintiff or his counsel One week at least before the commencement of such action. And it shall be lawful for such Government Agent at any time before the pleading to such action, to tender amends to the party aggrieved, and if the same be refused, to plead such tender, at the same time paying into Court the amount tendered, and if the Court, on the decision of the case, shall declare and record that the tender so made and paid into Court is sufficient amends to the party aggrieved, judgment for the said amount tendered, and no more, shall be entered for such party, and all the costs of such action shall be paid by such party.

Action against Government Agent.

56. And whereas it is expedient to remove all doubts as to the meaning of the words "other premises," in the 48th Clause, and such other Clauses of the said before mentioned Ordinance No. 13 of 1843, as relate in any way to the liability of "other premises" to the payment of a tax for the support of a Police force within any such Town and limits, or to the recovery of such tax. It is therefore hereby declared and enacted, that the words "other premises," whenever they occur in any such Clauses of the said Ordinance, shall be deemed and taken to include all lands and tenements whatsoever, within any such Town

Interpretation of "other premises" in Ordinance No. 13 of 1843.

\* See Ordinance No. 4 of 1853.

**No. 17,—1844.**

and limits. And that a tax to the amount in the said Ordinance specified become payable on the 31st day of March, on the 30th day of June, and on the 30th day of September, and will become payable on the 31st day of December of this present year for the quarter ending on the said days respectively, on all houses, warehouses, shops, bazaars, and on all lands and tenements whatsoever within every such Town and limits, and that wherever any such tax has not been paid the same is still due and recoverable.

All property however small liable to tax under Ordinance No. 13 of 1843.

57. And whereas it is also expedient to remove all doubts as to the true intent and meaning of the words " that the tax so payable and levied shall in no case be less than Two shillings per annum," in the first proviso to the 48th Clause of the said before mentioned Ordinance No. 13 of 1843: It is therefore hereby further declared and enacted, that the above words shall be deemed and taken to mean, that the tax payable in respect of any species of taxable property was in no case to be less than Two shillings per annum, and that no houses, buildings, lands, or tenements of any description whatsoever, situated within any such Town and limits, were to be exempt from payment of the said tax, except Hospitals and buildings appropriated to religious worship or other public use.

Recovery of arrears of tax.

58. And whereas from various causes it has been found difficult to recover the tax due for the present year under the provisions of the Ordinance No. 13 of 1843, and it is expedient to facilitate such recovery. It is therefore hereby enacted, that it shall be lawful for the Government Agent, after due service of each Quarterly notice, to recover from the party liable under the said last mentioned Ordinance to the payment thereof, any sum so due as aforesaid, or that shall fall due on the 31st day of December, in manner provided by this Ordinance for the recovery of the tax that shall become due thereunder.

Abuse of powers an offence.

59. And it is further enacted, that if any Superintendent or Officer of Police shall wantonly or maliciously exercise any of the powers or authorities confided to him by this Ordinance, or shall in any way wilfully exceed such powers and authorities, he shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

Penalty on obstructing Officer of Police.

60. And it is further enacted, that if any person shall resist or obstruct any Superintendent or other Officer of Police, or any person duly acting under the orders of any Superintendent of Police, or any member of the Committee of Assessors, or any person duly acting on behalf of any such Committee, or of any member thereof, or any Government Agent, or any person acting on behalf of any Government Agent, in the execution of any duty or authority imposed upon or vested in him by this Ordinance, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months.

Punishment of children for breach of Ordinance.

61. And whereas many of the offences declared by this Ordinance to be punishable by fine or imprisonment, may be committed by children, whom it would not be expedient to punish in such manner. It is therefore hereby enacted, that it shall be competent to any Police Magistrate, before whom any child shall be convicted of any offence punishable by fine or imprisonment under the provisions of this Ordinance, to order the moderate chastisement of such child, instead of subjecting him to any fine or imprisonment.

Punishment for offence against this Ordinance not to affect further liability of offender in civil damages.

62. And it is further declared and enacted, that if any person shall by any misconduct subject himself to punishment under the provisions of this Ordinance, such punishment, or the liability thereto, shall not in any manner affect the further liability of such person in civil damages in respect of such misconduct.

SCHEDULE.

To  
Notice of annual Assessment and demand for quarter's tax.

Take notice that in pursuance of the Ordinance No. \_\_\_\_\_ of 184\_\_\_\_, the \_\_\_\_\_ situated at ( \_\_\_\_\_ ) the property of \_\_\_\_\_ has been assessed at the annual value of £ \_\_\_\_\_ and that the tax for each quarter due on the \_\_\_\_\_ day of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ amounts to the sum of \_\_\_\_\_

You are hereby required therefore to pay the said amount of £ \_\_\_\_\_ into the office of \_\_\_\_\_ within One month after service hereof, and thereafter within One month after the same shall become due, or in default thereof it will be recovered in due course of Law.

Signed this \_\_\_\_\_ day \_\_\_\_\_ 184\_\_\_\_\_ Government Agent.

A Receipt signed by the Government Agent or his Assistant, will be delivered on payment of the sums hereby demanded.

Received this Government of Ceylon the sum of £ \_\_\_\_\_ day of \_\_\_\_\_ on account of the Government Agent. due on the \_\_\_\_\_ of \_\_\_\_\_, being the \_\_\_\_\_ quarter's tax for \_\_\_\_\_ the \_\_\_\_\_

No. 17,—1844.

Passed in Council the Twenty-seventh day of November, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
P. ANSTRUTHER,  
*Colonial Secretary.*

—  
**No. 18,—1844.**

*An Ordinance for the better regulation of Prisons.*

WHEREAS it is expedient to establish such regulations respecting the Prisons in this Island, as will securely provide for the safe custody of the prisoners confined therein, as well as effectually preserve their health and improve their morals, and ensure the proper punishment of convicted offenders.\*

No. 18,—1844.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that all the buildings, enclosures, premises, and places used, occupied, and supported by the Government of this Island as public Prisons, and which are particularly specified in the Schedules to this Ordinance annexed, marked A. and B. shall be, and are hereby declared to be respectively the public Prisons for the District or Districts, and for the reception of the classes of persons in the said Schedules specified, and such Prisons as are specified in the said Schedule A. shall be subject, as far as is practicable, to the several provisions hereinafter made, for the regulation, management, care and discipline of the same, and of the prisoners therein confined; and such Prisons as are specified in the said Schedule B. shall be subject to such provisions respecting their management and that of the prisoners therein contained, as shall from time to time be made by the Governor, with the advice of the Executive Council. Provided always, that it shall be lawful for the Governor at any time, with the advice of the Executive Council, by Proclamation in the Gazette, to be for that purpose issued, to make any alteration which to him may appear necessary in the said Schedules, in so far as regards the removing any Prison from one of the said Schedules to the other, or altogether from both, or as regards the districts for which such Prison shall be appointed, or as regards the classes of persons to be therein confined.

Existing public Prisons what and how to be managed.

2. And it is further enacted, that all buildings, enclosures, premises and places which shall hereafter be erected, built, purchased, enlarged, used, occupied or maintained at the public expense, as and for public Prisons within this Colony, and which shall by Proclamation to be from time to time published in the Government Gazette by order of the Governor, be declared and notified as such public Prisons, shall from and after the publication of such notification, be severally deemed and taken to be the public Prison for such district or districts, and for the reception of such classes of persons as shall be specified in such Proclamation respectively, and shall be subject, as near as is practicable, to the several provisions hereinafter made for the regulation, management, care and discipline of the public Prisons belonging to the said Colony, and of the prisoners confined within the same, or shall be subject to such regulations in respect of their management and that of the prisoners therein confined, as shall from time to time be prescribed by the Governor with the advice of the Executive Council, according as such Prison shall be declared in such Proclamation to be of the class of Prisons enumerated in the said Schedule A. or of the class of Prisons enumerated in the said Schedule B. Provided always, that it shall be lawful for the Governor at any time, with the advice of the Executive Council, to revoke or amend any such Proclamation.

Future public Prisons.

3. And it is further enacted, that it shall at any time be lawful for the Governor by writing under his hand, to direct the removal of any prisoner, whether convicted or committed for trial or confined for debt, from one Prison to another, and such writing shall be sufficient warrant for the Fiscal or keeper of the Prison to which such prisoner shall be so directed to be removed, to detain such prisoner and deal with him according to law.

Governor may remove Prisoners from one Prison to another.

4. And it is further enacted, that the warrant or sentence of any Judge, Police Magistrate, or Justice of the Peace, committing any person for any offence cognizable by such Judge, Magistrate, or Justice, to any of the said Prisons in which such person shall be authorized to be detained under the provisions of this Ordinance, shall be good and sufficient, whether such Prison shall or shall not be within the jurisdiction of such Judge, Magistrate, or Justice.

Warrants of commitment by Justices &c. when good out of their jurisdiction.

\* See also Ordinance No. 2 of 1853.

**No. 18, — 1844.**

**Prisons to be divided into compartments.**

5. And it is further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, from time to time to give such directions for the division of Prisons into compartments, as shall be best adapted to carry into effect the provisions of this Ordinance. And a part of every Prison mentioned in the said Schedule A. and of every Prison at any time declared to be of that class of Prisons, shall be called the House of Correction, and shall be set apart for such juvenile offenders, or for persons convicted of such offences as shall be from time to time specified in any directions to be for that purpose given to the Fiscal by the Governor, with the advice of the Executive Council.

**Public Prisons to be under charge of Fiscal.**

6. And it is further enacted, that all public Prisons already established or used and hereby declared to be the public Prisons of this Colony, and also all other public Prisons which under the provisions of this Ordinance, shall hereafter be notified in manner aforesaid, to be and to be used as such within the said Colony, shall be and are hereby declared to be (except as hereinafter excepted) under the charge, care and direction of the respective Fiscals of the Province in which such public Prisons shall be situated, subject however to the control of the Governor; and that all prisoners committed for any crimes, offences or misconduct to such public Prisons, and all persons confined for debt therein, shall be deemed to be in the custody of the said respective Fiscals, and that all the keepers and under-keepers of the said public Prisons respectively, and the assistants of such keepers or under-keepers, and all other persons required and employed for the safety and care of the said public Prisons, and of the prisoners confined therein respectively, shall be nominated and appointed, and be liable at any time to be removed by the Governor. Provided always, that it shall be competent for the Fiscal, or any Deputy Fiscal, at any time to suspend any such keeper, under-keeper, assistant, or person, for any misconduct, and to appoint some other person to act in his room, or in the room of any such keeper, under-keeper, assistant or person dying or becoming incapacitated, until the Governor's pleasure shall be known.

**Appointment of keepers, &c.**

**Rules to be observed in public Prisons, &c.**

7. And it is further enacted, that in every Prison specified in the said Schedule A. or hereafter established and declared by Proclamation as aforesaid, to be of the same class of Prisons as those enumerated in the said Schedule A. the following Rules and Regulations shall be observed and carried into effect as far as is practicable.

**As regards keeper.**

1st. The keeper of every Prison shall reside therein. He shall not be concerned in any occupation or trade whatever. No keeper or officer of a Prison shall sell, nor shall any person in trust for him, or employed by him, sell or have any benefit or advantage from the sale of any article to any Prisoner, or directly or indirectly have any interest in any contract or agreement for the supply of the Prison.

**Matron to attend Female Prisoners.**

2nd. A Matron shall be appointed in every Prison in which Female prisoners shall be confined, who shall reside in the Prison, and it shall be the duty of the Matron constantly to superintend the Female prisoners.

**Keeper to visit wards.**

3rd. The keeper shall visit every Ward and see every prisoner, and inspect every cell once at least every Twenty-four hours; and when the keeper or any other officer shall visit the Female prisoners, he shall be accompanied by the Matron, or in case of her unavoidable absence, by some Female officer of the Prison.

**And to keep journal.**

4th. The keeper shall keep a journal, in which he shall record all punishments inflicted by order of any person authorized in that behalf by the Governor as hereinafter provided, and the day when such punishments shall have taken place, and all other occurrences of importance within the Prison, which journal shall be laid quarterly before the Colonial Secretary.

**Sentences of hard labour to be enforced.**

5th. Due provision shall be made in every Prison for the enforcement of hard labour, in the cases of such prisoners as may be sentenced thereto, and for the employment of other prisoners.

**Classification of Prisoners.**

6th. Male and Female prisoners shall be confined in separate parts of the Prison, so as to prevent them if possible from seeing, conversing, or holding any intercourse with each other. And the following prisoners of each sex shall be divided into distinct classes, and be separately confined, that is to say, debtors and persons confined for contempt of Court, or for want of securities. Prisoners committed for further examination or for trial, and not tried prisoners convicted of any crime or offence, and prisoners of the two last mentioned classes, shall as far as the capabilities of the Prison will admit, be classified according to the nature and enormity of their offences, in such manner as the Governor with the advice of the Executive Council shall from time to time direct. And notoriously bad characters shall be kept as much as possible by themselves.

- 7th.** Female prisoners shall in all cases be attended by Female Officers.
- 8th.** Such provision shall from time to time be made for the religious and other instruction of Prisoners as the Governor and Executive Council shall direct.
- 9th.** No prisoner shall be put in Irons by the keeper of any Prison, except in compliance with the sentence of some competent Court, or except in case of urgent and absolute necessity, and the particulars of every such case shall be forthwith entered in the keeper's journal, and notice forthwith given thereof to one of the Visitors, and the keeper shall not continue the use of irons on any prisoner longer than Four days consecutively, except in compliance with the sentence of some competent Court.
- 10th.** Convicted prisoners shall be allowed a sufficient quantity of plain and wholesome food with proper variety, and a sufficient quantity of stimulating condiments to assist digestion, and such food shall be given to them cooked, but only those who are not sentenced to hard labour shall be allowed tobacco, betel or any luxury, except by direction of the keeper or Medical Attendant, in the quantity and for the time recommended by him; and no convicted prisoner shall be allowed to receive any thing in the way of food, luxury or clothing from without the Prison.
- 11th.** Untried prisoners shall be allowed a moderate supply of the ordinary articles of luxury, as tobacco and betel, and shall be afforded the opportunity of receiving from without the Prison any articles of food and clothing, and such luxuries as may not be inconsistent with good order.
- 12th.** No prisoner shall be allowed, on being admitted into any Prison, to retain possession of any money or of any articles whatsoever, either in their wards or about their persons, except such as are furnished to them, or they are allowed to retain under the rules of the Prison, and except such books as may be approved of by the Fiscal or the keeper of the Prison, or by a Visitor. A register will be kept of all money and other property taken from any prisoner on his admission into Prison, and shall be signed by the keeper and counter-signed by the Fiscal, and shall be always open to the inspection of the Visitors. And in the case of convicted prisoners, such money or other property, or so much of it as shall be sufficient, may be retained by the Fiscal (unless he shall receive instructions to the contrary from Government) in liquidation of the costs of the maintenance of such prisoner in Prison.
- 13th.** Prisoners at hard labour, except those in houses of correction, shall wear a Prison dress provided by Government. Prisoners at hard labour in any house of correction, and convicted prisoners not at hard labour, shall be provided by Government with plain clothing similar to that ordinarily worn by the class of persons to which they may respectively belong. Untried prisoners and debtors shall provide their own clothing.
- 14th.** No person shall be allowed access to any Prisoner at hard labour or to any prisoner under commitment for further examination, and no such prisoner shall be allowed to receive or send any written communication without a written order from the Fiscal or from some Visitor, who is hereby required not to grant any such order except upon a formal and recorded proceeding, and upon being fully satisfied of the urgent necessity thereof.
- 15th.** All persons shall be allowed access to convicted prisoners not sentenced to hard labour, and to untried prisoners not being under commitment for further examination, but they shall be liable to be searched on admittance into the Prison, and to have any thing found upon them retained (if it shall appear desirable to the keeper of the Prison) while having such access, and such prisoners shall be allowed to receive and despatch written communications, subject however to such restriction as may be necessary for the maintenance of good order.
- 16th.** The Surgeon, if there is one attached to the Prison, shall examine every prisoner who shall be brought into the Prison, before he or she shall be passed into the proper Ward, and shall examine every prisoner at least once a week, and no prisoner shall be discharged from Prison if labouring under any acute or dangerous distemper, nor until, in the opinion of the Surgeon, such discharge is safe, unless such prisoner shall require to be discharged. The wearing apparel of every prisoner shall be fumigated and purified, if requisite, after which the same shall be returned to him or her, or in case of the insufficiency of such clothing, then other sufficient clothing shall be furnished according to the Rules and Regulations of the Prison.
- No. 13,—1844.**  
Female Prisoners to be attended by Females.  
Provision for religious instruction.  
When prisoners may be put in Irons.
- Diet of convicted prisoners.
- No betel &c. to be allowed to those at hard labour.
- Diet of untried prisoners.
- What to be done with money, &c. found on prisoners when brought to Prison.
- Dress of Prisoners.
- No person to have access to or to communicate with any prisoner at hard labour.
- Access allowed to what prisoners.
- Duties of Surgeon.

- No. 18,—1844.**  
Prisons to be limewashed.
- And means of bathing, &c. provided for all prisoners.
- All prisoners to be allowed air and exercise.
- No spirituous liquors to be admitted into Prison.
- No gaming to be allowed.
- No fee to be taken from prisoner.
- Death of prisoner to be made known.
- Governor may make further Rules.
- And appoint Visitors.
- Proviso.
- Punishment for breaches of Rules, &c.
- Proviso.
- 17th. The walls of the wards, cells, rooms and passages of the Prison shall be scraped and lime-washed at least twice in every year, and as many more times as the Prison Visitors shall deem expedient. And all prisoners shall be furnished with mats or other bedding, according to their habits, and with the means of washing or otherwise cleansing themselves, and of having their clothing washed. And provision shall be made for their bathing within the Prison if possible, or otherwise at the nearest convenient place. And during such bathing or washing, care shall be taken that different classes and sexes of prisoners shall be kept separate according to the rules hereinbefore laid down.
- 18th. All prisoners shall be allowed as much air and exercise as may be deemed proper by the Surgeon for the preservation of their health.
- 19th. No spirituous or fermented liquors, and no toddy, opium or bang shall be admitted into, or supplied within any Prison under any pretence whatever, unless by a written order of the Surgeon specifying the quantity and for whose use.
- 20th. No gaming shall be permitted in any Prison, and the keeper shall seize and destroy all dice, cards, or other instruments of gaming.
- 21st. No money shall be taken by way of garnish, fee or gratuity, from any prisoner on his or her entrance into, or discharge from, or during his or her detention in the Prison, under any pretence whatever.
- 22d. Upon the death of a prisoner, notice thereof shall be given by the keeper forthwith to one of the Visitors as well as to the nearest Coroner or Deputy Coroner of the District, and to the nearest relative of the deceased where practicable.
8. And it is further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, from time to time to make such further provisions for the management of the Prisons specified in the Schedule A, and of those of the like class that may at any time hereafter be established, as shall to him and them appear expedient, and as shall not be repugnant to the provisions of this Ordinance, and to authorize Fiscals or keepers of Prisons not to extend to the case of Debtors any provisions of this Ordinance which to him and the Executive Council shall appear not proper to apply to such case.
9. And it is further enacted, that it shall and may be lawful for the said Governor, when he shall think fit or desirable, to nominate and appoint one or more fit and proper person or persons to be the Visitor or Visitors of any Prison, and every such Visitor to remove or displace and to appoint another or others in his stead; and every Visitor so appointed shall be at liberty to enter at all times any such Prison and to make any inquiries or examination therein as to him shall appear necessary, and they are hereby required to visit such Prison at least once in every week, unless prevented by illness or other sufficient cause, and shall from time to time make such reports to the Colonial Secretary as may be required by order of the said Governor; and any Gaoler, Turnkey or other person employed in any such Prison, who shall at any time refuse admittance to any such Visitor or to any Justice of the Peace for the District in which any such Prison is situated, or offer to him any hindrance or obstruction, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds. Provided that nothing herein contained shall be taken to abridge or affect the power of any Judge of the Supreme Court to visit and examine any Prison at any time and when he may think fit.
10. And it is further enacted, that it shall be lawful for any person holding a warrant in that behalf under the hand of the Governor, and he is hereby required to enquire into any of the following offences alleged to have been committed by any prisoner within any Prison named in such warrant— that is to say, disobedience of the Rules of the Prison; assaults by one prisoner upon another, where no severe wound or bruise is given; profane cursing or swearing; or any indecent behaviour; refusal to work, or any idleness or negligence in working; or wilful mismanagement of work:—and if any such prisoner shall thereupon appear to any such person to be guilty of any such offence, it shall be lawful for such person to punish the same by whipping (if such prisoner shall be a male) not exceeding Twelve lashes, or by solitary confinement on the sparest possible diet consistent with health, for any period not exceeding Seven days, or by both. And the keeper of every such Prison shall cause every order for any such punishment to be carried into effect. Provided always, that every such punishment shall be inflicted within Twenty-four hours at the latest after such enquiry, unless Sunday, Good Friday, or Christmas-day shall intervene, and provided further, that every person ordering such infliction shall transmit to the Colonial Secretary a report of the substance of such enquiry, and of the punishment awarded.

11. And it is further enacted, that every Visitor shall have power, and he is hereby required to hear all complaints which shall be made by any prisoner respecting any deficiency of food, or of its being of an inferior or improper quality, or respecting any ill-treatment received from any keeper, turnkey, overseer, peon, or other Officer of the Prison. And if such complaint shall clearly be frivolous or malicious, it shall be lawful for such Visitor to order (which order the keeper of the Prison is hereby required to carry into effect,) the confinement of such prisoner in a solitary cell for Forty-eight hours, on such spare diet as aforesaid. And if any such Visitor shall consider any complaint respecting the quantity, or quality of food, or of any ill-treatment not being of a serious character, to be substantiated, he shall make report thereof to the Colonial Secretary; but if he shall consider that such ill-treatment is sufficiently serious to require the intervention of a Court of Justice, he shall immediately make report thereof to the Queen's Advocate or some Deputy Queen's Advocate.

**No. 18, — 1844.**  
Visitor to hear complaint made by prisoners.

12. And it is further enacted, that whenever any Surgeon shall be appointed by the Governor to visit any Prison, such Surgeon shall visit such Prison twice at least in every week, and oftener if necessary, and shall see every Prisoner confined therein, whether criminal or debtor, and shall report Quarterly to the Colonial Secretary the condition of the Prison, and the state of health of the prisoners under his care, and he shall further keep a Journal, in which he shall enter the date of every attendance in the performance of his duty, with any observations which may occur to him in the execution thereof, and shall sign the same with his name, and such Journal shall be kept in the Prison, but shall regularly be laid before the Visitors for their inspection, and shall be signed by them in proof of the same having been there produced.

Surgeon to report.

13. And it is further enacted, that the Fiscal of every Province shall regularly make to the Colonial Secretary such returns as he shall from time to time be instructed to make by the Governor, with the advice of the Executive Council.

Fiscals to make returns.

14. And it is further enacted, that every convicted prisoner in any such Prison shall be liable for all the costs of his maintenance therein. And it shall be lawful for any District Judge or Police Magistrate, upon presentation of any certificate at any time after the discharge or during the detention of any such prisoner, of the costs of the maintenance of such prisoner up to the time of such presentation, or of any part thereof, signed by the proper Fiscal, and counter-signed by some duly appointed Visitor, to issue a warrant as often as shall be necessary, for the distress and sale of so much of the property of such prisoner as shall be sufficient for the repayment to the Fiscal of such costs as shall be due, and of the costs of the distress and sale.

Convicted prisoners to be liable for the costs of their maintenance.

15. And it is further enacted, that in case any Coroner or Deputy Coroner shall hold an Inquest on the body of any prisoner who shall have died within the Prison, none of the prisoners confined in that Prison shall be a Juror on such Inquest.

No prisoner to be a Juror at an Inquest.

16. And it is further enacted, that if any person shall carry or bring, or attempt to carry or bring into any Prison, any spirituous or fermented liquor, or any toddy, opium or bang, every such person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Three months.

Penalty on bringing spirituous liquors &c. into prison.

17. And it is further enacted, that if any person, whether a prisoner or otherwise, shall by any means whatsoever aid and assist any prisoner to escape or in attempting to escape, every such person, and every prisoner escaping or attempting to escape, whether an escape be actually made or not, shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment at hard labour for any period not exceeding One year, or to corporal punishment not exceeding Fifty lashes, or to both.

Punishment of prisoners escaping and of parties assisting in any escape.

18. And it is further enacted, that if any prisoner shall threaten or abuse, or in any way insult any keeper or other Officer of the Prison, he shall be guilty of an offence, and be liable, on conviction thereof, to any punishment which it shall be competent to any Police Court to inflict, and if any prisoner shall strike or do any personal injury to any such keeper or other Officer, he shall be guilty of an offence, and be liable, upon conviction thereof, to such punishment as the Court before which the Queen's Advocate shall institute, or permit the institution of a prosecution for the same, shall be competent to inflict.

Penalty on prisoner threatening or assaulting Officer of Prison.

19. And it is further enacted, that all overseers and other persons lawfully in the superintendence or charge of Prisoners under sentence of hard labour, and whose duty it shall be to see such hard labour duly performed, are hereby authorized and required to employ any moderate force, and inflict any moderate chastisement that may be necessary to

When overseers may inflict moderate chastisement.

**No. 18.—1844.**

Penalty on overseer neglecting duty.

Penalty on neglect of duty by Officer of Prison.

Penalty on keeper, &c. employing unnecessary violence.

compel any such prisoners under their charge to perform hard labour. And if any overseer or other person exercising such superintendence or charge, shall permit any such prisoner to hold any communication whatever with any person, except such communication as shall be absolutely necessary for the execution of any labour or duty imposed upon such prisoner, it shall be lawful for the Fiscal, or for any Visitor, to direct that such overseer or person shall forfeit One month's wages that shall be then or may thereafter become due, and such month's wages shall thereupon be forfeited, and may be kept back.

20. And it is further enacted, that every keeper or other Officer of any Prison, who shall fail to exercise a proper vigilance over the prisoners committed to his charge, or to perform any duty imposed upon him by this Ordinance, or shall wilfully or carelessly disobey, neglect or evade, or permit to be disobeyed, neglected or evaded, any Rule, Regulation or Order, lawfully made or provided in respect of any Prison to which such keeper or Officer shall be attached, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five Pounds, (which fine or any part thereof may be deducted from any salary then, or at any time thereafter due to such offender,) or to imprisonment with or without hard labour, for any period not exceeding One month.

21. And it is further enacted, that if any keeper, turnkey, overseer, peon or other Officer of any Prison, shall use any unnecessary or unauthorized violence towards any prisoner, or shall otherwise ill-treat any Prisoner confined therein, he shall be guilty of an offence, and be liable, on conviction thereof, to any punishment which it shall be competent for the Court before which the Queen's Advocate shall elect to prosecute, or to permit the prosecution of such offender, to impose.

## SCHEDULE A.

THE Prisons situated at the following places shall be respectively the Prisons for the reception of prisoners of every description committed under the authority of any Court, Justice of the Peace, or Coroner having jurisdiction within any part of the Districts or limits set opposite the names of such places in this Schedule.

<i>Prisons.</i>	<i>Districts or limits.</i>	<i>Prisons.</i>	<i>Districts or limits.</i>
WELLIKADDE	The whole Island.	HAMBANTOTTE	The Southern Province.
JAFFNA	The Northern and Eastern Provinces.	KANDY	The Central Province, and the limits for the time being of the jurisdiction of the District Courts of Kurnegalle and Kandy.
TRINCOMALIE	The Eastern Province.		
GALLE	The Southern Province.		
MATURA	The Southern Province.		

## SCHEDULE B.

THE Prisons situated at the following places shall be respectively the Prisons for the reception of prisoners of every description, committed under the authority of any Court, Justice of the Peace, or Coroner having jurisdiction within any part of the District or limits set opposite the names of such places in the Schedule, except of prisoners under sentence of some competent Criminal Court to imprisonment for a period exceeding Three months. But prisoners under such sentence may nevertheless be confined in such Prisons until they can be conveniently removed elsewhere.

<i>Prisons.</i>	<i>Districts or limits.</i>	<i>Prisons.</i>	<i>Districts or limits.</i>
HULFSDORP IN COLOMBO	The Western Province.	POINT PEDRO	The limits for the time being of the jurisdiction of the Police Court of Point Pedro.
NEGOMBO	The limits for the time being of the jurisdiction of the District Court of Negombo.	CHAWAGACHERRY	The limits for the time being of the jurisdiction of the Police Court of Chawagacherry.
CALTURA	The limits for the time being of the jurisdiction of the District Court of Caltura, and of the Police Court of Bentotte.	MULLETTVOE	The limits for the time being of the jurisdiction of the Police Court of Mullettvoe.
BENTOTTE	The limits for the time being of the jurisdiction of the Police Court of Bentotte.	KAYTS	The limits for the time being of the jurisdiction of the Police Court of Kayts.
RATNAPOORA	The limits for the time being of the jurisdiction of the District Court of Ratnapoora.	BATTICALOA	The limits for the time being of the jurisdiction of the District Court of Batticaloa.
TANGALLE	The limits for the time being of the jurisdiction of the Police Court of Tangalle.	KURNEGALLE	The limits for the time being of the jurisdiction of the District Court of Kurnegalle.
CHILAW	The limits for the time being of the jurisdiction of the District Court of Chilaw and Putlam.	KAIGALLE	The limits for the time being of the jurisdiction of the Police Court of Kaigalle.
PUTLAM		MATELLE	The limits for the time being of the jurisdiction of the District Court of Matelle.
CALPENTYN		NEWERA-ELLIA	The limits for the time being of the jurisdiction of the Police Court of Newera-Ellia.
MANAAR	The limits for the time being of the jurisdiction of the District Court of Manaar.	BADULLA	The limits for the time being of the jurisdiction of the District Court of Badulla.
ANARAJAPOORA	The limits for the time being of the jurisdiction of the District Court of Nuwerakalawiya.		

Passed in Council the Ninth day of December, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*



## No. 19,—1844.

*An Ordinance for determining the qualifications and making other provisions in respect of persons liable to serve as Jurors and Assessors.*

WHEREAS it is necessary to determine the qualifications and to make other provisions in respect of persons liable to serve as Jurors and Assessors.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that every freeman, except as hereinafter excepted, between the ages of Twenty-one years and Sixty years, residing within this Colony and its Dependencies, who shall be of sufficient intelligence and respectability, and shall be able to speak any of the languages following—that is to say, English, Singalese or Tamil, and who shall not have been convicted of any infamous crime, unless he shall have obtained a free pardon, or who does not labour under any such bodily or mental incapacity, or does not profess any such religious tenets as render him unfit to discharge the duties of the Office, shall be qualified and shall be liable to serve as a Juror and an Assessor in the Supreme Court of this Colony and as an Assessor in the District Court of the District within which he shall be a resident. Provided always, that no person shall be liable to serve as a Juror or as an Assessor at any Sessions of the Supreme Court, who shall not reside within the Circuit and within Thirty-six miles of the place where such Sessions shall be holden.\*

2. And it is further enacted, that all members of the Executive and Legislative Councils, and the Clerks of the said Councils, all Judges of the Supreme Court, and their Private Secretaries, and all Judges of all other Courts at present or hereafter to be established; and all Officers of all such Courts; all Advocates and Proctors duly admitted by the Supreme Court, and actually practising; all Justices of the Peace and their Clerks and Interpreters; all Coroners and Deputy Coroners; all Superintendents of Police; all Fiscals and their Officers, and all Peace Officers; all persons serving in Her Majesty's Navy or Army on full pay or active employment; all Clergymen in Holy Orders, and Ministers of the Gospel who shall follow no occupation except that of a Schoolmaster; all persons duly admitted to practise as Physicians, Surgeons, Surgeon Apothecaries, Apothecaries or Accoucheurs and actually practising; all Schoolmasters, Jailors, Turnkeys and keepers of Houses of Correction or of Lunatic Asylums; shall be and are hereby absolutely free and exempted from serving as Jurors or Assessors in any Court in this Island. Provided always, that nothing herein contained shall be construed to incapacitate any such person from serving as a Juror or Assessor who shall be willing so to serve.

3. And it is further enacted, that the Government Agents of the several Provinces of this Island shall prepare or cause to be prepared, so soon as possible after the passing of this Ordinance, for each of the Districts, or portion of a District within their respective Provinces, three several lists of all men resident therein respectively, who shall be qualified to serve as Jurors and Assessors, setting forth their names, occupations, and places of residence (that is to say)

- A list of persons who can speak the English language.
- A list of persons who can speak the Singhalese language.
- A list of persons who can speak the Tamil language.

Provided always, that if any person who shall be able to speak more than one of the above mentioned languages, and shall be in other respects duly qualified, shall at any time declare to the Government Agent his desire to be placed on any one of the lists of his District, in preference to another, the Government Agent shall, if such person be duly qualified, place him accordingly in such place in such list, as to the Government Agent shall appear most convenient. And no person whose name shall be placed on any one of the three above specified lists, shall be liable to serve with any person on any other of the said lists, unless such person and the presiding Judge shall be consentient thereunto.

4. And whereas the inhabitants of the interior heretofore constituting the Kandyan Provinces, are not yet prepared to participate fully in the benefits of free institutions, and for such reason it is expedient to defer bringing into immediate operation in the said Provinces, the hereinbefore mentioned provisions for framing the lists of persons qualified to serve as Jurors and Assessors, and to substitute temporary provisions in that behalf better adapted to the peculiar and varying circumstances of the said inhabitants. It is therefore

## No. 19,—1844.

Preamble.

Qualifications of Jurors and Assessors.

Proviso.

Persons exempted.

Proviso.

Jurors and Assessors to be arranged under three lists.

Proviso.

Other provisions made for Kandyan Provinces.

\* But see Ordinance No. 20 of 1852, sec. 4.

**No. 19, — 1844.**

enacted, that the lists of persons qualified to serve as Jurors and Assessors, who shall be resident within any District formerly comprized under the Kandyan Provinces, shall for and during the five years next ensuing after this Ordinance shall come into operation, be framed, and the service of such persons, in so far as regards their sitting together, be regulated in such manner as the several Government Agents within whose Province any such districts are situated, shall be directed by the Governor, with the advice and consent of the Executive Council.\*

Governor may require ability to read and write.

5. And whereas it is expedient from time to time, when circumstances will admit of the same, to require higher qualifications than those mentioned in the first Clause of this Ordinance to entitle any person to serve as a Juror or Assessor. It is therefore further enacted, that it shall at any time be lawful for the Governor, by and with the advice of the Executive Council, to declare by Proclamation to be for that purpose issued in the Government Gazette, that no person shall be qualified to serve as a Juror or Assessor for any District or portion of a District which shall be mentioned in such Proclamation, unless such person shall be able to speak, read and write one of the languages specified in the lists hereinbefore mentioned. And if any person who at the time of the publication of such Proclamation shall be placed upon any list, shall not be able to read and write the language specified in such list, but shall be able to speak, read and write the language specified in either of the other lists, the Government Agent shall place such person in such place as the Government Agent shall think most convenient, upon such one of the last mentioned lists as such person shall elect; provided that he shall be able to speak, read and write the languages specified in the same.

Necessary alterations from time to time to be made in lists.

6. And it is further enacted, that it shall be lawful for the said Government Agents, from time to time to insert in their lists of Jurors and Assessors, in whatever place shall appear to them most convenient, any name that may have been erroneously omitted therefrom, or the name of any person who shall, subsequently to the formation thereof, have become qualified to be placed thereupon, and to strike out the names of such persons as shall have been erroneously inserted in the said lists or shall have become permanently exempted or incapacitated from serving as Jurors and Assessors.

Power of Courts to add or remove Jurors and Assessors.

7. And it is further enacted, that if any written application shall be made by any person whatsoever, to any Judge of the Supreme Court during Sessions, or to the Judge of any District Court within his District, that the name of any person not on the list of Jurors and Assessors for the District in which he resides, shall be placed thereupon, or that the name of any person, being at such time upon such list, shall be struck off the same, it shall be competent for any such Judge to enquire concerning such application, and if he shall think that the same ought to be granted, to make order to that effect, and to transmit a copy of such order to the proper Government Agent. And every Government Agent, upon receipt of any such order, shall comply with the same. And where a name is required to be inserted on any such list, shall insert it in such place as shall appear to him most convenient. And no appeal shall lie to the Supreme Court, against any such order which shall be made by the District Judge.

Governor may order amended list.

8. And it is further enacted, that whenever any Proclamation shall be published under the provisions of the fifth Clause of this Ordinance, affecting any existing list of Jurors and Assessors, or whenever it shall be made to appear to the Governor and the Executive Council, that any list of Jurors and Assessors is so defective as to require extensive alteration, it shall be lawful for the Governor, with the advice and consent of the Executive Council, to declare by Proclamation to be for that purpose issued in the Government Gazette, that such list shall be set aside and cancelled, and that an amended list shall be forthwith prepared by the Government Agent; and such original list shall thereupon be set aside and cancelled. And such amended list, provided it shall be framed in accordance with the provisions of this Ordinance, shall be deemed and taken to be the list of Jurors and Assessors for the time being for the District or Districts to which the same shall relate.

Government Agents to revise lists.

9. And it is further enacted, that the Government Agents of the several Provinces shall, and they are hereby required to revise the said lists of Jurors and Assessors in the month of January, or as soon thereafter as may be, in every third year, and to add thereto in such places as shall appear to them most convenient, such names as ought to be so added, and to remove therefrom such names as ought to be so removed.

Lists to be transmitted to and kept up by Fiscals.

10. And it is further enacted, that the Government Agents shall, within Seven days after

\* Expired.

any lists shall have been framed, added to, altered, amended, or revised, transmit to the Fiscals of their respective Provinces, certified copies of such lists of additions, alterations, amendments and revisions. And every such Fiscal shall at all times keep up and maintain full and complete lists of the persons qualified to serve as Jurors and Assessors in the several Districts and portions of Districts within his Province.

11. And it is further enacted; that the persons whose names shall appear in any of the said lists, shall be summoned to serve as Jurors or Assessors, according to the order in which their names stand therein, until every person in such list shall have been summoned in his turn to serve as either Juror or Assessor, except in such cases as the observance of such order shall appear to be attended with any peculiar hardship or inconvenience, in which cases the summoning shall be regulated by such rules as the Governor, with the advice and consent of the Executive Council, shall from time to time prescribe. And in case any such person shall make default, or shall be excused from serving as a Juror or Assessor, every such defaulter or person excused shall be summoned a second time or oftener, until he shall have served for his said turn. Provided always, that the persons to serve as Assessors before the Supreme Court, when holden by one of the Judges thereof, sitting out of Sessions in Colombo, shall be taken from the number of persons for the time being under summons to serve as Assessors in any District Court in Colombo, but such service before the Supreme Court shall not exempt any person so serving from his liability to further service in the District Court during the period for which he shall have been summoned to serve therein.

12. And it is further enacted, that if the Queen's Advocate and the prisoner or his Advocate or Proctor, shall disagree as to which list the Jury to try any case shall be selected from, the Judge shall make such selection as shall appear to him most conducive to the ends of Justice. Provided always, that if either the Queen's Advocate or the prisoner, or his Advocate or Proctor, shall move the Court that the Jury to try any case shall be selected from a list of persons who can speak the English language, the Judge shall issue an order in compliance with such motion.

13. And it is further enacted, that when a case shall be called on for trial at any Criminal Sessions of the Supreme Court, and a sufficient number of Jurors belonging to the list from which it has been decided that the Jury to try such case shall be taken, shall not be in attendance, or shall not be available by reason of challenges or other good cause, it shall be lawful for the Judge to issue his order that as many men of the bystanders or neighbours, being qualified and liable to serve as Jurors, 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 for good cause or peremptorily, in like manner as other Jurors. Provided always, that no persons shall serve together in such case, if any valid objection shall be raised under the provisions of this Ordinance to their so serving.

14. And it is further enacted, that if during any trial before the Supreme Court, any Juror shall die or be taken seriously ill, or be otherwise incapacitated from performing his duty as a Juror, it shall be lawful for the Judge to issue his order to the Fiscal to summon some one of the bystanders or neighbours to serve in his place, who shall be qualified and liable to serve as a Juror, and to whose so serving no valid objection either by way of challenge or otherwise shall be made, and the said Juror and the other Jurors originally empanelled shall thereupon be sworn, and the evidence of such witnesses as may have been already examined shall then be read over to the Jury from the Judge's notes, and the trial shall proceed as if no such interruption had occurred.

15. And in order to remove all doubts as to how far the power of making Rules and Regulations concerning the summoning, impanelling and challenging of Jurors and Assessors, vested in the Supreme Court by the Charter of King William the Fourth, bearing date the Eighteenth day of February One Thousand Eight Hundred and Thirty-three, is affected by this Ordinance, it is therefore hereby further enacted, that the said Judges of the Supreme Court shall continue to exercise the said power so vested in them by the said Charter, except in so far as shall be otherwise provided for by this Ordinance.

16. And it is further enacted, that if any person having been duly summoned to attend as a Juror or Assessor at any Session of the Supreme Court, or before any District Court, shall not attend pursuant to such summons, or being thrice called shall not answer to his name, or after his appearance shall refuse to take the oath or perform the duties of a Juror or Assessor, or shall wilfully withdraw himself from the said Court, unless he shall have been adjudged by the said Court to be exempt or disabled or disqualified, or unless some good and sufficient excuse shall be proved to the satisfaction of the Judge presiding at the said

**No. 19,—1844.**

Persons on lists to serve in rotation as near as may be.

Proviso.

Jury how to be chosen where Queen's Advocate and Prisoner's Counsel disagree.

Proviso.

Sufficient number of Jurors summoned when not present how to be made up.

Proviso.

Place of Jurors dying or taken ill during trial how to be filled up.

How far power of Supreme Court affected by this Ordinance.

Penalty on neglect of Juror or Assessor.

**No. 19, — 1844.**

Sessions, or in such District Court, every such person shall be liable, at the discretion of such Judge, to the payment of any fine not exceeding Five pounds.

Penalty on attempting to corrupt Juror or Assessor.

17. And it is further enacted, that every person who shall corruptly influence or attempt corruptly to influence any person summoned as a Juror or Assessor, to attend before any Court, and every person so summoned consenting thereto, and every person who shall hold out any threat to any person summoned as a Juror or Assessor, in order to influence his verdict or vote, or expression of opinion, and every person who shall assault another on account of any verdict or vote or opinion given or expressed, or supposed to have been given or expressed by such other person as a Juror or Assessor, shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding Three years, or to corporal punishment not exceeding One hundred lashes, or to both at the discretion of the Court.

Penalty on Headmen making false returns.

18. And it is further enacted, that if any Headman or Peace Officer, or other person who shall have been required by any Government Agent to make any return of persons qualified and liable to serve as Jurors and Assessors, shall wilfully, or from gross negligence omit to include in such return the name of any person which ought to be included, every such Headman, Officer or person, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

Challenges by the Crown.

19. And whereas no provision at present exists for the Regulation of challenges of Jurors by the Crown, it is therefore hereby enacted and declared, that the Crown shall be entitled to Five peremptory challenges of persons whose names shall be called to serve as Jurors, and as many challenges upon good and sufficient cause shewn, as the Judge shall allow.

Passed in Council the Twentieth day of December, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 20, — 1844.****No. 20, — 1844.**

Preamble.

*An Ordinance to provide for the total abolition of Slavery in Ceylon.*

WHEREAS the proprietors of Slaves in this Colony have almost universally failed to comply with the several enactments in force therein relative to the Registration of Slaves, and their Slaves have in consequence become free. And it has therefore become practicable, without hardship to any one, to provide for the total abolition of Slavery in this Colony.

Slavery no longer to exist in this Colony.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, Slavery shall no longer exist in this Colony, and that all persons at such time being Slaves shall thereupon become free, and entitled in every way to all the rights and privileges of free persons, any other Law or Ordinance to the contrary now in force notwithstanding.

All Laws and Ordinances tolerating Slavery repealed.

2. And it is further enacted and declared, that the Proclamation of the 15th January 1799, Regulation No. 9 of 1818, entitled "A Regulation for securing to certain children emancipated by the proprietors of their mothers the full benefit of such proprietor's intention, and for establishing an efficient Registry of all Slaves, and abolishing the joint tenure of property in the same;" Regulation No. 10 of 1818, entitled "A Regulation for facilitating the division of Covia, Nallua and Palla Slaves in the District of Jaffnapatam and Trincomalie, among the present owners of such Slaves;" Regulation No. 8 of 1821, entitled "For the gradual emancipation of all Female Slave Children of the Covia, Nallua and Palla Castes, by the purchase of their master's interest in such Female Slave Child at the period of her birth;" Regulation No. 14 of 1823, entitled "A Regulation for further extending the term in which the Registry of Covia, Nallua and Palla Slaves, respecting whom claims are still pending for decision, may take place, till the 31st May 1824: and for declaring the decisions of the Commissioners acting under the 10th Regulation of 1818, not in any way to be a bar to the claims of persons registered as Slaves to be, nevertheless, considered free persons;" Ordinance No. 3 of 1837, entitled "For making provision for the Registration of Slaves in those parts of the Island in which the same is not already provided for by law;" Ordinance No. 7 of 1842, entitled "For making further provision for the Registration of Slaves in those parts of the Island formerly termed the Maritime Provinces:"—shall be and the same are hereby repealed, except so much of the said Proclamations, Regulations or Ordina-

nances, or of any of them, as provides for the permanent or temporary care or maintenance of persons now or formerly Slaves.

No. 20,—1844.

Passed in Council the Twentieth day of December, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

No. 21,—1844.

(Sections 7 to 19 inclusive repealed by Ordinance No. 11 of 1852.)

*An Ordinance to make better provision for the disposal of Landed property.*

No. 21,—1844.

Preamble.

WHEREAS it is expedient that some uniform provision should be made with respect to Testamentary dispositions of property; and whereas the undivided possession of Landed property is productive of very injurious consequences to the inhabitants of this Colony, and it is expedient to provide a remedy for the same in certain cases.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the enactment of this Ordinance, it shall be lawful for every person competent to make a Will, to devise, bequeath and dispose of by Will, all the property within this Colony which at the time of his death shall belong to him, or to which he shall be then entitled, of whatsoever nature or description the same may be, moveable or immoveable, and all and every estate, right, share or interest in any property, and which if not so devised, bequeathed or disposed of, would devolve upon his heirs at law, executor or administrator, to such person or persons not legally incapacitated from taking the same, as he shall see fit. And no Will, made either within or beyond the limits of this Colony, subsequently to the time when this Ordinance shall commence and take effect, shall be or be liable to be set aside as invalid or inofficious, either wholly or in part, by reason that any person who by any law, usage or custom, now or at any time heretofore in force within this Colony, would be entitled to a share or portion of the property of the Testator, has been excluded from such share or portion, or wholly disinherited by, or omitted in such Will; but every testator shall have full power to make such testamentary disposition as he shall feel disposed, and in the exercise of such right, to exclude from the legitimate or other portion, any child, parent, relative or descendant, or to disinherit, or omit to mention any such person, without assigning any reason for such exclusion, disinheritance or omission, any law, usage or custom now or heretofore in force in this Colony to the contrary notwithstanding. Provided that nothing herein contained shall extend, or be construed to extend to authorize or entitle any testator to dispose by Will, of any property or estate of his wife, or to exclude or deprive her of any life or other interest (belonging to her in her own right) in any property; and to which property, estate or interest, she would have been entitled if this Ordinance had not been passed.

Parties may dispose of their property by Will as they choose.

Proviso.

2. And it is further enacted, that from and after such time as aforesaid, no Will made by any male under the age of Twenty-one years, or by any female under the age of Eighteen years, shall be valid, unless such person shall have obtained letters of Venia Etatis, or unless such person shall have been lawfully married.

At what age Wills may be made.

3. And it is further enacted, that the Governor of this Colony for the time being shall have and enjoy within and over each and every district thereof, all such rights and powers in respect of granting letters of Venia Etatis as are now possessed and may lawfully be exercised by him within the Maritime Provinces thereof.

Governor may grant letters of Venia Etatis.

4. And it is further enacted, that from and after such time aforesaid, every Will made beyond the limits of this Colony, containing any devise or disposition of immoveable property situate within this Colony, which shall have been duly made and executed according to, and in conformity with the forms and solemnities prescribed by the law of the country where the same shall have been so made and executed, by any person who by the law of such country or of this Colony is competent to make a Will, shall be valid and effectual to alienate and pass the property in any immoveable property so devised or disposed of by any such Testator. And every Will duly made and executed in manner aforesaid, in any place beyond the limits of this Colony, by any person who shall be competent to make a Will by the law of the place where he shall be domiciled at the time of making and executing the same, shall be valid and effectual to alienate and pass the property in any moveable property by such

As to the validity of foreign Wills.

**No. 21, — 1844.**

Will bequeathed or disposed of, any thing contained in the Ordinance No. 7 of 1840, entitled "*To provide more effectually for the prevention of frauds and perjuries,*" or any other law or custom to the contrary notwithstanding.

As to the re-execution of Wills.

5. And it is further enacted, that every Will re-executed or republished, or revived by any Codicil shall, for the purposes of this Ordinance, be deemed to have been made at the time at which the same shall be so re-executed, or republished or revived.

Effect of previous Settlement.

6. And it is further enacted, that in all cases of Marriages contracted either within any part of this Colony or abroad, without a nuptial contract or settlement, the respective rights and powers of the parties during the subsistence of the marriage in and about the management, control, disposition or alienation of any immoveable property situated in any part of this Colony, which belonged to either party at the time of the marriage, or has been acquired during the coverture, and also their respective rights in or to such property, or any portion thereof, or estate or interest therein, either during the subsistence of the marriage, or upon the dissolution thereof, shall in all cases be determined according to the law of the matrimonial domicile. And that if the parties shall have entered into a nuptial contract or settlement, by which their, or either of their rights, powers or interests in, to, or over any such property as aforesaid, are ascertained and determined, or by which either party shall be declared entitled to a defined portion of, or interest in the common estates, or to any provision by way of dowry or maintenance or otherwise, out of the separate estate of the other of such parties during the subsistence of the marriage or at the dissolution thereof, that then and in any such case neither of the parties shall be entitled, upon the dissolution of the marriage, to any other or greater portion, interest or provision in or out of any such property as aforesaid, than in and by such nuptial contract or settlement such party shall be declared entitled to, whether or not it shall be expressly stated therein that such portion, interest or provision was in lieu of the right or interest which such party would otherwise have had in such property as aforesaid, if such nuptial contract or settlement had not been made.\*

7. And it is further enacted, that when the owner of any Landed property, or of any undivided share or interest in any such property shall die, subsequently to the time when this Ordinance shall commence and take effect, and two or more persons become co-proprietors of undivided shares or interests in such property, whether under the Will of the deceased owner, or as his heirs at law, the Executor or Administrator of his estate shall, and he is hereby authorized and required to make partition of the said property amongst all the persons entitled to shares or interests therein, whether as devisees or heirs at law of the deceased; or as the surviving co-proprietors of such deceased person, in the proportions of their respective shares or interests; and for that purpose it shall be the duty of every such Executor or Administrator, without delay, to prepare a Schedule shewing the name, situation, extent and estimated value of the said property; the names of the co-proprietors; the nature and extent of their respective shares or interest; and the mode in which he proposes that such partition shall be made: and he shall deliver, or cause to be delivered, a copy of such Schedule to each co-proprietor or his representative. And the said Executor or Administrator shall thereupon apply to any District Court having jurisdiction, to appoint a day, not being less than Fourteen days after the delivery to the said co-proprietors or their representatives of the copies of such Schedule for their appearance before such Court, to shew cause, if any, against the partition proposed by him. And on the day so appointed, or on any other day which shall be fixed by the Court for that purpose, the said co-proprietors or their representatives, shall state their objections, if any they have, to the mode of partition so proposed as aforesaid; and the said Court shall summarily decide thereon and shall make such order as it shall think proper to give such directions touching the partition, as shall appear most for the benefit of all the said co-proprietors. Provided, that if the majority of the co-proprietors shall declare to the said Court their wish that the said property should be sold, the Court shall direct the said Executor or Administrator, instead of making such partition, to sell the same, either amongst the said co-proprietors or otherwise, and by public or private sale, as the majority of such co-proprietors shall consider most advisable. And a record of the said proceedings shall be carefully preserved amongst the other records of the said Court.

8. And it is further enacted, that every such Executor or Administrator shall, and he is hereby required to cause a survey to be made of such property, and to do or cause to be done, all such acts and things as shall be necessary for dividing or selling such property in such manner as the said Court shall have directed; and such Executor or Administrator shall execute all such Deeds as are or may be necessary, in consequence of such partition or sale, for conveying to the devisees or heirs at law of such deceased person, the property or such portions thereof, or interests therein, as they shall, upon such partition, become entitled to. And if the said property shall be sold by such Executor or Administrator, the proceeds shall be divided by him amongst the said co-proprietors in the proportions of their respective shares. And the costs and charges of any such partition, or sale and conveyance, shall be

\* See Ordinance No. 5 of 1852, sec. 8.

defrayed by such co-proprietors in proportion to their respective interests: but it shall be lawful for the said Executor or Administrator to recover in the first instance the whole of such costs and charges from any one or more of the said co-proprietors.

9. And it is further enacted, that it shall not be competent to any person to maintain any suit or action to obtain or recover possession of any undivided share or interest in any Landed property, or for damages in respect of any trespass committed thereon, or to alienate or hypothecate any such undivided share or interest, his right to which said undivided share or interest shall have accrued to him as a devisee or heir at law, or as Executor or Administrator of any person dying subsequently to the time when this Ordinance shall commence and take effect, and every such alienation or hypothecation made by any such person shall be void and of no effect in law.

10. And it is further enacted and declared, that when any landed property shall belong in common to two or more owners, it is and shall be competent to any one or more of such owners to compel a partition of the said property; and for that purpose to present an application in writing to any District Court having jurisdiction, particularly describing the property, and stating the names and residences of all the parties interested therein, together with the nature and extent of all incumbrances thereon, so far as the same shall be known to such owner or owners, and praying for a partition; and thereupon, and upon the said owner or owners depositing in Court such amount as the Court shall consider sufficient to defray the expenses of such partition, it shall be lawful for such Court to issue its Commission, addressed to such person or persons as it shall think fitting, authorizing and requiring him or them to divide the property, and allot to the owners the shares to be held by each in severalty, and to make his or their return to such Commission to the said Court.

11. And it is further enacted, that the Commissioner or Commissioners so appointed by the Court as aforesaid, shall, and he or they is or are hereby required, with all practicable speed, to make partition of the said property, and for that purpose to prepare a Schedule shewing the name, situation, extent, and estimated value of the said property; the names of the owners; the nature, and extent of their respective shares or interests; and the mode in which the said Commissioner or Commissioners proposes or propose that such partition shall be made; and he or they shall deliver, or cause to be delivered, a copy of such Schedule to each owner, or his representative; and shall return the original under his or their hand or hands to the Court out of which the Commission issued, together with a survey of such property, shewing the mode of such proposed partition.

12. And it is further enacted, that within Three months after such Commission shall be returned into Court, a day shall, upon the motion of any interested party, be fixed by the Court for deciding upon the application for such partition, not being less than Fourteen days after the delivery of the copies of such Schedule to the said owners or their representatives; and if upon the day so appointed, the owners or their representatives shall appear, and no valid objection shall be made by any of them to such return; or if the owners, or any of them, or their representatives as aforesaid, shall be absent, and the Court shall be satisfied that due notice of the application for a partition has been given to them or to their representatives; or if they cannot be found, to the person or persons in the actual possession of such property, the Court may decree a partition thereof, and such decree shall be good and conclusive against all persons whomsoever, whatever right or title they have or claim to have in the said property, although all persons concerned are not named in any of the proceedings, nor the title of the owners or of any of them truly set forth; and shall be good and sufficient evidence of such partition, and of the titles of the parties to such shares or interests as have been thereby awarded in severalty.

13. And it is further enacted, that at the time of making any decree of partition, the Court shall and may award to the Commissioner or Commissioners, such amount as it shall consider a reasonable remuneration for his or their trouble, and the expenses incurred by him or them in and about the making of such partition; which amount shall be paid to him or them out of the money deposited in Court by the person or persons applying for the partition, who shall be entitled to recover from each owner, a share of the costs of the partition proportionate to the share of such owner in the said property.

14. And it is further enacted, that if at the time any partition shall be made under the provisions of this Ordinance, the property shall be held under any lease, the tenant or tenants thereof, or of any part thereof before such partition was made, shall be tenant or tenants for such part set out severally to the respective owners thereof, by and under the same conditions, rents, covenants, and reservations, as he or they held by and under before such partition; and the owners of the several parts so divided and allotted as aforesaid, shall warrant and make good to the said tenant or tenants the said several parts, severally, after such partition, as they were bound to do before such partition.

15. And whereas it may sometimes happen that, on account of the number or poverty of the parties, the nature or value of the property, or from other causes, a partition would be injurious or impossible; It is further enacted, that when any landed property shall belong in common to two or more owners, it shall be competent to any one or more of them to apply to any District Court having jurisdiction, that the same be declared liable to be sold,

No. 21, —1844.

and that it be sold under an order of such Court for the benefit of the parties interested, and for that purpose to present an application in writing, particularly describing the property, and stating the names and residences of all the owners, together with the nature and extent of all incumbrances thereon, so far as the same shall be known to such owner or owners, and praying for a sale thereof: and if, on the day on which the owners, or their representatives, shall have been duly summoned to appear before such Court, to shew cause against the prayer of the said application, no valid objection against such sale shall be made by any such owner or his representative, the Court may adjudge that the property be sold, and make order to that effect. And it shall thereupon be lawful for the person named in such order to be the Commissioner of the Court for conducting the sale, after notice of not less than Six weeks of such intended sale, given in such manner as the Court shall direct, and as shall appear best adapted for giving the greatest publicity thereto, to sell, or cause the same to be sold, subject to all such charges or incumbrances as then may be on the same, in such manner and under such conditions, as shall be most for the benefit of all the parties interested therein. And such Commissioner shall, and he is hereby authorized and required to make and execute all such deeds as are or may be requisite for completing such sale, and conveying the said property to the purchaser thereof, so soon as such purchaser shall have complied with the conditions of sale, on his part to be done and performed. And the said Commissioner shall, immediately on receipt of the amount realized by such sale, or of any instalment thereof, pay the same into the Court, for the behalf of the persons entitled to the same or shares thereof; which amount shall be paid over to them under the order of the Court, in the proportions in which they are respectively entitled thereto, after deduction of such sum as the Court shall allow in satisfaction of the expenses incurred by the Commissioner in and about the said sale and conveyance.

16. Provided however, and it is further enacted, that nothing in this Ordinance contained shall extend, or be construed to extend to authorize or require any Executor or Administrator to make or to give to any owner of landed property, the right to compel a partition or sale of any such property, if there shall be any valid subsisting deed of partnership binding upon such Executor, Administrator, or owner, for the cultivation of such property, or the raising of any crops or produce thereon, for the purpose of selling such crops or produce, or for carrying on any trade, business or occupation having relation to, or connected with the joint possession of such property, any of the terms or conditions of which would be broke or avoided by the partition or sale of such property; unless such deed of partnership shall expressly reserve to the parties thereto, or any of them, the right of compelling a partition, or sale, during the subsistence thereof. And any partition, sale, or conveyance effected without the consent of all the parties interested in any such deed of partnership, shall be void. And provided also, that nothing in this Ordinance contained shall extend, or be construed to prevent any such partner, or his heirs, Executors, Administrators, or assigns, during the subsistence of such partnership, from maintaining any suit or action which it would have been competent for him or them to maintain, if this Ordinance had not been passed; or from alienating or hypothecating any undivided share or interest in any such landed property as aforesaid.

17. And it is further enacted, that whenever any legal proceedings have been instituted for obtaining a partition or sale of any property as aforesaid, it shall not be lawful for any of the owners to alienate or hypothecate his undivided share or interest therein, unless and until the Court before which the same, where instituted, shall by its decree, order, or judgment in the matter, have refused to grant the application for such partition or sale, as the case may be; and any such alienation or hypothecation shall be void, and the party making the same shall be guilty of an offence and punishable at the discretion of the District Court.

18. And it is further enacted, that for the purposes of this Ordinance, every person having a permanent right of property in any of the trees growing upon any land, or in the crops or produce thereof, distinct from the ownership of the soil, shall be deemed and taken to have an undivided interest in such land; and the owner of the soil, as well as the person having such right in the trees growing upon any land, or in the crops or produce thereof as aforesaid, shall and may compel a partition or sale, in the manner provided by this Ordinance. Provided however, that in all such cases the owner of the soil shall have the right of pre-emption in and to the said property, upon a just appraisement by such Commissioner or Commissioners, of the value of the said right in the trees, crops or produce aforesaid.

19. And it is further enacted, that when any undivided share, or interest in any Landed property, shall be seized by any Fiscal under any writ of execution or distress warrant, the said Fiscal shall not put up to sale or sell such undivided share or interest, but shall cause a just valuation to be made thereof by two appraisers, one of whom shall be named by the debtor and the other by the creditor, and in the case of a difference between such appraisers in such valuation, they shall appoint, or in the event of their failing to do so within Ten days, the Fiscal shall appoint, a third person as umpire, whose valuation shall be final; and the Fiscal, in addition to the usual notice of sale, shall also affix, or cause to be affixed upon the premises, a notice to the owners of the remaining shares or interests in such property, setting forth that on a day to be mentioned in such notice the whole of such property will be put up to sale, first amongst the owners thereof, at the price for which the same shall have been valued, and if not purchased by some one of them, that it shall then



be put up and sold to the highest bidder. And on the day named in such notice the said Fiscal shall proceed to sell the whole of such property by first putting up the same for sale upon the usual conditions, amongst the said owners, at the upset price for which the said property has been valued; and if none of the said owners shall then become the purchaser thereof, and comply with the conditions under which the said property shall be sold, the Fiscal shall forthwith put up for sale, and sell the same by public auction to the highest bidder. And the said Fiscal shall bring the whole of the amount realized by such sale into the Court out of which the Writ issued, to be paid over to the parties entitled thereto, under an order of the said Court, in the proportions of their respective shares. And the sum awarded to the debtor against whom the said Writ was issued as his share, or such part thereof as shall be sufficient to satisfy the exigency of the said Writ, shall be paid over, under an order of such Court, to the creditor; and the surplus, if any, shall be paid to the said debtor. Provided that the Fiscal shall not be authorized under the provisions of this Clause or by any law or custom now in force, to put up the whole of any Landed property to sale, as in satisfaction of any writ of execution or distress warrant against the property of any person having any undivided share or interest in such Landed property, in any case where there shall be a valid subsisting deed of partnership binding upon such person jointly with others for the cultivation of such Landed property, or for the raising of any crops or produce thereon, for the purpose of selling such crops or produce, or for carrying on any trade business or occupation relative to or connected with the joint possession of such property. And provided also, that if before the sale of any such property, any one or more of the owners thereof shall have instituted proceedings before any competent Court for a partition, and the Fiscal shall have received notice in writing to that effect, signed by the Secretary of such Court, who is hereby required to grant the same upon the application of any party to such proceedings, the said Fiscal shall not proceed with the sale of such property, but shall only sell the undivided share or interest of the debtor therein. And the Court shall, in decreeing the partition so applied for, award to the purchaser at such sale such portion of the said property as upon a partition amongst the owners thereof would have been awarded to the debtor if no such sale had taken place; and the purchaser shall be bound by such decree, whether or not he shall have become or been made a party to the proceedings for such partition.

20. And for the avoiding of all doubts and questions as to the respective rights of persons jointly holding Landed property situated within certain Districts of this Colony, It is further enacted and declared, that all Landed property situated in this Colony, which shall belong to two or more persons jointly, whether the same shall have come to them by grant, purchase, descent, or otherwise, is and shall be deemed and taken to be held by them in common; and upon the decease of any of such persons, the said property so jointly possessed, shall not remain or belong to the survivor, but all the right share and interest of the person so dying, in and to the property so jointly possessed as aforesaid, shall form part of his estate; and the person or persons to whom the same shall by him be devised or bequeathed, or to whom it shall devolve, shall thereupon become and be co-proprietors with the survivor in the said property, in the proportion and according to the share of such deceased person therein; unless the instrument under which the said property is jointly held and possessed, or any agreement mutually entered into between them, shall expressly provide that the survivor, upon such decease, shall become entitled to the whole estate.

21. And it is further enacted, that whenever in this Ordinance the word "Will" is used, it shall be construed to extend to a Testament, and to a Codicil, and to any other Testamentary disposition; and whenever the words "Landed property" are used, they shall be construed to extend to houses and buildings erected on the same, and to any estate, right or interest (other than a chattel interest) therein; and whenever the word "representative" is used, it shall be construed to mean the party legally entitled to appear and act for, and on behalf of another, as his guardian, tutor, curator, or attorney, as the case may be; and when any word or words is or are used importing the singular number, or the masculine gender only, yet such word or words shall be understood and construed to include several persons, as well as one person, females as well as males, and several matters of things as well as one matter or thing; unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

Passed in Council the Twenty-third day of December, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. ANSTRUTHER,  
*Colonial Secretary.*

No survivorship as to property held in undivided shares, unless expressly stipulated for.

Interpretation of terms.

**No. 22,—1844.****No. 22,—1844.**

*To amend in certain respects the Law of Marriages, and to provide for the better registration thereof.\**

**No. 23,—1844.****No. 23,—1844.**

*An Ordinance for exempting certain written instruments employed by persons carrying on the business of Bankers from payment of Stamp duties, and for enabling such persons to make composition in lieu of Stamp duties on certain Promissory Notes and Bills of Exchange.*

Preamble.

WHEREAS it is expedient to exempt certain written instruments employed by persons carrying on the business of Bankers from the payment of Stamp duties, and to enable such persons to issue certain unstamped Promissory Notes and Bills of Exchange upon payment of a composition in lieu of the Stamp duties thereon.

Drafts on Bankers and Bank deposit receipts exempt from Stamps.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the following instruments shall be exempted from the payment of Stamp duties: any thing in the Ordinance No. 6 of 1836, entitled "*For revising the Stamp duties, and making provision for the general use of Stamps throughout the Colony*" to the contrary notwithstanding, that is to say, all drafts or orders for the payment of any sum of money to the bearer on demand, and drawn in any part of this Island upon any Banker or Bankers, or any person or persons carrying on the business of a Banker therein; provided, that the place where such drafts or orders shall be issued shall be specified therein, and that the same shall bear date on or before the day on which they shall be issued, and provided that the same do not direct the payment to be made by Bills or Promissory Notes. And 2ndly, all Receipts given for money deposited in hands of any Banker or Bankers, or person or persons carrying on the business of a Banker, to be accounted for on demand; provided that the same be not expressed to be received of or by the hands of any other than the person or persons to whom it is to be accounted for, and provided that the same shall not contain any agreement or memorandum importing that interest shall be paid on the money so deposited.

Bankers having obtained a licence may issue unstamped Promissory Notes and Bills of Exchange.

2. And it is further enacted, that it shall be lawful, anything in the said Ordinance No. 6 of 1836, entitled as aforesaid to the contrary notwithstanding, for any person or persons carrying on the business of a Banker or Bankers within this Island, having first duly obtained a licence for that purpose, and given security by bond in manner hereinafter mentioned, to issue on unstamped paper Promissory Notes for any sum of money amounting to One pound or upwards, expressed to be payable to the bearer on demand, or to order, at any period not exceeding Seven days after sight, and also to draw and issue on unstamped paper Bills of Exchange expressed to be payable to order on demand, or at any period not exceeding Seven days after sight, or Twenty-one days after the date thereof. Provided such Bills of Exchange be drawn upon a person or persons carrying on the business of a Banker or Bankers in Colombo, or provided such Bills of Exchange be drawn by any Banker or Bankers at any place within this Island where he or they shall be duly licensed to issue unstamped Notes and Bills, under the authority of this Ordinance, upon himself or themselves, or his or their copartner or copartners, payable at any other place within this Island where such Banker or Bankers shall also be duly licensed to issue such Notes and Bills as aforesaid.

Treasurer may grant licences to issue unstamped Promissory Notes, &c.

3. And it is further enacted, that it shall be lawful for the Treasurer of this Colony to grant to all persons carrying on the business of Bankers therein, who shall require the same, licences authorizing such persons to issue such Promissory Notes, and to draw and issue such Bills of Exchange as aforesaid on unstamped paper, which said licences shall be and are hereby respectively charged with a Stamp duty of Twenty pounds for every such licence, except such licences as shall be granted to any person or persons carrying on the business of a Banker within this Island, under and by virtue of the authority of any Charter or Letters Patent from the Crown, and which licences the said Treasurer is hereby required to grant, free of all duty, upon application from any such person or persons. And every such licence (notwithstanding any alteration which may take place in any copartnership of persons to whom the same shall be granted,) shall have effect, and continue in force from the day of the date thereof, until the same day of the same month in the year next following, both inclusive, and no longer.

Separate licences when to be taken out.

4. And it is further enacted, that a separate licence shall be taken out in respect of every town or place where any such unstamped Promissory Notes or Bills of Exchange as

\* This Ordinance was never promulgated. It was re-enacted, with some alterations, by Ordinance No. 6 of 1847.

aforesaid, shall be issued or drawn. Provided always, that no person or persons shall be obliged to take out more than Three licences in all for any number of towns or places in this Island. And in case any person or persons shall issue or draw such unstamped Notes or Bills as aforesaid at more than Three different towns or places, then, after taking out two distinct licences for two of such towns or places, such person or persons shall be entitled to have all the rest of such places included in such third licence.

5. And it is further enacted, that all such Notes and Bills may be re-issued as often as shall be required.

6. Provided always, and it is further enacted, that if any Banker or Bankers, who shall take out a licence under the authority of this Ordinance, shall issue under the authority either of this or any other Ordinance, any unstamped Promissory Notes for payment of money to the bearer on demand, such Banker or Bankers shall, so long as he or they shall continue licensed as aforesaid, make and issue on unstamped paper all his or their Promissory Notes for payment of money to the bearer on demand, of whatever amount such Notes may be, and it shall not be lawful for such Banker or Bankers, during the period aforesaid, to issue for the first time any such Promissory Note as aforesaid on Stamped paper.

7. And it is further enacted, that before any licence shall be granted to any person or persons to issue or draw any unstamped Promissory Notes or Bills of Exchange under the authority of this Ordinance, such person or persons shall give Security by bond to Her Majesty, Her Heirs and Successors, with a condition that if such person or persons 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 such unstamped Promissory Notes and Bills of Exchange as he or they shall so as aforesaid issue or draw, specifying the amount or value thereof respectively, and the several dates of the issuing thereof, and in like manner also a similar account of all such Promissory Notes as having been issued as aforesaid shall have been cancelled, and the dates of the cancelling thereof, and of all such Bills of Exchange as having been drawn or issued as aforesaid, shall have been paid, and the dates of the payments thereof, and do and shall from time to time, when thereunto requested, produce and shew such accounts to, and permit the same to be examined and inspected by the Treasurer, and also do and shall deliver to the said Treasurer half-yearly (that is to say) within Fourteen days after the First day of January and the First day of July in every year, a just and true account in writing verified upon the Oaths or Affirmations (which any Justice of the Peace is hereby empowered to administer,) to the best of the knowledge and belief of such person or persons, and of his or their Cashier, Accountant, or Chief Clerk, or of such of them as the said Treasurer shall require, of the amount or value of all unstamped Promissory Notes and Bills of Exchange issued under the provisions of this Ordinance, in circulation within the meaning of this Ordinance on a given day (that is to say), on Saturday in every week for the space of half a year prior to the half yearly day immediately preceding the delivery of such accounts, together with the average amount or value of such Notes and Bills so in circulation according to such account, and also do and shall pay or cause to be paid to the Treasurer as a Composition for the duties which would otherwise have been payable for such Promissory Notes and Bills of Exchange issued or in circulation during such half year, the sum of Three shillings and Six-pence for every One hundred pounds, and also for the fractional part of One hundred pounds, of the said average amount or value of such Notes and Bills in circulation, according to the true intent and meaning of this Ordinance; and on due performance thereof such Bond shall be void, but otherwise the same shall be and remain in full force and virtue.

8. And it is further enacted, that every unstamped Promissory Note, payable to the bearer on demand, issued under the provisions of this Ordinance, shall for the purpose of payment of duty, be deemed to be in circulation from the day of the issuing to the day of the cancelling thereof, both days inclusive, excepting nevertheless the period during which such Note shall be in the hands of the Banker or Bankers who first issued the same, or by whom the same shall be expressed to be payable; and that every unstamped Promissory Note payable to order, and every unstamped Bill of Exchange so as aforesaid issued, shall, for the purpose aforesaid, be deemed to be in circulation from the day of the issuing to the day of the payment thereof, both days inclusive: provided always, that every such Promissory Note payable to order, and Bill of Exchange as aforesaid, which shall be paid in less than Seven days from the issuing thereof, shall, for the purpose aforesaid, be included in the account of Notes and Bills in circulation on the Saturday next after the day of the issuing thereof, as if the same were then actually in circulation.

9. And it is further enacted, that in every Bond to be given, pursuant to the directions of this Ordinance, the person or persons intending to issue or draw any such unstamped Pro-

**No. 23,—1844.**

Notes and Bills to be re-issuable.

Bankers while licensed under this Ordinance, not to issue for the first time Notes on stamped paper.

Bankers licensed, to give security.

For what periods Notes and Bills are to be deemed to be in circulation.

Regulations respecting the Bonds to be given pursuant to this Ordinance.

**No. 23, — 1844.**

missory Notes and Bills of Exchange as aforesaid, or such and so many of the said persons as the Treasurer shall require, shall be the Obligors. And every such Bond shall be taken in the sum of One hundred pounds, or in such larger sum as the said Treasurer may judge to be the probable amount of the Composition or duties that will be payable from such person or persons under or by virtue of this Ordinance during the period of one year. And it shall be lawful for the said Treasurer to fix the time or times of payment of the said Composition or duties, and to specify the same in the condition to every such Bond. And every such Bond may be required to be renewed from time to time at the discretion of the said Treasurer, and as often as the same shall be forfeited, or the parties to the same, or any of them shall die, become bankrupt, or insolvent, or reside in parts beyond the seas.

Fresh Bonds to be given on alterations of co-partnerships.

10. And it is further enacted, that if any alteration shall be made in any co-partnership of persons who shall have given any such security by Bond as by this Ordinance is directed, whether such alteration shall be caused by the death or retirement of one or more of the partners of the firm, or by the accession of any additional or new partner or partners, a fresh Bond shall be given by the remaining partner or partners, or the persons composing the new co-partnership, as the case may be, which Bond shall be taken as a security for the duties which may be due and owing, or may become due and owing in respect of the unstamped Notes and Bills which shall have been issued by the persons composing the old co-partnership, and which shall be in circulation at the time of such alteration, as well as for duties which shall or may be or become due or owing in respect of the unstamped Notes and Bills issued, or to be issued by the persons composing the new co-partnership. Provided always, that no such fresh Bond shall be rendered necessary by any such alteration as aforesaid in any co-partnership of persons exceeding Six in number, but that the Bonds to be given by such last mentioned co-partnerships shall be taken as securities for all the duties they may incur, so long as they shall exist, or the persons composing the same or any of them shall carry on business in co-partnership together, or with any other person or persons, notwithstanding any alteration in such co-partnership, saving always the power of the said Treasurer to require a new Bond in any case where he shall deem it necessary for better securing the payment of the said duties.

Penalty on Bankers neglecting to renew their Bonds.

11. And it is further enacted, that if any person or persons who shall have given security by Bond to Her Majesty in the manner hereinbefore directed, shall refuse or neglect to renew such Bond when forfeited, and as often as the same is by this Ordinance required to be renewed, such person or persons so offending shall, for every such offence, forfeit and pay the sum of Fifty pounds.

And on post-dating unstamped Notes or Bills.

12. And it is further enacted, that if any person or persons who shall be licensed under the provisions of this Ordinance shall draw or issue, or cause to be drawn or issued upon unstamped paper, any Promissory Note payable to order, or any Bill of Exchange which shall bear date subsequent to the day on which it shall be issued, the person or persons so offending shall, for every such Note or Bill so drawn or issued, forfeit the sum of Fifty pounds.

This Ordinance not to exempt from penalties persons issuing unstamped Notes or Bills not in accordance herewith.

13. Provided always, and it is further enacted, that nothing in this Ordinance contained shall extend or be construed to extend to exempt or relieve from the forfeitures or penalties imposed by any Ordinance now in force upon persons issuing Promissory Notes or Bills of Exchange not duly stamped as the law requires, any person or persons who, under any colour or pretence whatsoever, shall issue any unstamped Promissory Note or Bill of Exchange, unless such person or persons shall be duly licensed to issue such Note or Bill under the provisions of this Ordinance, and such Note or Bill shall be drawn and issued in strict accordance with the regulations and restrictions herein contained.

Passed in Council the Thirty-first day of December, One Thousand Eight Hundred and Forty-four.

E. L. MITFORD,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

P. ANSTRUTHER,  
*Colonial Secretary.*

**No. 1, — 1845.****No. 1, — 1845.**

*An Ordinance to promote the building of places of Christian worship, and to provide for the maintenance of Ministers of the Christian Religion.*

Preamble.

WHEREAS for the advancement of the Christian Religion, and the promotion of good morals in this Island, it is expedient to encourage the observance of public Christian worship,

and for this purpose, to authorize the issue from the public Treasury, of sums to be applied in aid of the building of places of Public Worship and of the maintenance of Ministers of the Christian Religion.

No. 1.—1845.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, whenever any sum of money not less than One hundred pounds, shall be raised by subscription drawn exclusively from the resources of private persons for the erection of any place of Christian worship in any part of this Colony, or for the erection of any such place of worship together with a Minister's dwelling, or any sum of money not less than One hundred pounds for the erection or purchase of a Minister's dwelling alone, in respect of any existing place of worship, in the building or maintenance of which any public monies have been expended, then in case it shall be made to appear to the Governor and the Executive Council, that there are resident within a reasonable distance of such existing or intended place of worship, a sufficient number of intelligent adult persons who shall have subscribed a declaration in writing, that they frequent, or intend to frequent such place of worship, it shall be lawful for the Governor, with the advice of the Executive Council, if to him and them it shall appear expedient, to cause to be issued from the Colonial Treasury, as a contribution from the public funds, such sum or sums of money (not exceeding in any such case the sum or sums of money hereinafter respectively limited) as shall be equal to the amount of such subscription, subject to such regulations for ensuring the due outlay and appropriation as well of such contribution as of the amount of such subscription, as the said 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 always, that no one person shall sign more than one such declaration as aforesaid, if any place of worship shall have been erected in consequence of such declaration, unless such person shall become a bonâ fide resident of some place distant at least Ten miles from that where such place of worship was erected. And provided further, that it shall be competent to the Governor to refuse any such contribution for the erection of a place of worship only, in all cases where it shall appear desirable to him and to the Executive Council, that provision should also be made for the erection of a Minister's dwelling. And provided further, that no such sum of money shall be issued from the Colonial Treasury, until the whole amount required to be furnished by subscription shall have been deposited in the Colonial Treasury, nor until a specification and plan of the intended place of worship or Minister's dwelling, or both, as the case may be, shall have been submitted to the Governor and the Executive Council, and approved of by them.

Rules for grant of public money.

2. And it is further enacted, that the amount of such contributions from the Colonial Treasury, shall in no one year (without the express previous consent of the Legislative Council, testified by a vote of that body) exceed the sum of Four thousand pounds, nor shall the amount of contribution in any one case, without the express previous consent of the Legislative Council, testified as aforesaid, exceed the sums next mentioned respectively, that is to say, towards the erection of a Minister's dwelling only, in any such case as aforesaid, the sum of Four hundred pounds; towards the erection of a place of Divine worship only, the sum of One thousand pounds; towards the erection of any such place of worship together with a Minister's dwelling, the sum of One thousand Four hundred pounds.

Limitation of annual grant.

3. And it is further enacted, that before any sum of money shall be issued from the Colonial Treasury as aforesaid, for the erection of any place of worship, Trustees shall be elected or appointed in such manner as shall be by any future Ordinance provided, in whom the real estate in the site of such place of worship or Minister's dwelling, or both, as the case may be, and of any lands and hereditaments thereunto belonging, shall be vested, and such trusts as shall in such future Ordinance be declared.

Election of Trustees.

4. And it is further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, whenever to him and them it shall appear to be expedient, by warrant under his hand, to authorize from time to time, the issue from the Colonial Treasury, of stipends towards the support of the Ministers of the Christian Religion duly appointed to officiate in any place of worship to be erected in manner aforesaid, or in any place of Christian worship already erected, or maintained either wholly or in part out of the public funds, such stipends being issued at the several rates hereinafter mentioned, that is to say, in case it shall be shewn to the satisfaction of the said Governor and Executive Council, that there is resident within a reasonable distance of the proposed place of worship, a population of One hundred intelligent adult persons, and such persons shall subscribe a declaration setting forth their desire to attend such place of worship, it shall be lawful to issue to the Minister thereof from the Colonial Treasury in manner aforesaid, One hundred and Fifty pounds a year, and

Issue of salaries to Ministers.

**No. 1, — 1845.**

in case there should appear to the said Governor and Executive Council to be resident as aforesaid Two hundred such adults, who shall subscribe such declaration, then Two hundred and Fifty pounds a year, and in case there shall appear to the said Governor and Executive Council to be so resident Three hundred such adults, who shall subscribe such declaration, then Four hundred pounds a year, which shall be the highest stipend to be issued from the Colonial Treasury under the provisions of this Ordinance, towards the support of any one officiating Minister of Religion. Provided always, that the amount to be issued from the Colonial Treasury for such stipends, shall in no one year exceed Four thousand pounds.

Where small Congregation.

5. Provided always and it is further enacted, that in case the number of persons by whom or on whose behalf such declaration as aforesaid shall be subscribed, shall be less than the number of One hundred, it shall nevertheless be lawful for the Governor, with the advice of the Executive Council, to cause to be issued a stipend to the Minister of any such place of worship, of any sum not exceeding One hundred and Fifty pounds a year, if under the special circumstances of the case, the said Governor and Executive Council shall deem it expedient.

Increase of Congregation.

6. And it is further enacted, that whenever it shall be made to appear to the Governor and Executive Council, that the number of persons belonging to the Congregation of any Minister who now receives or shall hereafter receive any stipend from the Colonial Treasury, shall have increased, then and in such case, upon a declaration subscribed by so many intelligent adult persons as would authorize, under the provisions of this Ordinance, the issue of a larger stipend to the Minister officiating at such place of worship, being presented to the Governor and Executive Council, it shall and may be lawful for the Governor, with the advice of the Executive Council, to direct the issue of the stipend proportioned to such increased numbers as is by this Ordinance directed.

Where no place of worship.

7. And it is further enacted, that whenever any sum not less than Fifty pounds for any one year shall be raised by private contributions towards the maintenance of a Minister of Religion in any part of the said Colony, in which there shall be no place of worship at which persons of the creed of such Minister can be reasonably expected to attend, and there shall also appear reasonable cause for delaying the erection of a permanent place of worship for the use of such persons under the foregoing provisions, it shall be lawful for the Governor, with the advice of the Executive Council, to cause to be issued from the Colonial Treasury towards the maintenance of such Minister, any sum not exceeding One hundred and Fifty pounds, which shall be equivalent to the sum raised by private contribution as aforesaid.

Rights of persons under age.

8. And it is further enacted, that in estimating the number of such adults, every person of the age of Fourteen shall be reckoned, and that Three children under that age but above the age of Six years, shall be reckoned as equivalent to One adult person, and the signature of either of the parents of such last mentioned children to any such declaration as aforesaid, may be taken in lieu of the signature of such children.

Restrictions on issue of Salary.

9. And it is further enacted, that no salary shall in any case be issued under the authority of this Ordinance, to any Minister whose appointment shall not have been made in accordance with the laws and principles of the Religious Denomination to which such Minister belongs, and have been confirmed by Her Majesty or Her Successors, or by the Governor for the time being; and that no salary shall be continued in any case to any Minister after it shall have been certified to the Governor by the proper Ecclesiastical authority that he has been tried and found guilty by competent authority, according to the laws or usages of the Church to which he belongs, of such misconduct or culpable neglect of duty (specifying in particular the instance or instances of such neglect or misconduct) as according to the same laws or usages, renders the discontinuance of such salary proper, nor shall any Minister continue to receive any such salary who shall not (if required) produce to the Governor sufficient proof of his having duly officiated during the period for which such salary is applied for.

Ordinance not to affect certain existing salaries.

10. And it is further enacted and declared, that nothing contained in this Ordinance shall have the effect of diminishing in any manner the salaries or allowances of the several Ministers who are now paid out of the public funds of this Colony.

Ordinance No. 9 of 1844 repealed.

11. And it is further enacted, that the Ordinance No. 9 of 1844, entitled "*An Ordinance to promote the building of places of Christian worship, and to provide for the maintenance of Ministers of the Christian Religion,*" shall be and the same is hereby repealed.

Passed in Council the Twenty-fifth day of August, One Thousand Eight Hundred and Forty-five.

W. D. RYDER,  
Acting Clerk to the Council.

Published by Order of His Excellency the Governor.

P. E. WODEHOUSE,  
Acting Colonial Secretary.

No. 2,—1845. (*Disallowed—See Ordinance No. 5 of 1846.*)

No. 2,—1845.

*An Ordinance to remove certain doubts respecting the Jurisdiction of Criminal Courts and of Justices of the Peace in this Colony.*

WHEREAS it is expedient to remove certain doubts respecting the Jurisdiction of Criminal Courts, and of Justices of the Peace in this Colony.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, any thing in the Ordinance No. 12 of 1843, entitled "*An Ordinance to make certain alterations in the constitution of District Courts,*" to the contrary notwithstanding, every offence for which no express punishment shall have been provided by any Proclamation, Regulation, Ordinance, or Act of Parliament in force within this Colony, and which shall not have been usually at the time of the commission of such offence punished by death, transportation, or banishment, or by any higher punishment than District Courts are by this or any future Ordinance or Enactment empowered to impose, shall be cognizable by the District Court of the District wherein the same shall have been committed, wholly or in part, or by any District Court to which the trial thereof shall have been lawfully transferred, and it shall be competent to any such Court, to punish any person found guilty of any such offence, by imprisonment with or without hard labour, for any period not exceeding Twelve months, and by fine or forfeiture, not exceeding Twenty pounds, or by imprisonment with or without hard labour, for any period not exceeding Twelve months, and by corporal punishment not exceeding Fifty lashes, or by any one of the above-mentioned punishments. But it shall not in any case whatever be competent to District Courts (unless express authority in that behalf be hereafter given) to impose in respect of the same offence, the three punishments of fine, imprisonment, and corporal punishment. And it is further enacted and declared, that all offences, and all acts of commission or omission made punishable by any Proclamation, Regulation, Ordinance, or Act of Parliament in force within this Colony, by no higher punishment than by imprisonment with or without hard labour, for any period not exceeding Twelve months, and corporal punishment not exceeding Fifty lashes, or than by imprisonment with or without hard labour for any period not exceeding Twelve months, and with fine, penalty, mulct, or forfeiture, not exceeding Twenty pounds, shall be cognizable by, and be deemed and taken to fall completely and entirely within the jurisdiction of the District Court of the District within which the same shall have been committed or done wholly or in part, or of any District Court to which the trial thereof shall have been lawfully transferred.

2. And it is further enacted, that anything in the Ordinance No. 11 of 1843, entitled "*Ordinance for the establishment of Police Courts,*" to the contrary notwithstanding, every offence for which no express punishment shall have been provided by any Proclamation, Regulation, Ordinance, or Act of Parliament in force within this Colony, and which shall not usually at the time of the commission of such offence have been punished by death, transportation or banishment, or by any higher punishment than Police Courts are by this or any future Ordinance or Enactment empowered to impose, shall be cognizable by the Police Court, within the limits of the jurisdiction of which the same shall have been committed wholly or in part, or by any Police Court to which the trial thereof shall have been lawfully transferred. And it shall be competent to any such Court to punish any person found guilty of any such offence, either by imprisonment with or without hard labour, for any period not exceeding Three months, and by fine or forfeiture not exceeding Five pounds, or by imprisonment with or without hard labour, for any period not exceeding Three months, and with corporal punishment not exceeding Twenty lashes, or by any one of the above mentioned punishments. But it shall not in any case whatever be competent to Police Courts, unless express authority in that behalf be hereafter given, to impose, in respect of the same offence, the three punishments of fine, corporal punishment, and imprisonment, or any higher or more severe punishment than they are by this Ordinance empowered to impose. And it is further enacted and declared, that all offences, and all acts of commission or omission made punishable by any Proclamation, Regulation, Ordinance, or Act of Parliament in force within this Colony, by no higher punishment than by imprisonment with or without hard labour for any period not exceeding Three months, and corporal punishment not exceeding Twenty lashes, or than by imprisonment with or without hard labour, for any period not exceeding Three months, and fine, penalty, mulct, or forfeiture, not exceeding Five pounds, shall be cognizable by, and be deemed and taken to fall completely and entirely within the jurisdiction of the Police Court, within the limits of which the same shall have been committed wholly or in part, or of any Police Court to which the trial thereof shall have been lawfully transferred.

3. And whereas it happens that offences are expressly declared in certain enactments to be punishable by one or both of two distinct punishments, and that one of such punishments is within and the other is not within the jurisdiction of the same Court. It is therefore hereby further enacted, that whenever any offence or any act of commission or omission is expressly declared by any Proclamation, Regulation, Ordinance, or Act of Parliament, now or hereafter to be in force in this Colony, to be punishable by one or both of two distinct modes of punishment, it shall be competent to any Court within the jurisdiction of which any one of such punishments would fall, to take cognizance of such offence or act, and to

No. 2, — 1845.

award in respect thereof, the full amount of the punishment provided by such Proclamation Regulation, Ordinance, or Act of Parliament.

4. And it is further enacted, that whenever any offence or any act of commission or omission is declared by any Proclamation, Regulation, Ordinance, or Act of Parliament to be punishable by fine, and in default of payment of such fine, by imprisonment, it shall be competent to any Court which has power to impose the amount of fine specified in respect of such offence or act, to take cognizance of such offence or act, and in default of payment to award the full period of imprisonment to which such defaulter is so declared liable, whether such period would otherwise be beyond the jurisdiction of such Court or not. And in like manner, whenever any offence or any act of commission or omission is declared by any Proclamation, Regulation, Ordinance, or Act of Parliament, to be punishable by fine, and in default of payment thereof by imprisonment, it shall be competent to any Court which has power to award imprisonment for as long a period as that provided in such Proclamation, Regulation, Ordinance or Act of Parliament, in default of payment of such fine, to take cognizance of such offence or act, and to impose the full amount of fine by which such offence or act shall be so declared to be punishable, whether such amount would otherwise be beyond the jurisdiction of such Court or not.

5. And it is further enacted, that every Police Court which shall have cognizance of an offence, upon the commission thereof for the first time by the offender, shall have like cognizance of such offence upon any subsequent commission thereof by the same offender, and shall have full power and authority to impose any punishment to which such offender shall be liable, whether the same would otherwise be beyond the jurisdiction of such Court or not.

6. And it is further declared and enacted, that in every case wherein a District or Police Court may legally exercise jurisdiction in respect of the punishment to be inflicted for any offence or any act declared to be punishable, such Court shall also have authority and jurisdiction to remove or abate the act, matter or thing complained of.

7. And whereas the punishments assigned to certain breaches of the Revenue Laws, and to certain other offences are beyond the jurisdiction of Police Courts, but it would frequently be more advantageous that such offences should be brought for trial before such Courts, in order that the punishment of offenders may be more prompt, even though it should be less severe. It is therefore hereby further enacted, that whenever in case of any breach of any enactment made for the protection of the Revenue, or of any enactment making penal any act, which is not *malum in se*, and which breach would not otherwise be cognizable by a Police Court, by reason of the amount of punishment to which the same is subject, a certificate shall be presented to any Police Court, signed by the Queen's Advocate, or by some competent Deputy Queen's Advocate, or in the case of offences against the Revenue, by the Government Agent of the Province, or of his Assistants, to the effect that such Officer is content that such offence or act shall be prosecuted before such Court, it shall be competent to such Court, to take cognizance of such offence or act, and to award in respect thereof, so much of the punishment assigned thereto, as Police Courts are empowered by Law to award.

8. And it is further declared and enacted, that every Court, and every Justice of the Peace, and every Fiscal and Fiscal's Officer, and every Peace Officer, and every private person, shall and may lawfully exercise the same jurisdiction, rights, powers, and privileges connected with the Administration of Criminal Justice, at any place at sea within Three miles of any place within the limits of his jurisdiction on land which he may lawfully exercise within such limits. Provided always, that where it shall appear to the Queen's Advocate, or any competent Deputy Queen's Advocate, that any offence committed or alleged to have been committed at sea within Three miles of any part of this Colony, would be more conveniently enquired of or brought to trial before some other Justice of the Peace or Court than the Justice or Court before whom or which the same must otherwise be enquired of, or brought to trial under the provisions of this Clause, it shall be lawful for any Justice of the Peace or Court in this Colony, upon receipt of a certificate to that effect signed by the Queen's Advocate or such Deputy Queen's Advocate, to take cognizance of such offence, and to deal with the same in such and the same manner as if such offence had been committed within the jurisdiction of such Court, and every Fiscal and Fiscal's Officer, and every Peace Officer and other person shall be competent to exercise the same authority in respect of such offence as he would have been competent to exercise if the same had been committed within the ordinary jurisdiction of such Justice or Court. And provided further, that it shall not be necessary for the Queen's Advocate, or for any private party prosecuting any person for any offence alleged to have been committed at sea within Three miles of this Colony, to prove that the same was actually committed within such distance, but the mere averment shall be deemed and taken to be sufficient proof thereof, until the contrary shall be shewn.

Passed in Council the Twenty-seventh day of August, One Thousand Eight Hundred and Forty-five.

W. D. RYDER,  
Acting Clerk to the Council.

Published by Order of His Excellency the Governor,  
P. E. WODEHOUSE,  
Acting Colonial Secretary.



No. 4.—1845. (*Disallowed.— See Ordinance No. 6 of 1846.*)

No. 4.—1845.

*An Ordinance relative to Malicious Injuries, and to certain Thefts of Property, and to Cruelty to Animals.*

WHEREAS it hath become necessary to make more effectual provision for the protection of property within this Colony against malicious injuries, and thefts, and to prevent cruelty to animals.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, every person forming part of an assemblage of Three or more persons who shall be collected tumultuously together to the disturbance of the public peace, and who shall unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any building used as a store, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to defraud or injure any person, or any church, chapel, or place for religious worship, shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Fifteen years, and to corporal punishment not exceeding One hundred lashes.

2. And it is further enacted, that every person who shall set fire to any house with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of an offence, and be liable, on conviction thereof, to suffer death: and every person who shall set fire to any church, chapel or place for religious worship, or to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any building used as a store, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to defraud or injure any person, shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Fifteen years, and to corporal punishment not exceeding One hundred lashes.

3. And it is further enacted, that every person who shall unlawfully and maliciously set fire to, cast away, or otherwise destroy any ship, vessel, or dhoney, with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of a capital offence, and be liable, on conviction thereof, to suffer death; and every person who shall unlawfully and maliciously set fire to, cast away, or otherwise destroy, or damage with intent to destroy, any ship, vessel, or dhoney, whether the same shall be in a complete or unfinished state, or shall damage with intent to destroy, any such ship, vessel, or dhoney, or who shall maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any buoy, buoy-rope, or mark belonging to any ship, vessel, or dhoney, or which may be attached to any anchor or cable belonging to any ship, vessel, or dhoney whatever, whether in distress or otherwise, or any buoy, or any mark or beacon whatever placed at sea or on shore to indicate the course of navigation or to point out a shoal or other dangerous place, or a convenient place for anchorage, shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Fifteen years, and to corporal punishment not exceeding One hundred lashes.

4. And it is further enacted, that every person who shall unlawfully and maliciously set fire to or otherwise destroy or render unserviceable or dangerous any barge, canoe, or boat of any description, shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding One year, and to corporal punishment not exceeding Fifty lashes.

5. And it is further enacted, that every person who shall unlawfully and maliciously destroy any part of any ship, vessel, or dhoney which shall be in distress, or be stranded or east on shore, or who shall unlawfully and maliciously destroy or steal any goods, merchandize, or articles of any kind belonging to such ship, vessel, or dhoney, shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Seven years, and to corporal punishment not exceeding One hundred lashes.

6. And it is further enacted, that every person who shall unlawfully or maliciously do any thing tending to bring any ship, vessel, or dhoney into danger, or tending to the immediate loss or destruction of any ship, vessel, or dhoney in distress, any person being on board thereof, shall be guilty of a capital offence, and be liable, on conviction thereof, to suffer death.

7. And it is further enacted, that if any person shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless any machine or engine, whether fixed or moveable, prepared for or employed in any manufacture whatsoever, or in any branch thereof, or for any agricultural purpose, or shall by force enter into any

**No. 4.—1845.**

house, shop, building or place, with intent to commit any such offence, every such person shall be liable, on conviction, to transportation, or to imprisonment at hard labour for any period not exceeding Seven years, and to corporal punishment not exceeding One hundred lashes.

8. And it is further enacted, that if any artificer, workman, journeyman, apprentice, servant, or labourer, shall wilfully and unlawfully damage, spoil, or destroy any goods, articles, wares, or work committed to his care or charge, without the consent of the person by whom or on whose account he shall be hired, engaged, or employed, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months, or to both of such punishments. And if any person shall be convicted a second time or more often of an offence against this Clause, he shall, on every such subsequent conviction, be liable to a fine not exceeding Ten pounds, or to imprisonment with or without hard labour for any period not exceeding Six months, or to both of such punishments.

9. And it is further enacted, that if any person shall unlawfully and maliciously break down or cut down any sea bank, or sea wall, or the bank or wall of any river, canal, or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, undermine, or otherwise destroy any lock, sluice, floodgate, or other work on any navigable river or canal, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour, for any period not exceeding Three years, and to corporal punishment not exceeding One hundred lashes.

10. And it is further enacted, that if any person shall unlawfully and maliciously pull down or in any wise destroy any public bridge, or do any injury with intent, and so as thereby to render such bridge, or any part thereof, dangerous or impassable, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding Three years, and to corporal punishment not exceeding One hundred lashes.

11. And it is further enacted, that if any person shall unlawfully and maliciously kill, maim, or wound any cattle, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment at hard labour for any period not exceeding Three years, and to corporal punishment not exceeding One hundred lashes: and every person who shall wantonly and cruelly abuse, or ill treat any animal shall be guilty of an offence, and liable, on conviction thereof, to the payment of any fine not exceeding Five pounds.

12. And it is further enacted, that if any person shall unlawfully and maliciously set fire to or demolish, pull down or destroy, or begin to demolish, pull down, or destroy any stack, consisting altogether or principally of grain, pulse, straw, hay, coals, megas or cane stalks, set apart for fuel, charcoal, or wood, or if any person shall unlawfully and maliciously set fire to any crop of grain or pulse, whether standing or cut down, or to any part of a wood, or copse, or to any plantation whatsoever, every such person shall, on conviction of such offence, be liable to imprisonment with or without hard labour, for any period not exceeding Seven years, and to corporal punishment not exceeding One hundred lashes.

13. And it is further enacted, that every person who shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage, the whole or any part of any one or more trees, saplings, bushes, shrubs or sugar-canes, or of any cocoa-nut or other palm plants, shall, if the same shall be growing in any enclosed plantation, garden, compound, or pleasure ground, or if the damage done to the same, wherever they may be growing shall exceed One pound, be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding One year, and in addition, to corporal punishment not exceeding Fifty lashes: and every person who shall unlawfully and maliciously commit any such injury as in this Clause mentioned, to any property therein above specified, and not growing in any enclosed plantation, garden, compound or pleasure ground, shall, if the damage done be less than One pound, be guilty of an offence, and liable to any punishment which it shall be competent to a Police Court to inflict.

14. And it is further enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production growing in any enclosed garden, nursery ground or compound, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour, for any period not exceeding Three months, and to a fine not exceeding Five pounds. And if any person so convicted shall afterwards commit any of the said offences, such person shall be liable, on every subsequent conviction, to imprisonment with or without hard labour for any period not exceeding Twelve months, and to payment of a fine not exceeding Ten pounds.

15. And it is further enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, compound or nursery ground, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding Fourteen days,

or to a fine not exceeding One pound. And if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted in like manner, every such person shall be liable, on every subsequent conviction, to imprisonment with or without hard labour for any period not exceeding Three months, or to a fine not exceeding Five pounds.

16. And it is further enacted, that if any person shall unlawfully and maliciously cut, break, throw down, or in anywise destroy any live or dead fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour, for any period not exceeding One month, or to a fine not exceeding One pound, or to both of such punishments. And if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such person shall, on every subsequent conviction, be liable to imprisonment with or without hard labour, for any period not exceeding Six months, or to a fine not exceeding Ten pounds, or to both of such punishments.

17. And it is further enacted, that every person who shall wilfully and maliciously cut, scratch, or otherwise deface or injure, any painted or varnished carriage, bandy, or other vehicle, shall be guilty of an offence, and be liable, on conviction thereof, to any punishment which it shall be competent to a Police Court to impose.

18. And it is further enacted, that if any person shall wilfully and maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is herein or otherwise by express law provided, every such person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months, or where the Queen's Advocate or any competent Deputy Queen's Advocate, shall consider that the offence is deserving of a higher punishment, to such punishment as the Court before which the Queen's Advocate or such Deputy shall bring or authorize such offender to be brought for trial, shall be competent to inflict.

19. And it is further enacted, that if any person shall steal, or shall destroy, or damage with intent to steal, the whole or any part of any tree or other thing, for a malicious injury to which a penalty is provided in the 13th, 14th, 15th, and 16th Clauses of this Ordinance, every such person shall be guilty of an offence, and be liable, on conviction thereof, to the same punishment to which he would have been liable, if he had been convicted under any of the provisions of any of the said Clauses, of a malicious injury to such tree or other thing.

20. And it is further enacted, that if any person shall steal, or shall for any fraudulent purpose, take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall conceal, or shall unlawfully and maliciously obliterate, injure or destroy any record, original process, deposition, statement, proceeding or other document whatsoever, of or belonging to or being in the lawful custody of any Court of record, or of any Justice of the Peace or Coroner, or relating to any matter Civil or Criminal, begun depending, or terminated in any such Court, or if any person shall, during the life of the testator or testatrix, or after his or her death, steal, or shall for any fraudulent purpose take from its place of deposit for the time being or from any person having the lawful custody thereof, or shall conceal or unlawfully and maliciously obliterate, injure, or destroy any will, codicil, or testamentary instrument (whether the same shall relate to real or personal estate or to both), or any paper or parchment, talpat or olah, written or printed, or partly written or partly printed, being evidence of the title or of any part of the title to any real estate, or any security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, or in any fund of any body corporate, company or society, or to any deposit in any Savings' Bank, or any debenture, deed, bond, bill, note or other security whatsoever, for money or for payment of money, whether of Great Britain or Ireland, of this Island or of any Colony or country within Her Majesty's Dominions, or of any Foreign State, or any warrant or order for the delivery or transfer of any goods or valuable thing, every such person shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment with or without hard labour for any period not exceeding Fifteen years, and to corporal punishment not exceeding One hundred lashes.

21. Provided always, that nothing in the two preceding Clauses contained shall be construed to interfere with or supersede any law or custom by which any offence referred to in the said Clauses would have been punishable before the passing of this Ordinance, but every such offence may be prosecuted and punished either under the provisions of this Ordinance or under the authority of such law or custom.

22. And whereas it is often difficult to determine whether injuries done to property have been done from malicious motives or with an intent to steal. It is therefore hereby further declared and enacted, that it shall be lawful to charge any person who shall have committed any wilful injury to property, in the same indictment, information, or complaint, in the alternative with having committed such injury maliciously, or with having committed it with the intent to steal.

23. And provided further, and it is further enacted, that where any person shall be liable, on conviction of any offence against this Ordinance; to the payment of any fine, and to im-

**No. 4, — 1845.**

prisonment, and he shall not have paid such fine before the expiration of his term of imprisonment, he shall be detained in prison for such further period after the expiration of such term, as by any law now or hereafter to be in force, he may be detained for default of payment of such fine.

24. And it is further enacted, that every punishment and forfeiture by this Ordinance imposed on any person maliciously committing any offence, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

25. And it is further enacted, that in the case of every offence punishable under this Ordinance, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Ordinance punishable; and may be charged in the indictment, information or complaint, as a principal in the first degree, and every accessory after the fact, to any offence punishable under this Ordinance, shall, on conviction, be punishable at the discretion of the Court.

26. And it is further enacted, that where any person shall be convicted before the Supreme Court of any offence punishable under this Ordinance, for which imprisonment may be awarded, it shall be lawful for the Court to direct that the offender shall be kept in chains for the whole or any portion of such imprisonment, and also if the Court shall think fit, in solitary confinement. Provided always, that the period of such solitary confinement shall not exceed Twenty-eight days at a time, nor Eighty-four days in One year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement.

27. And for the more effectual apprehension of all offenders against this Ordinance, it is further enacted, that any person found committing any offence against this Ordinance, may be immediately apprehended, without a warrant, by any Peace Officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some competent Court or Justice of the Peace, to be dealt with according to law.

28. And it is further enacted, that the evidence of the party aggrieved shall be admissible in proof of any offence against this Ordinance.

Passed in Council the Twenty-ninth day of August, One Thousand Eight Hundred and Forty-five.

W. D. RYDER,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. E. WODEHOUSE,

*Acting Colonial Secretary.*

**No. 5, — 1845. (Expired.)\***

**No. 5, — 1845.**

*To appropriate a portion of the Surplus Revenue of 1844 for the execution of certain Public Works.*

**No. 6, — 1845. (Expired.)\***

**No. 6, — 1845.**

*To apply a sum not exceeding Forty four thousand Five hundred and five pounds, to defray the Supplementary Contingent charges of the year 1845.*

**No. 7, — 1845. (Expired.)\***

**No. 7, — 1845.**

*To apply a sum not exceeding One hundred and Sixty-six thousand One hundred and nineteen pounds, to the Contingent service of the year 1846.*

**No. 8, — 1845. (Repealed by Ordinance No. 10 of 1846.)**

**No. 8, — 1845.**

*An Ordinance to vest in the Principal Officer in the actual Superintendence of the Surveying Department and his Assistants, &c., certain powers vested in the Surveyor General and his Assistants.*

WHEREAS by certain Ordinances heretofore enacted, certain powers are vested in, and duties imposed upon the Surveyor General and his Assistants, and persons acting under his or their orders, and it is expedient to vest the same powers in, and impose the same duties on the Principal Officer in the actual Superintendence of the Surveying Department.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, all powers and authorities which are vested in, and all duties which are imposed upon the Sur-

\* The Supply Ordinances for each year are not published at length.

veyor General, or his Assistants, or persons acting under his or their orders by any Ordinance now in force within this Colony, shall be and the same are hereby declared to be respectively vested in, and imposed upon the Officer for the time being holding the appointment under the warrant of the Governor, of "Principal Officer in the actual Superintendence of the Surveying Department," and his Assistants, and persons acting under his or their orders.

No. 8,—1845.

2. And it is further enacted, that the said Principal Officer and his Assistants, and all persons acting under his or their orders, shall respectively be subject to the same liabilities and penalties for any misconduct or neglect of duty, to which the Surveyor General and his Assistants and persons acting under his or their orders are subjected by any Ordinance now in force for the like misconduct or neglect.

3. And it is further enacted, that every person who shall obstruct, resist, molest or hinder, or in any way interfere with, or interrupt the lawful discharge of the duties of such Principal Officer, or any of his Assistants, or any person acting under his or their orders, shall be guilty of an offence, and be punishable in such and the same manner as such person would be punishable for obstructing, resisting, molesting, hindering, or in any way interfering with or interrupting the lawful discharge of the duties of the Surveyor General, or any of his Assistants, or any persons acting under his or their orders.

Passed in Council the Twenty-seventh day of October, One Thousand Eight Hundred and Forty-five.

W. D. RYDER.

Acting Clerk to the Council.

Published by Order of His Excellency the Governor,

P. E. WODEHOUSE.

Acting Colonial Secretary.

No. 9,—1845.

To amend the Law in respect to the collection of Tolls.

No. 9,—1845.

Preamble.

WHEREAS it is expedient to amend the Law in respect to the collection of Tolls in this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ordinance No. 10 of 1842, entitled "For making provision for the collection of Tolls to be established in this Island;" the Ordinance No. 4 of 1844, entitled "An Ordinance to establish a Toll on the Road from Jaffna to Vattacotte;" and the Ordinance No. 14 of 1844, entitled "An Ordinance to establish a second Toll on the Road from Jaffna to Point Pedro," shall be and the same are hereby repealed, save and except as to the repeal of any former enactments therein contained, and except as to any penalties thereby imposed and which may remain unpaid or as to any offences which may have been committed against the same.

Repeal of former Ordinances.

2. And it is further enacted, that Tolls shall be levied in respect of the bridges specified in the Schedule A to this Ordinance annexed, at such rates as the Governor from time to time by Proclamation in the Government Gazette, shall be pleased to appoint, provided that the same shall in no case exceed the rates hereinafter specified, that is to say.

Tolls at Bridges.

Every Vehicle for passengers, drawn by one Horse, Pony, Ass or Mule, driver and passengers inclusive	... } With two wheels...	0	1	3
Every Vehicle for passengers, drawn by two Horses, Ponies, Asses or Mules, driver and passengers inclusive	... } With four wheels...	0	1	3
Every additional Horse, Pony, Ass or Mule belonging to any of the above Vehicles	...	0	2	0
Every Vehicle for passengers drawn by one Bullock	...	0	0	3
Every additional Bullock belonging thereto	...	0	1	0
Every Horse, Pony, Ass or Mule and keeper, with or without rider, loaded or unloaded	...	0	0	1½
Every other loaded beast of burden (Elephant excepted) with its driver or keeper	...	0	0	6
Every other unloaded beast of burden (Elephant excepted) with its driver or keeper	...	0	0	3
Every loaded Vehicle drawn by One Horse, Bullock, Buffaloe or any other beast of burden (Elephant excepted) driver inclusive	...	0	0	1½
Every loaded Vehicle drawn by Two Horses, Bullocks, Buffaloes or any other beasts of burden (Elephant excepted) driver inclusive	...	0	0	9
Every loaded Vehicle drawn by Three Horses, Bullocks, Buffaloes or any other	...	0	1	0

## No. 9,—1845.

beast of burden (Elephant excepted) driver inclusive ... ..	0	1	3
Every additional Horse, Bullock, Buffalo or other beast of burden (Elephant excepted) belonging thereto ... ..	0	0	3
Every unloaded Vehicle drawn by one Horse, Bullock, Buffalo or any other beast of burden (Elephant excepted) driver inclusive ... ..	0	0	3
Every unloaded Vehicle drawn by Two Bullocks, Buffaloes or any other beast of burden (Elephant excepted) driver inclusive ... ..	0	0	4½
Every additional Horse, Bullock, Buffalo or other beast of burden (Elephant excepted) belonging thereto ... ..	0	0	1½
Every loaded Elephant waggon drawn by Two Elephants, with their drivers and leaf cutters included ... ..	0	2	0
Every unloaded Elephant waggon drawn by Two Elephants, with their drivers and leaf cutters included ... ..	0	1	0
Every loaded Elephant cart drawn by One Elephant, with its driver and leaf cutters included ... ..	0	1	6
Every unloaded Elephant cart, drawn by One Elephant, with its driver and leaf cutters included ... ..	0	0	9
Every loaded Elephant with its driver and leaf cutters ... ..	0	0	9
Every unloaded Elephant with its driver and leaf cutters ... ..	0	0	6
Every palanqueen with four bearers .. ..	0	1	0
Every additional bearer... ..	0	0	1
Every Vehicle drawn or propelled by men (not exceeding four) passengers inclusive ... ..	0	1	0
Every additional man drawing or propelling the said Vehicle ... ..	0	0	1
Every live Cow, Calf, Sheep, Goat or Pig ... ..	0	0	0½
Every Leaguer or Cask not empty and not carried in a cart ... ..	0	0	2
Every Leaguer or Cask empty ... ..	0	0	1
Every Vehicle not enumerated above ... ..	0	0	3

## Tolls at Ferries.

3. And it is further enacted, that Tolls shall be levied in respect of the Ferries specified in the Schedule B to this Ordinance annexed, at such rates as the Governor from time to time by Proclamation in the Government Gazette, shall be pleased to appoint; provided that the same shall not exceed those in the preceding Clause enumerated; and further, that a Toll of one Half-penny shall be levied upon every foot-passenger; children under twelve years excepted, crossing the same. Provided always, that if at any time a Bridge shall be erected out of the public funds in lieu of any such Ferry, or in lieu of any Ferry that shall hereafter be established under the provisions of the following Clause, such Toll upon foot-passengers shall thereupon cease to be levied.

## Tolls on Bridges and Ferries on Roads to be hereafter built or established.

4. And it is further enacted, that whenever it shall be found necessary to build a Bridge at any place not specified in the said Schedule A, the cost of which shall amount to Five hundred pounds, it shall be lawful for the Governor, with the advice and consent of the Executive Council, by Proclamation in the Government Gazette, to direct that Tolls not exceeding those specified in the 2d Clause of this Ordinance shall be levied in respect thereof; and that whenever it shall be found necessary to establish any ferry at any place not enumerated in the said Schedule B, it shall be lawful for the Governor, with the like advice and consent, and in like manner, to direct that Tolls not exceeding those specified in the 3d Clause of this Ordinance shall be levied in respect thereof.

## The Governor to fix Toll stations.

5. And it is further enacted, that it shall be lawful for the Governor from time to time, by Proclamation in the Government Gazette, to determine at what place or places the Tolls hereinbefore authorized to be levied in respect of any Bridge or Ferry, shall be collected, and the said place or places from time to time in like manner to alter, and another place or other places to establish for the collection of such Tolls instead thereof.

## Return Tolls.

6. And it is further enacted, that no Toll shall be levied upon any passenger, vehicle or animal upon his or its return by, over or through any Bridge or Ferry, at which he or it shall have paid Toll on the same day (to be computed from 12 o'clock at night, to 12 o'clock of the succeeding night) and upon the production of a Ticket denoting such payment to have been made; and the one-half only of the appointed Toll shall be levied upon any passenger, vehicle or animal at any Bridge or Ferry, by, over or through which he or it shall have passed in a like direction on the same day, unless such vehicle or animal shall carry a different load; and provided that no payment of Toll upon any vehicle or animal when unloaded, shall in any manner affect any Toll to which such vehicle or animal is hereby declared to be liable when loaded.

7. And it is further enacted, that every person having once paid Toll in respect of himself or of any vehicle or animal at any place, payment at which shall have been declared by the Governor, by Proclamation in the Government Gazette, to clear any other place, shall on the production at such other place of a Ticket denoting such payment to have been made, pass the same without any further payment of Toll, except where such vehicle or animal shall at such latter place have become liable to a different rate of Toll.

**No. 9, — 1845.**  
Tickets required to clear Passengers.

8. And it is further enacted, that the Tolls hereby established shall be taken and levied by the Toll-keeper or some one of the Toll-keepers to be appointed by the Government Agent of the Province in which such Tolls are levied, or his Assistants. Provided, that in any case in which more than one Toll-keeper shall be appointed for any place, such Toll shall be demanded and taken by such one only of the said Toll-keepers as shall at the time of such demand be the wearer of the metal badge hereinafter mentioned. And that if the privilege of collecting Tolls at any place shall at any time be let to any party, it shall be lawful for the Government Agent or his Assistant, on the application of such party, to appoint such person or persons as he may name, to be Toll-keeper or Toll-keepers at such place : and if such party shall at any time be desirous of removing any Toll-keeper appointed on his application as aforesaid, he shall give a written notice of his intention so to do to the Government Agent or his Assistant, at least Ten days before carrying the same into effect. And any party who shall remove any Toll-keeper without giving such notice, shall be guilty of an offence, and be liable, on conviction thereof, to pay a fine not exceeding Five pounds, one half whereof shall be paid to the informer, and in default of payment, to imprisonment with or without hard labour, for any period not exceeding Three months.

Appointment of Toll-keepers.

9. And it is further enacted, that every Toll-keeper appointed under this Ordinance, shall, while engaged in the collection of Tolls, wear a metal badge, whereon shall be engraved in the English and Native languages, the name of the place at which he is appointed to collect Tolls. And there shall be suspended at some conspicuous place immediately adjoining to every place at which Tolls are hereby authorized to be collected, so as to be distinctly legible, in the English and Native languages, a copy of this Ordinance, and also a notice setting forth the name or names of the person or persons appointed to collect the Tolls at such place.

Toll-keeper to wear Badge.

And put up Ordinance and name.

10. And it is further enacted, that every Toll-keeper, while engaged in the collection of Tolls, shall be provided with Tickets consecutively numbered, acknowledging the payment of Toll and the date thereof, and mentioning the Bridge or Ferry, if any, cleared by such payment, one of which Tickets, duly signed by him, shall be delivered gratis to the person paying the Toll ; and every such Ticket shall be in the English and Native languages, and in the form hereunto annexed. Provided always, that it shall be lawful for the Government Agent, if he shall see fit so to do, to grant to such Toll-keeper permission to deliver such Tickets in the Native languages only.

Toll-keeper to give Tickets.

11. And it is further enacted, that if any Toll-keeper shall at any time collect any Toll without wearing a metal badge as aforesaid, or omit to suspend a copy of this Ordinance and the notice of the name or names of the person or persons appointed to collect the Tolls, or shall wilfully remove, conceal, alter or deface the same or either of them, or permit either of them to become illegible, or shall demand or take Toll in any case in which Toll is not payable under the provisions of this Ordinance, or a greater or less Toll than he shall be authorized to do thereunder, or shall fail to grant to any person having paid Toll, a Ticket denoting such payment, as hereinbefore required, or shall wilfully subject any passenger, vehicle or animal, to unreasonable delay or detention, or shall demand or take Toll from any person by this Ordinance exempted from the payment of Toll, or from any person whom he has been duly directed by the Government Agent to permit to pass without payment of Toll, such Toll-keeper shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment, to imprisonment with or without hard labour, for a period not exceeding Three months, and on any second or subsequent conviction, to a fine not exceeding Ten pounds, one-half whereof shall be paid to the informer, and in default of payment to imprisonment with or without hard labour, for any period not exceeding Six months.

Toll-keeper acting contrary to Ordinance.

12. And it is further enacted, that if any person, other than a Toll-keeper duly appointed to collect Toll under the provisions of this Ordinance, shall demand or take any Toll, or for the purpose of appearing or representing himself to be a Toll-keeper, wear or carry or produce or exhibit to any person liable to pay Toll, the metal badge which by this Ordinance a Toll-keeper is required to wear, or any badge resembling or intended to resemble such metal badge, or shall otherwise personate or represent himself to be a Toll-keeper, every person so offending shall be guilty of an offence, and shall be liable, on conviction, to a fine

Penalty on levying Tolls without authority.

**No. 9, — 1845.**

not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding Three months. And any Toll-keeper who shall wilfully lend or give his metal badge to any person not duly appointed to collect Toll, in order that such person should personate such Toll-keeper, or shall be otherwise accessory to the collection of Toll by any person not duly appointed as aforesaid, every such Toll-keeper shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment to imprisonment with or without hard labour, for any period not exceeding Three months.

Penalties for infringement of this Ordinance by passengers.

13. And it is further enacted, that if any person liable to payment of Toll shall pass from any Road over any land near or adjoining thereto (not being a public highway,) with intent to evade such payment, or shall fraudulently or forcibly pass by, over, or through any place duly appointed for the collection of Tolls, or shall resist or make forcible opposition against any person duly appointed to collect Tolls in the execution of his office, or if any person shall maliciously damage any bar, boat, bridge or other thing employed for the purpose of collecting Tolls, or shall maliciously remove, deface, alter, or damage any copy of this Ordinance or notice, suspended as hereinbefore directed; or if any person other than a person duly appointed to collect Tolls shall give, or if any person shall receive from any person other than a person duly appointed as aforesaid, or shall forge, counterfeit or alter any Ticket or certificate of payment or exemption, with intent to evade the payment of any Toll, or if any person shall do any other act whatsoever in order to evade the payment of any Toll, and whereby the same shall be evaded, every such person shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment to imprisonment with or without hard labour, for any period not exceeding Three months.

Prohibition of employment of private Boat.

14. And it is further enacted, that if any person not being a duly appointed Toll-keeper, shall convey any passenger, vehicle or animal, not being his or her property or in his or her service, across any river or stream, by any boat or other means either at or within a distance of One mile above or below any Bridge, Ferry or place at which Tolls shall be leviable, such person shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment, to imprisonment with or without hard labour, for any period not exceeding Three months.

Tolls payable on transfer of goods at Toll Station.

15. And it is further enacted, that it shall not be lawful for any person, in order to avoid payment of any Toll, whether in whole or in part, to remove or cause to be removed any goods from any animal or vehicle upon which the same shall have been brought to any Bridge, Ferry or place appointed for the collection of Tolls, to any other animal or vehicle on the opposite side thereof, unless after payment of Toll upon the animal or vehicle on or in which the same shall have been so brought as a loaded animal or vehicle; nor for any person to unload or cause to be unladen any goods from any animal or vehicle upon which the same shall have been brought to any Bridge, Ferry or place appointed for the collection of Tolls, and to load or cause the same to be re-laden upon such animal or vehicle after it shall have passed such Bridge, Ferry or place, unless after payment of Toll upon such animal or vehicle as a loaded animal or vehicle. And any person acting contrary to the provisions of this Clause shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding Three months.

Limitation of prosecution.

16. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance, unless the same shall be commenced within One calendar month from the time of the commission of such offence.

Informer a competent witness.

17. And it is further enacted, that upon the trial of any person for a breach of any of the provisions of this Ordinance, the informer or complainant or other person shall be deemed and is hereby declared to be a competent witness, notwithstanding that he may be entitled to any part of any pecuniary penalty, or to any pecuniary compensation or reward on the conviction of any such offender.

Exemptions.

18. And it is further enacted, that the Governor or Lieutenant Governor, and his suite, when in immediate attendance on him, the Government Agents, the Civil Engineer and Surveyor General, the Commissioner of Roads and their respective Assistants, when on duty, together with all their necessary attendants, horses, animals, conveyances, baggage and implements, Military Officers and Soldiers, mounted or unmounted, whether on duty or not



but provided they be in uniform dress or undress, and all messengers, carriages and horses drawing or carrying the public Mails, shall be exempted from payment of any Toll. And it shall be lawful for the Government Agent, if he shall see fit so to do, to direct the Toll-keeper in writing to permit cattle or sheep driven to grass, persons with cattle, agricultural instruments, manure, or seed grain, for the cultivation of their lands, and children going to or from school, to pass without payment of Toll; and all persons, vehicles or animals employed in the repairs of any Road, Bridge or Canal, within Ten miles of the Toll station, shall pass without payment of Toll, on production of a certificate of such employment from the Officer superintending the work.

19. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January, One Thousand Eight Hundred and Forty-six.

No. 9,—1845.

Ordinance when to come into operation.

### SCHEDULE A.

#### BRIDGES.

Bridge of Boats, and the following branch stations, viz.

The Drawbridge at the Grand-pass	Ambepusse	The Palmirah Bridge over the Salt-river
Oeroegoddewatte	Anguruwelle	Vallai
Dandoogam	Mawanelle	Valikieaar
Cotta	Peradenia	Kiembia-ella
Pamankadde	Madrakooly	Ballepitymodere
Dehewelle	Toonmoderah	Pol-Oya.
Alootgame	Bridge at the foot of Galgedere-pass	

### SCHEDULE B.

#### FERRIES.

Pasbatal	Ruanwelle	Alootgantotte
Mutual	Karune Ella	Lewelle
Kottoogodde	Retigaha Oya	Illookmodere
Mootoowadia	Warkatotte	Condasale
Wewelle	Demuwatte	Gonawattee
Situakka	Allauwe	Maha Oya
Pantura	Chilaw	Ooma Oya
Horrekelle	Ginge Oya	Bilhoot Oya
Bolgodde	Dedro Oya	Colombogam
Ruggahatottepolle	Putlam	Pannetorre
Caltura	Calpentyn	Araly
Kaymel	Palavy	Manaar
Toppoo	At the Dedro Oya on the road from Putlam to Kor-negalle	Kokolay
Kattane	Hallooowe	Batticaloa
Kosgahamankade	Gampola	Halpatotte
Girioelle	Ganoroowa	Gindurah
Kottewatte	Ginga Oya	Bentotte
Kottedeniawe		Polwatte
Angurutotte		Wallaway
Aranderre		

### FORM OF TICKET.

No. \_\_\_\_\_  
 Toll Station \_\_\_\_\_ ) Date \_\_\_\_\_ 18  
 ( This Ticket clears  
 Received for  
 the sum of \_\_\_\_\_

Signature.

Passed in Council the Fourth day of November, One Thousand Eight Hundred and Forty-five.

W. D. RYDER,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

P. E. WODEHOUSE,  
*Acting Colonial Secretary.*

**No. 10,—1843.****No. 10,—1843. (*Expired.*)\***

*To apply a sum not exceeding Seventeen thousand, Six hundred and Forty-three pounds, to defray the Supplementary Contingent charges for the year 1845.*

**No. 11,—1845. (*Repealed by Ordinance No. 20 of 1852.*)****No. 11,—1845.**

*An Ordinance to allow Appeals to be heard with consent of parties at Colombo; and to allow in certain cases an Appeal to the collective Court from the decision of a single Judge of the Supreme Court, &c.*

WHEREAS it is expedient that the hearing of Appeals should in certain cases take place in Colombo, and also that in certain cases Appeals should be allowed from the Judgments pronounced by a single Judge of the Supreme Court, to the Three Judges thereof sitting collectively at Colombo, and also that the powers exercised by the Supreme Court under the provisions of the 5th Clause of the 8th section of the Rules and Orders of the Supreme Court, should be extended to the single Judge of the said Court sitting at Colombo with Three Assessors.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, whenever any Petition of Appeal shall have been duly filed in any District Court against any Judgment, Decree, or Order of the said Court in any other than its Criminal Jurisdiction, having the effect of a final or definitive sentence, and all the parties to the suit, action, or proceeding in which such Judgment, Decree, or Order shall have been pronounced, shall by themselves, or their Advocates or Proctors expressly authorized by them in writing to act in that behalf, have by endorsement on such petition, or by application in writing made within Ten days after the filing of such Petition, notified their desire to the Judge of such District Court that such Appeal should be heard at Colombo by the single Judge of the Supreme Court sitting in Court with Three Assessors under the provisions of the 16th Clause of the Ordinance No. 9 of 1843, entitled an Ordinance "To alter and amend in certain respects the constitution of the Supreme Court, the powers of the Judges thereof, and the manner of proceeding therein," in any case where the same would otherwise have been heard on Circuit, the District Judge shall certify that such endorsement or application was duly made; and shall, provided that such preliminaries as are required by law in respect of Appeals to the Supreme Court have been complied with, transmit forthwith the Records in any such case to the Judges of the Supreme Court at Colombo. And any Judge of the Supreme Court sitting in Court at Colombo with Three Assessors as aforesaid, shall have full power and authority to hear, decide, and dispose of such Appeal in such and the same manner as if the same had been brought before the Supreme Court at any Circuit thereof.

2. And whereas by the Charter of King WILLIAM THE FOURTH, dated the 18th day of February 1833, the Judge of the Supreme Court holding Civil Sessions thereof, is only required to state in open Court and in the hearing of the Assessors associated with him, the questions arising for adjudication, and his opinion and the grounds and reasons of his opinion thereupon; and it is only in case of a difference of opinion between the Judge and the Assessors, that any record of such questions or of the vote of the Judge and Assessors is required. And whereas District Judges cannot conveniently attend at every Sessions of the Supreme Court at which Appeals from their decisions are heard, more especially when such Appeals are heard at Colombo under the provisions of the preceding Clause; but it is highly expedient that they should be accurately informed of the grounds and reasons of every reversal, modification or alteration, and in certain cases of every affirmation of their decisions. It is therefore hereby further enacted, that whenever the Supreme Court, or any Judge thereof sitting with Three Assessors at Colombo, upon the hearing of any Appeal from any District Court in any other than its Criminal Jurisdiction, shall modify or alter the decision of such District Court, the grounds and reasons of such reversal, modification or alteration, shall be entered in the record of the Judgment, Decree or Order of the said Supreme Court or such Judge thereof; and whenever the Supreme Court or any such Judge thereof shall at the hearing of any such Appeal as aforesaid, affirm the decision of the District Court, the grounds and reasons of such affirmation shall in like manner be entered in such record as aforesaid, in every case where the decision of the District Court shall appear from the record of such District Court to have been given upon any point of law or practice which shall have been contested in such District Court, or where such affirmation shall proceed upon any ground not stated in the record of the District Court as the ground upon which the decision thereof shall have been given.

3. And it is further enacted, that it shall be lawful for any party who shall be dissatisfied with the grounds and reasons so entered in the record as aforesaid, upon the hearing of any Appeal by the Supreme Court on Circuit or by a Judge thereof sitting at Colombo with Three Assessors, by reason of their being considered erroneous in Law in a matter or matters substantially affecting the merits of the case, to appeal from the Judgment, Decree, or Order founded on such grounds and reasons, by petition to the Judges of the Supreme Court col-

\* The Supply Ordinances for each year are not published at length.

lectively at their General Sessions, assigning specially in such petition the alleged error or errors of Law contained in such grounds and reasons, and praying that the Judgment, Decree, or Order may be reversed, corrected, varied, or altered by reason of such alleged error or errors in Law; and the said Judges at such General Sessions shall hear, determine and dispose of such Appeals according to Law, and shall enter in the record of their Judgment, Decree, or Order, the reasons and grounds thereof. Provided always, that no such Appeal shall be allowed or entertained unless the error or errors complained of shall be clearly and distinctly stated in the petition of Appeal and a duly admitted Advocate of the Supreme Court shall have endorsed thereupon a Certificate that in his opinion such error or errors are in a matter or matters substantially affecting the merits of the case, and that the Judgment, Decree, or Order appealed against, ought to be reversed, corrected, varied, or altered by reason of such error or errors. Nor unless the party or parties appellant shall have lodged their petition of Appeal with the Registrar or some Deputy Registrar of the Supreme Court within Twenty days after the date of the Judgment, Decree, or Order against which such party or parties is or are desirous to Appeal, exclusive of the day on which such Judgment, Decree, or Order appealed against was given and of the day of filing such petition. Nor unless such petition of Appeal shall bear a stamp of the same amount as was or ought to have been borne by the last petition of Appeal to the Supreme Court in the same case. Nor unless there shall also be endorsed upon such petition a Certificate under the hand of the Judge of the District Court in which the action was tried, that sufficient security has been taken by the said District Court from the party or parties appellant, for the prosecution of their Appeal. And the said Judges of the Supreme Court shall not, unless they shall see some special cause to the contrary, hear any such Appeal, unless a duly admitted Advocate of the Supreme Court shall be present and prepared to argue the same at such time as the same shall come on for hearing.

4. And it is further enacted, that if at any time before the Judgment, Decree, or Order of the Supreme Court, or of the Judge thereof sitting with Three Assessors at Colombo, appealed against, shall have been carried into execution, the party or parties having presented their petition of Appeal to the Judges of the Supreme Court collectively at their General Sessions as aforesaid, shall establish to the satisfaction of the Supreme Court or of any Judge thereof, that real and substantial justice requires that pending such Appeal execution should be stayed, it shall be lawful for the Supreme Court or any such Judge thereof, to order the Execution of such Judgment, Decree, or Order to be stayed pending such Appeal, if the party or parties appellant shall give security for the immediate performance of any Judgment, Decree, or Order which may be pronounced or made by the Judges of the Supreme Court collectively at their General Sessions, upon the hearing of such Appeal.

5. And it is further enacted, that the Judgment, Decree, or Order pronounced or made by the Judges of the Supreme Court collectively at such General Sessions as aforesaid, or by the majority of them in respect of any such Appeal, shall be final and conclusive, except in cases where an Appeal to Her Majesty in her Privy Council shall be admissible. And in all such excepted cases, the party or parties feeling aggrieved by such Judgment, Decree, or Order, and being desirous to appeal therefrom to Her Majesty in her Privy Council, shall proceed in respect of such Appeal in such and the same manner as parties feeling aggrieved by the judgment of the Judges of the Supreme Court at their collective Sessions in cases brought before them by way of review, under the provisions of the 52d Clause of the Charter of King WILLIAM THE FOURTH, dated the 18th day of February 1833, are directed in the said Clause to proceed.

6. And it is further enacted, that it shall be lawful for any Judge of the Supreme Court sitting at Colombo with Three Assessors, under the provisions of the 16th Clause of the Ordinance No. 9 of 1843, entitled as aforesaid, to exercise all the powers and authority in respect of the allowance or rejection of Appeals, which are exercised by the Supreme Court under the provisions of the 5th Clause of the 8th section of the Rules and Orders of the Supreme Court promulgated on the 1st of October 1833.

Passed in Council the Third day of December, One Thousand Eight Hundred and Forty-five.

W. D. RYDER,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 12, — 1845.** (*Repealed by Ordinance No. 18 of 1852.*) \*

*To enable the Officers of the Customs to remove Packages left on the Wharf at Colombo.*

**No. 12, — 1845.**

\* The repealed enactments relative to the Customs are not published at length.

No. 13,—1845.

No. 13,—1845.

*An Ordinance to regulate the Temporal Affairs of the Presbyterian Church in Kandy in the Island of Ceylon.*

Preamble.

WHEREAS by the Ordinance No. 1 of the present year 1845, entitled, "*An Ordinance to promote the building of places of Christian worship, and to provide for the maintenance of Ministers of the Christian Religion*," it is amongst other things provided, that before any sum of money shall be issued from the Colonial Treasury for the erection of any place of worship, Trustees shall be elected or appointed in such manner as shall be by any future Ordinance provided, in whom the real estate in the site of such place of worship or Minister's dwelling, or both as the case may be, and of any lands and hereditaments thereunto belonging, shall be vested upon such Trusts as shall in such future Ordinance be declared. And whereas it is proposed to erect a Presbyterian place of worship in the Town of Kandy, and a dwelling house for the Minister of such proposed place of worship has already been erected, and it is expedient that provision should be made, as well for the original nomination of Trustees, as for maintaining from time to time a proper number of duly qualified Trustees, in manner hereinafter mentioned, and for defining the manner in which the Trusts hereby created shall be fulfilled, and otherwise for regulating the temporal affairs of the said Presbyterian Church and Minister's dwelling with lands and hereditaments as aforesaid.

Original Trustees how appointed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the first or original Trustees of the Presbyterian Church aforesaid shall be elected and appointed in the manner following, that is to say, the persons who have subscribed towards the erection of the said place of worship and Minister's dwelling, or any Three or more of them, shall and may at any time after the passing of this Ordinance convene a meeting of the Subscribers (of the time and place of holding which, Fourteen days' notice shall have been previously published in the Government Gazette) at which meeting Three persons shall be elected by majority of votes to act as Trustees until Monday in the last week in December next ensuing after the said place of worship shall have been opened for Divine worship.

Trustees to rent out sittings in Church.

2. And it is further enacted, that on the completion of the said place of worship, and before or so soon as shall be practicable after the same shall have been opened for Divine service, the Trustees then in office shall, except as hereinafter excepted, rent out the sittings therein according to such general scale, and agreeably to such regulations for fixing the rates of seat rents and other matters connected therewith, as shall have been agreed upon by the majority of subscribers present at the meeting held for the election of such Trustees, or of any other meeting of subscribers to be specially convened by the said Trustees for that purpose.

Annual Meeting in December.

3. And it is further enacted, that upon Monday in the last week of every month of December after the said place of worship shall have been opened for Divine service, there shall be appointed for the year commencing on the 1st day of January then next ensuing, Three new Trustees, of whom One shall be appointed by the Minister of such place of worship for the time being, and Two by a majority of the seat-holders present at a meeting to be convened for that purpose by the Trustees for the time being, and to be holden at such hour and place as shall be specified in a notice to be posted for that purpose in some conspicuous place in such place of worship for at least Fourteen days previously to the day fixed for the holding of such meeting. Provided always, that nothing in this Clause contained shall be construed to prevent the re-appointment at any such meeting of all or any of the Trustees who shall at the time of such meeting be actually in office. And provided further, that in case the Minister shall fail to make such appointment, or the Trustees shall fail to call such meeting, or in case at any time there shall not be any duly appointed Trustee, it shall be lawful for the Governor and Executive Council to nominate so many persons as are required for completing the number of Trustees, to be Trustees until the next ensuing Annual meeting.

Vacancies in the office of Trustee, how filled up.

4. And it is further enacted, that in case of the death, incapacity, resignation or departure from the Island of any Trustee appointed or elected under the provisions of this Ordinance, before the expiration of the period for which he shall have been so appointed or elected, or in case any such Trustee shall be absent from the Colony, or be in a part thereof remote from the said place of worship for more than Six months in succession, or shall be a confirmed lunatic, or shall be or become disqualified to act in such capacity, it shall be lawful for the remaining Trustees to convene a Special meeting of seat-holders for the election of a new Trustee or new Trustees as the case may be, to supply the vacancy or vacancies so created during the remainder of that period. Provided, that no Trustee shall be permitted to

resign his office until he shall have duly accounted to the satisfaction of his co-Trustees for all sums of money at any time received by him in his said trust: And provided also, that where any such vacancy shall in any year arise after the month of June, no such new appointment shall be necessary, but the powers which by this Ordinance are given to the Trustees may, until the next Annual meeting, continue to be exercised by the remaining Trustees or Trustee. And provided always, that if any such vacancy shall occur among the first or original Trustees before the said place of worship shall have been opened for Divine service, it shall be lawful for the remaining Trustees (subject to the approval of the Governor and Executive Council) to fill up the same.

**No. 13,—1845.**

5. And it is further enacted, that the Minister of the said Church for the time being, shall *ex-officio* be entitled to be present at and to be the Chairman of all meetings of the Trustees, or other meetings concerning the affairs of the said Church, and shall at all such meetings be privileged to vote upon any question concerning the affairs of the said Church or concerning the Minister's dwelling thereof; and in case there should at any such meeting be an equality of votes, the Chairman, whether the Minister or other person, shall have a casting vote: and the Chairman of every meeting for the election of any Trustees or Trustee, under any of the provisions of this Ordinance shall, after signing the minutes thereof, transmit the names of the persons or person so elected, for the approval of the Governor and Executive Council.

Minister to be Chairman at meetings of Trustees.

6. And it is further enacted, that every person who shall be elected or appointed as Trustee for the said Presbyterian Church as aforesaid, shall be a member of the congregation of the said Church, either as a seat-holder or a communicant, and above the age of 21 years, and that any Trustee ceasing to be either a seat holder or a communicant, as the case may be, shall be held *ipso facto* to have resigned his office, and thereupon a new Trustee shall be elected in the manner provided by the 4th section of this Ordinance.

Who may be a Trustee.

7. And it is further enacted, that the said first or original Trustees, and all others who shall from time to time be hereafter elected as Trustees under any of the provisions of this Ordinance, shall during the time of their continuance in office, stand and be possessed of all the real estate in the site of such place of worship and Minister's dwelling, and of the buildings constructed or to be constructed thereon, and of the lands and hereditaments thereunto belonging or appertaining, and of all sums of money already given or subscribed towards the erection of the said place of worship or Minister's dwelling, and of all such sums of money as shall at any time hereafter be granted to them from the Colonial Treasury, and of all such donations and subscriptions as shall at any time hereafter be given or subscribed for the purpose aforesaid, or in aid of the funds of the said Church, and of all rents and revenues arising from the letting of pews or sittings, and of all fees and payments for vaults, monuments, tombstones and the like, and of all rents and revenues arising out of any of the lands or hereditaments belonging or appertaining to the said place of worship or Minister's dwelling or otherwise: upon trust in the first place, and until the said place of worship shall be erected and completed, to cause the same to be erected and completed according to such plan and specification thereof, as shall be approved by the Governor and Executive Council, and after the completion of the said place of worship to inclose the ground surrounding the same, and the Minister's dwelling which has been already erected, and to do other necessary works connected therewith; and also upon trust thereafter to pay and apply the said sums of money, donations, subscriptions, rents, fees, and revenues, for repairing, keeping up and maintaining the said place of worship and Minister's dwelling, and the said inclosure; and lastly upon trust to provide such articles as may be necessary for the proper celebration of Divine service in the said place of worship, and to pay the salaries of the clerk, servants, and officers employed in and about the same.

Objects of the trust.

8. And it is further enacted, that the said place of worship and Minister's dwelling shall, with their respective appurtenances be, and continue to be for ever dedicated to the purposes and holden solely for the uses, and be appropriated to the service of the religious denominations of Presbyterians adhering to the Westminster Confession of Faith, for which the same are or shall be originally erected.

Place of worship to be for ever holden for the purposes for which originally erected.

9. And it is further enacted, that it shall be lawful for the Trustees for the time being, subject to such general Rules as shall be from time to time established by the seat-holders at any such Annual meeting in December, to fix the amount which shall be payable for the rent of pews and seats in such place of worship, and the amount of fees which shall be payable for vaults, monuments and tombstones, and to let such pews and seats (subject to all existing rights therein, if any) in such manner and to such persons as they the said Trustees shall think fit; and to appoint, suspend, and remove all Church Officers and servants employed in or about such place of worship (the Minister's Clerk or Precentor excepted, who shall in

Trustees to let pews and seats, and manage the temporalities.

**No. 13, — 1845.**

each case be appointed and removed by the Minister only), and generally to manage the temporalities of such place of worship, and to fix the salaries or other remuneration of all such officers and servants (including such clerk as aforesaid.) And it is also hereby declared, that the said Trustees shall have no power or authority to appoint or dismiss the Minister of such place of worship.

Two Trustees to form a quorum.

10. And it is further enacted, that the Trustees for the time being shall upon all matters before them have each one vote, and any two of them shall form a quorum, and in the event of a difference of opinion between such Trustees on any occasion, the votes of any two of them (where three are present) shall be binding upon all; or in case of an equality of votes when the Trustees and the Minister are all present, the Minister shall possess a casting vote; and the Trustees for the time being shall have power from time to time to make bye-laws (such laws not being inconsistent with or repugnant to this Ordinance) for their general guidance, which laws shall be equally binding on and shall be observed by their successors until abrogated or altered by such successors.

Auditors to be elected at Annual meeting.

11. And it is further enacted, that at every meeting held in the last week of December as aforesaid, for the appointment of Trustees after the said place of worship has been opened for Divine service, Two indifferent persons shall be elected by and out of the seat-holders, to be Auditors of the accounts of the Trustees then about to quit office, and that in the month of January following the Trustees who have so quitted office shall cause a true and particular account of their receipts and expenditure during the period they have held office, duly audited and signed by the Auditors, to be transmitted to the Governor, in order that should it be deemed expedient by him, the same may be published in the Government Gazette for general information.

Minister to have right of access to Church, and use of house.

12. And it is further enacted, that it shall and may be lawful for the Minister of the said Church for the time being to have free access and admission to the said Church and the Burial-ground belonging thereto, and every part thereof, at all times as he shall think fit, and freely to exercise his spiritual functions therein, without any hindrance or disturbance of the Trustees of the same, or any person whatever; and such officiating Minister shall or may, during such time as aforesaid, freely use, have, possess, and enjoy the Minister's dwelling-house, and appurtenances belonging to the said Church, and shall or may, with the consent of the Trustees for the time being, but not otherwise, let the said dwelling house and appurtenances to any other person: Provided that no such liberty of access and admission to such house of residence as aforesaid, nor occupation of the same, for any length of time whatever, shall be construed to confer any right of property in the same upon the said Minister or other parties, by whom such dwelling house and the appurtenances may have been so occupied, nor any right or title to retain possession of the same after such Minister shall have been removed from his office, or after his resignation thereof, or during his absence from the Colony, or suspension from his office, nor shall the same be pleaded in bar of any ejection which may be brought, by or on behalf of the Trustees of the Church as aforesaid, for recovering possession of such house of residence and the appurtenances thereof.

Such possession not to confer right of property.

Trustees may sue and be sued.

13. And it is further enacted, that it shall be lawful for the Trustees for the time being to call in and compel the payment of all sums of money which are or at any time hereafter shall be due and payable to them under and by virtue of any of the provisions of this Ordinance, and in their own names to make and enter into, perform, and execute, and compel the performance and execution of all such contracts and agreements, matters and things, and to commence and maintain all such suits and actions as they shall deem necessary to the performance of the trust reposed in them. And all such contracts and agreements, shall and may be entered into and enforced, and all such suits and actions be brought by them, in the name of "The Trustees of the Presbyterian Church at Kandy" (*describing the place of worship by its name after it shall have been named*) without specifying the christian or surnames of the Trustees; and no action shall abate by reason of the death or removal or going out of office of any Trustee. And all suits or actions, the cause of which shall arise or accrue to any person whatsoever, from or by reason of any contract or agreement, or any other matter or thing made or entered into, done or performed by the said Trustees in the execution of the said trust, shall be brought by such person against the Trustees under the name and title aforesaid. Nor shall any Trustee, by reason of his being a plaintiff or defendant in any such suit, be prevented from being a witness therein.

Right of voting at meetings.

14. And it is further enacted, that the right of voting at every meeting convened in respect of such place of worship, shall, until the said place of worship shall be opened for Divine service as aforesaid, be vested in subscribers who have paid up their subscriptions previous

to the date of the notice to convene such meeting; and that from and after such time as the said place of worship shall have been so opened, the right of voting at every Annual meeting shall be vested in renters of sittings in the said place of worship who shall have duly paid up their rent. Provided always, that no such subscriber or renter of sittings shall on any occasion be allowed to give more than One vote, or to give any vote except in person; and provided that no person shall be entitled to vote who shall not be a male of at least Twenty-one years of age.

15. And it is further enacted, that it shall be lawful for any Trustees appointed or elected under the provisions of this Ordinance, to accept or take from persons willing to give the same, or from the Crown, subject to the provisions of any law now or hereafter to be in force relative to such gifts, any lands or premises adapted for the site of the place of worship to be erected under the provisions of this Ordinance, or of a Minister's dwelling, with a garden and other appurtenances thereunto, or any lands or premises adapted for the purposes of a Burial ground, or any lands or premises for the maintenance of such place of worship or of the Ministers thereof, and such land or premises so given shall be deemed and taken to be for ever vested in the Trustees of such place of worship for the time being in trust for the purposes thereof.

16. And it is further enacted, that on the completion of the said Church, one-sixth part of the whole number of sittings therein shall be appropriated to the use of the poor as Free sittings; and that if at any future period the number of sittings in the said Church shall be increased, there shall be appropriated to the use of the poor so many additional Free sittings, as that the number of free sittings shall always bear the same proportion to the whole number of sittings as is hereinbefore provided.

17. And whereas in the aforesaid Ordinance it is provided, that no sum of money shall be issued from the Colonial Treasury until the whole amount required to be furnished by subscription shall have been deposited in the Colonial Treasury, nor until a specification and plan of the intended place of worship or Minister's dwelling, or both as the case may be, shall have been submitted to the Governor and the Executive Council and approved of by them. And whereas in the case of the Presbyterian Church in Kandy, it has been made evident that the subscribers have completed the erection of a Minister's dwelling and have expended therein the sum of Six Hundred and Ten pounds; it is hereby enacted, that the said conditions so far as relates to the Minister's dwelling, shall be regarded as having been fulfilled, and the said sum of Six Hundred and Ten pounds shall be and is hereby held to have been paid into the Colonial Treasury.

18. And it is further enacted, that this Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken notice of as such by all Judges, Magistrates, and others, without being specially pleaded.

Passed in Council the Twelfth day of December, One Thousand Eight Hundred and Forty-five.

W. D. RYDER,  
*Acting Clerk to the Council.*  
Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 14,—1845.**

*An Ordinance relating to written Contracts for the hire and service of Pioneers and others in the employment of certain Departments of Government.*

WHEREAS by the Ordinance No. 5 of 1841, entitled "For the better regulation of Servants, Labourers, and Journeymen Artificers under Contracts for hire and service, and of their employers," it is provided, that no Contract or agreement in writing for the hire or service of any menial or domestic servant, labourer or artificer, shall be valid and binding under the provisions of the said Ordinance, if made for a longer period of hire and service than one year. And whereas in consequence thereof, great inconvenience is felt in certain Public Departments.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, it shall

**No. 13,—1845.**

Trustees to take grants of lands.

Free sittings reserved.

Certain conditions of former Ordinance declared to be fulfilled.

Ordinance to be deemed a public one.

**No. 14,—1845.**

Preamble.

Certain Officers of Government empowered to enter into

**No. 14,—1845.**  
written Contracts with workmen, &c. for three years.

Mode of entering into such Contracts and punishment of breaches thereof.

Contracts how to be determined.

Period of imprisonment or of absence without leave not to be considered as part of the period of service.

Penalty on seducing or attempting to seduce persons serving under the provisions of this Ordinance.

be lawful for the Civil Engineer, the Commissioner of Roads, the Surveyor General, or the Principal Officer in charge of the Survey Department, and their respective Assistants, to enter into any written Contract or Agreement on behalf of Her Majesty, for the hire and service of any person to be employed as a pioneer, overseer, artificer, or as a labourer, workman or servant of any description whatsoever, in and about the business of their respective Departments, for any period not exceeding Three years, anything in the said Ordinance No. 5 of 1841 to the contrary notwithstanding.

2. And it is further enacted, that all such written Contracts or Agreements shall be entered into, and breaches thereof, and misconduct by the parties thereto, shall be punished in such and the same manner as written Contracts or Agreements for any period exceeding one month and not exceeding one year, are required to be entered into and like breaches thereof or like misconduct by the parties thereto, are punishable under the provisions of the said Ordinance No. 5 of 1841.

3. Provided always and it is further enacted, that unless provision to the contrary be expressly made therein, no written Contract or Agreement entered into under the provisions of this Ordinance shall be determinable before the expiration of the period specified therein, except by the mutual consent of the contracting parties, or except when the party contracting to be employed shall be convicted of an offence, or have become a prisoner or incapable of service, and the Officer at the head of the Department in which he shall be employed, or his Assistant, shall elect to determine the same, or except for some other reason sufficient in law to set aside such Contract or Agreement.

4. And it is further enacted, that if any person having entered into any written Contract or Agreement under the provisions of this Ordinance, shall during the subsistence thereof have been imprisoned or have absented himself without leave, no part of the period of such imprisonment or of such absence, shall be deemed or taken to be a part of the period of his service, but he shall be compellable, at the option of his employer, to serve *bonâ fide* for the full period for which he shall have contracted to serve; and until such *bonâ fide* service shall have been completed, he shall continue and shall be subject to the provisions of this Ordinance.

5. And it is further enacted, that if any person shall wilfully and knowingly seduce or attempt to seduce from his service or employment any party being at such time bound by any written Contract or Agreement entered into under the provisions of this Ordinance, or shall wilfully and knowingly take any party while so bound into his service or employ, or shall wilfully and knowingly harbour or conceal any such party who shall have absented himself without leave from his service, every such person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, and in default of payment to imprisonment for any period not exceeding Three months.

Passed in Council the Twelfth day of December, One Thousand Eight Hundred and Forty-five.

W. D. RYDER,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 1,—1846.**

**No. 1,—1846.**

Preamble.

Repeal of former Ordinances.

*An Ordinance to amend the Law relating to the Post Office, and for revising the rates of Postage.*

WHEREAS it is expedient that the Ordinance No. 8 of 1836, entitled "*For protecting the Revenue derived from the Post Office, and for revising the rates of Postage,*" and the Ordinance No. 10 of 1841, entitled "*To provide for the transmission of Letters to and from this Island by extraordinary Express,*" should be repealed.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Ordinances No. 8 of 1836, and No. 10 of 1841 be repealed, except so far as the said Ordinance No. 8 of 1836 repeals any Regulations and Orders of this Government, and except so far as the Ordinance No. 10 of 1841, indemnifies the Postmaster General for charges made previously to the passing of that Ordinance.



2. And it is further enacted, that it shall not be lawful for any person to transmit or convey any letter or letters from any part of these Settlements, to any other part thereof by any other means than by or through the Post Office establishment, with the following exceptions, that is to say, letters from or to any place not being in the line of road along which the Post travels; letters concerning goods or other property to be delivered, such letters being sent with or for the purpose of being delivered at the same time as the property they concern, without hire or reward for receiving or delivering the same; letters to be sent by any private friend or friends in their way, journey or travel, so as such letters shall be delivered by such friend to the party to whom they may be directed; or by any messenger sent on purpose for or concerning the private affairs of the sender or receiver thereof. And no person shall make a collection of such letters hereby excepted, for the purpose of sending them in the manner hereby authorized. And the following persons are expressly forbidden to carry a letter, or to receive or collect or deliver a letter, although they shall not receive hire or reward for the same, that is to say:

Common known Coach proprietors, their drivers, servants or agents, except letters sent by persons on any public line of road, from one station to another, where no Post Office is established between such two stations.

Owners, Masters or Commanders of Ships or Boats employed by Government, for the conveyance of the Public Mails.

And every person transmitting, conveying, collecting, carrying, receiving, or delivering any letter contrary to the provisions of this Clause, shall be guilty of an offence, and be liable, on conviction, to any fine not exceeding One Pound for every letter in respect of which any such offence shall have been committed. And it shall be lawful to include any number of offences against this Clause committed by the same person, in one and the same information or complaint, and it shall be competent to any Police Court to take cognizance of any number of offences so included as aforesaid, and to award in respect thereof, the full amount of punishment to which the offender is herein declared to be liable on conviction.

3. And it is further enacted, that upon all letters and packets to be transmitted by or through the Post Office Establishment, to or from any place within these Settlements, there shall be levied the rates of Postage, according to distance, specified in the Schedule A. to this Ordinance annexed.

4. And it is further enacted, that letters transmitted by the Post, shall be charged by weight according to the following scale, and that the several numbers of Rates of Postage hereinafter set forth, shall be thereon charged by and be paid to the Post Master General, for the use of Her Majesty, that is to say:

On every letter not exceeding half an ounce in weight, one rate of postage.

On every letter exceeding half an ounce, and not exceeding one ounce in weight, two rates of postage:

On every letter exceeding one ounce, and not exceeding two ounces in weight, four rates of postage:

On every letter exceeding two ounces, and not exceeding three ounces in weight, six rates of postage:

On every letter exceeding three ounces, and not exceeding four ounces in weight, eight rates of postage:

And for every ounce in weight, above the weight of four ounces, there shall be charged and taken two additional rates of postage, and every fraction of an ounce above the weight of four ounces, shall be charged as one additional ounce.

And all letters transmitted from one part of these Settlements to another, not exceeding a quarter of an ounce in weight, shall be charged as one half a rate.

5. And it is further enacted, that His Excellency the Governor or Lieutenant Governor of these Settlements for the time being, and the Hon'ble the Colonial Secretary, shall be entitled to send and receive all letters and packets free of postage except as hereinafter excepted.

6. And it is further enacted, that the following persons not residing in Ceylon, shall be permitted to send and receive all letters through the Post Office of this Island free of postage. The Governor General and Governors of the Presidencies of British India; the Commanders in Chief in British India, and the Naval Commander in Chief; the Metropolitan

**No. 1, — 1846.**

Exclusive privilege of Post Office.

Exceptions therefrom.

Special prohibitions.

Rates of Postage.

Postage to be charged by weight.

Authorities to frank without restriction.

Non-resident authorities allowed to frank.

**No. 1, — 1846.**

Bishop of Calcutta; the Secretaries to the Supreme Government, and the Secretaries to Government at the several Presidencies of British India, and the Governors and Colonial Secretaries of any of Her Majesty's Colonies within the limits of the Charter of the East India Company.

**• Postage on Newspapers.**

7. And it is further enacted, that One Penny only shall be charged on every printed Newspaper transmitted by or through the Post Office Establishment of this Colony, such Penny to be paid on putting the same into the Post Office, when such Newspapers are sent to any place within or beyond these Settlements, and such Penny to be paid on delivery when such Newspapers are received from places beyond these Settlements.

**Mode of sending Newspapers.**

8. And it is further enacted, that no Newspaper shall be sent by Post at the above rate of One Penny, unless the following conditions shall be observed :

First, it shall be sent without a cover, or in a cover open at the sides.

Second, there shall be no word or communication printed on the paper after its publication, or upon the cover thereof, nor any writing or marks upon it, or upon the cover of it, except the name and address of the person to whom sent.

Third, there shall be no paper or thing enclosed in or with any such paper.

**Examination of Newspapers.**

9. And it is further enacted, that the Post Master General may examine and authorize to be examined, any printed Newspaper or Official Gazette sent by Post, and if any other paper or writing whatsoever be enclosed or concealed in any such printed Newspaper, or there shall be any communication or writing thereon, or on the cover thereof, except the name and address of the person to whom it is sent, or any other necessary direction as to its delivery or transmission, it shall be charged with Treble the Duty of letter postage, which the person to whom the same is sent, receiving the same after notice thereof, shall be obliged to pay, or in case he refuses to receive it, shall be paid by the person sending, if he can be ascertained and be residing within these Settlements. Provided always, that all Official Gazettes shall pass free of postage within these Settlements.

**Postage on and mode of sending Magazines, &c.**

10. And it is further enacted, that all periodical Magazines and printed periodical Pamphlets, whether issuing from the press of this Island or elsewhere, shall, if sent without a cover open at the sides, be charged with a postage of One penny. Provided such Magazine or periodical Pamphlet shall not exceed the weight of One ounce, and if the same shall exceed the weight of One ounce, then at the rate of One penny for every additional ounce or fraction of an ounce, but no fractional parts of One penny shall be charged; and the Post Master General or persons by him authorized shall at all times have the liberty of inspecting such Magazines and Pamphlets, to ascertain whether any other paper or communication be concealed or inserted therein not belonging thereto; and in case any other paper or communication be found therein, or it be not sent open at both ends as aforesaid, full postage shall be chargeable on such Magazine or Pamphlet, as on a letter of the same weight. Provided always, that nothing herein contained shall be construed to oblige any person to send any printed Newspaper, Magazine or Pamphlet through the Post Office, but that it shall be lawful for all persons to send the same in any manner most practicable or convenient. And provided further, that the privilege of franking shall not extend to any printed Newspaper, Magazine or Pamphlet transmitted through the Post Office.

**Newspapers, &c. need not be sent by Post.****Cannot be franked.****Governor to make rules for transmission of parcels.**

11. And it is further enacted, that the transmission of parcels by the Post shall only take place at such period or periods, and to and from such parts of these Settlements, and at such rates or charges, and with such limitations as to their weight, size, and the nature of their contents, as shall from time to time by previous advertisement in the Gazette, be directed by the Governor or Lieutenant Governor for the time being.

**Parcels when to be sent to Customs.**

12. And it is further enacted, that it shall be lawful for the Post Master General or any of his Deputies, to detain any post letter or parcel suspected to contain any contraband goods, and to forward the same to the nearest Collector or Sub-Collector of Customs, that he may ascertain whether the contents thereof are liable to duty. And the Post Master General, or one of his Deputies, shall give notice to the party to whom such parcels sent to the Custom House may be addressed, of their having been so sent, and of the rate of postage due on the same, which postage shall be collected by the Custom House Officers and sent to the Post Office.

**Postage on Overland letters.**

13. And it is further enacted, that all letters received or sent by Mail by way of the Red Sea, whether the same shall be received or sent by way of Bombay or Point de Galle, or shall be brought to Ceylon by private ships, shall be charged with the postage duty of One shilling each single rate, at whatever place they may be delivered, or from whatever place

they may be sent within this Colony, and that no additional Inland Postage shall be charged on the same : and no privilege of franking shall extend to letters transmitted or received by way of the Red Sea, the Public Despatches and Letters being *bonâ fide* on the Public Service only excepted.

14. And whereas the Post Master General may already have been, or may hereafter be directed to levy certain charges on behalf of Her Majesty's General Post Office in London, under the denomination of Red Sea postage, foreign Europe postage, prepaid British postage, Intercolonial postage, or similar charge; it is hereby enacted, that on such directions being published in the Government Gazette of this Colony, it shall be lawful for the Post Master General to levy such extra charges in addition to the Colonial rates in the foregoing clause laid down.

15. And it is further enacted, that on every letter which shall be brought to Ceylon by any vessel not sent by the way of the Red Sea, from any Part or place beyond sea, there shall be a sea postage of Four-pence and on every letter which shall be sent through the Post Office to any part beyond sea, a sea postage of Two-pence, besides any postage chargeable thereon for previous or subsequent transmission inland.—And for the encouragement of the Masters or Commanders of vessels, to deliver to the Post Office any loose letters or packets brought by any such vessel, it shall be lawful for the Post Master General to allow to the Commander or Master of every vessel arriving as aforesaid the sum of Two-pence for each letter or packet, and One penny for each Newspaper not being enclosed in the ship Mails of the General Post Office of the United Kingdom, by him delivered or caused to be delivered at the Post Office of the first Port he may arrive at in these Settlements.

16. And it is further enacted, that the Master or other person in command of every vessel sailing from any Port of these Settlements, shall receive on board and convey all Mails and bags of letters which shall be delivered or caused to be delivered to him by the Post Master General or any of his Deputies, and every Master or other person in command of any vessel about to proceed to sea, shall be and he is hereby required either by himself or his agent to give notice thereof in writing to the Master Attendant, and to hoist a Blue Peter at least Twenty-four hours before the time of departure; and every such Master or other person acting contrary to the provisions of this Clause, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Fifty pounds.

17. And it is further enacted, that on the arrival of any vessel off the Coast of Ceylon, the Master or person in chief command thereof shall cause all letters on board to be collected, and at the first Port send the same on shore by his own boat or by the pilot boat, or any other safe and convenient opportunity, in order that the same may be delivered at the first regular Post Office which can be communicated with, and shall at such Port sign a Declaration in the presence of the person authorized by the Post Master General at such Port, who shall also sign the same, and the Declaration shall be in the form or to the effect following that is to say,

“ I, A. B., Commander of the (state the name of the ship or vessel) arrived from (state the place) do, as required by law, declare, that I have to the best of my knowledge and belief, delivered, or caused to be delivered to the Post Office, every letter, bag, package or parcel of letters that were on board the (state the name of the ship)”.

And until such Declaration shall be made and produced, no Collector, Comptroller, or principal Officer of the Customs shall permit such ship or vessel to report, or to break bulk or to make entry in any Port; and in case such Declaration shall be false, the person making the same shall be guilty of an offence, and be liable, on conviction, to a fine of Ten pounds.

18. And it is further enacted, that it shall be lawful for any Officer of Customs at any Port or place in these Settlements, who in the due execution of his duty as a Revenue Officer shall discover any letters or packets on board any vessel in any Port or place whatsoever, contrary to the provisions of this Ordinance, to seize and take all such letters and packets, and to forward the same to the Post Master General or his Deputy at such Port or place; and that the officer seizing and sending the same shall be entitled to one moiety of any penalty which may be imposed and be recovered for any such offence.

19. And it is further enacted, that all letters or parcels directed to any place in India and transmitted by land, shall be charged as far as the boundary of this Island, and that all letters or packets coming from India by land shall be charged as from the boundary of this Island.

20. And it is further enacted, that money, jewels, ornaments, or other valuable articles sent by Post, shall be received and forwarded at the entire risk of the person sending the

**No. 1,—1846.**

Postage to be levied by order of Post Master General in London.

Postage on Ship letters.

Allowance to Masters.

Masters to receive Mails.

Master to land letters at first Port.

And make Declaration.

Penalty.

Seizure of letters unlawfully on board.

Postage on letters to or from India.

Money &c. sent by Post.

**No. 1, — 1846.**

same, and the letter or packet containing the same shall be charged with the letter Postage according to the weight thereof.

**Letters refused.**

21. And it is further enacted, that all letters which the persons addressed shall refuse to receive, shall be returned to the Office from whence they were despatched, and the persons sending the same, if in these Settlements, shall be charged with the original Postage, and all letters addressed to persons who cannot be found at the place of address, shall be returned (without charge) either to the person sending them or to the Office from whence they were first despatched, and in the latter case they shall be entered in a list to be exposed in the most public part of such Office, and, from time to time the list shall be sent to the Post Master General to be published in the Government Gazette.

**Persons opening to pay.**

22. And it is further enacted, that any person opening a letter or envelope to his address, shall be bound to pay the postage of the same, whatever may be the contents; but it shall be lawful for the Post Master General to remit the postage of any letter so opened, which shall appear to have been opened by mistake, or sent maliciously to annoy or to have the person addressed charged with the postage thereof.

**Letters of sailors & soldiers.**

23. And it is further enacted, that the following classes of persons may both send and receive letters not exceeding half an ounce in weight by the Post, on their own private concerns, at a Postage of One penny for each letter; namely,

Every seaman employed in Her Majesty's Navy, or in the employ of the Government of these Settlements, whilst such seaman shall be actually so employed at any Port of this Colony.

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in Her Majesty's Regular forces, Artillery, or Royal Marines, whilst actually employed in Her Majesty's service in this Colony.

But the letters of Commissioned Officers or Warrant Officers, whether in the Army or Navy, or Midshipmen or Master Mates of the Navy, are not included in this provision.

And with respect to letters sent by any such privileged persons, the following conditions shall be observed; that is to say, the Postage of such letters shall be paid on being put into a Post Office, and upon such letter shall be superscribed the name of the writer, and his class or description in the Vessel, Regiment, Corps, or Detachment to which he shall belong; and upon such letter there shall be written in the handwriting of the Officer having at the time the command of the Vessel, or of the Regiment, Corps, or Detachment, to which the privileged person belongs, the name of such Officer and the name of such Vessel, or of such Regiment, Corps, or Detachment.

And with respect to letters received by the Post by any of the said privileged persons, the following conditions shall be observed; the Postage of such letters (unless sent from parts beyond the seas) shall be paid upon putting it into a Post Office, and it shall be directed to the privileged person, specifying on the superscription thereof, the Vessel, or the Regiment, Corps, or Detachment to which he shall belong, and the Post Master General or his Deputy at the place to which such letter shall be sent to be delivered, shall not deliver such letter to any person except the person to whom it shall be directed, or to some person appointed to receive the same, by writing under the hand of the Officer in command.

**Not to extend to foreign Postage.**

24. And it is further enacted, that the said privilege shall not extend to any letters liable to any foreign rates of Postage.

**Letters re-directed.**

25. And it is further enacted, that any letters received by the Post by any Commissioned Officer which may have been re-directed on account of the removal from one place to another of such Officer on public duty, shall not be charged with any additional Postage, on or in respect of such re-direction.

**Officer improperly signing.**

26. And it is further enacted, that if any person having the command of the Vessel, Regiment, Corps or Detachment, and who is hereby directed to write his name, and the name of the Vessel, Regiment, Corps or Detachment commanded by him, upon any single letter from any such seaman, serjeant, corporal, trumpeter, drummer, fifer or private soldier, shall wilfully and knowingly write his name upon any such letter that is not from any such seaman, serjeant, corporal, trumpeter, drummer, fifer or private soldier, and on his or their own private concerns only, such Commanding Officer shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds. And it is further enacted, that if any person not having at the time the command of the Ship, Vessel, Regiment, Corps or Detachment,

shall write his name upon any such letter, in order that the same may be sent at a lower rate of Postage than by law established, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

27. And it is further enacted, that if any person or persons whatsoever, shall knowingly and designedly address a letter or letters to any such seaman, serjeant, corporal, trumpeter, drummer, fifer or private soldier, which shall be intended for another person, or which shall be concerning the affairs of another person, with intent to evade the payment of the rate of Postage by law established, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

28. And it is further enacted, that if any person whosoever shall procure any such seaman, serjeant, corporal, trumpeter, drummer, fifer or private soldier, to obtain the signature of his Commanding Officer to any letter or letters to be sent by the Post, which shall not be on the private concerns of such seaman, serjeant, corporal, trumpeter, drummer, fifer or private soldier; or if any such seaman, serjeant, corporal, trumpeter, drummer, fifer or private soldier, shall himself obtain the signature of his Commanding Officer upon any letter or letters which shall not be from such seaman, serjeant, corporal, trumpeter, drummer, fifer or private soldier, and upon his own private concerns only, in order to avoid the payment of the rate of Postage by law established, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five pounds.

29. And it is further enacted, that no person shall be deemed incompetent to give evidence at the trial of any party for any offence created by this Ordinance by reason of any reward or benefit to which such person would be entitled upon the conviction of such offender.

30. And to the end that the Post Master General and his Officers may not be hindered in their respective employments, it is further enacted, that no Post Master General, nor any person employed by or under the Post Office, shall be compelled to serve on any Jury or Inquest, any Ordinance to the contrary thereof notwithstanding.

31. And it is further enacted, that any person who being employed in any capacity in, by or under the Post Office, shall secrete, steal, destroy, mutilate or break open any letter, packet or parcel, which shall have been put into the Post Office for transmission, whether any thing valuable be therein contained or not; or who, being so employed, shall steal or take out of any such letter, packet or parcel, any draft, promissory note or any other contents whatsoever, or who shall not duly account for any money by him received on account of Postage, shall be guilty of an offence, and liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Seven years; and every act committed by any person so employed as aforesaid, in respect of any letter, packet or parcel, or any thing therein contained, or of any money received by him on account of Postage, which by the law of England would amount to an act of embezzlement, shall be deemed and taken throughout this Colony to be an act of theft in respect of such letter, packet, parcel or thing contained therein, or money so received as aforesaid, and shall be punished as such.

32. And it is further enacted, that every person employed to convey or deliver a post letter bag or a post letter, who shall be guilty while so employed of any act of drunkenness, carelessness, or other misconduct, whereby the safety of a post letter bag or a post letter shall be endangered, or who shall collect or receive, or convey or deliver a letter otherwise than in the ordinary course of the Post, or who shall not use proper care and diligence safely to convey a post letter bag or a post letter according to the regulations of the Post Office for the time being, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

33. And it is further enacted, that every person employed by or under the Post Office who shall, contrary to his duty, open, or procure, or suffer to be opened a post letter, or shall wilfully detain or delay, or procure, or suffer to be detained or delayed a post letter, shall be guilty of an offence, and on conviction thereof, shall be liable to any fine not exceeding Twenty pounds, or to imprisonment with or without hard labour for any period not exceeding Twelve months. Provided always, that nothing herein contained shall extend to the detaining or delaying, or opening by the Post Master General of a post letter returned for want of a true direction, or of a post letter returned by reason that the person to whom the same shall be directed is dead or cannot be found, or shall have refused the letter, or shall have refused or neglected to pay the Postage thereof.

34. And it is further enacted, that every person who shall fraudulently retain, or shall wilfully secrete, or keep, or detain, or being required to deliver up by an Officer of the Post

**No. 1, — 1846.**

Letters improperly addressed to seamen, &c.

Persons improperly procuring Officer's signature.

Officers of Post Office not disqualified from being witnesses.

Exempted from serving as Jurors.

Theft of letter or packet.

Neglect of duty by Post Office officer.

Opening or delaying letters.

Fraudulent or wilful detention of letters.

**No. 1,—1846.**

Office, shall neglect or refuse to deliver up a post letter which ought to have been delivered to any other person, or a post letter bag or post letter which shall have been sent, whether the same shall have been found by the person secreting, keeping, or detaining, or neglecting, or refusing to deliver up the same, or by any other person, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, for any period not exceeding Twelve months.

Detention of Post Office messenger, &c.

35. And it is further enacted, that it shall be unlawful for any person whomsoever to detain a Post Office messenger whilst carrying the Mails, or on any pretence to open a packet in transit from one Post Office to another within these Settlements; and any person so doing, whether he take any letter from such packet or not, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

Property to be laid in Her Majesty.

36. And it is further enacted, that in every case where an offence shall be committed in respect of a post letter bag or a post letter, or a chattel, money, or a valuable security, sent by the post, the property of the post letter bag or of the post letter, or chattel, or money, or the valuable security sent by the post, shall be laid, when necessary to be laid at all, in Her Majesty, and it shall not be necessary in any information or complaint to allege or to prove upon the trial or otherwise that the post letter bag or any such post letter or valuable security was of any value; and in any information or complaint to be preferred against any person employed under the Post Office for any offence committed against this Ordinance; it shall be lawful to state and allege that such offender was employed under the Post Office at the time of the committing of such offence, without stating further the nature or particulars of his employment.

When offender may pay amount of fine into Court.

37. And it is further enacted, that whenever any person shall be guilty of an offence against this Ordinance, the punishment, or any one of the punishments of which shall be a fine, it shall be lawful for any Court which would have authority to try such offence, to accept payment on behalf of Her Majesty from such offender of the amount of fine to which such offender would have been liable on conviction, upon presentation to such Court of a Certificate signed by the Queen's Advocate or some Deputy Queen's Advocate, that such officer is consentient to the receipt of such payment; and no person having made such payment shall thereafter be triable for the same offence.

Postage duties debts to Her Majesty.

38. And it is further enacted, that all Duties of Postage payable by virtue of this Ordinance, shall be deemed and taken to be debts due to Her Majesty and may be sued and recovered in such and the same manner and form as any other debt of the like amount due to Her Majesty, and it shall be lawful for the Post Master General or any of his Deputies, or for any person authorized in that behalf by writing under the hand of the Post Master General, or of any of his Deputies, to appear and represent Her Majesty in any suit or other proceeding which shall be instituted in any Court of Requests for the recovery of any debt which shall have become due under the provisions of this Ordinance.

One moiety of fine goes to informer.

39. And it is further enacted, that a share not exceeding one moiety of every fine imposed under this Ordinance and actually recovered, shall be awarded to the informer.

Deputy Post Master General may exercise same powers and privileges as Post Master General.

40. And it is further enacted, that all powers and privileges vested in and all duties required to be performed by the Post Master General, under the provisions of this Ordinance, shall and may be exercised and performed by any Deputy Post Master General, within such limits as he shall be appointed to act by or under the authority of the Governor.

Governor and Executive Council may make rules to regulate hours for posting letters, &c.

41. And it is further enacted, that it shall be lawful for the Governor, from time to time, with the advice of the Executive Council, to make such Rules as shall appear expedient for the transmission and payment of all Official letters, and parcels, and for regulating the hours during which the several Post Offices in this Colony shall be kept open for the reception of letters, Newspapers, and parcels, and to direct that any or all of such Post Offices shall be open for the reception thereof, out of such regular hours, upon payment for every such letter, Newspaper, or parcel, so posted out of the regular hours, of such extra charge as to the said Governor, with the advice aforesaid, shall from time to time appear expedient.

Persons sending private letters as official.

42. And it is further enacted, that any person sending, and any public officer, permitting to be sent by Post, under colour or pretence of an official communication, any letter, paper, writing or other enclosure of a private nature, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour, not exceeding Three months.

Governor to fix Postage for expresses.

43. And it is further enacted, that it shall be lawful, whenever any letters, or parcels, may have been forwarded by express from one place to another, within this Colony, for the

Post Master General, to charge such extra rates for the conveyance of such letters or parcels by express, as may be approved of by the Governor and the Executive Council.

No. 1,—1846.

44. And it is further enacted, that for the purposes of this Ordinance, the term Post Master General, shall mean the Post Master General of this Island, or person for the time being lawfully executing the duties thereof; and that the term letter shall include packet, and the term packet shall include letter, and the term Newspaper shall include every *bonâ fide* supplement to a Newspaper, and the term Post letter shall mean any letter or packet transmitted by the Post under the authority of the Post Master General; and a letter shall be deemed a Post letter from the time of its being delivered to a Post Office, to the time of its being delivered to the person to whom it was addressed; and the delivery to a letter carrier or other person authorized to receive letters for the Post, shall be a delivery to the Post Office; and a delivery at the house or office of the person to whom the letter is addressed or to him or to his servant, or agent, or other person considered to be authorized to receive the letter according to the usual manner of delivering that person's letters, shall be a delivery to the person addressed.

Interpretation of terms.

45. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of February 1846.

Ordinance when to take effect.

SCHEDULE A.

SINGLE RATES OF INLAND POSTAGE.

Under 25 miles	... ..	2d. per single rate.
50	... ..	3d. "
100	... ..	6d. "
150	... ..	9d. "
Exceeding 150	... ..	12d. "

Half these rates on letters not exceeding ¼ oz. in weight.

Passed in Council the Fifth day of January, One Thousand Eight Hundred and Forty-six.

W. D. RYDER,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

No. 2,—1846. *Disallowed.\**

To provide for the management of Budhist Wihares and Dewales in the Kandyan Provinces.

No. 2,—1846.

No. 3,—1846. (*Section 4 repealed by Ordinance No. 9 of 1852.*)

For improving the Law of Evidence in this Colony.

No. 3,—1846,

WHEREAS it is expedient that the improvements from time to time made in the Law of Evidence in force in that part of the United Kingdom of Great Britain and Ireland called England, should be introduced into the Law of Evidence in force in this Colony; and it is also expedient to alter, amend, and declare, in certain respects, the Law of Evidence within this Colony.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the Ordinance No. 6 of the year 1834, entitled "*An Ordinance declaring English Rules of Evidence to be in force in this Island, unless in cases otherwise expressly provided for by Law: and prescribing the course by which Evidence is to be obtained in certain cases,*" shall be and the same is hereby repealed, save and except as to the repeal thereby of any former Law, Regulation or Ordinance. And that from and after the passing of this Ordinance, any and every of the provisions of the Roman-Dutch Law, by which the law, or any rule, or question of Evidence, touching any matter or thing whatsoever, shall or may have been, or may now be regulated, prescribed or determined, shall be and the same are hereby wholly abrogated, rescinded, and repealed.

Repeal of Ordinance No. 6 of 1843.

2. And it is further enacted, that except in so far as is hereinafter excepted and provided, all such evidence shall be admissible, and such and no other evidence shall be required for

Law of Evidence of England to be the Law of Evidence of this Colony.

\* This Ordinance was not promulgated.

## No. 3,—1846.

the proof of any act, matter or thing whatsoever, in any action, suit, prosecution, matter or proceeding depending in any of the Courts of this Colony, as would at the same period be admissible or be required for the proof of any act, matter or thing in any similar action, suit, matter or proceeding depending in any of Her Majesty's Courts of Record of Westminster, whether of equity or law; and no evidence shall be admissible in any action, suit, prosecution, matter or proceeding depending in any of the Courts of this Colony, which would not at the same period be admissible in any similar action, suit, prosecution, matter or proceeding depending in any of Her Majesty's said Courts of Record of Westminster.

Provision as to the requirements of particular modes of proof by any Ordinance in force in this Colony.

3. Provided always and it is further enacted, that where by any Regulation or Ordinance in force within this Colony, provision has been or shall hereafter be expressly made touching the nature, quality, admissibility, or effect of the Evidence to be adduced in proof of the execution of any Will, Deed, or Instrument, or in proof of any matter or thing whatsoever; or touching the examination of the parties to Civil suits; or in any other way prescribing or regulating any matter of Evidence, such Regulation or Ordinance shall be and be deemed and taken to be the Law of Evidence of this Colony in respect of the matters and things therein expressly provided for, any thing contained in the Law of Evidence of England in relation thereto to the contrary notwithstanding.

4. Provided also and it is further enacted, that it shall be lawful for any Court before which any Civil suit or proceeding shall then be depending, and the said Court upon the application to that effect by any party to such suit or proceeding is hereby required in any case in which such Court shall consider it necessary or conducive to the due administration of Justice, that such application should be granted, to receive the supplementary oath or affirmation of such party in further proof of any material fact in dispute between the parties, of which the Evidence adduced by him is insufficient or incomplete, provided the Evidence already adduced shall amount to the *semi-plena probatio* of the Civil Law, and the statement of any such party made upon oath or affirmation as aforesaid, shall be received and weighed by the Court as any other Evidence in the cause; and it shall also be competent for any party to any such suit or proceeding, if he shall be so advised, to defer the matter or matters of fact in dispute to the oath or affirmation of the adverse party, in which case the statement of such adverse party as to such matter or matters of fact made upon oath or affirmation as aforesaid, before the Court in which such suit or proceeding shall be depending, shall be finally conclusive between the parties: and it shall also be competent for the Judge of any such Court in any such suit or proceeding, if he shall consider that it would be conducive to the ends of Justice, to examine on oath or affirmation in open Court, both, or any, or all of the parties thereto, and the statement of any such party or parties so examined as aforesaid shall be received and weighed by the Court as any other Evidence in the cause, any thing contained in the 14th Clause of the Ordinance No. 12 of 1843, entitled, "*An Ordinance to make certain alterations in the constitution of District Courts,*" or in the 7th Clause of the Ordinance No. 10 of 1843, entitled, "*An Ordinance for the establishment of Courts of Inferior Civil Jurisdiction, to be called Courts of Requests,*" to the contrary notwithstanding. Provided always and it is hereby further declared and enacted, that if any such suit or proceeding shall be brought by or against the Queen's Advocate in his official capacity, it is not nor shall it be lawful for the adverse party in such suit or proceeding, or for the Judge of the Court to examine or to order or permit the examination of the Queen's Advocate or of any Deputy Queen's Advocate or of any person duly authorized to appear on behalf of the Queen's Advocate or of any Deputy Queen's Advocate, whether upon oath or affirmation or otherwise, as to any matter or thing whatsoever relating to such suit or proceeding, nor shall it be lawful for any party in any such suit or proceeding, to defer any matter in dispute to the oath or affirmation of the Queen's Advocate, any thing contained in this Ordinance or in either of the hereinbefore recited Ordinances, or in the 10th and 29th Rules of the 1st section of the General Rules and Orders for regulating the forms of proceeding in District Courts or in any other General Rule of Practice of any of the Courts of Civil Judicature within this Colony, that is now or shall hereafter be in force to the contrary notwithstanding.

Certain practical Rules of the Law of Evidence of England not hereby introduced into the Law of Evidence of this Colony.

5. Provided also and it is further enacted, that the several Practical Rules and provisions forming part of, or incorporated with the Law of Evidence of England touching the attendance of witnesses, the method of enforcing such attendance, the payment of the expenses of witnesses, the remedies for the non-attendance of witnesses and the like, as also touching the inspection of public writings and of private documents; as also touching Bills of Exceptions and Demurrers to Evidence; and also relating to matters of Pleading and Practice, which are now or shall hereafter be regulated by any General Rule or Rules of Practice which have been or may hereafter be lawfully and duly made and promulgated by the Judges of the Supreme Court, or by any other competent authority; are not, and shall not be considered as introduced by this Ordinance into, or by the authority thereof, as hereafter forming part of the Law of Evidence of this Colony.

Religious opinions &c., no ground of incompetency in a witness.

6. And it is further enacted, that no evidence shall be holden to be inadmissible or be rejected by reason of any objection founded upon the religious belief or opinions of any



person having given or being about to give the same, any thing in the law of Evidence of England to the contrary notwithstanding, and that if upon the production of any person to be sworn before any Court, it shall appear to such Court, upon objection being taken or otherwise, that the evidence of such person would not be admissible according to the law of England, by reason of his religious belief or opinions, such Court shall and may direct such person to make a solemn affirmation or declaration in lieu of being sworn, in such and the same manner as persons not professing the Christian Religion and certain other persons are required to make a solemn affirmation or declaration in lieu of making oath by the Ordinance No. 3 of 1842, entitled "*For the substitution of solemn affirmations in lieu of oaths in certain cases.*" And every such solemn affirmation or declaration shall be of the same force and effect as an oath. And every person who having made such solemn affirmation or declaration, shall wilfully give false Evidence, shall be guilty of an offence, and be liable, on conviction thereof, to such and the same punishment as if such person had been convicted of perjury, and every party causing or procuring any such person to give such false evidence, shall be guilty of an offence, and be liable, on conviction thereof, to such and the same punishment as if such party had been convicted of subornation of perjury.

7. And it is further enacted, that it shall be lawful to and for each of the Courts of Record of this Colony, and the several Judges thereof, in every Civil suit or proceeding depending in such Court, upon the application of any of the parties to such suit or proceeding, to order the examination upon interrogatories, or *viva voce*, before such person or persons as shall be named in such order, of any of the other parties to such suit or proceeding, or of any witnesses residing or being within the jurisdiction of the Court where the suit or proceeding shall be depending, or to order a Commission to issue to such person or persons as shall be named therein, for the examination upon interrogatories or *viva voce*, of the other parties to such suit or proceeding, or of any witnesses resident or being at any place or places out of such jurisdiction; and by the same or any subsequent order or orders, to give all such directions touching the time, place, and manner of such examinations, as well within the jurisdiction of the Court wherein the suit or proceeding shall be depending, as without, and all other matters and circumstances connected with such examinations as may appear reasonable and just. And every examination so taken as aforesaid, shall be certified under the hand of the Commissioners or other person or persons taking the same, and by him or them delivered or transmitted, together with any writings or documents which may have been produced by the parties or witnesses so examined, in a sealed envelope or cover to the Court by which, or by the Judge of which, the order or commission was made or issued. Provided that no informality or irregularity in the mode of delivery or transmission to the Court of such examination shall constitute a valid objection to the reading and receiving of such examination as evidence at the trial.

8. And it is further enacted, that when any order shall be made by authority of this Ordinance, for the examination upon interrogatories or *viva voce* of parties or witnesses resident or being within the jurisdiction of the Court making the same, it shall be lawful for such Court, or any Judge thereof, in and by the first or any subsequent order to be made in the matter, to command the attendance of any person to be named in such order, for the purpose of being examined, or the production of any writings, or other documents, to be mentioned in such order, and to direct the attendance of any such person to be at his own place of abode, or elsewhere, if necessary or convenient so to do; and the wilful disobedience of any such order shall be deemed a contempt of Court, and proceedings may be had thereupon, as in other cases of contempt, if in addition to the due service of the order, an appointment of the time and place of attendance in obedience thereto, signed by the person or persons appointed to take the examination, or by one or more of such persons, shall be also served together with or after the service of such order, and a reasonable time before the time of attendance so appointed. Provided always, that every witness whose attendance shall be so required, shall be entitled to the like payment for travelling expenses, as upon attendance at a trial. And provided also, that no person shall be compelled to produce under any such order any writing or other document that he would not be compellable to produce at a trial of the cause.

9. And it is further enacted, that it shall be lawful for every person authorized to take the examination of witnesses by any order or commission made or issued in pursuance of this Ordinance, and he is hereby authorized and required to take all such examinations upon the oath of the witnesses, or their affirmation, in cases where affirmation is allowed by law instead of oath, to be administered by the person so authorized, or by any Judge, Magistrate, or Justice of the Peace for the district or place where such witnesses are resident, and if

No. 3,—1846.

Mode of examination of witnesses upon interrogatories and otherwise.

Compelling attendance of witnesses or production of documents.

Examinations of witnesses to be upon oath or affirmation.

**No. 3,—1846.**

Persons giving false evidence to be deemed guilty of perjury.

Persons taking examination to report upon the conduct or absence of witnesses if necessary.

Costs of the order for examination.

Restriction as to reading of examinations without consent of the adverse party.

Official papers to be returned to party producing them, and copy thereof to be filed.

any person making such oath or affirmation, shall thereafter wilfully and corruptly give any false evidence, every person so offending shall be deemed and taken to be guilty of perjury.

10. And it is further enacted, that it shall be lawful for the person or persons named in such order or commission as aforesaid and he or they are hereby required to make, if need be, a special report to the Court touching such examination, and the conduct or absence of any party, witness, or other person thereon, or relating thereto; and the Court is hereby authorized to institute such proceedings and make such order and orders upon such report as justice may require, and as may be instituted and made in any case of contempt of the Court.

11. And it is further enacted, that every order to be made for the examination of parties or witnesses by virtue of this Ordinance, and of the proceedings thereupon, shall be costs in the cause, unless otherwise directed either by the Judge making such order, or by the Judge before whom the cause may be tried, or by the Court.

12. And it is further enacted, that no examination or deposition of any witness, to be taken by virtue of this Ordinance, shall be read in evidence at any trial, without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Court, that such party, or his attorney, or agent, had due notice in writing of the time and place appointed for taking such examination, and unless the examinant or deponent is beyond the jurisdiction of the Court, or dead, or unable from permanent sickness or other permanent infirmity, to attend the trial; and that no statement of a party to be taken by virtue of this Ordinance, shall be read in evidence at any trial, unless it shall appear to the satisfaction of the Court, that such party is beyond the jurisdiction of the Court, or unable from permanent sickness or other permanent infirmity, to attend the trial, in all or any of which cases the examination and depositions, or statement, certified under the hand of the Commissioner or other person or persons taking the same, shall and may, without proof of the signature to such certificate, be received and read in evidence, saving all just exceptions.

13. And it is further enacted, that whenever any official paper, or document belonging to or preserved in any of the public Offices of the Government of this Colony, shall be produced in evidence before any Court thereof, such Court, after the original shall have been inspected by the parties to the action, suit, prosecution, or proceeding in which the same shall be so produced in evidence, and by the Court, and after the examination of the officer or other person producing the same, shall cause a copy thereof to be made and certified as a true copy, by the Secretary or Clerk of such Court, and to be filed instead of the original, which shall be forthwith returned to the Officer or other person producing the same. And in all future proceedings in the said action, suit, prosecution, or proceeding, the copy so made, certified and filed, shall be received and read in evidence, saving all just exceptions which might be made to the receiving and reading in evidence of the original paper or document.

Passed in Council the Ninth day of January, One Thousand Eight Hundred and Forty-six.

W. D. RYDER,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,

*Colonial Secretary.*

**No. 4,—1846. (Disallowed.)****No. 4,—1846.**

*An Ordinance for determining and declaring the rank and precedence of the Bishop of Colombo, and of the Chief Justice of the Island of Ceylon.*

WHEREAS it is expedient to determine and declare the rank and precedence of the Bishop of Colombo, and of the Chief Justice of the Island of Ceylon.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the ninth section of the Charter, or Letters Patent of King WILLIAM THE FOURTH dated the Eighteenth day of February, One thousand Eight hundred and Thirty-three, shall be and the same is hereby repealed.

2. And it is further enacted, that from and after the enactment of this Ordinance, the Bishop of Colombo for the time being, shall have rank and precedence within this Colony over all Her Majesty's subjects whomsoever, excepting the Governor, or Lieutenant Governor, or person administering the Government for the time being, and the Officer for the time being Commanding Her Majesty's Forces in the said Colony, if in succession to the Government.

3. And it is further enacted, that the Chief Justice of the Island of Ceylon for the time being, shall have rank and precedence within this Colony over all Her Majesty's subjects whomsoever, excepting the Governor or Lieutenant Governor or person administering the Government for the time being, and the Officer for the time being Commanding Her Majesty's Forces in the said Colony, if in succession to the Government, and the Bishop of Colombo, and excepting such persons as by law or usage in England take place before the Chief Justice of the Court of Queen's Bench.

Passed in Council the Twenty-seventh day of June, One Thousand Eight Hundred and Forty-six.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 4,—1846.**

**No. 5,—1846.**

*An Ordinance to remove certain doubts respecting the Jurisdiction of Criminal Courts in this Colony.*

**No. 5,—1846.**

WHEREAS it is expedient to remove certain doubts respecting the Jurisdiction of Criminal Courts in this Colony.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, any thing in the Ordinance No. 12 of 1843, entitled "*An Ordinance to make certain alterations in the constitution of District Courts*" to the contrary notwithstanding, every offence for which no express punishment shall have been provided by any Proclamation, Regulation, Ordinance or Act of Parliament in force within this Colony, and which shall not have been usually at the time of the commission of such offence punished by death, transportation or banishment, or by any higher punishment than District Courts are by this or any future Ordinance or Enactment empowered to impose, shall be cognizable by the District Court of the District wherein the same shall have been committed wholly or in part, or by any District Court to which the trial thereof shall have been lawfully transferred, and it shall be competent to any such Court to punish any person found guilty of any such offence by imprisonment with or without hard labour, for any period not exceeding Twelve months, and by fine or forfeiture not exceeding Twenty pounds, or by imprisonment with or without hard labour for any period not exceeding Twelve months, and by corporal punishment not exceeding Fifty lashes, or by any one of the above-mentioned punishments. But it shall not in any case whatever be competent to District Courts (unless express authority in that behalf be hereafter given) to impose in respect of the same offence, the three punishments of fine, imprisonment and corporal punishment. And it is further enacted and declared, that all offences and all acts of commission or omission made punishable by any Proclamation, Regulation, Ordinance or Act of Parliament in force within this Colony by no higher punishment than by imprisonment with or without hard labour for any period not exceeding Twelve months, and corporal punishment not exceeding Fifty lashes, or than by imprisonment with or without hard labour for any period not exceeding Twelve months, and with fine, penalty, mulct or forfeiture not exceeding Twenty pounds, shall be cognizable by and be deemed and taken to fall completely and entirely within the jurisdiction of the District Court of the District within which the same shall have been committed or done wholly or in part, or of any District Court to which the trial thereof shall have been lawfully transferred.

District Courts may award imprisonment and corporal punishment or imprisonment and fine for the same offence.

2. And it is further enacted, that anything in the Ordinance No. 11 of 1843, entitled "*Ordinance for the establishment of Police Courts*" to the contrary notwithstanding, every offence for which no express punishment shall have been provided by any Proclamation, Regulation, Ordinance or Act of Parliament in force within this Colony, and which shall not usually at the time of the commission of such offence have been punished by death, transportation, or banishment, or by any higher punishment than Police Courts are by this or any future Ordinance or Enactment empowered to impose, shall be cognizable by the Police Court within the limits of the jurisdiction of which the same shall have been committed wholly or in part, or by any Police Court to which the trial thereof shall have been lawfully transferred. And it shall be competent to any such Court to punish any person found guilty of any such offence, either by imprisonment with or without hard labour, for any period not exceeding Three months, and by fine or forfeiture not exceeding Five pounds, or by imprisonment with or

As also may Police Court .

**No. 5, —1846.**

without hard labour for any period not exceeding Three months, and with corporal punishment not exceeding Twenty lashes, or by any one of the above mentioned punishments. But it shall not in any case whatever be competent to Police Courts, unless express authority in that behalf be hereafter given, to impose in respect of the same offence the three punishments of fine, corporal punishment, and imprisonment, or any higher or more severe punishment than they are by this Ordinance empowered to impose. And it is further enacted and declared, that all offences and all acts of commission or omission made punishable by any Proclamation, Regulation, Ordinance or Act of Parliament in force within this Colony by no higher punishment than by imprisonment with or without hard labour, for any period not exceeding Three months, and corporal punishment not exceeding Twenty lashes, or than by imprisonment with or without hard labour for any period not exceeding Three months, and fine, penalty, mulct or forfeiture not exceeding Five pounds, shall be cognizable by and be deemed and taken to fall completely and entirely within the jurisdiction of the Police Court within the limits of which the same shall have been committed wholly or in part, or of any Police Court to which the trial thereof shall have been lawfully transferred.

Where one of two punishments is, and the other is not within the jurisdiction of the Court.

3. And whereas it happens that offences are expressly declared in certain enactments to be punishable by one or both of two distinct punishments and that one of such punishments is within and the other is not within the jurisdiction of the same Court. It is therefore hereby further enacted, that whenever any offence or any act of commission or omission is expressly declared by any Proclamation, Regulation, Ordinance or Act of Parliament now or hereafter to be in force in this Colony, to be punishable by one or both of two distinct modes of punishment, it shall be competent to any Court within the jurisdiction of which any one of such punishments would fall, to take cognizance of such offence or act, and to award in respect thereof the full amount of the punishment provided by such Proclamation, Regulation, Ordinance or Act of Parliament.

Where Court can impose fine, but is not competent to impose the extent of imprisonment provided in case of default of payment of fine, and *vice versa*.

4. And it is further enacted, that whenever any offence or any act of commission or omission is declared by any Proclamation, Regulation, Ordinance or Act of Parliament to be punishable by fine, and in default of payment of such fine by imprisonment, it shall be competent to any Court which has power to impose the amount of fine specified in respect of such offence or act, to take cognizance of such offence or act, and in default of payment to award the full period of imprisonment to which such defaulter is so declared liable, whether such period would otherwise be beyond the jurisdiction of such Court or not. And in like manner, whenever any offence or any act of commission or omission is declared by any Proclamation, Regulation, Ordinance or Act of Parliament to be punishable by fine, and in default of payment thereof by imprisonment, it shall be competent to any Court which has power to award imprisonment for as long a period as that provided in such Proclamation, Regulation, Ordinance or Act of Parliament, in default of payment of such fine, to take cognizance of such offence or act, and to impose the full amount of fine by which such offence or act shall be so declared to be punishable, whether such amount would otherwise be beyond the jurisdiction of such Court or not.

Police Courts already having cognizance of the first offence, empowered to take cognizance of subsequent offences.

5. And it is further enacted, that every Police Court which shall have cognizance of an offence upon the commission thereof for the first time by the offender, shall have like cognizance of such offence upon any subsequent commission thereof by the same offender, and shall have full power and authority to impose any punishment to which such offender shall be liable, whether the same would otherwise be beyond the jurisdiction of such Court or not.

Court having Jurisdiction over matter complained of also to have power to abate the same.

6. And it is further declared and enacted, that in every case wherein a District or Police Court may legally exercise jurisdiction in respect of the punishment to be inflicted for any offence or any act declared to be punishable, such Court shall also have authority and jurisdiction to remove or abate the act matter or thing complained of.

Police Courts may upon presentation of the certificate of the Queen's Advocate, take cognizance of offences against the Revenue and certain other offences, although at present not within their jurisdiction.

7. And whereas the punishments assigned to certain breaches of the Revenue Laws, and to certain other offences, are beyond the jurisdiction of Police Courts, but it would frequently be more advantageous that such offences should be brought for trial before such Courts, in order that the punishment of offenders may be more prompt, even though it should be less severe. It is therefore hereby further enacted, that whenever in case of any breach of any enactment made for the protection of the Revenue, or of any enactment making penal any act which is not *malum in se*, and which breach would not otherwise be cognizable by a Police Court, by reason of the amount of punishment to which the same is subject, a certificate shall be presented to any Police Court signed by the Queen's Advocate, or by some competent Deputy Queen's Advocate, or in the case of offences against the Revenue, by the Government Agent of the Province, or any of his Assistants, to the effect that such officer is content that such offence or act shall be prosecuted before such Court, it shall be

competent to such Court to take cognizance of such offence or act, and to 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-seventh day of June, One Thousand Eight Hundred and Forty-six.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 6, — 1846.**

*An Ordinance relative to Malicious Injuries, and to certain Thefts of Property.*

WHEREAS it is necessary to make more effectual provision for the protection of property within this Colony against malicious injuries and thefts.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, if any persons, riotously and tumultuously assembled together to the disturbance of the public peace, shall unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any building used as a store, or any church, chapel, or place for religious worship: every person so offending shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Fifteen years, and if a male, to corporal punishment not exceeding One hundred lashes.

2. And it is further enacted, that every person who shall unlawfully and maliciously set fire to any house, with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of an offence, and be liable, on conviction thereof, to suffer death: and every person who shall unlawfully and maliciously set fire to any church, chapel or place for religious worship, or to any house, stable, coach-house, out-house, warehouse, office, shop, mill, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any building used as a store, whether the same or any of them respectively shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to defraud or injure any person, shall be guilty of an offence, and be liable, on conviction thereof, to transportation or to imprisonment at hard labour for any period not exceeding Fifteen years, and if a male, to corporal punishment not exceeding One hundred lashes.

3. And it is further enacted, that every person who shall unlawfully and maliciously set fire to, cast away, or otherwise destroy any ship, vessel, dhoney, barge, canoe, or boat of any description, with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of an offence, and be liable, on conviction thereof, to suffer death, and every person who shall unlawfully and maliciously set fire to, cast away, or otherwise destroy, or damage with intent to destroy, or to render useless any ship, vessel, or dhoney, whether the same shall be in a complete or unfinished state, or with intent to prejudice any person, shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Seven years, and if a male, to corporal punishment not exceeding One hundred lashes, and every person who shall maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any buoy, buoy-rope, or mark belonging to any ship, vessel, or dhoney, or which may be attached to any anchor or cable belonging to any ship, vessel, or dhoney whatever, whether in distress or otherwise, or any buoy, or any mark, or beacon whatever, placed at sea or on shore to indicate the course of navigation, or to point out a shoal or other dangerous place, or a convenient place for anchorage, shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Seven years, and if a male, to corporal punishment not exceeding One hundred lashes.

4. And it is further enacted, that every person who shall unlawfully and maliciously set fire to or otherwise destroy or render unserviceable or dangerous, any barge, canoe, or boat of any description, shall be guilty of an offence, and be liable, on conviction thereof, to

**No. 5, — 1846.**

**No. 6, — 1846.**

Preamble.

Penalty on tumultuously pulling down houses, &c.

On burning houses, &c.

On setting fire to ships, &c.

On setting fire to boats, &c.

**No. 6,—1846.**

imprisonment with or without hard labour for any period not exceeding One year, and if a male, to corporal punishment not exceeding Fifty lashes.

On destroying ships in distress or stranded, &c.

5. And it is further enacted, that every person who shall unlawfully and maliciously destroy any part of any ship, vessel, or dhoney which shall be in distress, or be stranded, or cast on shore, or who shall unlawfully and maliciously destroy, or who shall steal any goods, merchandize, or articles of any kind belonging to such ship, vessel, or dhoney, shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment at hard labour for any period not exceeding Seven years, and if a male, to corporal punishment not exceeding One hundred lashes.

On doing anything whereby any ship may be brought into danger.

6. And it is further enacted, that every person who shall unlawfully and maliciously do any thing tending to bring any ship, vessel, or dhoney into danger, or tending to the immediate loss or destruction of any ship, vessel, or dhoney in distress, any person being on board thereof, shall be guilty of an offence, and be liable, on conviction thereof, to suffer death.

Four preceding clauses not to extend to offences committed at sea.

7. Provided always, and it is further declared and enacted, that the provisions of the 3d, 4th, 5th, and 6th Clauses of this Ordinance do not, and shall not be construed to extend to offences of the description therein specified, if committed at sea, and not within the Jurisdiction of the Supreme Court of this Island.

Injury to machines, engines &c. employed in manufactures.

8. And it is further enacted, that if any person shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless any machine or engine, whether fixed or moveable, prepared for or employed in any manufacture whatsoever, or in any branch thereof, or for any agricultural purpose, or shall by force enter into any house, shop, building or place, with intent to commit any such offence, every such person shall be liable, on conviction, to transportation, or to imprisonment at hard labour for any period not exceeding Seven years, and if a male, to corporal punishment not exceeding One hundred lashes.

By workmen to goods entrusted to them.

9. And it is further enacted, that if any artificer, workman, journeyman, apprentice, servant, or labourer, shall wilfully and unlawfully damage, spoil, or destroy any goods, articles, wares, or work committed to his care or charge, without the consent of the person by whom or on whose account he shall be hired, engaged or employed, every such person shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months, or to both of such punishments. And if any person shall be convicted a second time or more often of an offence against this Clause, he shall, on every such subsequent conviction, be liable to a fine not exceeding Ten pounds, or to imprisonment with or without hard labour for any period not exceeding Six months, or to both of such punishments.

To sea banks, &c. whereby lands overflowed.

10. And it is further enacted, that if any person shall unlawfully and maliciously break down, or cut down any sea bank, or sea wall, or the bank or wall of any river, canal, or marsh, whereby any lands shall be overflowed or damaged, or shall be in danger of being so, or shall unlawfully and maliciously throw down, level, undermine, or otherwise destroy any lock, sluice, flood-gate, or other work, on any navigable river or canal, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding Three years, and if a male, to corporal punishment not exceeding One hundred lashes.

To bridges, &c.

11. And it is further enacted, that if any person shall unlawfully and maliciously pull down, or in any wise destroy any public bridge, or do any injury with intent and so as thereby to render such bridge, or any part thereof, dangerous or impassable, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding Three years, and if a male to corporal punishment not exceeding One hundred lashes.

To cattle.

12. And it is further enacted, that if any person shall unlawfully and maliciously kill, maim, or wound any cattle, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment at hard labour for any period not exceeding Three years, and if a male, to corporal punishment not exceeding One hundred lashes.

Injury to stacks, plantation and crops by fire.

13. And it is further enacted, that if any person shall unlawfully and maliciously set fire to, or demolish, pull down, or destroy, or begin to demolish, pull down, or destroy any stack consisting altogether or principally of grain, pulse, straw, hay, coals, megas or cane stalks set apart for fuel, charcoal or wood, or if any person shall unlawfully and maliciously set fire to any crop of grain or pulse, whether standing or cut down, or to any part of a

wood, or coppice, or to any plantation whatsoever, every such person shall, on conviction of such offence, be liable to imprisonment with or without hard labour for any period not exceeding Seven years, and if a male, to corporal punishment not exceeding One hundred lashes.

**No. 6,—1846.**

14. And it is further enacted, that every person who shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any one or more trees, saplings, bushes, shrubs, or sugar-canes, or of any cocoanut, or other palm plants, shall, if the same shall be growing in any enclosed plantation, garden, compound, or pleasure ground, or if the damage done to the same, wherever they may be growing, shall exceed One pound, be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding One year, and if a male to corporal punishment not exceeding Fifty lashes, and every person who shall unlawfully and maliciously commit any such injury as in this clause mentioned to any property therein above specified, and not growing in any enclosed plantation, garden, compound, or pleasure ground shall, if the damage done be less than One pound, be guilty of an offence, and liable to any punishment which it shall be competent to a Police Court to inflict.

To trees, &c., in plantation.

15. And it is further enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any plant, root, fruit, or vegetable production growing in any enclosed garden, nursery ground, or compound, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding Three months, and to a fine not exceeding Five pounds. And if any person so convicted shall afterwards commit any of the said offences, such person shall be liable, on every subsequent conviction, to imprisonment with or without hard labour for any period not exceeding Twelve months, and to payment of a fine not exceeding Ten pounds.

To fruits and plants growing in gardens.

16. And it is further enacted, that if any person shall unlawfully and maliciously destroy, or damage with intent to destroy, any cultivated root or plant used for the food of man, or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, compound, or nursery ground, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour, for any period not exceeding Fourteen days, or to a fine not exceeding One pound. And if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted, in like manner, every such person shall be liable on every subsequent conviction, to imprisonment with or without hard labour for any period not exceeding Three months, or to a fine not exceeding Five pounds.

To plants, &c. used for food or medicine, &c. and not in gardens, &c.

17. And it is further enacted, that if any person shall unlawfully and maliciously cut, break, throw down or in anywise destroy any live or dead fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, every such person shall be guilty of an offence, and be liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding One month, or to a fine not exceeding One pound, or to both of such punishments. And if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such person shall, on every subsequent conviction, be liable to imprisonment with or without hard labour for any period not exceeding Six months, or to a fine not exceeding Ten pounds, or to both of such punishments.

To fences, &c.

18. And it is further enacted, that every person who shall wilfully and maliciously cut, scratch, or otherwise deface, or injure any painted or varnished carriage, bandy, or other vehicle, shall be guilty of an offence, and be liable, on conviction thereof, to any punishment which it shall be competent to a Police Court to impose.

To carriages, &c.

19. And it is further enacted, that if any person shall wilfully or maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is herein or otherwise by express law provided, every such person shall be guilty of an offence, and liable, on conviction thereof, to any fine not exceeding Five pounds, or to imprisonment with or without hard labour for any period not exceeding Three months, or where the Queen's Advocate or any competent Deputy Queen's Advocate, shall consider that the offence is deserving of a higher punishment, to such punishment as the Court before which the Queen's Advocate, or such Deputy, shall bring or authorize such offender to be brought for trial, shall be competent to inflict.

Punishment of malicious injuries not specially treated of herein.

20. Provided always, and it is further enacted, that nothing in this Ordinance contained shall extend to any case where the party trespassing acted under a fair and reasonable sup-

Proviso as to trespasses in sporting.

**No. 6, — 1846.**

Penalty on damage to property mentioned in 13th 14th 15th & 16th clauses, with intent to steal.

Penalty on tearing or maliciously injuring records, &c.

Proviso that offences mentioned in two preceding clauses may be prosecuted as before the passing of this Ordinance.

Where doubtful whether injury is malicious or done with intent to steal.

Offender sentenced to both imprisonment and fine may at expiration of imprisonment be further detained in default of payment.

Malice against the owner not essential to any offence under this Ordinance.

Punishment of principals in the second degree and accessories.

position that he had a right to do the act complained of, nor to any trespass not being wilful and malicious, committed in hunting, or in the pursuit of any other sport or diversion, but that every such trespass shall be punishable, if punishable at all, in the same manner as before the passing of this Ordinance.

21. And it is further enacted, that if any person shall steal, or shall destroy, or damage with intent to steal the whole or any part of any tree or other thing, for a malicious injury to which a penalty is provided in the 14th, 15th, 16th, and 17th clauses of this Ordinance, every such person shall be guilty of an offence, and be liable, on conviction thereof, to the same punishment to which he would have been liable, if he had been convicted under any of the provisions of any of the said clauses of a malicious injury to such tree or other thing.

22. And it is further enacted, that if any person shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being or from any person having the lawful custody thereof, or shall conceal, or shall unlawfully and maliciously obliterate, injure, or destroy any record, original process, deposition, statement, proceeding, or other document whatsoever, or of belonging to, or being in the lawful custody of any Court of record, or of any Justice of the Peace, or Coroner, or relating to any matter Civil or Criminal, begun, depending, or terminated in any such Court, or if any person shall, during the life of the Testator or Testatrix, or after his or her death, steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall conceal, or unlawfully and maliciously obliterate, injure, or destroy any Will, Codicil, or Testamentary Instrument, (whether the same shall relate to real or personal estate, or to both) or any paper, or parchment, talpat, or olah written or printed, or partly written, or partly printed, being evidence of the title, or of any part of the title to any real estate, or any security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, or in any fund of any body corporate, company, or society, or to any deposit in any Savings' Bank, or any debenture, deed, bond, bill, note or other security whatsoever for money, or for payment of money, whether of Great Britain, or of Ireland, of this Island, or of any Colony or country within Her Majesty's Dominions, or of any Foreign State, or any warrant or order for the delivery or transfer of any goods or valuable thing, every such person shall be guilty of an offence, and be liable, on conviction thereof, to transportation, or to imprisonment with or without hard labour for any period not exceeding Seven years, and if a male, to corporal punishment not exceeding One hundred lashes.

23. Provided always, that nothing in the two preceding clauses contained shall be construed to interfere with or supersede any law or custom by which any offence referred to in the said clauses would have been punishable before the passing of this Ordinance; but every such offence may be prosecuted and punished either under the provisions of this Ordinance or under the authority of such law or custom.

24. And whereas it is often difficult to determine whether injuries done to property have been done from malicious motives or with an intent to steal. It is therefore hereby further declared and enacted, that it shall be lawful to charge any person who shall have committed any wilful injury to property, in the same indictment, information or complaint, in the alternative with having committed such injury unlawfully and maliciously, or with having committed it with intent to steal.

25. And provided further and it is further enacted, that where any person shall be liable on conviction of any offence against this Ordinance, to the payment of any fine and to imprisonment, and he shall not have paid such fine before the expiration of his term of imprisonment, he shall be detained in prison for such further period after the expiration of such term as by any law now or hereafter to be in force he may be detained for default of payment of such fine.

26. And it is further enacted, that every punishment and forfeiture by this Ordinance imposed on any person maliciously committing any offence, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

27. And it is further enacted, that in the case of every offence punishable under this Ordinance, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Ordinance punishable; and may be charged in the indictment, information or complaint, as a principal in the first degree, and every accessory after the fact to any offence punishable under this Ordinance, shall, on conviction, be punishable at the discretion of the Court.



28. And it is further enacted, that where any person shall be convicted before the Supreme Court of any offence punishable under this Ordinance, for which imprisonment may be awarded, it shall be lawful for the Court to direct that the offender shall be kept in chains for the whole or any portion of such imprisonment, and also, if the Court shall think fit, in solitary confinement. Provided always, that the period of such solitary confinement shall not exceed Twenty-eight days at a time, nor Eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement.

29. And for the more effectual apprehension of all offenders against this Ordinance, it is further enacted, that all persons found committing any offence against this Ordinance may be immediately apprehended, without a warrant, by any Peace Officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some competent Court or Justice of the Peace, to be dealt with according to Law.

30. And whereas some of the offences declared by this Ordinance to be punishable by one or both of the punishments of fine and imprisonment, may be committed by children whom it would not be expedient to punish in such manner. It is therefore hereby enacted, that it shall be competent to the Police Magistrate before whom any male child shall be convicted of any offence punishable under the provisions of this Ordinance by one or both of the punishments of fine and imprisonment, to order the moderate chastisement of such child, instead of subjecting him to either of such punishments.

31. And it is further enacted, that if any person, upon being convicted of any offence against this Ordinance, shall receive sentence of transportation, it shall be competent to the Judge by whom such sentence shall be awarded, and he is hereby required to direct in such sentence that the party convicted shall be imprisoned at hard labour, and with or without chains, in the Gaol for the place where such conviction shall have been obtained, or such other Gaol as the Governor shall at any time appoint, until such time as the said sentence of transportation can conveniently be carried into effect. Provided always, that no person so sentenced to transportation shall be imprisoned as aforesaid for a longer period than the period for which he was sentenced to be transported, and that the period of his imprisonment shall always reckon as part of and be deducted from the appointed term of transportation.

32. And it is further enacted, that evidence of the party aggrieved shall be admissible in proof of any offence against this Ordinance.

Passed in Council the Twenty-seventh day of June, One Thousand Eight Hundred and Forty-six.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 7, — 1846.**

*For making further provision touching the payment and expenses of witnesses attending at the Criminal Sessions of the Supreme Court, and touching the payment of Medical Practitioners, under the provisions of the Ordinance No. 8 of 1843.*

WHEREAS it is expedient that payment of their expenses should be made to certain witnesses residing at a distance from the town or place where, though within the district in which any Criminal Sessions of the Supreme Court shall be holden; and whereas great abuse has arisen from the summoning of incompetent Medical Practitioners by Coroners or Deputy Coroners, and from the claims consequently made by such persons to remuneration under the provisions of the 17th Clause of the Ordinance No. 8 of 1843.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, all witnesses residing at a greater distance than Twenty-five English miles from the town or place where any Criminal Sessions of the Supreme Court shall be holden, though within the district in which such Sessions shall be holden, who shall be summoned at the instance of the Queen's Advocate or of any accused person to give evidence at any trial which shall take place at such Sessions, and who shall attend in compliance with such summons, shall be entitled to demand payment of such expenses from the Fiscal, and the Fiscal is hereby authorized and required to make payment thereof according to such Rules and rates as under the authority

**No. 6, — 1846.**

For all offences within this Ordinance punishable with imprisonment, the Court may order solitary confinement and chains.

Persons in the act of committing any offence against this Ordinance, may be arrested without Warrant.

Punishment of Children for offences against this Ordinance.

Persons under sentence of transportation to be imprisoned at hard labour in chains.

Evidence of the party aggrieved admissible.

**No. 7, — 1846.**

Preamble.

Witnesses residing more than twenty-five miles from the Circuit town entitled to payment of their expenses.

**No. 7,—1846.**

Provisions of the Ordinance No. 13 of 1844 extended to such witnesses.

Payment of Medical Practitioners.

of the Ordinance No. 13 of 1844, entitled "*An Ordinance for declaring what witnesses shall be entitled to the payment of their expenses by the Fiscal in respect of their attendance at Criminal Sessions of the Supreme Court,*" have been, or shall hereafter be prescribed to such Fiscal by the Governor with the advice of the Executive Council, any thing contained in the said Ordinance No. 13 of 1844 to the contrary notwithstanding.

2. Provided always and it is further enacted, that all the provisions in the said Ordinance contained relating to or affecting witnesses not residing within the district in which such Criminal Sessions shall be holden, shall also be applicable and shall relate to and affect all such witnesses as by this Ordinance are declared entitled to demand payment of their expenses from the Fiscal.

3. And it is further enacted and declared, that the provisions touching the remuneration of Medical Practitioners contained in the 17th Clause of the Ordinance No. 8 of 1843, entitled "*An Ordinance to provide for the better holding of Inquests touching sudden and violent deaths,*" do not and shall not be deemed and taken to extend to any Medical Practitioners except such as shall have received a collegiate education or shall hold a certificate of competency (for the purposes of this Ordinance) under the hand of the Principal Civil Medical Officer.

Passed in Council the Sixth day of October, One Thousand Eight Hundred and Forty-six.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 8,—1846.****No. 8,—1846.**

Preamble.

*For rendering the operation of Rules of Court contingent on their enactment by the Legislature.*

WHEREAS by divers laws in force within this Colony, it is provided that all Rules Orders and Regulations to be made by the Judges of the Supreme Court collectively, shall be published in the Government Gazette and otherwise promulgated in the most public and authentic manner, as long before the same shall operate and take effect as to such Judges may appear practicable and convenient, and shall forthwith be transmitted to Her Majesty, Her Heirs and Successors, under the seal of the said Court, for Her or their approbation or disallowance: And whereas it would be conducive to the better Administration of Justice, that the operation of all such Rules, Orders and Regulations, should be contingent on their enactment by the Legislature, and that the approbation or disallowance by Her Majesty, Her Heirs and Successors, of such Rules, Orders and Regulations should hereafter be made known and declared by means of the confirmation or otherwise by Her Majesty, Her Heirs and Successors, of the Ordinances by which the same shall have been enacted.

Rules of Court to be transmitted to the Governor.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, it shall be the duty of the Judges of the said Supreme Court and they are hereby required, so soon as any general Rule, Order or Regulation has been framed by them after the passing of this Ordinance, by virtue and in pursuance of the powers and authority vested in them by the Charter or Letters Patent of His late Majesty King WILLIAM the Fourth, dated the Eighteenth day of February One Thousand Eight Hundred and Thirty-three, or by the Ordinance No. 10 of the year 1843, entitled, "*An Ordinance for the establishment of Courts of inferior Civil Jurisdiction to be called Courts of Requests,*" or by the Ordinance No. 11 of the year 1843, entitled "*An Ordinance for the establishment of Police Courts,*" or by any other Law or Ordinance which shall have been or shall hereafter be duly made in that behalf, to transmit every such Rule, Order or Regulation under their hands, and the Seal of the said Court, to the Governor or to the Officer for the time being administering the Government of this Colony. And it shall not hereafter be necessary for the said Judges to transmit any such Rule, Order or Regulation to Her Majesty, Her Heirs or Successors, for Her or their approbation or disallowance, any thing contained in the said Charter, or in either of the said Ordinances, or in any other Law or Ordinance heretofore enacted to the contrary notwithstanding.

Rules of Court not to take effect until confirmed by Ordinance.

2. And it is further enacted, that whenever any such Rule, Order or Regulation shall have been transmitted to the Governor or Officer administering the Government of this Colony in manner aforesaid, the same shall by him be laid with all convenient dispatch in the form of an Ordinance before the Legislative Council thereof, to be considered and dealt with by the said Council in such and the same manner as any other Ordinance, and no such Rule,

Order or Regulation shall operate or take effect until the same shall have been duly enacted, any thing contained in the said Charter, or in either of the said Ordinances, or in any other Law or Ordinance to the contrary notwithstanding.

3. And it is further enacted, that if any such Ordinance shall be disallowed by Her Majesty after the same shall have taken effect and had its operation in this Colony, any Rule, Order or Regulation which shall have been thereby enacted shall cease to have operation and to take effect, from and after the notification by the Governor or Officer administering the Government of this Colony, in the Government Gazette, of Her Majesty's disallowance thereof.

4. And whereas divers Rules, Orders and Regulations have heretofore from time to time been made by the said Judges under and by virtue and in pursuance of the powers and authorities vested in them by the said Charter and Ordinances respectively, and it is expedient that the authority or validity of the said Rules, Orders and Regulations shall not be rendered doubtful. It is therefore further enacted, that all Rules, Orders and Regulations heretofore made by the said Judges as aforesaid, and which have been duly transmitted to His late Majesty King WILLIAM the Fourth, or to Her present Majesty as aforesaid, and have not been disallowed by His said late Majesty or by Her present Majesty, shall be and the same are hereby confirmed: And it is hereby declared, that all the said Rules, Orders and Regulations, so far as the same or any of them have not been revoked or altered by other Rules, Orders and Regulations, made, promulgated and transmitted, and not disallowed as aforesaid, are and shall be of force, and shall continue to have operation and take effect in such and the same manner and to the same extent as if this Ordinance had not been passed.

Passed in Council the Sixth day of October, One Thousand Eight Hundred and Forty-six.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 9,—1846. (Expired.)\***

*To apply a sum not exceeding Fifty-seven thousand Nine hundred and thirty-six pounds, to defray the Supplementary Contingent charges of the year 1846.*

**No. 10,—1846.**

*To repeal the Ordinance No. 8 of 1845.*

WHEREAS by the Ordinance No. 8 of the year 1845, entitled "*An Ordinance to vest in the Principal Officer in the actual Superintendence of the Surveying Department and his Assistants &c., certain powers vested in the Surveyor General and his Assistants, &c.,*" certain powers and authorities were vested in and certain duties were imposed upon the Officer for the time being holding the appointment under the Warrant of the Governor of "Principal Officer in the actual Superintendence of the Surveying Department," and his Assistants and persons acting under his or their orders; and whereas the said appointment hath been cancelled and the Officer who held the same hath been appointed the Surveyor General, and the said Ordinance hath ceased to be necessary.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the said Ordinance No. 8 of the year 1845, entitled "*An Ordinance to vest in the Principal Officer in the actual Superintendence of the Surveying Department and his Assistants, &c., certain powers vested in the Surveyor General and his Assistants, &c.,*" shall be and the same is hereby repealed.

Passed in Council the Seventeenth day of November, One Thousand Eight Hundred and Forty-six.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 8,—1846.**

If Ordinance disallowed, Rules thereby confirmed to cease to have operation.

All existing Rules to continue in force.

**No. 9,—1846.**

**No. 10,—1846.**

Preamble.

Ordinance No. 8 of 1845 repealed.

\* The Supply Ordinances for each year are not published at length.

## No. 11, — 1846.

## No. 11, — 1846.

*For establishing a Toll on the Road from Kadooganava to the Gadadessa Estate, in the Central Province.*

## Preamble.

WHEREAS a Carriage Road leading from the high road between Colombo and Kandy at or near the present Rest House at Kadooganava, to a point on the Gadadessa River adjoining the Estate called Gadadessa, has been made by the proprietors of the several Estates mentioned in the Schedule annexed to this Ordinance marked A, at the cost of a sum of Three thousand Eight hundred and Nine pounds and One shilling, subscribed by them for that purpose in the proportions therein specified: And whereas it is expedient that the said road should be kept in good order and repair for the use of the present and future proprietors of the said Estates, and of all other persons frequenting those parts, and that the amount so subscribed and the interest thereof should be repaid to the parties at whose expense the said road has been made.

## Trustees may put up Toll bar, and take Tolls.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, it shall be lawful for the Trustees hereinafter mentioned, and for all other persons duly appointed Trustees of such road, under the provisions of this Ordinance, and they are hereby authorized and empowered to put up, erect and build, or cause to be put up, erected and built, in, upon, or across the said road, or any part thereof at such place as they shall judge necessary, such Toll gate, or Toll bar, as to the said Trustees may appear necessary for the due collection of the Tolls hereinafter mentioned. And that it shall also be lawful for the said Trustees, or any person appointed by them collector of the Tolls to be taken by virtue of this Ordinance, and they are hereby authorized and empowered to demand and take every day (such day, for the purposes of this Ordinance, being computed from twelve of the clock at night to twelve of the clock of the next succeeding night) the Tolls mentioned and set forth in the Schedule hereunto annexed marked B, at such Toll gate or Toll bar as shall be erected by virtue of this Ordinance.

## Trustees appointed.

2. And it is further enacted, that George Crabbe, James Smith and Joseph Read shall be, and they are hereby declared and appointed to be, the first or original Trustees for the purposes of this Ordinance; and that in case of the death, incapacity, or resignation of any of the said Trustees, it shall be lawful for the proprietors of the said Estates for the time being, or their lawful representatives, or the greater part of them assembled at any meeting duly convened and held for that purpose, to elect some fit person to be a Trustee in the place and stead of the Trustee so dying, becoming incapable, or resigning. Provided that no Trustee shall be permitted to resign his Office until he shall have duly accounted to his co-Trustees for all sums of money at any time received by him in his said Trust. And provided also, that if any such vacancy or vacancies shall not be supplied by the election of another Trustee, or other Trustees in manner aforesaid, the remaining Trustees or Trustee, shall continue to exercise all the powers which by this Ordinance are given to the Trustees hereby appointed.

## Vacancies how supplied.

## Objects of the Trust.

3. And it is further enacted, that the said first or original Trustees and all others who shall be hereafter elected as Trustees under the provisions of this Ordinance, shall whilst they continue such Trustees, stand and be possessed of all Tolls and sums of money collected or received by virtue of this Ordinance, upon trust in the first place to pay and apply the said Tolls and sums of money for defraying thereout the cost of all necessary expenses in and about the keeping and maintaining the said road at all times in good and sufficient repair; and also upon Trust thereafter to pay and apply the said Tolls and sums of money in and about the purchase of such land, and the erection of such houses and buildings as are or may be required for the collection of the said Tolls; and to pay the wages of the persons employed in making such collection; And also upon Trust thereafter to pay and apply the said Tolls and sums of money in payment of any Loans and the interest thereof which may be effected by the said Trustees for carrying into effect the objects of their Trust; And lastly, upon Trust to pay the residue thereof to the proprietors for the time being of the aforesaid estates in the proportion of the amounts subscribed by the present proprietors thereof respectively towards the making and completion of the said road.

## Accounts of Trustees to be published.

4. And it is further enacted, that on or before the Thirty-first day of March in every year, the said Trustees shall transmit to the Colonial Secretary for this Island, a true and correct account under their hands, wherein shall be entered all monies received and paid by them or by their directions and authority, and on what account, or for what purpose, under any of the provisions of this Ordinance; and the said account shall thereupon be published in the Government Gazette for general information.

5. And it is further enacted, that if the said Trustees shall at any time neglect to keep the said road in good and sufficient repair, it shall be lawful for the Commissioner of Roads, or the Government Agent for the Central Province, on the information of any person whomsoever, to make or cause an examination to be made into the state of repair of the said road; and if upon such examination it shall be made to appear to such Commissioner of Roads or Government Agent, that the road is out of repair, it shall be lawful for such Commissioner of Roads or Government Agent to take such steps as may appear to him requisite for having the said road put into good and sufficient repair; and the costs thereof shall be payable by the Trustees: and if on being required to make such payment they shall fail or refuse so to do, it shall be lawful for such Government Agent (in addition to any remedy which the Crown may have at law against such Trustees to recover the amount so expended), to demand and take the said Tolls and to appoint some person or persons to receive and collect the same for and on behalf of the Crown, and from that time forward it shall not be lawful for the said Trustees to demand and take any Toll whatsoever under the provisions of this Ordinance.

6. And it is further enacted, that it shall be lawful for the Governor of this Colony for the time being, with the advice and consent of the Executive Council thereof, at any time to tender payment to the said Trustees of the said sum of Three thousand Eight hundred and Nine pounds and One shilling sterling, with interest at the rate of Six per cent. per annum, less such part of the said sum and interest as shall have been re-imbursed to them by means of the payments received on account of the Tolls which the said Trustees are by this Ordinance authorized to demand and take, after deduction of the expenses incurred by them in keeping the said Road in repair, and in the collection of the said Tolls; and on such payment being made or tendered to the said Trustees, it shall be lawful for the said Governor by any Ordinance to be by him in that behalf made and enacted, with the advice and consent of the Legislative Council of this Colony, to declare and enact, that this Ordinance shall no longer be of any force or effect whatsoever, and that the said Road, and all Toll-gates, Toll-bars, and other buildings, put up, erected or purchased by the Trustees for the collection of the Tolls thereon, and all land purchased or acquired by the said Trustees under the provisions of this Ordinance, shall thereafter belong absolutely and to all intents and purposes whatsoever to the Government of this Colony.

7. And it is further enacted, that the said Trustees shall cause a copy of this Ordinance and also a board with the table of Tolls, and the name of the Toll Collector painted thereon in large and legible characters in the English and Native Languages, to be suspended at some conspicuous place immediately adjoining the said Toll-gate or Toll-bar; and if any person appointed by the said Trustees under the provisions of this Ordinance for the collection of Tolls shall demand or take any Toll under the provisions of this Ordinance, unless a copy of this Ordinance and such board as aforesaid shall be suspended in manner aforesaid, or shall demand or take any Toll not authorized to be taken by this Ordinance; or from any person by this Ordinance exempted from the payment of Toll; or shall wilfully subject any passenger, vehicle or animal to unreasonable delay or detention; every such offender shall, on conviction, be liable to the payment of a fine not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment to imprisonment with or without hard labour for a period not exceeding Three months, and on any second or subsequent conviction, to a fine not exceeding Ten pounds, one-half whereof shall be paid to the informer, and in default of payment to imprisonment with or without hard labour for any period not exceeding Six months.

8. And it is further enacted, that if any person liable to payment of Toll shall pass from the said Road over any land near or adjoining thereto (not being a public highway) with intent to evade such payment, or shall fraudulently or forcibly pass by, over or through any place duly appointed for the collection of Tolls, or shall resist or make forcible opposition against any person duly appointed to collect Tolls in the execution of his office, or if any person shall maliciously damage any bar, gate or other thing employed for the purpose of collecting Tolls, or shall maliciously remove, deface, alter, or damage, any copy of this Ordinance or board suspended as hereinbefore directed, or do any act whatsoever in order to evade the payment of any Toll, and whereby the same shall be evaded, every such person shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding Five pounds, which shall be paid to the said Trustees, and in default of payment to imprisonment with or without hard labour, for any period not exceeding Three months.

9. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance, unless the same shall be commenced within Six calendar months from the time of the commission of such offence.

**No. 11.—1846.**  
Proceedings if road not kept in repair.

Government may purchase the said Road, &c.

Table of Tolls to be kept suspended at Toll-gate.

Penalty for infringement of this Ordinance by passengers.

Limitation of prosecution.

**No. 11, — 1846.**

Informer a competent witness.

10. And it is further enacted, that upon the trial of any person for a breach of any of the provisions of this Ordinance, the informer or complainant or other person shall be deemed and is hereby declared to be a competent witness, notwithstanding that he may be entitled to any part of any pecuniary penalty, or to any pecuniary compensation or reward on the conviction of any such offender.

Exemptions.

11. And it is further enacted, that the Governor or Lieutenant Governor and his suite, when in immediate attendance on him, the Government Agents, the Civil Engineer and Surveyor General, the Commissioner of Roads, and their respective Assistants, when on duty, together with all their necessary attendants, horses, animals, conveyances, baggage and implements, Military Officers and Soldiers, mounted or unmounted, whether on duty or not, but provided they be in uniform dress or undress, and all messengers, carriages and horses drawing or carrying the public Mails, shall be exempted from payment of any Toll.

SCHEDULE.

A.

<i>Name of Estates.</i>	<i>Names of Proprietors.</i>	<i>Amount Subscribed.</i>
Gadadessa ... ..	Messrs. A. & R. Crowe & Co. Proprietors & Agents ... ..	£1,282 10 0
Hunnagalle Kande...	„ W. C. Gibson Read Davidson & Co ... ..	241 17 6
Gona Adika ... ..	„ Saunders & Lee ... ..	990 8 6
Alpitia Kandy... ..	„ Jms. & Geo. Smith & Co. Proprietors & Agents ... ..	552 7 6
Wackettiadinne ...	Mr. W. H. Kelaart ... ..	136 10 0
Kekunagola ... ..	„ W. Ferwerda... ..	74 18 6
Church Hill ... ..	Messrs. J. N. Mooyaart C. P. Layard & W. Simson ... ..	400 14 0
Paranapettya ... ..	Mr. Layard ... ..	55 0 0
Colpetty Hill ... ..	„ J. Soloman ... ..	39 8 0
Johannesberg ... ..	Messrs. Jacobus & Henry Coopman... ..	35 7 0

B.

TABLE OF TOLLS.

Every loaded bandy, or other carriage or vehicle drawn by any horse or horses, bullock or bullocks, or by any other beast or beasts of burthen ... .. £0 2 0

Passed in Council the Seventeenth day of November, One Thousand Eight Hundred and Forty-six.

W. C. GIBSON,  
*Clerk to the Council,*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 12, — 1846.**

**No. 12, — 1846.**

*An Ordinance to regulate the temporal affairs of the Episcopal Churches in the Island of Ceylon which have been erected or are now in course of erection or which may hereafter be erected in terms of the Ordinance No. 1 of 1845.*

Preamble.

WHEREAS by the Ordinance No. 1 of 1845, it was enacted that whenever any sum of money not less than One hundred pounds should be raised by subscriptions drawn exclusively from the resources of private persons for the erection of any place of Christian worship in any part of this Colony, or for the erection of any such place of worship together with a Minister's dwelling, or for the erection or purchase of a Minister's dwelling alone in respect of any existing place of worship in the building or maintenance of which any public monies had been expended, it should be lawful for the Governor, with the advice of the Executive Council, to cause to be issued from the Colonial Treasury as a contribution from the public funds, such sum or sums of money as should be equal to the amount of such subscription; provided that no such sum should be issued from the Colonial Treasury until the whole amount required to be furnished by subscription should have been deposited therein, and a plan of the intended building submitted to the Governor and Executive Council, and approved of by them. And whereas by the said Ordinance it was further enacted, that before any sums of money should be issued from the Colonial Treasury as aforesaid, Trustees should be elected or appointed in such manner as should by some future Ordinances be provided.

And whereas certain churches for the celebration of Divine Service according to the rites of the United Church of England and Ireland have been erected or are now in course of erection by subscription and by contribution from the public funds as aforesaid, and it is expedient to make provision for the management of the temporal affairs of the said churches, and of any others which may hereafter be erected in like manner for the purpose aforesaid.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that within Three months from the passing of this Ordinance, the Colonial Chaplain of any Church already erected in manner aforesaid shall fix a place and a day, which shall not be earlier than Twenty-one days from the passing of this Ordinance, for holding a General Meeting for the election of Trustees of the said Church in manner hereinafter appointed, and shall cause notices thereof to be affixed to some conspicuous parts of the said Church.

Notice of election for Church already erected:

2. And it is further enacted, that the Building Committee, or persons in charge of the building of any Church now in course of erection in manner aforesaid, shall within Ten days from the passing of this Ordinance, fix a place and a day in the month of December next ensuing for holding a General Meeting for the election of Trustees of the said Church in manner hereinafter appointed, and shall give notice thereof in Three successive *Government Gazettes*.

Or in course of election.

3. And it is further enacted, that the Building Committee, or persons who may be in charge of the building of any Church to be hereafter erected in manner aforesaid, shall at the time of making application to the Governor for a contribution from the public funds, fix a place and a day for holding a General Meeting for the election of Trustees of the said Church in manner hereinafter appointed, and shall give notice thereof in Three successive *Government Gazettes*.

Or to be hereafter erected.

4. And it is further enacted, that any election to be held under the provisions of the three preceding Clauses, shall be held before the person or persons by whom the day and place for holding the same shall have been fixed. And it shall be lawful for the subscribers to any Church of which the sittings shall not have been apportioned, or for the seat-holders, if the same shall have been apportioned, in respect of which such election shall be held, to elect three Trustees of such Church. Provided always, that no subscriber or seat-holder shall be entitled to give more than One vote, or to give any vote except in person, and that no person shall be entitled to vote, who shall not be Twenty-one years of age, and the person or persons holding any such election shall record the names of the voters, and of the persons for whom their votes shall be given, and shall at the close of the election declare the names of the Three persons for whom the greatest number of votes shall have been recorded, who shall thereupon be deemed to be duly elected as Trustees, and shall grant to such persons, certificates under their hands of such their election.

Mode of holding election.

Mode of voting.

5. And it is further enacted, that the Trustees elected under the provisions of the preceding Clause, shall without delay communicate such their election to the Bishop of the Diocese, who shall thereupon be entitled to appoint one other person to be a Trustee of the Church in respect of which such Trustees shall have been elected, and shall grant to such person a certificate of such his appointment. And it shall be lawful for the Bishop, from time to time, if he shall see fit so to do, to withdraw any such appointment, and to appoint some other person to be a Trustee of such Church, and to appoint a new Trustee in the place of any Trustee originally appointed by him who shall in any manner have vacated his office.

Appointment by Bishop of one Trustee.

6. And it is further enacted, that in case of the death, incapacity, resignation, or departure of any Trustee of any Church, elected under the provisions of this Ordinance, or of his ceasing to be a seat-holder, or of his election not being confirmed by the Governor, or in case any such Trustee shall be a confirmed lunatic, or shall be or become disqualified to act in such capacity, the remaining Trustees of such Church shall fix a place and a day for holding an election of a new Trustee, and shall give notice thereof in the three *Government Gazettes* published next immediately preceding such day, and such election shall be held by the said Trustees according to such and the same forms as are hereinbefore prescribed for the election of the original Trustees.

Vacancy of Trustee.

7. And it is further enacted, that every Trustee to be elected or appointed under the provisions of this Ordinance, shall be a Member of the United Church of England and Ireland, and no person shall be elected, or appointed, or shall continue to be a Trustee of any Church, after the apportionment of the sittings in the same, unless he shall be one of the seat-holders therein.

Qualification of Trustee.

**No. 12.—1846.**

No election or appointment of any Trustee valid unless sanctioned by the Governor.

8. And it is further enacted, that no election or re-election, or appointment of any Trustee, shall be valid, nor shall such Trustee be capable of performing any of the functions provided by this Ordinance, or of sitting, or voting at any meeting of Trustees, until after His Excellency the Governor shall have signified his sanction or confirmation of such election, re-election or appointment.

Trustee resigning to render account.

9. And it is further enacted, that no Trustee shall be permitted to resign his office, until he shall have duly accounted, to the satisfaction of his co-Trustees, for all sums of money at any time received by him in his said Trust.

Annual election of Trustees.

10. And it is further enacted, that no Trustee elected under any of the provisions of this Ordinance, shall continue in office beyond the Thirty-first day of December next ensuing after such his election; and that the Trustees for the time being of any Church erected or to be erected in manner aforesaid, shall fix a place and a day in the month of December in every year, for the holding before them of a General Meeting for the election of Three new Trustees of such Church for the year commencing on the first of January next ensuing, and shall give notice thereof in the three *Government Gazettes* published next immediately preceding such day, and shall cause written notice thereof to be posted for Fourteen days in some conspicuous place on or near the Church; and such election shall be held according to such and the same forms as are hereinbefore prescribed for the election of the original Trustees of such Church. Provided always, that nothing herein contained shall be construed to prevent any person who at the time of holding such election may be one of the Trustees of any such Church, from being elected as such for the ensuing year.

Bishop to appoint in default of election of Trustees.

11. And it is further enacted, that if after the election and appointment of the original Trustees of any such Church, the Trustees for the time being shall, for the period of One month, neglect to fix a place and a day for holding an election of a Trustee, in the room of one who may in any manner have vacated his office, or whose election the Governor shall have refused to confirm, or if they shall for the like period neglect to fix a place and a day for holding an election of Trustees for the ensuing year as hereinbefore appointed, it shall be lawful for any six of the subscribers to such Church, or if the sittings shall have been apportioned, for any six of the seat-holders, to fix such place and day, and to give notice of the same in manner hereinbefore appointed. And such election shall be held before the Chaplain or Clergyman of such Church. But if no such election shall be held within Two months from the time appointed by this Ordinance, it shall be lawful for the Bishop of the Diocese to appoint by writing under his hand, subject to approval of the Governor, one or more fit and proper person or persons to be Trustee or Trustees of such Church, to fill the vacancy or vacancies which shall have thus occurred, and every such Trustee so appointed shall continue in office until the Thirty-first day of December next ensuing.

Bishop may be sole Trustee.

12. Provided always, and it is further enacted, that nothing in this Ordinance contained shall be construed to prevent any person or persons who may hereafter without any pecuniary or other contribution from the Government, erect any Church for the celebration of Divine Service according to the rites of the United Church of England and Ireland, from nominating the Bishop of the Diocese for the time being, and his successors, to be the sole and successive Trustees of such Church, and in any such case the Bishop shall hold, exercise and enjoy, in respect to such Church, all the rights and privileges vested in Trustees elected or appointed under this Ordinance.

Chaplain or Clergyman Chairman of Trustees.

13. And it is further enacted, that the Colonial Chaplain or Clergyman for the time being, duly appointed and licensed to any Church erected in manner aforesaid, or during his absence, the Clergyman duly authorized to officiate for him, shall, whenever present at any meeting of the Trustees of such Church, be ex-officio Chairman of such meeting, but shall not have the power of voting except in cases where the votes of the Trustees present shall be equal; and when no such Chaplain or Clergyman is present, the Trustees shall elect their own Chairman, and such Trustees shall, upon all matters before them, have each One vote, and any Three such Trustees, or any Two with the ex-officio Chairman, shall form a Quorum, and any such Quorum shall and may exercise all the powers and privileges which are vested in the Trustees of any Church by this Ordinance; and in the event of a difference of opinion between such Trustees on any occasion, the votes of the majority shall be binding upon all; and in case of an equality of votes, and in the absence of the Chaplain or Clergyman, the Chairman for the time being shall, in addition to his own vote, possess a casting vote, and such Trustees shall have power from time to time to make Bye-laws (such laws not being inconsistent with this Ordinance) for their general guidance, which laws shall be equally binding on and shall be observed by their successors, until by them abrogated or altered: Provided always, that the meetings of the Trustees shall take place on stated days



agreed to by a majority, for the transaction of ordinary business, and that if the meeting be extraordinary or special, Seven days' notice thereof, and of its object, shall be given in writing to each of the said Trustees and to the Chaplain or Clergyman, and that it shall at any time be competent for any Two of the said Trustees to convene such special meeting.

14. And it is further enacted, that the real estate and property in any Church, of which Trustees shall be elected and appointed in the manner aforesaid, and in any Burial ground now belonging or which may at any time hereafter belong thereto, and their appurtenances respectively, and in all lands and hereditaments and in all monies and chattels belonging or which may hereafter belong thereto, shall be deemed and taken to be vested in such Trustees for the purposes of their Trust.

15. And it is further enacted, that it shall be lawful for the said Trustees to make or enter into, perform and execute, and compel the performance and execution of all such contracts and agreements, matters and things, and to commence and maintain all such suits and actions as they shall deem necessary to the performance of the trust reposed in them. And all such contracts and agreements shall and may be entered into and enforced, and all such suits and actions be brought by them, in the name of "the Trustees of the Church," specifying the name of the Church, but without specifying the Christian or surname of the Trustees, and no action shall abate by reason of the death or removal, or going out of office of any Trustee. And all suits and actions, the cause of which shall arise or accrue to any person whatsoever, from, or by reason of any contract or agreement, or any other matter or thing made or entered into, done or performed by the said Trustees in the execution of the said trust, shall be brought by such person against the said Trustees under the name and title aforesaid. Nor shall any of the said Trustees, merely by reason of his being a plaintiff in any such suit, be prevented from being a witness therein.

16. And it is further enacted, that the said Trustees shall, and they are hereby required as soon as may be after their election and appointment, or as soon as possible after the Church shall be ready for the performance of Divine worship, to set out and apportion sittings in the Church entrusted to them, and to fix and assess a rent or rate for such sittings, and make agreements and contracts with any person desirous to engage the same according to such assessment. Provided always, that one-sixth part of the whole number of sittings in any such Church shall be appropriated free of any charge whatever to the use and accommodation of the poorer classes of the population, and also not less than Four sittings for the use and occupation free of all charge, of the Chaplain or Clergyman. And such sittings shall forever be kept apart for the purposes aforesaid.

17. And it is further enacted, that every subscriber to any Church erected in manner aforesaid, provided he be *bonâ fide* resident within Twenty miles of the same, shall be entitled to engage such number of sittings therein as he may really require for the use of himself and his family, and the priority of choice amongst such subscribers shall be determined by the Trustees. And after all the sittings shall have been so apportioned in the first instance, the Trustees shall register in a book to be by them kept for that purpose, all subsequent applications for sittings in the order in which they may be received by them, and shall allot such sittings as may thereafter become vacant, to the parties who may have applied for the same according to such order.

18. And it is further enacted, that it shall be lawful for the said Trustees, and they are hereby required to collect and gather, or cause to be collected and gathered, all sums of money which shall be due for sittings in any such Church, and all subscriptions and donations thereunto, and all rents and revenues that may at any time arise out of any land or hereditaments or from any property whatever belonging to such Church, and all fees and payments for Vaults and Tombstones, and to apply for the said sums. And it shall be lawful for the said Trustees in conjunction with the Chaplain or Clergyman of such Church, who in respect of such appointments or removals shall have a vote, to appoint, suspend, and remove all Church Officers and servants employed in or about any such Church (the Clerk of the same excepted, who shall in each case be appointed and removed by the Chaplain or Clergyman only,) and it shall be lawful for the said Trustees generally to manage the temporalities of every such Church, and to provide such articles as may be necessary for the proper celebration of Divine service therein, and to fix the salaries or other remuneration of all such Officers and servants (including such Clerk as aforesaid) and to pay the amount thereof respectively, and of all repairs of buildings and other expenses which circumstances may from time to time render necessary, by or out of such rents and fees as aforesaid, or out of such other funds as may come to their hands.

**No. 12, — 1846.**

Property vested in Trustees.

Trustees to make agreements, &c.

And sue and be sued.

Trustees to apportion sittings.

Subscribers entitled to sittings.

Trustees to collect monies.

And remove Officers.

And defray necessary expenses.

**No. 12, — 1846.**

Erection of Monument, &amp;c.

19. And it is further enacted, that it shall and may be lawful for the said Trustees, with the previous consent of the Bishop of the Diocese, and with his approval of any proposed epitaph or inscription, to permit any Monument to be erected or placed in such parts of any Church erected or to be erected as aforesaid, or of the enclosed ground about the same, or of the Burial ground belonging thereto, as they may deem convenient; or Vaults to be dug and made in the said Burial ground, upon payment to the said Trustees, for the use of such Church, for such permission, by the person or persons desiring to erect or place any Monument therein or enclosed ground about the same, or in the said Burial ground, or to dig and make any Vault in the said Burial ground, or such charges as to the said Trustees shall appear fitting; provided that the same shall in no case exceed the charges set forth in the Schedule hereunto annexed. And it shall be lawful for any person or persons erecting or placing any Monument in any such Church or enclosed ground about the same, or digging or making any Vault in the said Burial ground, by and with such permission as aforesaid, to have and maintain and keep up such Monument or Vault, according to the terms of such permission, to and for the sole and separate use of the said person or persons and his or their heirs for ever. Provided always, that it shall not be lawful to bury any body within any such Church or within the enclosed ground about the same.

Appointment of Auditor.

20. And it is further enacted, that one person not being a Trustee, shall be elected at a General Meeting to be called by the Trustees in the First week in January in every year, to be an Auditor of the yearly accounts of the said Trustees.

Trustees to keep account.

21. And it is further enacted, that the said Trustees shall keep an account, wherein they shall enter all monies received and paid by them, under and by virtue of the provisions of this Ordinance, which account the Auditor may inspect at all reasonable times, and the said account, together with any report of the Auditor thereon, shall be laid before the General Annual Meeting, to be held under the provisions of the Ninth clause of this Ordinance.

Trustees may accept lands.

22. And it is further enacted, that it shall be lawful for the said Trustees to accept or take from persons willing to give the same, or from the Crown, subject to the provisions of any law now or hereafter to be in force relating to such gifts, any lands or premises adapted for the site of a Chaplain's dwelling, with a garden and other appurtenances thereunto, or any lands or premises adapted for the purposes of a Burial ground, or any lands or premises for the maintenance of such Church or of the Chaplain thereof, and such lands or premises so given shall be deemed and taken to be for ever vested in the Trustees of the said Church for the time being in trust for the purposes thereof.

Performance of service for Troops.

33. And it is further enacted, that it shall be lawful for the Governor, should circumstances render the same necessary, to require the free use of any Church erected or to be erected in manner aforesaid, for the performance of Divine service for the benefit of any Troops stationed at or near to the same, at such hour during any Sunday as may be fixed by the said Governor after communication with the Bishop of the Diocese. Provided always, that such extraordinary service shall not interfere with the ordinary services of the day.

Person disturbing public worship.

24. And it is further enacted, that every person who shall wilfully and maliciously, either within or from without any such Church, disturb the performance of public worship therein, or in any way during such time molest any of the congregation, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds, and in default of payment to imprisonment with or without hard labour for any period not exceeding Three months.

Exclusive privileges of Chaplain.

25. And it is further enacted, that no person shall be suffered to perform Divine service or to administer the Sacraments, or to preach any Sermon in any such Church, except the Bishop of the Diocese, the Archdeacon, and the Colonial Chaplain duly appointed and licensed to such Church, or some Clergyman duly appointed by the Ordinary.

Ordinance not to affect Ordinance No. 11 of 1842.

26. And it is further enacted, that nothing in this Ordinance contained shall or shall be deemed and taken to affect the Ordinance No. 11 of 1842, entitled, "*An Ordinance to provide for a Church in Kandy,*" or to extend the provisions of this Ordinance to such Church, but the said Ordinance No. 11 of the year 1842 shall continue to be of full force and effect, and the affairs of the said Church in Kandy shall continue to be regulated thereby.

## SCHEDULE.

Erecting a Tablet or Monument in the Church; not less than Five pounds, nor more than Twenty Pounds.

Erecting a Monument in the ground adjoining the Church, not being the Burial ground; any sum not less than Three pounds, nor more than Ten pounds.  
 Burial in a Brick or Stone grave in the Burial ground; One pound.  
 Head-stone or Foot-stone (each) Ten shillings.  
 A stone covering over such grave; One pound.  
 A Vault, for each person it is capable of containing; One pound Ten shillings—and on every occasion of its being opened, One pound.  
 A raised Tomb over a Vault, for each person it is capable of containing; One pound Ten shillings.

**No. 12,—1846.**

Passed in Council the Twenty-sixth day of November, One Thousand Eight Hundred and Forty-six.

R. H. F. SOMERSET,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,

*Colonial Secretary.***No. 13,—1846. (Expired.\*)**

To apply a sum not exceeding One hundred and sixty-eight thousand Seven hundred and fifty pounds, to the Contingent service of the year 1847.

**No. 13,—1846.****No. 1,—1847.***To amend the Regulation No. 4 of 1833.***No. 1,—1847.**

WHEREAS it is expedient to amend in certain respects the Regulation No. 4 of the year 1833, intituled "*A Regulation for the protection of the Ceylon Savings' Bank and the Fund thereby established;*" and to give legal effect and validity to the proceedings of the Treasurer of the said Institution, and of all other persons, which have been had or taken under the supposed authority of certain Rules made by the Managers of the said Bank.

Preamble.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the passing of this Ordinance, the 10th, 15th 16th and 17th sections of the said Regulation No. 4 of the year 1833, entitled "*A Regulation for the protection of the Ceylon Savings' Bank and the Fund thereby established,*" shall be and the same are hereby repealed.

Certain sections of Regulation No. 4 of 1833 repealed.

2. And it is further enacted, that from and after the passing of this Ordinance, it shall not be lawful for the Trustees of the said Savings' Bank, to receive from any one depositor any sum or sums less than One shilling at a time, nor any sum or sums exceeding Fifty pounds in the whole principal monies, in any one year ending on the 31st day of December, nor to receive from any one depositor any sum or sums of money whatever which shall make the sums actually deposited exceed the sum of Two hundred and Fifty pounds in the whole: And further, that whenever the sum or sums standing in the name of any one depositor shall amount in the whole to Three hundred pounds, principal and interest included, no more interest than Three per cent per annum shall be payable on any such deposit, so long as it shall continue to amount to the said sum of Three hundred pounds.

Amount receivable from one Depositor.

3. Provided always and it is further enacted, that it shall and may be lawful for Charitable Societies and Institutions to deposit their funds in the Savings' Bank, to the extent of Two hundred and Fifty pounds per annum, until the amount of such deposits, including interest, shall equal Seven hundred and Fifty pounds; after which the same shall not bear interest beyond the rate of Three per cent per annum. Provided that it shall be lawful for the said Trustees, or the Managers of the said Savings' Bank, whenever it shall be deemed expedient by them, to refuse to receive any sum or sums in deposit from any such Charitable Institution, and to give Thirty days' notice to the Trustees or Officers of any such Institution from whom the same were received by the said Savings' Bank, to withdraw from the said Bank all such sums as may have been deposited therein on behalf of such Institution, together with the interest accumulated thereon: and from and after the expiration of such period no further interest shall be payable on the amount deposited. And the receipt or

Proviso as to Charitable Institutions.

Receipt of the Treasurer &amp;c.. a sufficient discharge.

\* The Supply Ordinances for each year are not published at length.

**No. 1,—1847.**

Depositors withdrawing sums may re-deposit them.

Past proceedings under certain altered Rules not to be deemed invalid.

The Government and Treasurer not to be responsible for loss of money deposited in the Treasury.

discharge of the Treasurer, Trustee, or other Officer for the time being of any such Institution for any money paid according to the requisition of such Treasurer, Trustee, or other officer duly authorized to require such payments, shall be a sufficient discharge for the same.

4. And it is further enacted, that it shall and may be lawful for any depositor after having withdrawn any sum or sums of money, to re-deposit the same at any time or times within any one year, reckoning from the 31st day of December; provided such sum or sums of money so re-deposited, and any previous deposit or deposits made by such depositor in the course of the year and still remaining in his or her name, taken together, shall not exceed at any time in such year the sum of Fifty pounds additional principal money bearing interest.

5. And whereas at a meeting of the Managers of the said Savings' Bank held at Colombo on the 17th day of May 1842, certain alterations were made in the 10th and 15th Rules of the said Bank which were repugnant to the said Regulation No. 4 of 1833, and whereof a transcript was not deposited with the Colonial Secretary as required by the said Regulation. And whereas the said alterations so made, are therefore illegal and void, but the same have nevertheless been acted upon, and it is expedient to give legal effect and validity to all transactions which have taken place under the supposed authority of the said alterations: It is therefore further enacted, that no agreement, transaction, act, matter, or thing entered upon, made, concluded, or done, under or by virtue or in consequence of the alterations in the said Rules, or of any or either of them, shall be, or be deemed or taken to be, or shall be treated as illegal or void, by reason of any illegality in the said alterations, or in any of them.

6. And it is further enacted, that the Government of this Colony, shall in no case whatever be responsible for the loss of any money, whether by fire, theft, forgery, or otherwise, which shall have been deposited in the General Treasury by or on behalf of the said Savings' Bank, nor shall the Treasurer of the Colony in any case be responsible for any such loss, unless the same shall be clearly attributable to fraud or gross negligence on his part.

Passed in Council the Twenty-third day of September, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,

*Colonial Secretary.*

**No. 2,—1847.****No. 2,—1847.**

*An Ordinance to declare the Duties in certain respects of the Masters Attendant of the Ports of Colombo, Galle and Trincomalie, and to provide in certain respects for the better preservation of the said Ports, and for the better regulation of the Shipping therein.*

Preamble.

WHEREAS it is expedient to declare the duties in certain respects of the Masters Attendant of the Ports of Colombo, Galle and Trincomalie, and to provide in certain respects for the better preservation of the said Ports, and for the better regulation of the Shipping therein.

Master Attendant to appoint place for anchorage.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that whenever any Ship or Vessel shall arrive within either of the Ports of Colombo, Galle or Trincomalie, the Master Attendant of such Port is hereby authorized and required to repair with due diligence on board such Ship or Vessel, and to appoint the place where the same shall cast anchor, and to direct the Master or person in charge of such Ship or Vessel to anchor it at such place, or himself to cause it to be anchored there; and he shall at all times have full power and authority to board any such Ship or Vessel and to remove or cause the removal of the same from one place of mooring or anchorage to another when he shall consider such removal expedient, whether such Ship or Vessel shall be on Government moorings as hereinafter provided or otherwise; and as often as the Master or person in charge of any such Ship or Vessel shall be desirous of moving the same from one place of mooring or anchorage to another, such Master or person in charge is hereby required to notify to the Master Attendant such his desire, and the Master Attendant shall, unless he see good and sufficient reason to the contrary, authorize the removal thereof by such Master or person in charge, or shall himself remove it or cause its removal; and whenever the Master Attendant shall consider it necessary for any of the purposes of this Ordinance to go on board of any such Ship or Vessel, he shall be entitled to demand and receive a reasonable amount for boat hire; and whenever a Pilot shall be employed in the

mooring or removal of any such Ship or Vessel, he shall be entitled to demand and receive a reasonable amount for Pilotage, and if any dispute shall arise as to such amounts, the same shall be referred to the Collector of Customs for the Port, whose decision thereupon shall be final and conclusive. And if any Master or person in charge of any such Ship or Vessel, or any other person, shall neglect or disobey any lawful direction of the Master Attendant or shall offer any resistance or impediment to him or to any person acting under his orders in the execution of any duty or authority herein imposed upon or vested in him, or shall change the mooring or anchoring of any such Ship or Vessel without the authority of the Master Attendant, every such Master or person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

2. And it is further enacted, that the Master Attendant shall render assistance to all Ships or Vessels in distress within sight of the Port, by every means in his power.

3. And it is further enacted, that the Master Attendant shall, on application from any Master or person in charge of any Ship or Vessel, for leave to take the Government moorings, immediately grant the same whenever any such moorings are available, and shall be entitled in respect thereof to charge for every such Ship or Vessel not exceeding 250 tons, Five shillings per day, and Six pence a day extra for every additional 25 tons above 250 tons. Provided always, that no such Ship or Vessel shall be liable to pay for more than 15 days of the time that she shall remain so moored.

4. And it is further enacted, that whenever the passage of boats to or from any Ships or Vessels at anchor in any such Port shall become dangerous, the Master Attendant shall hoist a white flag with a red ball in the centre, in some conspicuous place, and shall keep the same so hoisted as long as such danger shall continue. And if any Master or person in charge of a Ship or Vessel, or other person shall, after such signal shall have been made, prevent any boat which may be alongside of any Ship or Vessel from returning ashore, every such Master or person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten pounds, and the remuneration to be made in respect of any boat returning under such circumstances shall be determined by the Master Attendant, and shall not thereafter be questioned.

5. And it is further enacted, that it shall be lawful for the Governor to grant licences to persons duly qualified to act as Pilots for any of the said Ports, and that every licence so granted shall contain the name, age, stature, complexion, and place of abode of every such Pilot, and shall further certify for what Port he is duly qualified to act as Pilot. And it shall be lawful for the Governor at any time to recall any such licence. And all such Pilots shall be under the control and subject to the orders of the Master Attendant of the Port.

6. And it is further enacted, that the rates and charges of Pilotage on Ships or Vessels into and out of any of the said Ports from, or to a distance of one league out at sea, shall be the same as are respectively inserted, described, and set forth in figures in the table to this Ordinance annexed, marked with the letter A.

7. And it is further enacted, that no Pilot as aforesaid shall be in anywise bound to conduct any Ship or Vessel to sea, until the full amount of the outward Pilotage of such Ship or Vessel shall be first paid or secured to be paid to the satisfaction of such Pilot.

8. And it is further enacted, that every Pilot in charge of any Ship or Vessel in or entering or proceeding from any Port, who shall remain on board any such Ship or Vessel for a period exceeding Forty-eight hours, either on account of stress of weather, or under quarantine, shall be entitled to demand and receive over and above the amount of Pilotage charged under the Regulations herein before mentioned, the sum of Eight shillings for each and every day he shall so remain on board such Ship or Vessel.

9. And it is further enacted, that every Pilot licensed by virtue of this Ordinance, who shall refuse, neglect, or delay to take charge of any Ship or Vessel, when required to do so by the Master Attendant, unless upon good and sufficient cause to justify such refusal, neglect or delay; and every such licensed Pilot, and every person lawfully acting as a Pilot in the absence of a licensed Pilot under the provisions of this Ordinance, who shall quit any such Ship or Vessel, or decline the piloting thereof, after he has been engaged, or before the service shall have been performed for which he was hired, or shall by drunkenness render himself incapable of conducting any Ship or Vessel, or do any injury to the same, or to the tackle, or furniture thereof; and every such licensed Pilot who shall lend his licence to any unlicensed person to assist him in acting or claiming to act as a licensed Pilot; and every unlicensed person borrowing or making use of any such licence for such purpose, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Twenty pounds.

## No. 2,—1847.

Penalty on disobedience to or obstruction of lawful orders of Master Attendant.

Master Attendant to give assistance to Ships in distress.

As to Government moorings.

Flag to be hoisted when passage to or from ships dangerous.

Governor may grant licences to Pilot.

Rates of Pilotage.

Amount of outward Pilotage to be paid in advance.

Pilot in certain cases to demand payment over and above amount of Pilotage.

Penalty on Pilot for misconduct.

**No. 2,—1847.**

Penalty on person acting as  
Pilot without authority.

10. And it is further enacted, that it shall be lawful for any licensed Pilot within the limits of his licence, to supersede in the charge of any Ship or Vessel any person not licensed to act as a Pilot, or not licensed so to act within such limits: and every person assuming or continuing in the charge or conduct of any Ship or Vessel, without being a duly licensed Pilot, or without being duly licensed to act as a Pilot within the limits in which such Ship or Vessel shall actually be, after any Pilot duly licensed to act in this premises shall have offered to take charge of such Ship or Vessel, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Twenty pounds. Provided always, that notwithstanding any thing in this Ordinance contained, any person whatsoever shall and may lawfully and without being subject to any penalty by this Ordinance imposed, assume or continue in the charge or conduct of any Ship or Vessel as a Pilot, where and so long as a Pilot duly licensed shall not have offered to take charge of such Ship or Vessel, or made a signal for that purpose, or where and so long as such Ship or Vessel shall be in distress, or under circumstances which shall have rendered it necessary for the Master or person in charge of such Ship or Vessel, to avail himself of the best assistance which at the time could be procured.

Proviso.

7th, 51st, 53d, 54th, 55th,  
56th and 63d clauses of the  
Ordinance No. 5 of 1837,  
repealed.

11. And it is further enacted, that the 7th, 51st, 53d, 54th, 55th, 56th and 63d clauses of the Ordinance No. 5 of 1837, entitled "*An Ordinance to amend the laws relating to the Ports and Customs,*" shall be and the same are hereby repealed, in so far as regards the Ports of Colombo, Galle, and Trincomalie, save and except as to any offences already committed or any fines, penalties or liabilities incurred thereunder.

As to licensed boats.

12. And it is further enacted, that Ships and Vessels of all kinds in any of the said Ports, may, in landing or taking on board any cargo or goods, either make use of their own boats or of such boats as shall be licensed for that purpose by licences under the hand of the Collector of Customs for the Port, to be issued and recalled or taken away in case of any misconduct by the owner, Tindal, or any of the boatmen thereof, at the discretion of the Collector: and such licences shall be in force for such period as may be expressed therein, unless previous to the expiration thereof the same shall be recalled or taken away as aforesaid, and shall specify the burthen of the said boat, the name of the owner and the Tindal thereof, and the number of seamen to be employed in the same, and shall be registered in the offices of the Master Attendant at each Port respectively; and all Ships requiring boats shall apply for the same at the said offices.

Charges for boat hire.

13. And it is further enacted, that the charges for boat-hire, which may be demanded by boats licensed to ship and land goods in the said Ports, shall be such as shall be fixed from time to time by the Governor of this Island, and publicly notified by advertisement; and the Tindal, or the principal person of any licensed boat, who shall demand any higher rate, shall, on conviction thereof, be guilty of an offence, and be liable to any fine not exceeding Two pounds.

Penalty on Tindal and  
boatman of licensed boats  
for misconduct.

14. And it is further enacted, that all Tindals and boatmen of licensed boats shall obey the orders of the Master Attendant of the Port, and no licensed boat shall be absent from the Port without his leave, and if the Tindal or principal person of any licensed boat, on any verbal or written notice being given to him by the Master Attendant of the Port or any officer of his Department, ordering such boat to proceed on board any Ship or Vessel on service, shall refuse or neglect to comply with such order, not being manifestly prevented therefrom by stress of weather; or if he shall, when so required to proceed, have fewer seamen on board his boat than the number specified in his licence, unless by permission of the Master Attendant, who may in such case at his discretion order a proportionate reduction of the charges payable for the hire of such boat, such Tindal or principal person shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten pounds.

Penalty on employment of  
unlicensed boats.

15. And it is further enacted, that if any goods be landed from, or shipped to any Ship or Vessel being in any of the said Ports, in any boats except in boats licensed as above mentioned, or in boats belonging to such Ship or Vessel, the said goods and the unlicensed boat in which they may have been landed or shipped shall be forfeited, and shall be dealt with in the same manner as goods declared to be forfeited or liable to forfeiture by the laws for the time being in force relating to the Customs.

Where specification of de-  
scription, &c. of packages  
necessary

16. And it is further enacted, that in landing the cargoes of Vessels, the Masters or Super-cargoes of which are Europeans, each separate boat load shall be accompanied by a note addressed to the Collector of Customs, specifying the number and description of the packages, and the marks and numbers affixed thereon, or in bulk the quantity as far as can be ascertained of the goods so sent to them. And in default of compliance with the said provision,

the said Master or Supercargo shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten pounds.

17. And in order to enable the Collector to grant a true and accurate licence, it is further enacted, that the Master Attendant shall survey and measure every boat for which a licence is applied, and shall issue a certificate in case the same shall in his judgment be of proper dimensions and capacity and seaworthy, and of proper quality for the purposes of landing and shipping cargo, otherwise he shall withhold his certificate and such boat shall not be licensed.

18. And it is further enacted, that the owner of every boat shall paint or cause to be painted and shall keep painted in white or yellow, in English figures not less than Six inches in length on a black ground on a conspicuous part on both sides of the bow of such boat, in a legible and distinct manner, the number of such boat as mentioned in the licence, and the licence of such boat may be withheld until it is so marked.

19. And it is further enacted, that every licensed boat shall be kept well and completely dunnaged and seaworthy, and the Master Attendant shall, as often as he may think necessary, require the owners of licensed boats or any one or more of them, to expose them in some convenient place for his inspection, and in case any owner shall neglect or refuse so to expose any boat belonging to him, and in case, on any boat being so exposed, the Master Attendant shall deem it unseaworthy, he is hereby required to report thereupon to the Collector of Customs.

29. And it is further enacted, that the owners of licensed boats shall keep and provide for service during the night, that is to say, from Six o'clock in the afternoon until Six o'clock in the morning, two full sized boats with their proper crews, according to a course of rotation to be specified by the Master Attendant on the first day of every current month, and to be notified in writing on some conspicuous part of his Office as regards the particular nights for the attendance of particular boats, and every owner of such boat who shall fail to provide his boat properly manned and in all respects fit for service, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

21. And it is further enacted, that if any Master or other person shall throw overboard from any Ship or Vessel any stones or ballast whatever within any of the said Ports, and if any stones or ballast landed from any Ship or Vessel on any wharf, quay, or other landing place in any of the said Ports, or in any place prohibited by public notice in writing signed by the Collector and Master Attendant of the Port, be not removed within Twenty-four hours after the same shall have been landed, to the depositories appointed by the Collector of Customs and Master Attendant of the Port, the Master or other person so throwing overboard or landing such stones or ballast, shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Twenty pounds.

22. And it is further enacted, that whenever any Ship or Vessel shall have lost any anchor or grapnel in any of the said Ports, the Master or person in charge thereof shall immediately give notice of such loss to the Master Attendant, together with the bearings of such anchor or grapnel. Provided always, that it shall at all times be lawful for such Master or person in charge to sweep for and fish up and recover such anchor or grapnel at his own expense.

23. And it is further enacted, that if any Master or person in charge of a Ship or Vessel in any of the said Ports shall request the Master Attendant to recover any anchor or grapnel which he shall have lost at any place therein, or if information shall be given to the Master Attendant, that any anchor or grapnel has been found in any of the said Ports or is known or reported to have been lost from any Ship or Vessel therein, the Master Attendant shall use his best endeavours to recover such anchor or grapnel, and shall be entitled, upon recovering the same, to one-third of the value thereof. And if the Master Attendant shall at any time refuse or neglect for the period of one calendar month after such request being made or such information being given to use such endeavours as aforesaid, it shall be lawful for any other person or persons, at his or their own expense, to sweep for and fish up and recover such anchor or grapnel, and such person or persons shall in like manner be entitled to one-third of the value of any anchor or grapnel so recovered by him or them. Provided always, that if any difference of opinion shall arise between the Master Attendant and the Master or person in charge of any such Ship or Vessel or their Agents, as to the value of any such anchor or grapnel, the point shall be referred to the Governor, and the decision of any person nominated by His Excellency for that purpose shall be conclusive; and if such difference shall arise between the Master or person in charge of any Ship or Vessel or their Agents, and any other party or parties recovering such anchor or grapnel, the same shall be referred to the Master Attendant, whose decision shall be conclusive.

**No. 2,—1847.**

Master Attendant may survey and measure licensed boats.

Number of boat to be painted thereon.

Licensed boat to be always kept seaworthy.

Owners of licensed boats to keep two boats always ready for service in the night time.

Penalty on throwing ballast &c., overboard.

Ship losing anchor to give notice to Master Attendant.

When share of value of lost anchor to be paid to Master Attendant or other person recovering it.

Proviso.





Galle:

Vessels of 600 Tons and upwards	...	...	...	...	...	...	...	£3	0	0
400 & under 600	...	...	...	...	...	...	...	2	5	0
200 & under 400	...	...	...	...	...	...	...	1	10	0
100 & under 200	...	...	...	...	...	...	...	1	2	6
Under 100	...	...	...	...	...	...	...	0	15	0

No. 2,—1847.

The above rates of Pilotage will be charged to all Vessels going into the Inner Harbour of Trincomalie and the Harbour of Galle, whether they make a signal for a Pilot or not. In Colombo and the Back Bay of Trincomalie, the charge will only be made if the Vessel make the signal and a Pilot actually repair on board.

Passed in Council the Twenty-eighth day of September, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

No. 3,—1847.

*An Ordinance to prohibit Natives of India from entering into contracts in this Island for labour to be performed in any British or Foreign Colony beyond the limits of this Island and without the territories of the East India Company, and from emigrating from this Island to any such Colony for the purpose of employment as labourers.*

No. 3,—1847.

WHEREAS by Act XIV of 1839 of the Governor General of India in Council, it was enacted, that every person who should make with any Native of India any contract for labour to be performed in any British or Foreign Colony without the territories of the East India Company, or who should knowingly abet or aid any Native of India in emigrating from the said territories for the purpose of being employed as a labourer, should be liable, on conviction, to certain penalties therein declared. And whereas it has been intimated to the Government of this Colony that the provisions of the said recited Act will cease to have any force or effect in so far as regards the Island of Ceylon, so soon as the Governor General of India in Council shall be duly certified that the Legislature of the said Island has made such laws as the said Governor General in Council shall think sufficient for the protection of Natives of India emigrating to the said Island against the evils which might attend their emigrating from the said Island to any other British or Foreign Colony. And whereas it is expedient that the Legislature of this Island shall forthwith make provision for the protection of such Natives against the evils aforesaid.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the enactment of this Ordinance, if any Native of India who shall have emigrated therefrom to this Island, shall enter into any contract within the said Island for labour to be performed in any British or Foreign Colony beyond the limits of the said Island, and without the territories of the East India Company, or shall embark or attempt to embark from any place in the said Island on board any ship or vessel for the purpose of being conveyed to any British or Foreign Colony beyond the limits of the said Island, and without the territories of the East India Company, and of being employed in such Colony as a labourer, every such Native shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds.

Penalty on Natives of India contracting for labour to be performed in any British or Foreign Colony or embarking on board any vessel for the purpose of employment as labourer in any such Colony.

2. And it is further enacted, that every person who shall enter into any such contract as aforesaid with any such Native of India, or shall knowingly aid or abet any such Native in embarking or attempting to embark from any place in this Island on board any ship or vessel for the purpose of such conveyance and employment as aforesaid, or shall attempt by means of intoxication or by false imprisonment or other means of crimping, to export any such Native from any place in this Island on board any ship or vessel for the purpose of such conveyance and employment as aforesaid, and every Master or person in charge of a ship or vessel who shall admit any such Native on board thereof for the purpose of such conveyance and employment as aforesaid, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds for every Native so contracted with, aided, abetted, exported, or admitted on board.

And on all persons aiding or abetting them.

**No. 3,—1847.**

Powers of search &c. for the purposes of this Ordinance, extended to Officers of Customs and Pilots.

3. And it is further enacted, that all powers vested by Law in the Officers of Customs in regard to the searching and detention of ships and vessels, or otherwise for the prevention of smuggling on board thereof, may be exercised by such Officers for the prevention of the illegal embarkation of Natives of India on board of ships or vessels in any Port, Harbour or Roadstead in this Island, and of other offences against this Ordinance; and all persons authorized to act as Pilots in this Island are hereby invested with the same powers and charged with the same duties as Officers of the Customs in this behalf.

This act not to extend to *bonâ fide* menial servants.

4. And it is further enacted, that nothing in this Ordinance contained shall be taken to apply to any Native of India who shall of his own free will enter into any *bonâ fide* contract to serve on board any ship or vessel as a seaman or as a menial servant, or to any such Native who shall embark or attempt to embark on board of any ship or vessel in pursuance of any such contract or as a menial servant, or to any person who shall enter into any such contract with any such Native or who shall aid or abet any such Native in embarking or attempting to embark on board any ship or vessel for the purpose of serving as a seaman or menial servant, or to any Master or person in charge of any ship or vessel who shall admit any such Native on board thereof for the purpose of such service as aforesaid, or to any Native of India who shall hold a sufficient licence or certificate of some competent authority in that country to enter into any contract for labour to be performed in any British or Foreign Colony beyond the limits of this Island and without the territories of the East India Company, or to embark for or proceed to any such Colony.

Passed in Council the Twenty-eighth day of September, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 4,—1847.**

(Section 2 repealed by Ordinance No. 11 of 1852.)

**No. 4,—1847.**

*For authorizing the sale of immoveable property under Writs of Execution issued by Courts of Requests; and for giving legal effect and validity to past sales of such property by Fiscals in certain cases, and indemnifying such Fiscals and their Officers against all actions in respect of such sales.*

**Preamble.**

WHEREAS by the Ordinance No. 10 of the year 1843, entitled "*An Ordinance for the establishment of Courts of Inferior Civil Jurisdiction to be called Courts of Requests,*" it is amongst other things enacted, that the judgment and award of such Courts of Requests shall in all cases when necessary, be carried into execution by attachment and sale of the goods and effects, or by corporal arrest of the party or parties against whom such judgment or award shall have been given or made. And whereas in many instances the judgments and awards of the said Courts of Requests have been carried into execution by attachment and sale of the immoveable property of parties against whom such judgments or awards had been given or made. And whereas it has been determined by the Supreme Court of this Island that such sales of immoveable property are not authorized by the said above recited Ordinance: but it is expedient that sales of immoveable property in satisfaction of the judgments and awards of Courts of Requests should for the future be allowed; and it is also expedient to give legal effect and validity to all such past sales of immoveable property and to indemnify all Fiscals and their Officers against all actions and suits in respect of any such sales.

Moveable and immoveable property may be sold under Writ of Execution issued by Courts of Requests.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, the judgment and award of Courts of Requests shall in all cases when necessary, be carried into execution by attachment and sale of property whether moveable or immoveable, of the party or parties against whom such judgment or award shall have been given or made, anything in the 6th Section of the said Ordinance No. 10 of 1843 to the contrary notwithstanding; and every Writ of Execution issued by any such Court, whether against person or property, shall be executed by the Fiscal or his Deputy or Officer and by no other person, any thing in the Fourth section of the said Ordinance or in any Rule or Order of Court to the contrary notwithstanding.

2. And it is further enacted, that when any landed property shall have been sold under any Writ of Execution issued by any Court of Requests which belonged to two or more persons in common, it shall be lawful for any person claiming such property or any undivided interest therein to notify in writing to the said Court of Requests that he disputes the right of the party against whom the Writ issued, or of any other person claiming any interest in the said property, to the property sold or to the share or interest claimed therein—and on receiving such notification, the said Court of Requests shall make order that the amount realized by such sale shall be kept in deposit in the office of the Government Agent or Assistant Government Agent of the district in which such Court is situate, until the respective rights of all persons interested in such property shall have been determined by the decree of some competent Court, and to be then paid over under the order of such last mentioned Court, to the parties entitled thereto, in the proportions of their respective shares: and the sum awarded to the debtor against whom the said Writ was issued as his share, or such part thereof as shall be sufficient to satisfy the exigency of the said Writ, shall be paid over under an order of such last mentioned Court, to the creditor; and the surplus, if any, shall be paid to the said debtor.

No, 4,—1847.

3. And it is further enacted, that no sale of immoveable property held or effected previous to the promulgation of this Ordinance under or in pursuance of any Warrant heretofore issued by any Court of Requests in execution of any judgment or award of any such Court, and no transfer or conveyance of immoveable property made or to be made in pursuance of any such sale, and no payment of monies realized by such sale made or ordered to be made, or to be hereafter made or ordered to be made by any such Court, shall be deemed or taken to be or shall be liable to be set aside as invalid or void on the ground or by reason that immoveable property could not be legally sold in execution under the authority of any such Court of Requests, or that the said Court had no jurisdiction to order payment to be made of the amount realized by such sale, or to determine the respective rights of the parties interested in such amount.

Formersalesdeclaredvalid.

4. And it is further enacted, that all Fiscals and Deputy Fiscals and all persons whomsoever acting under their authority or by their order, and all Commissioners of Courts of Requests, and all persons acting *bonâ fide* under the authority of any such Court, shall be and are hereby indemnified, freed, and discharged from and against all damages, charges and liabilities whatsoever, incurred or to be incurred for or by reason of any sale of immoveable property in execution of any judgment or award of any Court of Requests previous to the promulgation of this Ordinance, or of any act necessarily or properly done or to be done by them for the purposes, or in furtherance of, or for giving effect to such sale.

Fiscals holding such sales indemnified.

5. And it is further enacted, that in case any suit or action shall have been brought before, or shall be brought or carried on after the promulgation of this Ordinance, for the purpose of avoiding any such sale, or of setting aside or cancelling any such transfer or conveyance, or to recover any damages from any person hereby meant or intended to be indemnified, the defendant in such suit or action may upon his defence give this Ordinance and the special matter in evidence upon any trial to be had thereupon, without having specially pleaded the same.

Ordinance need not be specially pleaded.

Passed in Council the Twenty-eighth day of September, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,

*Colonial Secretary.*No. 5,—1847. (*Disallowed.*)\*

*An Ordinance to repeal the Regulation No. 8 of 1809 and to remove certain restrictions peculiar to the Tenure of Service Parveny Lands.*

No. 5,—1847.

WHEREAS it is expedient to repeal the Regulation No. 8 of 1809, and to remove certain restrictions peculiar to the tenure of Service Parveny Lands.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 8 of 1809, entitled, "*For declaring the tenure of Service Parveny Lands, and to prevent the same from being alienated or incumbered,*" shall be and the same is hereby repealed.

2. And it is further enacted, that the privilege of succeeding to Service Parveny Lands, shall be in the female as fully as in the male heirs of all persons who shall die possessed of such lands after this Ordinance shall have come into operation, and such lands shall not revert to the Crown on the failure of male heirs. And such lands are hereby declared to be

\* Re-enacted by Ordinance No. 3 of 1852.

**No. 5,—1847.**

henceforth capable of alienation by gift, sale, devise, or other act, or of being charged or incumbered with any debt whatever. And such lands are hereby further declared to be henceforth liable to be sold by virtue of any Writ of Execution or other legal process of any Court of this Island.

3. And it is further enacted, that no sale of any Service Parvency Land, or of any share thereof heretofore effected under any Writ of Execution or other legal process of any Court of this Island, and no sale or alienation of any such land or of any share thereof heretofore effected by any person in the lawful possession thereof, shall be deemed to be invalid by reason of any thing in the said Regulation No. 8 of 1809 contained, or by reason of such land being Service Parvency Land, unless some suit or other proceeding at law touching the validity of such sale or alienation shall be pending at the time that this Ordinance shall come into operation, in every which excepted case, such suit or proceeding shall be determined in such and the same manner as it would have been determined if this Ordinance had not been enacted.

4. Provided always and it is further declared and enacted, that nothing in this Ordinance contained shall or shall be construed to affect the rate of tax to which any Service Parvency Lands may be liable.

5. And it is further enacted, that this Ordinance shall commence and take effect from and after the date of the Proclamation by the Governor in the Government Gazette that the same has been ratified and confirmed by Her Majesty.

Passed in Council the Ninth day of October, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 6,—1847.**

*An Ordinance to amend in certain respects the Law of Marriages, and to provide for the better Registration of Marriages, Births and Deaths.*

**No. 6,—1847.**

Preamble.

WHEREAS it is expedient to amend in certain respects the Law of Marriages, and to provide for the better Registration of Marriages, Births and Deaths.

Repeal of former Regulations.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Regulation No. 7 of 1815, entitled "*For facilitating the Marriages of Native Protestants,*" shall be and the same is hereby repealed. Provided, nevertheless, that all Marriages contracted under the provisions of the said Regulation, and all Marriages declared therein to be valid, shall be deemed and taken to have been good and valid Marriages.

Declaration of validity of past Marriages by Christian Ministers.

2. And in order to remove all possibility of doubt or question as to the validity of Marriages solemnized by certain Ministers of Religion within this Island; It is hereby further enacted, that all Marriages which have been heretofore *bonâ fide* solemnized within this Island between parties legally competent to marry by Ministers of the Christian Religion ordained or otherwise set apart for the Ministry of the Christian Religion, or by Proponents or Catechists, either by licence or after the publication of banns, and according to the rites of the religious communities to which such Ministers, Proponents or Catechists shall have belonged respectively, shall be deemed and taken to have been good and valid Marriages in law, unless the parties to any such Marriage or either of them shall, in the life-time of both such parties, have contracted a subsequent valid Marriage. Provided always, that nothing in this Clause contained shall affect the judgment of any competent Court by which any Marriage so solemnized before the notification in the *Gazette* of the confirmation of this Ordinance by Her Majesty, shall have been declared to be invalid. And provided further, that no person who shall have heretofore lawfully come into possession of any property, moveable or immoveable, by reason of the invalidity of any Marriage so solemnized by any such Minister, Proponent, or Catechist as aforesaid, shall be dispossessed of such property, and that the rights of such person, and of all others claiming under such person thereto or in respect thereof, shall not be in any way affected by reason of such Marriage being by this Ordinance made good and valid.

And of past Marriages rendered invalid by not being registered in conformity with Regulation No. 9 of 1829.

3. And it is further enacted, that from and after the notification in the *Gazette* of the confirmation of this Ordinance by Her Majesty, all Marriages heretofore had in this Island which were in all other respects good and valid Marriages, but which have been rendered

No. 6, — 1847.

invalid by reason of their not being registered in conformity with the Regulation No. 9 of 1822, entitled "*For regulating the Registry of the Marriages and Births of the Natives of the Maritime Settlements of this Island as well as of Natives of India residing in the said Maritime Settlements, and for declaring the effect of the said Registry as evidence of such Marriages and Births,*" shall be deemed and taken to have been good and valid Marriages, except where the parties to any such Marriage or either of them, not being Mahomedans, shall during the life-time of both such parties have contracted a subsequent valid Marriage, and except where any such Marriage shall have declared to be invalid by some competent Court of Law. Provided always, that no person who shall have heretofore lawfully come into possession of any property, moveable or immovable, by reason of the non-registration of any Marriage, shall be dispossessed thereof, and that the rights of such person, and of all others claiming under such person thereto or in respect thereof, shall not be in any way affected by reason of such Marriage being by this Ordinance made good and valid.

4. And it is further enacted, that from and after the notification in the *Gazette* of the confirmation of this Ordinance by Her Majesty, all Marriages which shall be solemnized between parties legally competent to intermarry by any Minister of the Christian Religion ordained or otherwise set apart for the Ministry of the Christian Religion according to the usage of the persuasion to which he may belong, either by licence of the Ordinary or of a District Judge, as hereinafter provided, or after the publication of banns on three successive Sundays immediately before or after or during Divine service in any place of worship within this Island, either consecrated or which shall be licensed for that purpose in writing under the hand of the Governor and Gazetted as such, shall be good and valid in law: and from and after such time as aforesaid, the said Regulation No. 9 of 1822 shall cease to be of any force or effect in respect of any Marriage solemnized or intended to be solemnized by any such Minister: and all licences heretofore issued to persons to celebrate Marriages shall cease to be of any validity and shall be deemed to be cancelled: and immediately after the solemnization of every such Marriage, an entry thereof shall be made by such Minister in a book to be kept for that purpose, of such form and material as the Governor with the advice of the Executive Council shall prescribe, and such entry or register shall be signed by such Minister and by the parties to such Marriage, and by two witnesses who shall be present at the solemnization thereof and who shall be personally acquainted with both the parties thereto; and shall express that the said Marriage was celebrated by banns or licence, and if both or either of the parties married be under age not being a widow or widower, with the consent of the parents or the guardians as the case may be, and shall be as near as is material according to the form in the Schedule A hereunto annexed; and each of the parties to such Marriage shall be entitled to receive from such Minister a certificate of the entry or register thereof of the form as near as is material in the Schedule B hereunto annexed: and such certificate shall bear such Stamp, and the Minister shall be entitled, before issuing the same, to such fee as the Governor with the advice of the Executive Council shall from time to time appoint. Provided always, that it shall not be lawful for any Minister to solemnize any Marriage after Three calendar months from the last publication of banns of such Marriage, or after Three calendar months from the date of the licence for such Marriage, except in cases where the publication of banns or solemnization of Marriage having been forbidden as hereinafter provided, a reference has been made to a Police Court, and the decision of such Court be not made known in sufficient time to admit of the solemnization of such Marriage within such period; and in all cases, except in the cases so excepted, where Three calendar months shall have so elapsed without the Marriage having been solemnized, the publication of such banns or the licence shall be void; and before the parties can be married by any Minister, it shall be necessary, except in the cases hereinbefore excepted, to republish the banns anew or to obtain a new licence.

5. And it is further enacted, that this Ordinance, with the exception of the second, third and fourth Clauses thereof, and of such other Clauses as shall be hereinafter in that respect excepted, and with the exception of such provisions as relate to Marriages solemnized and intended to be solemnized by Ministers of the Christian Religion and to the registration of Births and Deaths by such Ministers, shall commence and come into operation in every District or Division of this Island upon such day as it shall be expressly declared to commence and come into operation therein by a Proclamation to be for that purpose issued by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*; and whenever this Ordinance shall be so proclaimed to have come into operation in any District or Division, the said Ordinance No. 9 of 1822 shall thereupon cease to be of any further force or effect in such District or Division. And such second, third and fourth Clauses and such other Clauses respecting which a similar provision shall be expressly made, and all

Christian Ministers to solemnize Marriages.

And keep Register. 1

Ordinance when to take effect.

**No. 6, — 1847.**

provisions relating to Marriages solemnized or intended to be solemnized by Ministers of the Christian Religion and to the registration of Births and Deaths by such Ministers, shall come into full operation throughout this Island immediately after the confirmation of this Ordinance by Her Majesty shall have been duly notified in the *Government Gazette*.

Marriage to be valid to be registered.

6. And it is further enacted, that no Marriage which shall be alleged to have taken place in any part of this Island after the whole of this Ordinance shall have come into operation therein, shall be considered valid in law so as to convey any right of property either to the parties themselves or to any children born from their connexion, or to any relations on either side as the consequence of such Marriage, or to confer any other right or to impose any obligation upon either of the parties to such alleged Marriage, unless the same shall have been registered in conformity with the provisions hereinafter made in that behalf, excepting Marriages solemnized by Ministers of the Christian Religion under the provisions of the fourth Clause of this Ordinance, and excepting also as is hereinafter excepted.

Exceptions.

Governor to appoint Registrars.

7. And it is further enacted, that it shall be lawful for the Governor to appoint one Registrar General of Marriages in this Colony, and one Provincial Registrar in each of the Provinces thereof, and to establish from time to time, with the advice of the Executive Council, such and so many Districts within any of such Provinces as shall appear expedient, and such Districts at any time with the like advice to alter or abolish: and it shall be lawful for the said Governor to appoint one or more Registrar or Registrars to each of such districts, and at any time when he shall think fit to remove any such Registrar General, Provincial Registrar, or Registrar, and when necessary to appoint some other person in his place or in the place of any Registrar General, Provincial Registrar or Registrar who shall have died or resigned his office. And it shall be lawful for the Governor from time to time, with the advice of the Executive Council, to make Regulations for the direction of the said Registrar General, Provincial Registrars and Registrars in the discharge of their duties, and for the maintenance of such Officers or Establishments as may be necessary thereunto. Provided always, that such Regulations shall in no case be inconsistent with or repugnant to any of the provisions of this Ordinance.

Registrar to give security.

8. And it is further enacted, that no Registrar General, Provincial Registrar or Registrar shall be appointed, until he shall have given such security to Her Majesty for the due and faithful execution of his Office as shall appear to be sufficient to the Governor. And every Registrar shall, within One week after his own appointment, make appointment of an Assistant in writing under his hand, and shall forthwith transmit a notice of such last mentioned appointment to the Government Agent of the Province within which such Registrar is appointed to act, and no such appointment shall be valid until approved by such Government Agent; and the Government Agent shall forthwith after such approval shall have been given, transmit a notice thereof to the Provincial Registrar. And if any such Assistant to any such Registrar shall die or for any reason be unable to perform the duties of his Office, such Registrar shall forthwith make appointment of another Assistant and forthwith transmit a notice of the same to the Government Agent for the Province, and such last mentioned appointment shall be subject to the like approval of the Government Agent, and like notice thereof shall be given by the Government Agent to the Provincial Registrar.

And appoint Assistant.

Powers of Assistant.

9. And it is further enacted, that such Assistant so appointed shall have the same powers and be required to perform the same duties, and be subject to the same penalties which are by this Ordinance conferred on, required of, and imposed upon the Registrar by whom he is appointed, in respect of such cases or class, or classes of cases, or during such periods as he shall have authority under the hand of such Registrar to act on his behalf. And in the event of the death or incapacity of any Registrar, his Assistant shall immediately, under a penalty of Five pounds in case of failure, make report thereof to the proper Provincial Registrar, and shall act as Registrar until another is appointed or such incapacity is removed, and every Assistant shall be subject to removal at any time either by the Governor or by the party by whom he shall have been appointed. And every Registrar shall be civilly responsible for the acts and omissions of his Assistant.

✓ Transfer of Register on decease &c. of Registrar.

10. And it is further enacted, that if any person being removed or ceasing to act in the Office of Registrar General, Provincial Registrar, Registrar, or Assistant Registrar, or in the case of the death of any such Officer, if any of his heirs, executors or administrators, or any other person into whose possession any registers, books or other articles possessed by him in right of the said Office, and necessary or convenient to the duties thereof shall have come, shall wilfully cause the same or any part thereof to be lost or destroyed, or shall wilfully neglect or refuse to deliver over the same or any part thereof as soon as conveniently may be to his successor,

every such person shall be guilty of an offence, and shall, on conviction thereof, be committed to prison, there to remain without bail and at hard labour until he shall have delivered up the same, if it shall be within his power so to do, and shall in addition be liable to a fine not exceeding £100, or to imprisonment at hard labour for any period not exceeding Three years. And any Judge, Magistrate, or Justice of the Peace may grant a Warrant to search for such articles as in the case of stolen goods, in any dwelling house or other premises within his jurisdiction, in which there is reasonable cause to suspect the same to be, and the same, when found, shall be delivered to the person in whose custody they ought to be.

11. And it is further enacted, that every Registrar General, Provincial Registrar and Registrar shall keep books for the several purposes of this Ordinance, of such form and material as shall at any time hereafter be directed by the Governor, with the advice of the Executive Council, and that such books shall at no time be out of the possession of the said Registrar General, Provincial Registrars, Registrars or Assistant Registrars. Provided always, that all persons shall be entitled to refer to and demand extracts from the book of the Registrar General, or of any Provincial Registrar or Registrar, on payment of such fee as the Governor, with the advice of the Executive Council, may from time to time direct, and every such extract shall bear a stamp of One shilling and Six pence.

12. And it is further enacted, that in every case of Marriage intended to be solemnized by a Minister of the Christian Religion after publication of banns, the parties thereto shall deliver or cause to be delivered to such Minister, a notice in writing under their hands as near as is material of the form C hereunto annexed, and which form such Minister is hereby required to supply gratis to any party applying for the same; and such notice shall be attested by two witnesses, who shall be personally acquainted with both of such parties, and dated on the day on which the same shall be delivered, and shall set forth truly and fully all the names of such parties and the names (where they shall be different) by which they are familiarly known, and their respective places of abode; and shall contain a declaration by such parties that according to the best of their belief, there exists no lawful impediment to their Marriage, and that no suit or other proceeding is pending in any competent Court to bar or hinder such Marriage; and where the male party, not being a widower, shall be under the age of Twenty-one years, or the female party, not being a widow, shall be under the age of Sixteen, or in the case of a daughter of European or Burgher parents, under the age of Twenty-one years, that the consent of the person or persons whose consent to such Marriage is required under the provisions of this Ordinance, has been obtained thereto; and no publication of banns shall take place without such notice being previously delivered and received, unless there shall be an express declaration in such notice that there is or are no such person or persons having authority to give such consent. Provided always, that no publication of banns shall take place within Seven days from the delivery of such notice: And in every case of Marriage intended to be solemnized by a Registrar in any District within which this Ordinance shall have come into operation (except by licence of the District Judge as hereinafter provided) each of the parties thereto shall give notice of such intention to some Registrar of the District in which he or she shall have dwelt for not less than Twenty-one days then next preceding; and every such notice shall set forth fully and truly all the names of each such party, and the names (where they shall be different) by which they are familiarly known, and their respective places of abode, and shall be as near as is material according to the form in the Schedule D to this Ordinance annexed; and every Registrar is hereby required to give gratis a form of such notice to every party applying for the same. And the party giving such notice shall subscribe his or her signature or mark to the same, in the presence of two witnesses who shall be personally acquainted with him or her. Provided that in all cases of Marriage intended to be solemnized by a Registrar, where both of the parties shall be resident in the same District, or where one of the parties shall be resident in some District where this Ordinance has not been declared to be in force, one notice signed by both the parties shall be deemed to be sufficient.

13. And it is further enacted, that the Registrar shall forthwith file all such notices and keep them with the records of his Office, and shall at the same time enter a fair copy of them in a book to be called "The Marriage Notice Book," and shall grant a certificate of such entry of notice to both the said parties, and shall at the time of granting thereof read over and if necessary explain the same to such parties. And such certificate shall be as near as is material of the form E in the Schedule hereunto annexed.

14. And it is further enacted, that the Registrar shall cause due publication of every such entry of notice to be made within Seven days after such entry, by affixing a copy thereof at such conspicuous place or places within his district as shall for that purpose be appointed by

**No. 6,—1847.**

**Book to be kept.**

**And give extracts.**

**Fee for extract to be determined by the Governor and Council.**

**Notice of intended Marriage by Minister or Registrar.**

**Registrar to file notice.**

**And grant certificate.**

**Publication of notice.**

**No. 6,—1847.**

the Government Agent of the Province, with the sanction of the Governor, and by continuing the same so affixed for at least Fourteen days, and every person wilfully removing, altering, defacing or destroying any such copy so affixed within such period, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds.

Certificate of publication of notice.

15. And it is further enacted, that after the expiration of not less than Twenty-one days, and not more than Three months after the entry of such notice, every Registrar, upon being requested so to do by either of the parties in respect of whom such notice was given, shall issue under his hand a certificate of the form as near as is material in the Schedule F to this Ordinance annexed; provided that no lawful impediment be shewn to the satisfaction of such Registrar why such certificate should not issue, and provided that the issue of such certificate shall not have been sooner forbidden in manner hereinafter mentioned, by any person or persons authorized in that behalf as hereinafter is provided. And every such certificate shall name the day on which and the parties in respect of whom the notice was entered in the Marriage Notice Book, and shall state that not less than Twenty-one days and not more than Three months have elapsed since the entry of such notice, and that publication thereof has been duly made in manner hereinbefore provided from and up to certain days therein named, and that the issue of such certificate has not been forbidden by any person authorized in that behalf. And there shall be added to the said certificate, a notice or memorandum that the said certificate must be produced to the Registrar by whom the said intended Marriage is to be solemnized, previous to and at the solemnization thereof, or that otherwise the said Marriage cannot be solemnized and registered. And every Registrar at the time of granting such certificate shall read over and if necessary explain the same to the party to whom the same shall be granted.

Mode of forbidding issue of certificate.

16. And it is further enacted, that any person authorized in that behalf as hereinafter provided, may forbid the issue of the Registrar's certificate of publication mentioned in the preceding clause, by writing or causing to be written at any time before the issue thereof the word "*Forbidden*," or some word of like meaning in the Cingalese or Tamul language, opposite to the entry of the notice of such intended Marriage in the Marriage Notice Book, and by adding or causing to be added thereto his or her name and place of abode, as well as the grounds upon which such issue is forbidden, and by signing the same; and any person authorized in that behalf as hereinafter provided, may forbid the publication of banns or the solemnization of marriage of persons after publication of banns or by licence, by declaring or causing to be declared openly and publicly their dissent and their causes for such dissent, in the place of worship where the banns shall be published or the Marriage solemnized, at the time of such publication or of such solemnization.

Proceedings if issue of certificate forbidden.

17. And it is further enacted, that if the issue of any certificate of publication, or if in the case of any Marriage solemnized or intended to be solemnized by a Minister, the publication of banns or the solemnization of Marriage shall be forbidden, the Registrar or Minister shall forthwith make report thereof to the Police Court of the District within which he shall be appointed to act, or within which such place of worship shall be situated, and shall suspend such issue or such publication or solemnization and all further proceedings thereupon until it shall have been decided by such Court whether such certificate ought to be issued or not; and such Court shall, as soon as possible after such report shall have been received, take the same into consideration and decide in as summary way as the circumstances of the case will permit, whether such certificate ought to be issued or not, or whether or not such publication or solemnization should be stopped. And if such Court shall decide that such certificate ought not to be issued or that such publication of banns should be stopped, then the notice of Marriage and all further proceedings had thereupon shall be null and void. And if such Court shall decide that there exist no grounds for withholding such certificate or for stopping such publication or solemnization, then the notice of Marriage and all other proceedings in relation thereto shall be held valid and sufficient, and the Registrar shall, in cases of Marriage intended to be solemnized before Registrars, forthwith or as soon as Twenty-one days shall have elapsed since the entry of notice of Marriage as aforesaid, issue such certificate; and in cases of Marriages intended to be solemnized by Ministers, such Minister shall proceed as if the publication of banns or solemnization of Marriage had not been forbidden. And if it shall appear to such Court that the issue of such certificate or that such publication or solemnization has been forbidden on frivolous and vexatious grounds, it shall be competent to such Court to condemn the party so forbidding the same, to the payment of any fine not exceeding Five pounds. Provided always, that if the forbidding of any such publication, solemnization, or issue of certificate as aforesaid, shall appear to any Minister or Registrar to be obviously frivolous and vexatious, such Minister or Registrar may upon the application of the parties intending to marry, proceed as if no such forbidding had occurred, but he shall



nevertheless make report thereof as hereinbefore directed, to the proper Police Court, and such further proceedings shall be valid or not, according as the Court shall finally determine that such certificate should have been issued or such publication or solemnization have been proceeded with or the contrary.

**No. 6, — 1847.**

18. And it is further enacted, that the father, if living, of any male under Twenty-one years of age, not being a widower, and of any female under Sixteen, or in the case of a daughter of European or Burgher parents, under Twenty-one years of age, not being a widow, or if the father shall be dead, the mother, or if both father and mother shall be dead, the guardian or guardians of the party so under age lawfully appointed or one of them, shall have authority to give consent to the Marriage of such party, and to forbid the issue of any such certificate as aforesaid, or the publication of banns, or the solemnization of Marriage, in respect of such party; and such consent is hereby required for the Marriage of such party so under age, unless there shall be no person authorized to give such consent. Provided always, that in case the father or fathers of the parties to be married or of one of them so under age as aforesaid, shall be *non compos mentis*, or the mother or mothers, guardian or guardians, or any of them whose consent is made necessary as aforesaid to the Marriage of such party or parties, shall be *non compos mentis*, or in parts beyond the Island, or shall unreasonably or from undue motives refuse or withhold his, her, or their consent to a proper Marriage, then it shall and may be lawful for any person desiring to marry in any of the before mentioned cases, to apply to the Judge of any Court of Record within the district in which such person shall reside, which Judge is hereby empowered to proceed upon and to determine such application in a summary way; but an appeal shall lie from every such decision to the Supreme Court or to any Judge thereof, and in case the Marriage proposed shall upon examination appear to be proper, the Judge shall certify the same to be so, and such certificate, unless set aside in appeal, shall be deemed and taken to be as good and effectual to all intents and purposes as if the father or mother, guardian or guardians, of the person so applying had consented to such Marriage.

Where consent is necessary.

19. And it is further enacted, that from and after the notification in the *Gazette* of this Ordinance having been confirmed by Her Majesty, every person shall be authorized to forbid the issue of any such certificate, or in the case of Marriages intended to be solemnized by Ministers, the publication of banns or the solemnization of Marriage, upon any ground which by the law applicable to such party is sufficient to invalidate such Marriage, if registered or solemnized.

Where any person may forbid issue of certificates.

20. And it is further enacted, that where either of the parties to any intended Marriage shall have duly obtained from any Registrar a certificate of publication, it shall be lawful for such parties to demand in writing under their hands of such Registrar at any time within Twenty days from the granting thereof, the solemnization and registration of their Marriage, at some place which the Governor, with the advice of the Executive Council, shall have appointed for that purpose, or at such other place within the district which the parties shall prefer. And upon such demand being made and the production of the certificate or certificates of publication duly stamped, the Registrar shall give the parties making it, a certificate of the form as near as is material in the Schedule G hereunto annexed, and there shall be added to the said certificate, a notice or memorandum that the said certificate must be produced to such Registrar previous to and at the solemnization of their Marriage, or that otherwise the said Marriage cannot be solemnized and registered. And every Registrar, at the time of granting such certificate, shall read over and if necessary explain the same to the parties to whom the same shall be granted, and within Twenty days thereafter the Registrar and the parties intending to marry and two credible witnesses, shall meet at such place as shall have been appointed for that purpose, and such parties shall produce to the Registrar the certificates of publication and demand which shall have been issued to him, her, or them in manner aforesaid. And the Registrar shall then and he is hereby empowered to administer to each of such parties a solemn affirmation to the following effect, and the making of such solemn affirmation by such parties shall be deemed and taken to be the solemnization of a Marriage between them.

Demand for solemnization of marriage.

I (A. B.) do solemnly, sincerely, and truly declare and affirm, that I am the identical (A. B.) in respect of whom the certificate now produced was granted by the Registrar of ( ) and that I know not of any lawful impediment why I may not be joined in matrimony to (C. D.) And each of the parties shall thereupon say to each other, "I call upon these persons here present to witness that I, A. B. do take thee C. D. to be my lawful wife (or husband.)" Provided always, that if such demand shall not be made, or such solemnization and regis-

**No. 6.—1847.**

tration shall not take place within the proper times as above declared, then the entry of notice of Marriage and the publication thereof, and all other proceedings had in respect of the said intended Marriage shall be null and void. And provided further, that before administering such solemn affirmation as aforesaid, the Registrar shall address the said parties to the following effect, "Be it known unto you A. B. and C. D. that by the public reception of each other as man and wife in my presence, and the subsequent attestation thereof by signing your names to that effect in the Registry Book appointed for the purpose, you become legally married to each other, although no other rite of a civil or religious nature shall take place. And know ye further that the Marriage now intended to be contracted cannot be dissolved during your life-time, except by judgment of divorce pronounced by some competent Court or by legislative enactment, and that if either of you, before the death of the other, shall contract another Marriage before the former is thus legally dissolved, you will thereby become guilty of bigamy, and be liable to the heavy penalties attached to that offence."

Marriage to be registered.

21. And it is further enacted, that the Registrar shall forthwith register every Marriage solemnized before him in a Marriage Register Book, as near as is material according to the form provided in the Schedule H hereunto annexed, and every such entry of Marriage shall be signed by the Registrar, and also by the parties married, and attested by Two witnesses who shall have been present during the solemnization thereof, and shall be personally acquainted with the parties thereto. And the Registrar shall thereupon grant a certified copy of such entry to each of the parties so married, of the form, as near as is material, in the Schedule K hereunto annexed.

And good in law.

22. And it is further enacted, that all Marriages so registered between parties legally competent to marry, shall be good and valid in law, except in such cases as are in this Ordinance excepted, although no other rite of a civil or religious nature shall have taken place.

After proof of residence unnecessary.

23. And it is further enacted, that after any Marriage shall have been registered, it shall not be necessary in support of such Marriage to give any proof of the actual dwelling of either of the parties previous to giving notice of Marriage within the district where such notice was given for the time required by this Ordinance, nor shall any evidence be admissible to prove the contrary in any suit touching the validity of such Marriage.

District Judge to grant licence for Marriage.

24. And it is further enacted, that every District Judge shall be authorized to grant licences to any such Christian Minister as aforesaid, or to any Registrar within his district to solemnize Marriages, in all cases where it shall satisfactorily appear to such District Judge, from the affidavits of the parties or otherwise, that they would be materially prejudiced by the delay attendant upon the ordinary mode of proceeding in respect of Marriages intended to be solemnized before Ministers or Registrars, and that there exists no objection, to the best of their belief, to their Marriage, and upon proof of the consent of the parents or guardians of such parties, where such consent shall be necessary. And it shall be lawful for such Minister, and it shall be compulsory on such Registrar as soon as is convenient after the production of any such licence, and upon payment of such fee as the Governor, with the advice of the Executive Council, shall from time to time appoint, to solemnize the Marriage of such parties, and to enregister the same in the manner hereinbefore prescribed respecting the solemnization and registration of Marriages by Ministers and Registrars, and to grant a certificate of registration to each of the parties to such Marriage, and every such Marriage so solemnized and registered, shall, if not void for any other reason, be good and valid in law.

If certificate lost or destroyed.

25. And it is further enacted, that if any party to a Marriage or intended Marriage, shall lose, injure, or destroy any certificate which shall have been duly granted to such party under the provisions of this Ordinance, it shall be lawful for such party to demand of the Registrar or Minister having granted the same, or his successor in office for the time being, and such Registrar or Minister is hereby required, upon such demand being made and upon payment of the proper fee, and the amount of the stamp, to grant to such party another stamped certificate of the same nature as that so lost, injured or destroyed. And such other certificate shall, to all intents and purposes, be as good and valid as the certificate so lost, injured or destroyed.

When Marriage invalid.

26. And it is further enacted, that from and after the publication in the *Gazette*, of the confirmation of this Ordinance by Her Majesty, no Marriage shall be valid to which the male party is under Sixteen, or the female under Ten, or if a daughter of European or Burgher parents, under Fourteen years of age.

Prohibited degrees of relationship.

27. And it is further enacted, that no Marriage, solemnized by any Minister after the confirmation of this Ordinance by Her Majesty, and no Marriage solemnized by a Registrar in any part of this Island, after this Ordinance shall have been proclaimed to be in force therein, shall be valid, where either party shall be directly descended from the other, or where

the female shall be sister of the male, either by the full or the half blood, or the daughter of his brother or of his sister by the full or the half blood, or a descendant from either of them, or daughter of his wife by another father, or his son's, or grandson's, or father's or grandfather's widow, or where the male shall be brother of the female either by the full or the half blood, or the son of her brother or sister by the full or the half blood, or a descendant from either of them, or the son of her husband by another mother, or her deceased daughter's, or grand daughter's, or mother's or grandmother's husband. And any Marriage or cohabitation between parties standing towards each other in any of the above enumerated degrees of relationship, shall be deemed to be an act of incest, and shall be punishable with imprisonment with or without hard labour for any period not exceeding One year.

No. 6, — 1847.

28. And it is further enacted, that no Marriage solemnized in any part of this Island, after the notification in the *Gazette* of the confirmation of this Ordinance by Her Majesty, shall be valid (except among Mahomedans) where either of the parties thereto shall have contracted a prior Marriage, which shall not have been legally dissolved or declared void by decree of some competent Court. And every person, except a Mahomedan, who shall, after such period as aforesaid contract a subsequent Marriage, before his or her prior Marriage shall have been so dissolved or declared void, and every person except a Mahomedan, who shall marry another whom he or she shall know to be bound by a previous Marriage not so dissolved or declared void, shall be guilty of bigamy, and liable to imprisonment with or without hard labour for any period not exceeding Three years. Provided always, that no person marrying a second time, whose husband or wife shall have been continually absent from such person for the space of Seven years then last past, and shall not have been known by such person to be living within that time, shall be deemed to be guilty of bigamy.

What constitutes bigamy.

29. And it is further enacted, that no valid Marriage once contracted in any part of this Island after the confirmation of this Ordinance by Her Majesty, shall be dissolved during the life time of the parties thereto, except by judgment of divorce *a vinculo matrimonii*, pronounced in some competent Court, and which judgment shall be founded either on the ground of adultery subsequent to Marriage, or malicious desertion, or of incurable impotency at the time of such Marriage, and every Court in this Island having matrimonial jurisdiction is hereby declared competent to dissolve any such Marriage on any such ground.

Grounds of divorce.

30. And it is further enacted, that from and after the notification in the *Gazette* of the confirmation of this Ordinance by Her Majesty, in no case whatsoever shall any suit or proceeding be had in any Court or before any jurisdiction whatsoever to compel the celebration of any Marriage by reason of any promise, or Marriage contract entered into, or by reason of seduction, or of any cause whatever; and no promise, or contract of Marriage, or seduction which shall have been heretofore, or shall be hereafter made, entered into, or committed, shall vitiate any Marriage duly solemnized or registered under the provisions of this Ordinance. Provided always, that nothing herein contained shall prevent any person aggrieved from at any time suing for, or recovering damages in any Court, where damages are lawfully recoverable for breach of promise of Marriage, or for seduction, or for any other cause.

Suit to compel Marriages not allowed.

31. And it is further enacted, that from and after the notification in the *Gazette* of the confirmation of this Ordinance by Her Majesty, a legal Marriage between any parties shall have the effect of rendering legitimate the birth of any children who may have been procreated between the same parties before Marriage, unless such children shall have been procreated in adultery.

Legal Marriage between parties to legitimize children of same parties before Marriage.

32. And it is further enacted, that if any valid Marriage shall be had under the provisions of this Ordinance, by means of any wilfully false notice, certificate or declaration, made by either party to such Marriage as to any matter to which a notice, certificate, or declaration is herein required, it shall be lawful for the Queen's Advocate, if he shall think fit, upon the affidavit of either of the parties to such Marriage, or in the case of any such Marriage having been had without the consent of any person authorized to give the same, upon the affidavit of such person, or in the case of both such parties being charged with any such fraud, upon the affidavit of any third person, to sue by himself or by some Deputy Queen's Advocate for the District, or by some person duly authorized in that behalf in writing under the hand of the Queen's Advocate, or of such Deputy, in the proper District Court, for a forfeiture of all estate and interest in any property accruing to the offending party by such Marriage, and such Court shall have power in any such suit to declare such forfeiture, and thereupon to order and direct that all such estate and interest as shall then have accrued or shall thereafter accrue to such offending party by force of such Marriage, shall be secured under the direction of such Court, for the benefit of the innocent party, or of the issue of the Marriage,

Where solemnization of Marriage procured by false document.

**No. 6, — 1847.**

or of any of them, in such manner as the said Court shall think fit, for the purpose of preventing the offending party from deriving any interest in any real or personal estate or pecuniary benefits from such Marriage; and if both the parties so contracting shall, in the judgment of the Court, be guilty of any such offence as aforesaid, it shall be lawful for the said Court to settle and secure such property, or any part thereof, immediately for the benefit of the issue of the Marriage, subject to such provisions for the offending parties by way of maintenance or otherwise, as the said Court under the circumstances of the case shall think reasonable, regard being had to the benefit of the issue of the Marriage during the lives of their parents, and of the issue of the parties respectively by any future Marriage, or of the parties themselves, in case either of them shall survive the other. Provided always, that it shall be competent to the Court before which such suit shall be brought, to make such order respecting the costs thereof as to the said Court shall seem fit and proper.

Settlement and agreements void.

33. And it is further enacted, that all agreements, settlements, and deeds entered into or executed by the parties to any Marriage, in consequence of or in relation to which Marriage such suit as aforesaid shall have been commenced, or by either of the said parties before and in contemplation of such Marriage, or after such Marriage, for the benefit of the parties or either of them or their issue, so far as the same shall be contrary to or inconsistent with the provisions of any security and settlement which shall be made by or under direction of any District Court, or of the Supreme Court, as the case may be as aforesaid, for the purposes mentioned in the preceding Clause of this Ordinance, shall be absolutely void and have no force or effect.

Penalty on falsification of document.

34. And it is further enacted, that every Registrar or other person, knowingly making any false affidavit, affirmation, or declaration, or signing any false notice, or other document as to any matter in respect of which an affidavit, affirmation, declaration, oath, notice or document, are required by this Ordinance, and every person knowingly making any false oath, affirmation, or declaration for the purpose of procuring a licence for any Marriage, and every person causing to be made or signing any register of a Birth, or Death, which such person shall know to be in any particular false, shall be guilty of an offence, and liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding One year; and every person forbidding the issue of any Registrar's certificate or of any licence for Marriage, or the publication of banns, or the solemnization of Marriage, by falsely and knowingly representing him or herself to be a person whose consent to any Marriage is required by law, shall be guilty of an offence, and liable, on conviction thereof, to imprisonment with or without hard labour, for any period not exceeding Six months, in addition to the forfeiture of such sum to the parties aggrieved as in the opinion of the Court before which such offence shall be tried, shall be considered sufficient compensation.

Person acting as Minister or Registrar without authority.

35. And it is further enacted, that every person not being duly ordained or otherwise set apart to the ministry of the Christian Religion, and falsely pretending as such to publish any banns, or to solemnize any Marriage, or to register any Birth or Death, and every person not being a Registrar or Assistant Registrar duly appointed in the manner hereinbefore provided, and falsely pretending as such to perform any act in relation to any Marriage or intended Marriage, or to the Registration of any Birth or Death required by this Ordinance to be performed by a Registrar, and every Assistant Registrar knowingly performing any act in relation to any Marriage or intended Marriage, or to the Registration of any Birth or Death without sufficient authority from the Registrar by whom he is appointed; and every Registrar who shall knowingly exercise any authority as such out of the District for which he shall have been appointed, or in respect of any class of persons to whom his appointment does not extend, where any limitation shall be expressed in his appointment, shall be guilty of an offence, and liable, on conviction thereof, to imprisonment with or without hard labour for any period not exceeding One year.

Marriage may be valid notwithstanding.

36. Provided always, and it is further enacted, that if it shall be established before any District Court, that either of the parties to any such Marriage or pretended Marriage as in the preceding Clause mentioned, shall have entered upon the same in the full belief that such party was acting in conformity with the law, and was not guilty of any fraud or culpable carelessness, or if it shall appear to any such Court that any Marriage or supposed Marriage has been rendered invalid by some fraud, omission or irregularity on the part of any Minister or Registrar, and that the parties thereto, or either of them, were wholly unaware of the same, and were not guilty of any fraud or culpable carelessness, and that they then were and still are, competent to intermarry, such Court shall have authority, upon the application of any innocent party to such Marriage, to decree that a good and valid Marriage of such persons shall be deemed and holden to have taken place at or about the time that such

innocent person shall have done that which was believed by such person to constitute a valid Marriage. And such Court shall give notice of such its decree to the Registrar of such district, as it shall consider most convenient, who shall thereupon and on receiving the usual fee for registration, make an entry in his Marriage Register of a Marriage having been contracted between such persons on such day as shall be specified in the notice of the Court.

37. And it is further declared and enacted, that nothing in the 32nd, 33rd, or 36th Clauses of this Ordinance contained, shall or shall be construed to abridge, or in any way interfere with the right of appeal against any judgment, decree, order or direction pronounced, made or given by any District Court, under the provisions of any of the said Clauses, by any person feeling aggrieved by any such judgment, decree, order or direction, but appeals from all such judgments, decrees, orders and directions shall and may be heard and determined by either the Supreme Court, or any Judge thereof, sitting with three Assessors at Colombo.

Where right of Appeal to Supreme Court not to be interfered with.

38. And it is further enacted, that if any persons shall knowingly and wilfully acquiesce in the solemnization of their Marriage by any Minister in any other place than a place of worship consecrated or licensed as hereinbefore provided, or by a person not being a Minister duly ordained or otherwise set apart to the Ministry of the Christian Religion, or in the Registration of their Marriage by a person not being a duly appointed Registrar or Assistant Registrar for the district under the provisions of this Ordinance, or if either or both of the parties to any Marriage shall, with the knowledge of both, be married under a false name or names, or if any persons shall wilfully intermarry without a due publication of banns, where banns are necessary, or without a proper and sufficient licence where their Marriage purports to be solemnized by licence, or if any persons shall wilfully cause or consent to the Registration of their Marriage by a Registrar or Assistant Registrar, such persons well knowing that the provisions of this Ordinance have not been complied with, as regards any matter or thing required to be done by or in respect of such persons, the Marriages of all such persons shall be null and void to all intents and purposes whatsoever.

Certain frauds and irregularities to vitiate Marriages.

39. And it is further enacted, that all Ministers of the Christian Religion, and all Registrars authorized to solemnize Marriages under the provisions of this Ordinance, shall also be authorized to register Births and Deaths, and Register Books of such form and material as the Governor, with the advice of the Executive Council, shall from time to time direct, shall be kept for such purpose in every consecrated and licensed place of worship, and by every Registrar.

Registrars of Births and Deaths.

40. And it is further enacted, that every Minister and Registrar shall make entries or registers in such books respectively, of the Births or Deaths of all persons born or dying after the promulgation of this Ordinance, respecting whom an application shall be made in that behalf. Provided always, that no Registrar shall register the Birth or Death of any person who shall have been born, or shall have died, beyond the limits of the district for which he is appointed Registrar of Marriages, and that no Minister shall register the Birth or Death of any person, except in the Register Book of some consecrated or licensed place of worship, and such entries or registers shall be respectively of the form, as near as is material, in the Schedules M. and O. to this Ordinance annexed.

Births and Deaths to be registered.

41. And it is further enacted, that every person applying for any such entry or register to be made, shall, upon payment of the proper stamp and fee, be entitled to demand of the Minister or Registrar making the same, and such Minister or Registrar is hereby required thereupon, to grant to such person a certificate of such entry or register. And such certificates shall be respectively, as near as is material, of the forms in the Schedules N. and P. to this Ordinance annexed.

Fee on Registration of Birth or Death.

42. And it is further enacted, that every Registrar or Minister, who shall perform any act required by this Ordinance in relation to the Marriage of any parties whose Marriage, if contracted, he shall know or have good cause to suspect to be invalid, and every Registrar who shall knowingly and wilfully issue any certificate of publication after the expiration of Three months after entry of notice of marriage shall have been entered by him as aforesaid, except in cases where it is impossible to do the same within such period, in consequence of some objection having been made to such Marriage and referred to a competent Court, or who shall issue such certificate within Twenty-one days from the day of the entry of such notice, or shall issue such certificate where the issuing thereof has been forbidden by a party duly empowered to forbid the same, and has not being authorized by the order of a competent Court, or who shall solemnize or register any Marriage after the expiration of Forty days after the issue of the certificate of publication, or without the production before him previous to and

Offences by Registrar.

**No. 6,—1847.**

at the solemnization of any Marriage, of the certificates of publication and of demand of solemnization and registration, relating to such Marriage, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Fifty pounds, or to imprisonment with or without hard labour for any period not exceeding Three years.

Neglect of duty by Registrar.

43. And it is further enacted, that any Registrar who shall without reasonable cause stated, where possible in writing, and signed by himself and delivered free of expense to the party injured, upon application for the same, omit or refuse to perform any duty imposed upon him by this Ordinance, or who when called upon shall refuse to submit his books for the inspection of the Provincial Registrar of his Province or of the Registrar General, or who shall fail to transmit to the Provincial Registrar any copies or returns in the manner and within the periods hereinafter specified and required, or who shall resist or impede any person in the exercise of any duty, right or authority imposed or conferred upon such person by this Ordinance, or who shall injure or allow to be injured, or carelessly lose or conceal, or let go out of his custody any book or document required to be kept by him, or any part thereof, or who shall issue or admit as valid, when produced before him, any certificate not duly stamped, shall be guilty of an offence, and liable, on conviction thereof, to any fine not exceeding Twenty pounds, or to imprisonment with or without hard labour for any period not exceeding One year.

Destruction or falsification of documents.

44. And it is further enacted, that every person who shall wilfully and maliciously destroy or injure any book required for the purposes of this Ordinance, or any part thereof, or any certified copy of such book or any part thereof, or shall falsely make or counterfeit any part of any such book or certified copy thereof, or any certificate required by this Ordinance, or shall wilfully insert in any such book, copy or certificate, any false entry, or shall wilfully give or utter any false certificate, or shall certify any writing to be a copy or extract of any such book, knowing the same to be false, or any part thereof, or shall forge or counterfeit the seal or other distinguishing mark of any Register Office, shall be guilty of an offence, and liable, on conviction thereof, to imprisonment with or without hard labour, for any period not exceeding Three years.

Made of correcting erroneous entry of Marriage.

45. And it is further enacted, that if any Registrar, Minister, or party to a Marriage, shall discover any error to have been committed in the form or substance of any entry of Marriage in the register thereof, or if any Registrar, Minister or other person shall discover any such error in the register of any Birth or Death, such Registrar, Minister, party or person, shall, as soon as is possible after the discovery of such error, report the same to the District Judge of the District, and every such Judge shall, as soon as is convenient, make enquiry in respect of the alleged error, and shall cause the Register to be produced before him, and shall, except in the case of errors in the register of a Marriage which he shall consider to have been committed wilfully and fraudulently, with the knowledge of both of the parties to such Marriage, correct the erroneous entry by entry in the margin of the register book, without any alteration of the original entry, and such Judge shall sign the marginal entry, and shall add thereto the day of the month and year on which such correction shall be made, and no appeal shall lie from any such act of any such Judge. And in case the copy of the said book shall have been already transmitted as hereinafter provided to the proper Provincial Registrar, a separate copy of the original erroneous entry and of the marginal correction thereof, duly certified by the said Judge, shall be forthwith transmitted to such Provincial Registrar, who shall make like entry in his Provincial Register book. And in case the copy of his said last mentioned book shall have been already transmitted as hereinafter required, to the Registrar General, the Provincial Registrar shall immediately on receipt of the said copy of the erroneous entry and correction, forward a certified copy of the same to the Registrar General, by whom the same shall be entered in his General Registration book; and no Registrar, Provincial Registrar, Registrar General, Minister or Judge shall be liable to the penalties imposed under the preceding Clause, by reason of any such correction or marginal entry.

Copies of Registers.

46. And it is further enacted, that every Minister and every Registrar solemnizing Marriages, or registering Births, or Deaths, under the provisions of this Ordinance, shall within Ten days after the expiration of each quarter, commencing respectively on the first January, first April, first July, and first October, transmit to the Provincial Registrar of his Province, or if none such shall be appointed, to the Registrar General, true and perfect copies, distinctly written and attested, of all entries of Registration of Marriages, Births, and Deaths made by him during the preceding quarter; and the Provincial Registrar shall enter copies thereof respectively in books to be by him kept for that purpose, and shall within Thirty days after the receipt thereof, transmit to the Registrar General the copies so received as afore-

said from the Registrar, after having duly attested and stamped, or marked the same with such distinctive stamp or mark as the Governor shall appoint.

**No. 6,—1847.**

47. And it is further enacted, that the Registrar General shall keep the copies transmitted to him as aforesaid by Ministers, and by the Provincial Registrars, in the records of his office, and shall embody the contents thereof respectively, in such General Book of Registration of Marriages, Births and Deaths for the Colony, as the Governor shall hereafter direct.

Formation of General book for the Colony.

48. And in order that Provincial Registrars may at all times be fully informed as to the regularity of the several proceedings required by this Ordinance to be had in respect of Marriages registered by Registrars, it is hereby further enacted, that every Registrar shall keep a book of the form as near as is material in the Schedule (R) hereunto annexed. And every column therein provided shall be filled up according to the fact. And at the same time that the Registrar transmits to the Provincial Registrar the quarterly returns required by the 46th clause of this Ordinance, he shall also transmit copies of all entries made in such book in respect of Marriages registered by him within the previous quarter. And if the Provincial Registrar shall discover any irregularity in any such proceedings, he shall immediately report the same to the Registrar in whose returns they shall appear. And such Registrar shall thereupon give notice thereof to the parties in respect of whose Marriage such irregularities shall have taken place.

Further quarterly return to be made by Registrar to Provincial Registrar.

49. And it is further declared and enacted, that the best evidence of every Marriage solemnized by a Registrar under the provisions of this Ordinance, shall be an extract of the Registration thereof from the books of the Provincial Registrar, or of the Registrar General duly attested by such officer.

What best evidence of Marriage.

50. And it is further enacted, that all forms, entries, notices and certificates required to be made or granted by this Ordinance, shall be written in such language or languages as the Governor with the advice of the Executive Council, shall from time to time direct.

Entries and certificates to be in such languages as the Governor and Executive Council shall direct.

51. And it is further enacted, that fees and Stamp duties shall be payable in respect of the several certificates herein required to be granted by Registrars and Assistant Registrars, and specified in the Schedule (L.) hereunto annexed. And no such certificate, and no certificate given by any Minister under the provisions of this Ordinance, shall be given or received in evidence, or admitted to be of any value or effect, unless duly stamped. And no Registrar or Assistant Registrar shall be required to issue any such certificate, until the amount of the stamp and of his fee have been duly paid to him by the party applying for the same. And it shall be lawful for the Governor, with the advice of the Executive Council, to declare from time to time by Proclamation in the *Government Gazette*, the amount that shall be payable in respect of such fees and Stamps in any District in which this Ordinance shall be in operation, and the amount of fees which shall be payable to Ministers for the publication of banns and for the solemnization of Marriages, and such amounts from time to time, with the like advice, to alter or vary. Provided always, that the amount of fee payable to the Registrar or Assistant Registrar, shall be higher when his attendance is required at any other place than that which shall have been appointed for the execution of his duties by the Governor and the Executive Council.

Fees and Stamps to be payable.

52. And whereas great inattention has heretofore been paid to the provisions of law requiring the Registration of Marriages, and great hardship has thereby been inflicted upon the issue of Marriages not duly registered; And whereas there is reason to apprehend that the provisions of this Ordinance will, in like manner be neglected, unless enforced by penalties. It is therefore hereby further enacted, that every person who shall, with the intent to effect a Marriage, go through any ceremonies by which Marriages are usually celebrated in the community to which such person shall belong, without having the Marriage in respect of which such ceremonies shall have been gone through, previously registered by a Registrar, or solemnized by a Minister in conformity with the provisions of this Ordinance, or who shall fail at the celebration of any such ceremony or within one week thereafter, to produce to any Headman, or any officer of Police, or any Peace Officer whatsoever, upon application for the same for his inspection, the Certificate of Registration of his Marriage, and every Priest or Minister of any other than the Christian Religion, who shall assist in, or be present at the celebration of any marriage ceremonies between parties, before the Registration of the Marriage of such persons shall have been duly effected under the provisions of this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

Penalty on celebration of Marriages without Registration.

**No. 6, — 1847.**

Penalty on Peace Officer not reporting celebration of Marriages without Registration.

53. And it is further enacted, that if any Headman, or any officer of Police, or any Peace Officer whatsoever, shall be aware at the time of the celebration of any such ceremonies as in the preceding Clause mentioned, or within one week thereafter, that the same are in the act of being or have been so celebrated, and shall fail within such week to demand of the parties celebrating or having celebrated the same, the production and inspection of the certificate of the Registration of their Marriages, or shall not, within reasonable time after the failure of any party upon proper application, so to produce such certificate, to make complaint thereof before the proper Police Court, every such Headman, officer of Police and Peace Officer, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds.

Informer's share.

54. And it is further enacted, that one-half of all fines levied under the provisions of the two preceding Clauses, shall go to our Lady the Queen, and the other half to the informer, and the evidence of no person shall be deemed inadmissible by reason of his being entitled to any share of any such fine upon the conviction of any such offender.

Previous law of Marriage how affected.

55. And whereas this Ordinance does not profess to treat of or to declare the whole law of Marriage. It is therefore hereby further declared and enacted, that the law of Marriage shall be deemed and taken to be the same in every part of this Island, in which this Ordinance or any part thereof shall come into force, as it was therein before such time, except in so far as such law shall conflict with the provisions of this Ordinance.

Governor may withdraw licence from place of worship

56. And it is further enacted, that it shall at any time be competent to the Governor, with the advice of the Executive Council, to withdraw any licence which may have been given for the solemnization of Marriages in any place of worship, and from and after the publication in the Gazette of the withdrawal of any such licence from any such place of worship, no Marriage solemnized by any Minister therein shall be valid, unless a new licence shall have been granted in respect of such place of worship.

Governor may alter forms in Schedules.

57. And it is further enacted, that it shall be lawful for the Governor from time to time, with the advice of the Executive Council, to make any alterations which may be deemed expedient in any of the forms in the several Schedules to this Ordinance annexed, or in any forms which may be hereafter substituted for them, and the new forms shall be in every respect of the same force and effect as the forms of which they are alterations.

Previous confirmation by Her Majesty.

58. And it is further enacted, that this Ordinance shall commence and take effect so soon as it shall have been gazetted as confirmed by Her Majesty.

**SCHEDULE A.**

**FORM OF ENTRY IN MARRIAGE REGISTER BOOK BY MINISTER.**

( ) *Galle.*

Number.	Date of Marriage.	Names.	Age.	Condition	Rank or Profession.	Residence at time of marriage.	Father's Name and Rank or Profession.	By Banns or License.
22	15th December 1846.	<i>gey Carolis Appoo-</i> <i>gey Dingyhamy</i>	27 15	<i>Widower</i> <i>Spinster</i>	<i>Fisherman</i> .....	<i>Galle</i> <i>Galle</i>	<i>gey Punchy Appoo</i> <i>Fisherman of Galle.</i> <i>gey Carolis Appoo</i> <i>Fisherman, Gale</i>	<i>Banns</i>

This marriage was this 15th day of December 1846, solemnized by me *A. B.* ( ) *between us*  
*gey Carolis Appoo and* *gey Dingyhamy, with the consent of the father of the said*  
*Dingyhamy of Galle, in the presence of us Andris Appoo and Don Francisco Silva.*

Date of Entry  
15th December, 1846.  
(Signed) *A. B.* ( )

[The Italics in this Schedule to be filled up as the case may be.]



SCHEDULE B.

CERTIFICATE OF ENTRY OR REGISTER OF MARRIAGE BY A MINISTER.

I, *A. B.* ( ) do hereby certify that the following is a true copy of an entry made by me in the Marriage Register Book of the ( ) at *Galle* on the 15th day of December, 1846, that is to say;

Number.	Date of Marriage.	Names of Parties.	Age.	Condition	Rank or Profession.	Residence at time of marriage.	Father's Name and Rank or Profession.	By Banns or License.
22	15th December 1846.	<i>gey Carolis Appoo and gey Dingyhamy</i>	27 15	<i>Widower</i> <i>Spinster</i>	<i>Fisherman</i> .....	<i>Galle</i> <i>Galle</i>	<i>gey Panchy Appoo Fisherman of Galle.</i> <i>gey Carolis Appoo Fisherman Galle</i>	<i>Banns</i>

This marriage was this 15th day of December, 1846, solemnized by me *A. B.* ( ) between us *gey Carolis Appoo and gey Dingyhamy* with the consent of the father of the said *Dingyhamy*, in the presence of us *Andris Appoo and Don Francisco of Galle.*

Date of Entry 15th December, 1846. Date of Certificate 15th December, 1846. Signed *A. B.* ( )  
(Signed) *A. B.* ( )

(The Italics in this Schedule to be filled up as the case may be.)

SCHEDULE C.

NOTICE OF MARRIAGE INTENDED TO BE SOLEMNIZED BY A MINISTER.

To *A. B.* or other Minister authorised to officiate in the ( ) at *Galle*. We the undersigned hereby give you notice we are desirous of having a Marriage solemnized between us in ( ) at *Galle* after due publication of banns.

Names.	Condition and Rank or Profession.	Place of abode.	Age.
<i>gey Carolis Appoo</i>	<i>Widower Fisherman</i>	<i>Galle</i>	27
<i>gey Dingyhamy</i>	<i>and Spinster</i>	<i>Galle</i>	15

This notice was given to me *A. B.* ( ) at *Galle* this 10th day of November 1846.  
(Signed) *A. B.*

We the undersigned do hereby declare that the said *Dingyhamy* hath obtained the consent of her Father *Carolis Appoo Fisherman of Galle* to this Marriage, and that according to the best of our belief there exists no lawful impediment to our Marriage, and that no suit or other proceeding is pending to bar or hinder our Marriage.

In the presence of us { *A. B.* (Signed) } *gey Carolis Appoo.*  
{ *C. D.* (Signed) } *gey Dingyhamy.*

(The Italics in this Schedule to be filled up as the case may be.)

SCHEDULE D.

NOTICE OF INTENDED MARRIAGE BEFORE A REGISTRAR.

To the Registrar of the District of (*Morottoo*) in the *Western* Province.

I hereby give you notice that a Marriage is intended to be had between me and the other party herein named and described. That is to say

Name.	Condition and Rank or Profession.	Dwelling place.	Age.	Length of Residence in District.	District and Province which the other party resides in, when the parties dwell in different Districts.
<i>gey Carolis Appoo alias Don Louis Silva.</i>	<i>Widower &amp; Fisherman ...</i>	<i>Morottoo .....</i>	27	<i>One Year .....</i>	
<i>gey Dingyhamy .....</i>	<i>Spinster .....</i>	<i>Galkisse .....</i>	15	<i>Not at all in this District...</i>	<i>Galkisse in the Western Province.</i>

No. 6,—1847.

And I do hereby Certify that the consent of *Caro's Appoo, Fisherman of Gal'e, the father of the said Dingyhamy, has been given to this intended Marriage.*

Witness my hand this 19th day of September, 1843.

(Signed) *gey Carolis Appoo alias Don Louis Silva.*

In presence of A. B.  
C. D.

N.B.—Where both parties are resident in the same District, or where one is resident in a District in which this Ordinance is not in force, this Notice must be signed by both parties, and the plural number substituted throughout for the singular.

(The Italics in this Schedule to be filled up as the case may be.)

SCHEDULE E.

CERTIFICATE OF ENTRY OF NOTICE BY REGISTRAR.

I *gey Hendric Appoo*, Registrar of the District of *Morottoo* in the *Western Province*, do hereby Certify that on the 19th day of *September* notice was duly entered in the Marriage Notice Book of the said District, of the Marriage intended between the parties therein named and described, delivered under the hand of *\* gey Carolis Appoo alias Don Louis Silva* one of the parties (that is to say)

Name.	Condition and Rank or Profession.	Dwelling place.	Age.	Length of Residence.	District and Province which the other party resides in when the parties dwell in different Districts.
<i>gey Carolis Appoo alias Don Louis Silva</i>	<i>Widower &amp; Fisherman ...</i>	<i>Morottoo .....</i>	<i>27</i>	<i>One Year .....</i>	
<i>gey Dingyhamy .....</i>	<i>Spinster .....</i>	<i>Galkisse.....</i>	<i>15</i>	<i>Not at all in this District...</i>	<i>Galkisse in the Western Province.</i>

Date of notice entered 19th of September 184 .

Date of Certificate given 20th September 184 .

Notice—An application must be made at this Office in not less than 3 weeks and not more than 3 months from the date hereof for a Certificate of the due publication of the above entry, otherwise all proceedings hitherto had in respect of the said intended Marriage will be null and void. This certificate and notice have been read over by me to

(Signed) *gey Hendric Appoo*

Registrar.

\* Where the notice was given by both parties this must be altered accordingly.

(The Italics in this Schedule to be filled up as the case may be.)

SCHEDULE F.

CERTIFICATE OF PUBLICATION BY REGISTRAR.

I *gey Hendric Appoo* Registrar of the District of *Morottoo* in the *Western Province*, do hereby certify, that on the 19th day of *last September*, notice was duly entered in the Marriage Notice Book of the said District of the Marriage intended between *gey Carolis Appoo alias Don Louis Silva of Morottoo* and *gey Dingyhamy of Galkisse.* And I do further certify, that publication of such entry was duly made, by affixing a copy thereof on (*the walls of the Court house of the District and on the outer door of my Office*) from the 25th day of *September* to the 10th day of *October in this present year,†* and that the issue of this Certificate has not been forbidden by any person authorized in that behalf.

This Certificate is issued on this 13th day of *October* 184 being not less than twenty-one days and not more than three months from the date of the above mentioned entry of Notice of Marriage.†

Date (Signed) *gey Hendric Appoo,*  
Registrar.

Notice—A demand in writing must be made within twenty days hereof of me or of the Registrar of the District of for the Solemnization and Registration of the said Marriage, otherwise this Certificate and all other proceedings hitherto had in respect of the said intended Marriage will be null and void. And this Certificate must be produced before the Registrar by whom the said intended Marriage is to be solemnized, previous to and at the solemnization thereof, otherwise the said Marriage cannot be solemnized and registered. This certificate and notice have been read over by me to

Date *gey Hendric Appoo,*  
Registrar.

† In case the issue should have been forbidden, and have been subsequently authorized by order of Court, omit the words between the two marks, substituting " and that the issue of this Certificate has been authorized by order of the Court of

dated

And then add the date of the issue

(The Italics in this Schedule to be filled up as the case may be.)

SCHEDULE G.

CERTIFICATE OF DEMAND OF SOLEMNIZATION AND REGISTRATION.

I *gey Hendric Appoo*, Registrar of the District of *Morottoo* in the *Western Province*, do hereby certify, that a demand in writing under the hands of *gey Carolis Appoo alias Don Louis Silva* of *Morottoo* and *gey Dingyhamy* of *Galkisse*, for the Solemnization and Registration of a Marriage between the said parties at \_\_\_\_\_ within twenty days of the granting hereof was this day made of me, and that at the same time a Certificate of Publication relating to their intended Marriage was produced to me, bearing date within twenty days hereof.

Date \_\_\_\_\_ (Signed) *gey Hendric Appoo*, Registrar.

Notice—This certificate must be produced before the Registrar by whom the said intended Marriage is to be solemnized, previous to and at the solemnization thereof, otherwise the said Marriage cannot be solemnized and registered. This certificate and notice have been read over by me to

Date \_\_\_\_\_ (Signed) *gey Hendric Appoo*, Registrar.

(The Italics in this Schedule to be filled up as the case may be.)

SCHEDULE H.

184 . Marriages solemnized by the Registrar of *Morottoo* in the *Western Province*.

Number.	When married.	Name.	Age.	Condition.	Rank or Profession.	Residence at time of Marriage.	Father's Name.	Rank or Profession of Father.
1	15th Dec. 1846.	<i>gey Carolis Appoo (alias) Don Louis Silva</i>	27	Widower	Fisherman	<i>Morottoo</i>	<i>gey Punchy Appoo (alias) Don Alwis Silva</i>	Fisherman
		<i>gey Dingyhamy</i>	16	Spinster	.....	<i>Galkisse</i>	<i>gey Carolis Appoo</i>	Fisherman

Married at the Registrar's Office (or at the house of *gey Punchy Appoo alias Don Alwis Silva*) after the due production by \_\_\_\_\_ of the Certificates of Publication and of Demand of Solemnization of the said Marriage by me *gey Hendric Appoo*, Registrar.

This marriage was solemnized between us *gey Carolis Appoo (alias) Don Louis Silva.* } in the presence of us. } *Andris Appoo* of *Morottoo*  
*gey Dingyhamy* } } *Don Francisco Silva Police Vidahn* of *Pantura*.

(The figures and words in Italics in this Schedule to be filled in as the case may be.)

SCHEDULE K.

CERTIFICATE OF REGISTRATION.

I *gey Hendric Appoo*, Registrar of the District of *Morottoo* in the *Western Province*, do hereby Certify that the following is a true copy of an Entry made by me in the Marriage Register Book of the aforesaid District on the \_\_\_\_\_ day of \_\_\_\_\_ (that is to say) \_\_\_\_\_ 184

No.	When Married.	Name.	Age.	Condition.	Rank or Profession.	Residence at time of Marriage.	Father's Name.	Rank or Profession of Father.
1	15th December, 1846.	<i>gey Carolis Appoo alias Don Louis Silva.</i>	27	Widower	Fisherman	<i>Morottoo</i>	<i>gey Punchy Appoo alias Don Alwis Silva</i>	Fisherman
		<i>gey Dingyhamy.</i>	16	Spinster	.....	<i>Galkisse.</i>	<i>gey Carolis Appoo</i>	Fisherman

Married at the Registrar's Office (or at the house of *gey Punchy Appoo, alias Don Alwis Silva*) after the due production by \_\_\_\_\_ of the Certificates of Publication and of Demand of Solemnization of the said Marriage by me *gey Hendric Appoo*, Registrar.

This marriage was solemnized between us *gey Carolis Appoo alias Don Louis Silva.* } In the presence of us. } *Andris Appoo* of *Morottoo*  
*gey Dingyhamy* } } *Don Francisco Silva*

Date of Certificate (Signed) *gey Hendric Appoo*, Registrar.

(The figures and words in Italics in this Schedule to be filled in as the case may be.)

No. 6.—1847.

## SCHEDULE L.

## CERTIFICATES LIABLE TO STAMP AND FEES.

Certificate of Entry of Notice.....
Certificate of Publication .....
Certificate of Demand.....
Certificate of Registration of Marriage.....
Certificate of Registration of Birth .....
Certificate of Registration of Death .....

## SCHEDULE M.

Register of Births for the District of *Morottoo*, in the Western Province.

Number and Date of Registry.	Name of Child.	Names of Parents.	Where and when born.	Reference to Register of Marriage of Parents if any offered.
No. 1 20th Oct. 1847	<i>gey</i> <i>Kurupunchy</i>	<i>gey</i> <i>Carotis Appoo alias</i> <i>Don Louis Silva and</i> <i>gey</i> <i>Dingyhamy</i>	<i>At Morottoo,</i> 15th Sep. 1847.	<i>No. 1 in the Marriage</i> <i>Register of the District</i> <i>of Morottoo in the Western</i> <i>Province.</i>

This Entry is made upon the application of *gey Carotis Appoo, alias Don Louis Silva* of *Morottoo*, by me *gey Hendric Appoo*, Registrar.

In the presence of

A. B. }  
C. D. }

Mark of † *gey Carotis Appoo, alias Don Louis Silva.*

(The Italics in this Schedule to be filled up as the case may be.)

## SCHEDULE N.

## CERTIFICATE OF REGISTRATION OF BIRTH.

I *gey Hendric Appoo*, Registrar of Marriage for the District of *Morottoo* in the *Western* Province, do hereby certify that the following is a true copy of an Entry in the Register of Births of the aforesaid District.

Number of Register and Date.	Name of Child.	Where and when born.	Names of Parents.	Reference to Register of Marriage of Parents if any offered.
No. 1 20th Oct. 1847	<i>gey</i> <i>Kurupunchy</i>	<i>At Morottoo,</i> 15th Sept. 1847.	<i>gey</i> <i>Carotis Appoo alias</i> <i>Don Louis Silva and</i> <i>gey</i> <i>Dingyhamy.</i>	<i>No. 1 in the Marriage</i> <i>Register of the District</i> <i>of Morottoo in the Western</i> <i>Province.</i>

This Entry is made upon the application of *gey Carotis Appoo, alias Don Louis Silva* of *Morottoo* by me *gey Hendric Appoo*, Registrar.

In the presence of

A. B. }  
C. D. }

Mark of † *gey Carotis Appoo alias Don Louis Silva*

Date of Certificate (Signed) *gey Hendric Appoo*, Registrar.

(The Italics in this Schedule to be filled up as the case may be.)

## SCHEDULE O.

Register of Deaths for the District of *Morottoo* in the *Western* Province.

Number and Date of Register.	Name of Deceased.	When and where died, and supposed age.	Rank and Condition.	Reference to Register of Marriage or Births if any offered.
No. 1520. 18th Sep. 1847	<i>gey</i> <i>Kurupunchy</i>	<i>At Morottoo, 15th Sep.</i> 1847, aged 10 years	<i>Bachelor.</i>	<i>No. 1 Register of Births</i> <i>for the District of Morottoo</i>

This Entry is made upon the application of *gey Dingyhamy* by me *gey Hendrick Appoo*, Registrar.

In the presence of

A. B. }  
C. D. }

Mark of † *Dingyhamy.*

(The Italics in this Schedule to be filled up as the case may be.)

## SCHEDULE P.

No. 6,—1847.

## CERTIFICATE OF REGISTRATION OF DEATHS.

I *gey Hendrick Appoo*, Registrar of \_\_\_\_\_ in the District of *Morottoo* in the Western Province, do hereby certify that the following is a true copy of an Entry in the Register of Deaths of the aforesaid District.

Number and Date of Register.	Name of Deceased.	When and where died, and supposed age.	Rank and Condition.	Reference to Register of Marriage or Births if any offered.
No. 1520. 18th Sep. 1847	<i>gey Kurrupunchy.</i>	<i>At Morottoo, 15th Sept. 1847.</i>	<i>Bachelor.</i>	<i>No. 1 Register of Births for the District of Morottoo</i>

This Entry is made upon the application of *gey Dingyhamy* by me *gey Hendric Appoo*, Registrar. In the presence of

A. B. } Mark of † *Dingyhamy.* Date of Certificate (Signed) *gey Hendric Appoo*,  
C. D. } Registrar.

(The Italics in this Schedule to be filled up as the case may be.)

## SCHEDULE R.

## QUARTERLY RETURN TO BE MADE TO PROVINCIAL REGISTRAR.

Number in Register of Marriage	Names of parties and dwelling place.	Rank or Profession and condition.	Age at time of Notice of marriage and consent (where necessary)	Date of Notice of Marriage and of Certificate of entry thereof.	Date of issue of certificate of publication, where issue forbidden date of order of Court to be given.	Date of certificate of demand of Solemnization and Registration.	Date of solemnization of Marriage.	Date of Certificate of Registration.
1	<i>gey Carolis Appoo alias Don Louis Silva of Morottoo &amp; gey Dingyhamy of Galkisse.</i>	<i>Fisherman</i> <i>Widower</i> <i>Spinster</i>	27  15 <i>by consent of Father</i>	<i>Notice</i> 19th Sept. 1843  <i>Certificate</i> 20th Sept. 1843	13th October 1843	1st Nov. 1843	15th Nov. 1843	15th Nov. 1843

(Signed)

*gey Hendric Appoo*,

Registrar.

(The Italics in this Schedule to be filled up as the case may be.)

Passed in Council the Nineteenth day of October, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,

*Colonial Secretary.*No. 7,—1847. (*Disallowed.*) \*

To repeal so much of the *Charter of Justice* as relates to the Precedence of the Chief Justice and Judges of the Supreme Court.

No. 7,—1847.

\* This Ordinance was not promulgated.

No. 8, — 1847.

No. 8, — 1847. (*Expired.*)*To require Returns of Lands under Coffee Cultivation.*

WHEREAS it is expedient that returns should be sent in to Government of Lands under Coffee Cultivation.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the principal person in charge of every Estate cultivated with Coffee to an extent of Five acres, shall on or before the Thirty-first day of March, One thousand Eight hundred and Forty-eight, transmit to the Government Agent of the Province, or one of his Assistants, a true and correct return as near as is material according to the form in the Schedule to this Ordinance annexed, of the number of acres of every such Estate which shall on the First day of such month have been under Coffee cultivation, and such return shall truly and correctly state the several particulars in the said Schedule set forth. And every such person making such return shall subscribe the declaration to the said Schedule attached; and every such person subscribing, and every person inciting or procuring such person to subscribe any such declaration which he shall know to contain any false statement, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Fifty pounds. And if the return hereby required to be made in respect of any such Estate shall not be duly made and transmitted to the Government Agent, or some one of his Assistants, within the time specified, the principal person in charge of such Estate shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Ten pounds.

2. And it is further enacted, that it shall at any time be lawful for the Government Agent, or the Surveyor General, or any of their Assistants, or any person holding a general or special authority in that behalf, signed by the Government Agent, or Surveyor General, or by any of their Assistants, to enter in and upon any such Estate, and to cause to enter therein and thereupon, any such persons, instruments and things as may be necessary, and to ascertain by measurement or otherwise, whether any such return as aforesaid has been duly and correctly made; or in case no return shall have been made, to ascertain by measurement or otherwise the extent of land in any such Estate under Coffee cultivation, or any other particular required to be duly and correctly stated in such return. And any person resisting or obstructing, or in any way inciting, procuring, or abetting any resistance or obstruction to any person entering in or upon any such Estate, and lawfully acting under the authority of this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Fifty pounds.

3. And it is further enacted, that if any person authorized under the provisions of the preceding Clause to enter in and upon any Estate shall, under the pretence of performing or doing any duty or any act in pursuance of such authority, use unnecessary violence, or give any uncalled for or vexatious annoyance, he shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding Fifty pounds.

## SCHEDULE.

Name of District in which Estate situated	Name of Estate.	Name of Owner or Agent.	NUMBER OF ACRES UNDER COFFEE CULTIVATION.				Total.
			Number of acres planted before 1845.	Number of acres planted in 1845.	Number of acres planted in 1846.	Number of acres planted in 1847.	

I. A. B. hereby declare that the above return and all the particulars therein stated are true and correct to the best of my knowledge and belief.  
(Date of return) (Signed) A. B.

Passed in Council the Twenty-third day of November, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 9,—1847.****No. 9,—1847.***(Repealed by Ordinance No. 18 of 1852.) \***For regulating the Duties of Customs payable on Goods Imported into, and Exported from this Island.***No. 10,—1847. (Disallowed.) †***To make provision for the more convenient and speedy trial of cases in which the Crown is interested.***No. 10,—1847.****No. 11,—1847.***For giving legal effect and validity to Transfers of Immoveable Property executed by Deputy Fiscals under Writs of Execution directed to Fiscals in this Island.***No. 11,—1847.**

WHEREAS in many instances in which immoveable property has been sold under Writs of execution directed to the several Fiscals in this Island, the Transfers of such property have been made and executed in the name of and signed by Deputy Fiscals, instead of the said Transfers being made and executed in the name of and signed by the Fiscals to whom the said Writs were directed for execution. And whereas doubts have arisen concerning the validity of the said Transfers made and executed by the said Deputy Fiscals, and it is expedient to give legal effect and validity to all such Transfers as have been executed by Deputy Fiscals previous to the promulgation of this Ordinance.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that no Transfer of immoveable property in this Island made by any Deputy Fiscal previous to the promulgation of this Ordinance, in pursuance or by virtue of any sale held under any Writ of Execution directed to a Fiscal, shall be deemed or taken to be, or shall be liable to be set aside as invalid, or void, on the ground or by reason that the said Transfer could not be legally made or executed by a Deputy Fiscal.

Former sales by Deputy Fiscals declared valid.

Passed in Council the Twenty-third day of November, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 12,—1847.***For establishing Tolls to be levied at the Caltura Bridge.***No. 12,—1847.**

WHEREAS a Bridge is being built from private funds over the river at Caltura, in lieu of the Ferry now established at the said place; and it is expedient to provide for the collection of Tolls at the said Bridge so soon as the same shall have been opened for the use of the public.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Governor, by Proclamation to be by him for that purpose issued and published in the Government Gazette, to notify and declare the time at which the Bridge now building over the Caltura river shall be opened for the use of the public; and from and after the time mentioned in such Proclamation as aforesaid, the Tolls which might theretofore be levied in respect of the Caltura ferry, under and by virtue of the 3rd Section of the Ordinance No. 9 of the year 1845, entitled "*To amend the law in respect to the collection of Tolls,*" shall and may be thereafter levied in respect of the said Bridge; and that from and after such time as aforesaid no Tolls shall be levied in respect of the said Ferry, any thing in the said Ordinance contained to the contrary notwithstanding.

Governor by Proclamation to declare when the Bridge shall be opened to the public.

Tolls now levied at the Caltura Ferry to be thereafter levied at the Bridge:

and Ferry Tolls to cease.

2. And it is further enacted, that the Tolls hereinbefore authorized to be levied shall be collected at any such place or places as the Governor by the aforesaid Proclamation, or by any Proclamation to be by him for that purpose from time to time issued and published in the *Government Gazette*, shall determine and appoint.

Toll station at such Bridge.

\* The repealed enactments relating to the Customs are not published at length.  
† This Ordinance was not promulgated.

**No. 12.—1847.**

Certain provisions of the Ordinance No. 9 of 1845 extended to this Ordinance.

Ordinance how long to continue in force.

3. And it is further enacted, that the 6th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, and 18th Sections of the said Ordinance No. 9 of 1845, and all provisions, regulations, and directions in the said Sections contained, in so far as the said Sections relate to or affect the collection of Tolls at Bridges, shall be deemed and taken to be part of this Ordinance, and shall be read and construed as if the same had been inserted herein at this place, and shall be applied, observed, and put in execution accordingly.

4. And it is further enacted, that this Ordinance shall be and continue in force for the period of Seven years, reckoning from the time when the said Bridge shall be opened for the use of the public in manner aforesaid, and no longer.

Passed in Council the Thirtieth day of November, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,

*Colonial Secretary.*

**No. 13.—1847. (Repealed by Ordinance No. 22 of 1848.)****No. 13.—1847.**

*To regulate the possession of Fire Arms.*

WHEREAS it is expedient to establish in all parts of this Island one general and uniform provision respecting the possession and use of Fire Arms.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that so much of the Regulation No. 1 of 1815, entitled "*For regulating the sale and possession of arms and ammunition, and for prohibiting the sale, gift, or disposal of horses to natives of India in Ceylon, not subjects of the British Government;*" and so much of the Proclamations given at Kandy the Nineteenth day of January 1818, and the Twenty-first day of November 1818; And so much of the Regulation No. 9 of 1820, entitled "*For amending the first Regulation of 1815, entitled 'For regulating the sale and possession of Arms and Ammunition, and for prohibiting the sale, gift, or disposal of Horses to natives of India in Ceylon, not subjects of the British Government; and for repealing so much thereof as prohibits the sale of Horses to natives of India not being subjects of the British Government,'*" as relates to the possession and use of Arms, shall be and the same is hereby repealed, save and except as to any offences already committed or liabilities incurred thereunder.

2. And it is further enacted, that from and after the commencement of this Ordinance, it shall not be lawful for any person to have in his custody or possession any Arms, without having obtained a licence for such Arms: and any party who shall have in his custody or possession any Arms, without having obtained such licence, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds for the first offence, and for the second and every other offence to a fine not exceeding Ten pounds: and all such arms shall in every such case of a first or other offence be forfeited to the use of Her Majesty, Her Heirs and Successors, if the Court before which such conviction shall take place shall so adjudge. Provided always, that nothing herein contained shall be construed to apply or extend to any licensed manufacturer of or dealer in Arms, nor to any person while actually employed by any such manufacturer of or dealer in Arms to carry or convey Arms for the purpose of his trade: and provided also that nothing herein contained shall apply or extend to any person while entrusted by a person having such licence with the temporary use or custody of any Arms for which a licence has been obtained. And provided also, that no member of the family of a deceased person who had at the time of his decease a licence to keep Arms shall be liable to any fine for having such Arms until after the expiration of One calendar month from the death of such licensed person.

3. And it is further enacted, that any person who may be desirous to obtain any such licence, shall make an application in writing to that effect, as near as is material according to the form in the Schedule hereunto annexed marked A, to the Government Agent or some Assistant Government Agent of the Province within which such person resides, specifying the particular place in such Province where he usually resides and the number and description of Arms for which licences are required, and such Government Agent or Assistant Government Agent shall issue to the person making the same a licence for each Gun, Pistol, or other description of Arms specified in such application, as near as is material according to the form in the Schedule hereunto annexed, marked B, which licence shall be in force on and from the day on which the same shall be dated for Twelve calendar months, and no longer.

4. And it is further enacted, that whenever the said application for a licence shall not shew that any such Arms are marked with such names or figures, or in such other manner as that the same may be readily identified, it shall be lawful for the Government Agent or



Assistant Government Agent to whom the application is made, before granting the licence applied for, to require the applicant to produce to him any such Arms, and thereupon to cause the same to be marked, either on the stock or barrel, with some permanent mark, whereby the same may afterwards be known and identified, but in such manner as not to injure or disfigure the same: and such Arms when duly marked shall, with the licence relating thereto, be delivered to the said applicant: and the expenses attendant on such marking shall be defrayed by the Government Agent or Assistant Government Agent out of the public funds. And if any person shall wilfully obliterate or deface, or shall alter, counterfeit or forge any such mark, or shall mark any Arms with any mark resembling or intended to resemble any mark used by such Government Agent or Assistant Government Agent under the provisions of this Ordinance, with intent thereby to expose any person to any fine imposed by this Ordinance, or to defraud Her Majesty of any Stamp duty, or to commit any other fraud, every such offender shall forfeit for each offence a sum not exceeding Twenty pounds.

5. And it is further enacted, that every Government Agent and Assistant Government Agent, shall register all such licences so granted in a book to be kept for that purpose, and shall preserve in his Office the original applications for the same, during the time such licences shall be in force: and it shall be lawful for any person, at any time during Office hours, to demand inspection of the said book, and of any such original application; and also to take any copy or extract therefrom.

6. And it is further enacted, that if any such licence shall be by any casualty destroyed, defaced, or lost, it shall be lawful for the person to whom the same shall have been granted, to report the same to the Government Agent, or any Assistant Government Agent for the Province wherein such person resides; and if such Government Agent or Assistant Government Agent shall be satisfied of the fact of such casualty or loss, he shall grant to such person a certificate in the form in the Schedule hereunto annexed, marked C, reciting such loss and setting out the purport and effect of the licence so lost, defaced, or destroyed, and such certificate shall be in lieu thereof and of like force and effect.

7. And it is further enacted, that the occupier of any house or premises in which any Arms shall be found, shall, for the purposes of this Ordinance, be deemed and taken to be the possessor of such Arms.

8. And it is further enacted, that from and after the commencement of this Ordinance, no person shall make, mend, repair, or keep for, or expose to sale in this Island, by way of auction or otherwise, any Arms, or any part of any Arms, without a licence from the Government Agent, or some Assistant Government Agent of the Province within which such person resides; which licence shall be as near as is material according to the form in the Schedule hereunto annexed, marked D, and shall be in force on and from the day on which the same shall be dated for Twelve calendar months, and no longer: and if any person shall have in his custody or possession, for the purpose of his trade as a manufacturer of or dealer in Arms, any Arms, or part thereof, without being so licensed, every such offender shall be liable, on conviction thereof, to a fine not exceeding Twenty pounds. Provided always, that nothing herein contained shall be construed to prevent any person licensed to possess Arms under the 3d section of this Ordinance, from mending, repairing, or selling any Arms for which he has obtained a licence.

9. And it is further enacted, that if any Headman, or Officer of Police, or any Peace Officer whomsoever, shall fail to inform against any person guilty of possessing or using Arms without a licence, and whom he shall have a good reason to know or to believe to be guilty thereof; such Headman, Officer of Police, or Peace Officer shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds in respect of every failure to inform against any such person as aforesaid.

10. And it is further enacted, that one-half of all the fines actually recovered and realized under the provisions of this Ordinance shall go to Our Lady the Queen, and the other half to the informer.

11. And it is further enacted, that whenever any person shall be charged before a competent Court of Justice with possessing or using Arms without a licence, the party complaining shall not be required to prove the want of licence, but the proof that such person is licensed shall be upon the accused. Provided that it shall be lawful for the Court to award costs to the accused against any person who may have made a vexatious complaint: and such costs shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

12. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance, unless the same shall be commenced within one calendar month from the time of the commission of such offence.

13. And it is further enacted, that nothing in this Ordinance contained shall apply to or affect any person serving in Her Majesty's Forces in respect of any Arms entrusted to or used by any such person in such capacity.

14. And it is further enacted, that in the construction of this Ordinance, the word "Arms"

No. 13,—1847.

shall be deemed and construed to include every description of Fire arms, and Air guns, and every separate gun or pistol, barrel or stock, and no other weapon whatever.

15. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of June, One thousand Eight hundred and Forty eight.

A.

Form of Application for Licence to possess and use Arms.

To the Government Agent for the Province.

I (here specify the name of the Applicant and his place of residence) do hereby apply for a Licence to possess and use the following Arms.

GUNS.	PISTOLS.	Any other description of Arms, naming them.
<i>A double barrellled fowling piece by Manton, No. 6,749.</i>	<i>A single barrellled Pistol, no mark.</i>	<i>Two musket barrells, no mark.</i>
(Date)		(Signed) A. B.

B.

Form of Licence to possess and use Arms.

No. A. B. of was this day licensed to possess and use

(A double barrellled fowling piece by Manton No. 6,749.

or A singled barrellled Pistol marked on the barrel or as the case may be)

Issued the day of (Signed) Govt. Agent.

NOTE.—This Licence will cease to be in force on the day of

C.

Whereas on the day of last a Licence to keep the Arms herein mentioned was granted by to A. B. of

And whereas it has been proved to my satisfaction, that the said Licence has been (destroyed, defaced, or lost, as the case may be.) Now I do hereby grant the said A. B. this certificate, to be in lieu of the said Licence and of the like force and effect.

Given under my hand at this day of (Signed) Govt. Agent.

GUNS.	PISTOLS.	Any other description of Arms, naming them.

D.

Licence to make, repair, and sell Arms.

No. Licence is hereby granted to A. B. of to use and exercise the trade or calling of a manufacturer of, or dealer in Arms at in the district of

Given at the day of (Signed) Govt. Agent.

NOTE.—This Licence will cease to be in force on the day of

Passed in Council the Fourteenth day of December, One Thousand Eight Hundred and Forty-seven.

G. C. TALBOT, Acting Clerk to the Council.

Published by Order of His Excellency the Governor. J. EMERSON TENNENT, Colonial Secretary.

**No. 14,—1847. (Expired.) \*****No. 14,—1847.**

To apply a sum not exceeding Fifty-nine thousand One hundred and sixteen pounds to defray the Supplementary contingent charges of the year 1847.

**No. 15,—1847. (Expired.) \*****No. 15,—1847.**

To apply a sum not exceeding One hundred and Ninety-seven thousand Nine hundred and fifty pounds to the Contingent service of the year 1848.

**No. 1,—1848.****No. 1,—1848.**

For authorizing the collection of Tolls at Pusselawa and Rambodde.

WHEREAS it is expedient to authorize the collection of Tolls at the several places hereinafter mentioned.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of February, 1848, Tolls shall be levied at Pusselawa and at Rambodde on the road from Kandy to Nuwera Ellia, at such rates as the Governor, from time to time by Proclamation in the Government Gazette, shall direct and appoint, provided that the same shall in no case exceed the rates specified in the 2nd section of the Ordinance No. 9 of the year 1845, entitled "*To amend the law in respect to the collection of Tolls.*"

Tolls to be levied at Pusselawa and Rambodde.

2. And it is further enacted, that it shall be lawful for the Governor, from time to time by Proclamation in the Government Gazette, to determine at what place or places the Tolls hereinbefore authorized to be levied shall be collected, and the said place or places from time to time in like manner to alter, and another place or other places to establish for the collection of such Tolls instead thereof.

The Governor to fix Toll stations.

3. And it is further enacted, that the 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th and 18th sections of the said Ordinance No. 9 of 1845, and all provisions, regulations and directions in the said sections contained, relating to or affecting the collection of Tolls, shall be deemed and taken to be part of this Ordinance, and shall be read and construed as if the same had been inserted herein at this place, and shall be applied, observed, and put in execution accordingly.

Certain provisions of the Ordinance No. 9 of 1845 extended to this Ordinance.

Passed in Council the Twentieth day of January, One Thousand Eight Hundred and Forty-eight.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,

*Colonial Secretary.***No. 2,—1848. (Repealed by Ordinance No. 19 of 1852.)**

To repeal the existing Stamp duties, and to impose certain other Duties in lieu thereof.

WHEREAS it is expedient to make a permanent addition to the Public Revenue by means of Stamp duties; and it is also expedient to consolidate and amend the laws relating to Stamps.

**No. 2,—1848.**

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ordinance No. 6 of the year 1836, entitled "*For revising the Stamp duties and making provision for the general use of Stamps throughout the Colony,*" and the Ordinance No. 7 of the year 1841, entitled "*For making provision for the use of Stamps in certain judicial proceedings,*" and the 17th section of the Ordinance No. 10 of the year 1843, entitled "*An Ordinance for the establishment of Courts of inferior civil jurisdiction to be called Courts of Requests,*" and so much of the 18th clause of the Ordinance No. 7 of the year 1840, entitled "*To provide more effectually for the prevention of frauds and perjuries,*" as relates to the Stamp duty on duplicates or attested copies of deeds or instruments, shall be and the same are hereby repealed, except in so far as any previous regulations are thereby repealed; and except as to any offences committed, or any fine or penalty incurred, or any right accrued, previously to the time when this Ordinance shall come into operation, unless where in any case other provision is hereafter made; and except in so far as any of the said above recited Ordinances hereby repealed, shall relate to or affect the validity of any instrument thereby required to bear a Stamp.

\* The Supply Ordinances for each year are not published at length.

**No. 2, — 1848.**

2. And it is further enacted, that from and after the commencement of this Ordinance, the several instruments mentioned and described in the Schedule hereunto annexed (except those standing under the head of exemptions) shall be written or printed on paper or other material stamped in such manner as to express or denote the duties or sums of money charged thereon under this Ordinance, and which duties are set down in figures against the same respectively, or otherwise specified and set forth in the said Schedule, and that the said Schedule and all the provisions, regulations and directions therein contained, with respect to the said Stamp duties, and the instruments charged therewith, shall be deemed and taken to be part of this Ordinance, and shall be read and construed as if the same had been inserted herein at this place, and shall be applied, observed, and put in execution accordingly.

3. And it is further enacted, that it shall be lawful for all persons having in their possession any stamped paper, or other material not made use of, and which, by the operation of this Ordinance, shall have been rendered unfit for the instruments for which the same was originally designed, to send the same to the Stamp Office in Colombo, at any time within Twelve calendar months from the time when this Ordinance shall come into operation; and it shall be lawful for the Colonial Secretary to cause the same to be cancelled, and to deliver out, in lieu thereof, other Stamps of the same kind and description as near as may be, and of equal value on the whole with the Stamps so returned: or otherwise, at the discretion of the said Colonial Secretary, to cause any additional Stamp or Stamps to be impressed on any such paper or other material, to make up the full amount of the duty hereby charged on the instruments for which the same was designed, on payment to the Commissioner of Stamps of the duty or duties denoted by such additional Stamp or Stamps.

4. And it is further enacted, that no instrument whatsoever, liable to be stamped as directed by this Ordinance, shall be pleaded or given in evidence in any Court, or admitted in any Court to be good, useful or available in law or equity, unless the same be duly stamped.

5. And it is further enacted, that whenever in any suit or action depending in any of the Courts in this Island, any instrument whatever shall be tendered, but which cannot be received in evidence, by reason that such instrument is not duly stamped, it shall be lawful for the Court in which such suit or action shall be depending, if the instrument may lawfully be stamped under any of the provisions of this Ordinance, on payment of the proper Stamp duty and penalty, and if such Court shall, in its discretion, see fit so to do, to allow the hearing or the further hearing of the said suit or action to stand over for a reasonable time, in order to enable the party tendering such instrument in evidence to have the same duly stamped, or otherwise to allow the trial of the said suit or action to proceed, and to suspend the judgment of the said Court thereon, for such time as to the said Court shall appear reasonable, in order to enable the said party to produce such instrument to the Court duly stamped.

6. And it is further enacted, that where any paper or other material on which any matter or thing (except Bills of Exchange, Promissory notes or other notes, Drafts or Orders, and except in those cases in which other provision is hereinafter specially made) shall have been written or printed, shall be brought or sent to the Commissioner of Stamps, to be stamped after the same shall have been executed, the same not having been stamped with any Stamp, or having been stamped with a Stamp of less value than is by law required, and the person producing the same is desirous of having the same duly stamped, then, and in every such case, it shall be lawful for the said Commissioner of Stamps, on payment of the duty by law payable for such paper or other material, in respect of the instrument, matter or thing written or printed thereon, and a penalty of Ten pounds only for every sheet or piece of paper or other material, and notwithstanding the penalties thereupon under any former Ordinance may have accumulated to a larger sum than the said sum of Ten pounds, to cause the said instrument to be sent to the Colonial Secretary, in order that the same may be duly stamped: and every instrument so stamped as aforesaid, shall have and be deemed of the like force and validity in the law as if the paper or other material so stamped had been duly stamped before such instrument, matter or thing had been written or printed thereon, any former law or Ordinance to the contrary notwithstanding.

7. And it is further enacted, that where in any case it shall be inconvenient to any person to take or send any instrument to the Commissioner of Stamps to be stamped under any of the provisions of this Ordinance, or to remit to such 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 or Assistant Government Agent, and to pay to him the amount of such duty and penalty. And the said Government Agent or Assistant Government Agent shall thereupon transmit such instrument, together with a certificate under his hand of the payment of such sum or sums of money to the Commissioner of Stamps, who shall thereupon send the said instrument to the Colonial Secretary, in order that the same may be stamped with the proper Stamp, and the same shall thereafter be returned by such Commissioner to the said Government Agent or Assistant Government Agent, to be delivered to the party from whom the same was received.

8. Provided always and it is further enacted, that in any case where it shall be fully and clearly made to appear to the Commissioner of Stamps upon affidavit or affirmation, or otherwise to his satisfaction, that any instrument whatsoever (except Bills of Exchange, Promissory

notes, or other notes, Drafts or Orders, and except Receipts, Discharges and Acquittances) required by this or any former Ordinance to be written or printed on stamped paper or other material, hath been written or printed on unstamped paper or other material, or on paper or other material not duly stamped with a Stamp of the value by law required, either by accident or inadvertency, or from urgent necessity, or unavoidable circumstances, and without any intention in any party or parties thereto to evade the Stamp duties imposed by law, or to defraud Her Majesty thereof, and such instrument shall be brought or sent to the Commissioner of Stamps to be stamped within Twelve calendar months after the making or execution thereof, it shall be lawful for such Commissioner of Stamps, with the previous sanction and under the authority of the Governor, to remit the penalty payable on stamping such instrument, or any part thereof, as shall be deemed expedient. Provided further, that in any case where it shall be made to appear to the said Commissioner of Stamps in manner aforesaid, that any Bill of Exchange, Draft, or Order, or any Promissory note hath been written or printed on unstamped paper, or other material, or on paper or other material not duly stamped with the Stamp of the value by law required, from urgent necessity or unavoidable circumstances, and without any intention in the drawer or maker thereof to evade the Stamp duties imposed by law, or to defraud Her Majesty thereof; and such Bill, Draft, Order or Note shall not have been accepted or indorsed, or paid, and shall be brought or sent to the Commissioner of Stamps to be stamped within Eight days from the date thereof, it shall be lawful for such Commissioner of Stamps, on payment of the duty by law payable for such paper or other material in respect of the instrument written or printed thereon, to cause the said Bill, Draft, Order, or Note to be sent to the Colonial Secretary, in order that the same may be duly stamped; and every such instrument so stamped as aforesaid, shall have and be deemed of the like force and validity in the law, as if the paper or other material so stamped had been duly stamped before such Bill, Draft, Order, or Note had been written or printed thereon, anything in this Ordinance to the contrary notwithstanding.

9. And it is further enacted, that from and after the commencement of this Ordinance, all instruments for or upon which any Stamp or Stamps shall have been used of an improper rate of duty, but of equal or greater value in the whole with or than the Stamp or Stamps which ought regularly to have been used thereon, shall nevertheless be deemed valid and effectual in the law.

10. And it is further enacted, that all writings, matters and things in respect whereof any Stamp duty shall be payable, and which shall be written or printed after the commencement of this Ordinance, shall be written or printed in such manner that some part thereof shall be either upon, or as near as conveniently may be to the Stamps which shall, in pursuance of this Ordinance, be placed on the paper or other material whereupon the same shall be written or printed; upon pain that the person who shall write or print, or cause to be written or printed, any such writing, matter or thing, contrary to the tenor and true meaning hereof, shall, for every such offence, be liable to a penalty not exceeding Five pounds.

11. And it is further enacted, that it shall not be lawful to attach or annex to any instrument whatever, liable to be stamped as directed by this or any former Ordinance, any stamped paper or other material so as to make up either wholly or in part the amount of duty required by law thereon; nor shall such amount of duty be by such means deemed or held to be made up: but every paper or other material forming or intended to form part of any instrument liable to be stamped as aforesaid, shall have written or printed thereupon the whole or some part or portion of such instrument.

12. And it is further enacted, that if any person shall fraudulently use, join, fix or place, for, with or upon any paper or other material any Stamp which shall have been cut, torn or removed, from any other paper or other material; or if any person shall fraudulently erase, cut, scrape, discharge, or get out of or from any stamped paper or other material, any name, sum, date or other matter or thing, therein written, printed or expressed, with intent to use any Stamp then impressed or being upon such paper or other material, or that the same may be used for any instrument whatever, in respect whereof any Stamp duty is or shall, or may be, or become payable, then and in every such case every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be liable to transportation for any term not less than Seven years, or to be imprisoned with or without hard labour for any period not exceeding Five years.

13. And it is further enacted, that all persons who shall have in their possession any stamped paper or other material, written upon and inadvertently and undesignedly spoiled, obliterated, or by any means rendered unfit for the purpose intended, before the same is executed, 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 have been deposited with any person as a security, or have been any way negotiated, and which Bills of Exchange have not been accepted or tendered for acceptance; may within Two calendar 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 stamped paper or other material, Bill of Exchange or Promissory note, into the Stamp Office in Colombo, and if it shall appear

## No. 2,—1848.

to the Commissioner of Stamps, upon inspection of the document, that the Stamp whereon the same has been either wholly or partially written, has been spoiled or rendered useless before the same 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 herein before mentioned are likewise fully proved by affidavit or affirmation to the satisfaction of such Commissioner of Stamps, then and in any such case it shall be lawful for the said Commissioner of Stamps to receive back such spoiled Stamps, and to cancel the same, and to give other Stamps of the like amount and description in lieu thereof.

14. And it is further enacted, that in any case in which the Commissioner of Stamps is or shall be, by this Ordinance, authorized and directed to cancel 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 or Stamps which shall not have been spoiled or rendered useless, or unfit for the purpose intended, but for which he shall have no immediate use or occasion, the amount or value of such Stamp or Stamps in money, deducting therefrom such per centage as aforesaid, upon his delivering up such Stamp or Stamps to the said Commissioner to be cancelled, and proving to his satisfaction that the same was or were 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 or Stamps, without any deduction, save and except only the amount of such per centage as aforesaid; and further, that such Stamp or Stamps was or were so purchased within the period of Three calendar months next preceding, and if the same was or were so purchased after the passing of this Ordinance, then, that the same was or were so purchased by such person at the Office for Stamps in Colombo, or from some Government Officer specially authorized for that purpose, or from some person licensed under the authority of this Ordinance to vend or deal in Stamps.

15. And it is further enacted, that if any Notary Public in this Island, shall knowingly and wilfully write or attest, or permit any person to execute, sign or acknowledge before him as such Notary, any instrument whatever which is required to be written on a Stamp on any paper or other material not duly stamped for denoting the duty hereby charged thereon, every such Notary shall be guilty of an offence, and liable, on conviction thereof, to a fine of One Hundred pounds, and in default of payment of such fine, to imprisonment with or without hard labour for any period not exceeding One year: and that if any person shall knowingly and wilfully execute or sign, or be an attesting witness to, any such Notarial instrument, every such person shall forfeit the sum of Twenty pounds. And the sum which shall be wanting to make up the proper amount of Stamp duty hereby chargeable on any such instrument, shall be recoverable to the use of Her Majesty from such Notary, and from the party executing such instrument or from either of them. Provided always, that if in any case any difference shall arise between any such Notary and his employer as to the proper Stamp duty chargeable on any instrument whatever to be executed, signed, or acknowledged before such Notary, it shall be lawful for the said parties, prior to the execution, signing, or acknowledging of such instrument, to submit to the District Court of the district within which such Notary is licensed to practise, a petition in writing signed by them, and setting forth truly and distinctly the nature and grounds of such difference, and having endorsed thereon the certificate of some practising advocate or proctor that in his opinion the question at issue between the said parties is one on which doubts may be reasonably entertained, and thereupon, and upon the hearing of the petitioners, or their counsel thereon, the said Court shall summarily determine the matter of such difference; and the said petition and the judgment thereon shall be filed of record in the said Court. And if the facts have been truly set forth in the said petition, the validity of the instrument which shall be thereafter executed, signed, or acknowledged before such Notary, in conformity with the decision ultimately pronounced on such petition, on a Stamp of the amount named in such decision as the proper Stamp duty chargeable thereon, shall not afterwards be questioned, nor shall any such instrument be rejected as evidence in any Court, on the ground that the Stamp on which the same has been written is insufficient.

16. And it is further enacted, that if any person shall make, sign or issue, or cause to be made, signed or issued, or shall accept, indorse or pay, or cause or permit to be accepted indorsed or paid, or shall receive in payment or liquidation of any debt or demand, or shall deposit with any person as a security any Bill of Exchange, Draft or Order, or Promissory note for the payment of money, liable to any of the duties imposed by this Ordinance, without the same being duly stamped for denoting the duty hereby charged thereon, he shall for every such Bill, Draft, Order or Note, forfeit any sum not exceeding Twenty pounds. Provided however, that nothing herein contained shall be construed to apply to the drawer or maker of any Bill of Exchange, Draft or Order, or any Promissory note, who shall make, sign or issue, or cause to be made, signed or issued any Bill, Draft, Order, or Note, which by the 8th section of this Ordinance is allowed to be and shall have been duly stamped after the same was written.

17. And it is further enacted, that 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 any Stamp duty charged by this Ordinance upon any piece of paper or other material, without the same being first duly stamped with a Stamp as herein is directed, or upon which there shall be a Stamp of lower denomination or value than is by this Ordinance charged in respect thereof, shall forfeit and pay any sum not exceeding Five pounds, in case the sum paid contained or expressed in such Receipt, Discharge or Acquittance, shall not amount to the sum of One Hundred pounds, and any sum not exceeding Twenty pounds, in case such sum shall amount to One Hundred pounds or upwards.

18. And it is further enacted, that every person who shall give any Receipt, Discharge or Acquittance, or any note, memorandum or writing acknowledging the payment of money, in which a less sum shall be expressed than the sum actually paid or received, or who shall separate or divide the sum demanded, or actually paid or received, into divers sums, with intent to evade the said Stamp duties or any of them, or shall with the like intent write off any part of any debt, claim or demand, with intent or design to defraud Her Majesty of any of the said duties by this Ordinance imposed, shall, for every such offence, forfeit and pay the sum of Twenty pounds.

19. And it is further enacted, that before any Receipt, Acquittance or Discharge shall be printed or written upon any paper or other material liable to any Stamp duty by this Ordinance, the same shall be brought to the Stamp Office, and the said Colonial Secretary, by himself or by his officers employed under him, shall and may from time to time stamp any quantities or parcels of paper or other material, before any Receipt, Acquittance or Discharge shall be printed or written thereupon, upon payment to the Commissioner of Stamps of the several duties payable by virtue of this Ordinance for the same.

20. And it is further enacted, that if any Receipt, Discharge or Acquittance, given upon the payment of money, and written on paper or other material not stamped as by this Ordinance is directed, shall be brought to the said Commissioner of Stamps or to some Government Agent or Assistant Government Agent to be stamped, within the space of Fourteen days after such Receipt, Discharge or Acquittance shall be given or shall bear date, the same shall and may be permitted to be stamped on payment of the sum of Five pounds over and above the duty payable for the same by virtue of this Ordinance; and if any such Receipt, Discharge or Acquittance shall be brought to be stamped as aforesaid, after the expiration of such Fourteen days, and within one calendar month after such Receipt, Discharge or Acquittance shall be given or shall bear date, the same shall and may be permitted to be stamped on payment of the sum of Ten pounds over and above the duty payable for the same by virtue of this Ordinance; and the Commissioner of Stamps is hereby enjoined and required, upon such Receipt, Discharge or Acquittance being brought or sent to him within the respective times hereinbefore limited, and upon payment to him of the duties imposed thereon by this Ordinance, and the respective sums aforesaid, or upon the same being transmitted to him with a certificate under the hand of some Government Agent or Assistant Government Agent, that the said Stamp duty and the respective sums aforesaid have been duly paid to such Government Agent or Assistant Government Agent, but not otherwise, to send such Receipt, Discharge or Acquittance to the Colonial Secretary, in order that the same may be stamped with the proper Stamp by this Ordinance required for the same.

21. And it is further enacted, that 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 piece of paper or other material duly stamped with the proper duty, and according to the amount of the sum so paid as aforesaid, or some higher rate of duty in this Ordinance contained, 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 and 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 and Acquittance, upon demand thereof, or pay the amount thereof as aforesaid, every such person shall forfeit and pay for every such offence the sum of Five pounds.

22. And it is further enacted, that from and after the commencement of this Ordinance, 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 or affirmation, 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 any thing on account of the debts due and owing from the deceased, (excepting debts due on Mortgage or other Notarial Bonds) are under 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.

23. And it is further enacted, that when any person shall have estimated the property

**No. 2, — 1848.**

and estate of the deceased to be of greater value than the same shall have afterwards proved 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 calendar 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 of Stamps to cancel and expunge the Stamp, and another Stamp for denoting the duty which ought to have been paid thereon shall be substituted, and the said Commissioner shall thereupon repay the difference between them in money to the party producing such instrument.

24. And it is further enacted, that 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 calendar 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 the Commissioner of Stamps shall thereupon, and upon receipt of the money to be paid thereon, or upon production to him of a certificate under the hand of some Government Agent or Assistant Government Agent, shewing that the money to be paid thereon has been received by such Government Agent or Assistant Government Agent, cause the proper Stamp to be affixed on such instrument, and return the same to the Judge by whom it was transmitted to him.

25. And it is further enacted, that where too little duty shall have been paid as in the preceding section mentioned, if any executor or administrator acting under such Probate or Letters of Administration, shall not within Six calendar 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 6th section of this Ordinance on the stamping of any unstamped or insufficiently stamped instrument, incur and be liable to a further penalty of Twenty pounds, 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 of Stamps 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 production to him of a certificate under the hand of some Government Agent or Assistant Government Agent, shewing that the Stamp duty to be paid thereon has been received by such Government Agent or Assistant Government Agent, the Commissioner of Stamps shall cause the proper Stamp to be affixed on such instrument, and return the same to the Judge by whom it was transmitted to him.

26. And it is further enacted, that from and after the commencement of this Ordinance, it shall be lawful for the Commissioner of Stamps, with the sanction and under the authority of the Governor as aforesaid, by writing under the hand of such Commissioner, to grant a licence, free of expense, to any person whom he in his direction shall think fit and proper for the purpose, to vend and deal in Stamps at any place or places in this Island to be named in such licence. Provided always, that every person to whom any such licence shall be granted shall enter into a Bond to Her Majesty, Her Heirs and Successors, in a penal sum of One Hundred pounds, 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. Provided always, that such bond shall not be liable to any Stamp duty, and that one licence and one bond only shall be required for any number of persons in co-partnership. And provided also that it shall be lawful for the said Commissioner of Stamps, whenever he shall think fit, by notice in writing signed by him, to revoke and make void any such licence as aforesaid.

27. And it is further enacted, that in every such licence 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, or houses and shops in or at which he shall by such licence be authorized to vend or deal in Stamps; and such person shall not be thereby authorized or entitled to vend or deal in Stamps, in or at any other house, shop, or place than such as shall be so specified and described in such licence.

28. And it is further enacted, that no person other than such Commissioner of Stamps or Government Officer as aforesaid, shall vend or deal in Stamps in any part of this Island, without having duly obtained from the Commissioner of Stamps a licence for that purpose,



which shall be subsisting 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 paper or other material stamped with any Stamp denoting or purporting to denote any Stamp duty, or shall exchange any such stamped paper or other material for any other stamped paper or other material, or for any other article or thing, without having duly obtained and having in force such licence as aforesaid, authorizing him in that behalf, or in or at any house, shop, or place not specified and described in any such licence as aforesaid, granted to him, he shall, for every such offence, forfeit the sum of Five pounds.

29. Provided always, and it is further enacted, 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 impressed on the paper or other material upon which such instrument shall be written, without having obtained any such licence as aforesaid, to vend or deal in Stamps.

30. And it is further enacted, that a discount after the rate of Five pounds *per centum* on the prompt payment of any sum amounting to Twenty pounds or upwards by any person licensed to vend or deal in Stamps under the authority of this Ordinance, on the purchase by him of any stamped paper or other material at the Stamp Office in Colombo, or from any Government Agent or Assistant Government Agent, shall be allowed to such licensed dealer by the Commissioner of Stamps, Government Agent or Assistant Government Agent, as the case may be.

31. And it is further enacted, that 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 in or at which he shall be licensed to deal in Stamps, and so that the same shall be at all times plainly and distinctly visible and legible, the proper name of such licensed person at full length, together with the words "Licensed to sell Stamps," or words of similar import in the Singhalese or Tamil language, and such person shall continue such names and words so painted as aforesaid, during all the time that he shall continue licensed as aforesaid; and if any person licensed as aforesaid shall neglect or omit to cause such names and words to be so painted as aforesaid, or shall neglect or omit to continue the same so painted according to the directions of this Ordinance, he shall forfeit Ten pounds for every such offence. Provided always, 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.

32. And it is further enacted, that 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 to be intended to import or signify that such person is a vender of or dealer in Stamps, such person not being licensed to deal in Stamps under the authority of this Ordinance, and not being the Commissioner of Stamps, or Government Officer as aforesaid, he shall forfeit Ten pounds for every day such offence shall be committed or continued.

33. And it is further enacted, that if any person licensed to vend or deal in Stamps shall die, or become bankrupt or insolvent, or if the licence of any person to vend or deal in Stamps shall expire or be revoked, and any such person, at the time of his death, bankruptcy, or insolvency, or at the expiration or revocation of any such licence as aforesaid, shall have in his possession any quantity of stamped paper or other material, it shall be lawful for such person, or his executor or administrator or assignee, within Three calendar months after the expiration or revocation of such licence, or next after such death, bankruptcy or insolvency, as the case may be, to bring or send such stamped paper or other material to the Office for Stamps in Colombo, and it shall be lawful for the Commissioner of Stamps 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, and also to pay the amount of the value of such paper or other material, according to the rates at which paper or other material of the like quality and description shall be sold by the said Commissioner, and thereupon such Stamps shall be immediately cancelled. Provided always, that the person who shall bring or send such stamped paper or other material to the said Office, shall make proof to the satisfaction of such Commissioner that such paper or other material was actually in the possession of the person so dying or becoming bankrupt or insolvent or having had such licence which had so expired or had been so revoked, for the purpose of sale, at the time when such person so died or became bankrupt or insolvent or when the said licence expired or was revoked; and shall also make proof in like manner that such stamped paper or other material or the Stamps impressed thereon, was or 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.

34. And it is further enacted, that upon information given to the Commissioner of Stamps upon the oath of one or more credible person or persons (which oath the said Commissioner or any Justice of the Peace, is hereby empowered to administer) that there is reasonable cause to suspect that any person licensed, or who shall have been licensed under the authority

**No. 2, — 1848.**

of this Ordinance, hath in his possession any forged or counterfeit Stamp or Stamps, it shall be lawful for the said Commissioner, by warrant under his hand to authorize any Officer or Officers employed in the Stamp Office, and such Officer or Officers is and are 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 the dwelling house, room, shop, warehouse, outhouse, or other building of or belonging to any person licensed, or who at any time within Six calendar months then last past shall have been licensed as aforesaid to vend or deal in Stamps; and if on demand of admittance and notice of such warrant, the door of any such dwelling house, room, shop, warehouse, outhouse or other building, or any inner door thereof, shall not be opened, then to break open the same respectively, and to search for, and to seize, and to take into his and their possession all such stamped paper or other material as shall be in any such place as aforesaid, or elsewhere in the custody or possession of such person licensed or having been licensed 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 forfeit Twenty pounds.

35. Provided always, and it is further enacted, 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; and if the person in whose custody or possession any Stamps shall be so found and seized, shall be or shall have been within the time aforesaid a licensed vender of Stamps, he shall be entitled to claim and receive in money from the Commissioner of Stamps, the amount of such of the Stamps so seized as shall be found to be genuine, (deducting therefrom such per centage as is allowed on the purchase of Stamps of the like description), and also to receive the amount of the paper or other material whereon the same shall be impressed, according to the rates at which paper or other material of the like quality and description shall be sold by the said Commissioner of Stamps; or if the said Commissioner shall think fit, such of the Stamps so seized as shall be found to be genuine shall be returned to the person from whose custody or possession the same shall have been taken, with such reasonable amends as the Governor, with the advice of the Executive Council, may think fit to award.

36. And it is further enacted, that 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 stamped paper or other material, 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 *bonâ fide* carry on his trade or business, any such stamped paper or other material, every such person shall forfeit the sum of Five pounds, 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 hawking, carrying about, uttering or offering for sale or exchange, such Stamped paper or other material, and to take him, or 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 if the offender shall not immediately on his conviction pay the penalty, such Magistrate shall commit him to prison for any period of time not less than one or more than Three calendar months, unless such penalty shall be sooner paid or satisfied; and all stamped paper or other material which shall be found in the 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 of Stamps, to be disposed of in any manner he shall think fit. Provided always, that if such offender shall not be apprehended and proceeded against in the manner hereinbefore directed, then the said penalty of Five pounds shall be recoverable by any other of the ways and means provided for the recovery of penalties in this Island.

37. And it is further enacted and declared, that in any case in which by any law, usage or custom, which now is, or hereafter may be in force in this Island, 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 whomsoever in virtue of his office; or any such public Officer is required or authorized to issue to any person any instrument whatever which by this Ordinance 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, unless and until the proper amount of Stamp duty payable thereon shall first have been paid by such person in respect of such instrument, or unless and until a paper stamped with the proper amount of duty shall have been supplied and delivered by him to such public Officer; anything in any law or Ordinance, or any usage or custom in anywise to the contrary notwithstanding.

38. And it is further enacted, that One half of all the fines actually recovered and realized under the provisions of this Ordinance, shall go to Her Majesty, and the other half to the informer.

39. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day June, One thousand Eight hundred and Forty-eight.

SCHEDULE TO WHICH THIS ORDINANCE REFERS.

No. 2, — 1848.

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 either 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 on Testamentary proceedings, on Probates of Wills, and Letters of Administration.

PART I.

	Duty.		
	£	s.	d.
AFFIDAVIT or Affirmation not made for the immediate purpose of being filed, read, or used in any Court of Justice in this Island; for every sheet or piece of paper or other material on which the same shall be written or printed ... ..	0	2	0

*Exemptions from the preceding and all other Stamp duties.*

Affidavits or Affirmations required or authorized by law to be made in criminal matters; or affidavits or affirmations on the assumption of any office under Government; or for the verification of any public accounts, or affidavits or affirmations to be made pursuant to this Ordinance by persons applying for Probates of Wills and Letters of Administration, regarding the value of the estate of the deceased; or by persons having spoiled stamps, to obtain an allowance for the same.

AGREEMENT, or contract, or any minute or memorandum of an agreement, made in this Island or its dependencies, 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 the value of £1 and not exceeding £2 ...	0	0	1
Exceeding— 2 — " 5 ...	0	0	3
" — 5 — " 10 ...	0	0	6
" — 10 — " 20 ...	0	1	0
" — 20 — " 50 ...	0	2	0
" — 50 — " 100 ...	0	4	0
" — 100 — " 200 ...	0	6	0
" — 200 — " 300 ...	0	7	6
" — 300 — " 500 ...	0	8	6
" — 500 — " 1000 ...	0	12	6
" — 1000 — " 2000 ...	0	15	0
" — 2000 — " 3000 ...	1	5	0

And for every additional £1,000 or part thereof a further progressive duty of ... .. 1 0 0

Where the value of the agreement, or of such minute or memorandum, does not appear in the face thereof, such instrument shall bear a stamp according to the rate following, that is to say,

Where the same shall not contain more than 120 words ... .. 0 5 0

Where the same shall contain more than 120 words ... .. 0 7 6

And for every entire quantity of 120 words contained therein, over and above the first 120 words, a further progressive duty of ... .. 0 2 6

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 stamped with a duty of £0 7s 6d., although the same shall in the whole contain twice the number of 120 words or upwards.

Provided also that figures shall be counted as words.

Provided that if any such agreement, or minute or memorandum thereof, shall be executed before a Notary, the above mentioned duty shall be chargeable on the duplicate or counterpart of such instrument, instead of the original thereof.

*Exemptions from the preceding and all other Stamp duties.*

	Duty.		
	£	s.	d.
Memorandum or agreement for the hire of any labourer, artificer, manufacturer or menial servant.			
Memorandum, letter, or agreement made for or relating to the sale of any goods, wares or merchandize.			
Memorandum, letter, or agreement made with any common carrier for the carriage of goods, wares or merchandize in this Island.			
Conditions of sale of any property sold by auction.			
Letters containing any agreement (not before exempted) in respect of any merchandize or evidence of such an agreement, which shall pass by the post between Merchants or other persons carrying on trade or commerce in this Island, and residing and actually being at the time of such letters at the distance of twenty miles from each other.			
Memorandum or agreement made between the master and mariners of any vessel or boat, for wages.			
Agreement to marry, not containing any settlement or transfer of property.			
Memorandum or agreement made by or with any Government officer in the execution of his office.			
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 not exceed £25 ...	0	1	6
And where it shall exceed £25 and not exceed £50	0	2	6
" — 50 — 100	0	5	0
" — 100 — 200	0	10	0
" — 200 — 500	0	15	0
" — 500 — 1000	1	0	0

*Exemptions.*

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.

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 ... .. 10 0 0

And for any counterpart or duplicate thereof ... .. 0 2 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 ... .. 1 0 0

And for any counterpart or duplicate thereof ... .. 0 2 0

Provided that if any such article of Clerkship shall be executed before a Notary, the said duties of £10 and £1 shall be chargeable on the duplicate instruments, and the duties of 2s. on the originals thereof.

**No. 2, — 1848.**

ASSIGNMENT—see *Bond*

AWARD ... .. 1 0 0  
 And where the same, together with any Schedule or other matter put or endorsed thereon or annexed thereto, shall contain 120 words or upwards, then for every entire quantity of 120 words contained therein, over and above the first 120 words, a further progressive duty of ... .. 0 5 0

BILL OF EXCHANGE, draft or order to the bearer, or to order, either on demand or otherwise, of any sum of money

Amounting to £2 and not exceeding £5	...	0	0	3
Exceeding 5	— 10	...	0	0 6
" 10	— 20	...	0	1 0
" 20	— 50	...	0	2 6
" 50	— 100	...	0	4 0
" 100	— 200	...	0	5 0
" 200	— 500	...	0	7 0
" 500	— 1000	...	0	10 0
" 1000	— 2000	...	0	15 0
" 2000	— 3000	...	1	0 0

And for every additional £1000 or part thereof a further progressive duty of ... .. 0 5 0

*Inland Bill, 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 Bill payable to bearer or order 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 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 on 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.

*Foreign Bill of Exchange (or bill of exchange drawn in but payable out of this Island) if drawn singly and not in a set* ... .. *The same duty as on an Inland bill of the same amount and tenor.*

*Foreign Bills of Exchange drawn in sets of three according to the custom of Merchants, for every bill of each set, where the sum made payable thereby shall not exceed* ... .. £20 ... 0 0 6

Exceeding £20 and not exceeding 50	...	0	0	10
" 50	— 100	...	0	1 4
" 100	— 200	...	0	2 0
" 200	— 500	...	0	4 0
" 500	— 1000	...	0	5 0
" 1000	— 2000	...	0	7 6
" 2000	— 3000	...	0	10 0

And for every additional £1000 or part thereof a further progressive duty of ... .. 0 1 6

*Exemptions from the preceding and all other Stamp duties.* £ s. d.

All instruments exempted from the payment of Stamp duties by virtue of the Ordinance No. 23 of the year 1844, entitled, "An Ordinance for exempting certain written instruments employed by persons carrying on the business of Bankers from payment of Stamp duties and for enabling such persons to make composition in lieu of Stamp duties on certain promissory notes and bills of exchange."

All checks, drafts or orders for the payment of any sum of money to the bearer on demand and drawn on any licensed Banker, provided the same shall bear date on or before the day on which the same shall be issued; and provided the same do not direct the payment to be made by Bills or Promissory notes.

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 ... .. 0 0 3

BOND given as a security for the payment of any definitive and certain sum of money; Mortgage of or affecting any property moveable or immovable: Deed or instrument for the assignment or transfer of any property not otherwise charged in this Schedule nor expressly exempted from all Stamp duty; Lease of any lands, houses or hereditaments; an *ad valorem* Stamp duty according to the following table; viz.

Where the value does not exceed £2	...	0	0	1
Exceeding £2 and not exceeding £5	...	0	0	3
5	— 10	...	0	0 6
10	— 20	...	0	2 0
20	— 30	...	0	2 6
30	— 40	...	0	4 6
40	— 50	...	0	7 6
50	— 75	...	0	10 6
75	— 100	...	1	2 6
100	— 200	...	2	7 6
200	— 300	...	3	15 0
300	— 500	...	4	15 0
500	— 1000	...	6	0 0
1000	— 2000	...	7	5 0
2000	— 3000	...	8	10 0
3000	— 4000	...	9	15 0
4000	— 5000	...	11	5 0
5000	— 10000	...	14	15 0
10000	— 15000	...	18	10 0
15000	— 20000	...	25	0 0
20000	...	...	30	0 0

Bond of any kind whatever, not otherwise charged in this Schedule nor expressly exempted from all Stamp duty ... .. 1 0 0

Counterpart or duplicate of any such Bond, Mortgage, Assignment, Transfer or Lease, as aforesaid, where the value exceeds 20*l.* ... .. 0 2 0

Provided, that if any such Bond, Mortgage, Assignment, Transfer or Lease, shall be executed before a Notary, the abovementioned Stamp duty shall be chargeable on the duplicate or counterpart of such instrument; and the original thereof, where the value exceeds 20*l.*, shall be on a stamp of two shillings.

*Exemptions from the preceding and all other Stamp duties.*

Bonds given by any Government Officer, or his Sureties, for the due execution of his Office.

Bonds 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 of indemnity given to Fiscals or their deputies, or officers in the execution of their duty.

Bonds given to any officer of Customs in his official capacity.

Transfers of Bills of Exchange and Promissory Notes by indorsement.

Assignment of any Lease.

£ s. d.

**CHARTERPARTY** or any agreement or contract for the charter of any vessel, or any memorandum, letter or other writing between the captain, master or owner of any vessel, and any other person for or relating to the freight or conveyance of any money, goods or effects, on board of such vessel. ... 0 5 0

*Exemptions.*

Charterparty 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 0 10 0

**CONVEYANCE**, of what kind or description soever, upon the sale of any lands or other immoveable property, or of any right, title, interest or claim in, to, out of, or upon any lands or other immoveable property; that is to say, for and in respect of the counterpart or duplicate of the principal or only deed, instrument or writing, whereby the land or other immoveable property is conveyed to or vested in the purchaser or purchasers, or any other person or persons by his or their direction.

Where the purchase or consideration money therein or thereupon expressed shall not exceed £3 ... 0 1 0  
 And where the same shall exceed £3 & not exceed £5... 0 1 6

"	5	—	10...	0	3	0
"	10	—	20...	0	5	0
"	20	—	30...	0	7	6
"	30	—	40...	0	10	0
"	40	—	50...	0	15	0
"	50	—	100...	1	5	0
"	100	—	200...	1	10	0
"	200	—	300...	1	15	0
"	300	—	500...	2	7	6
"	500	—	750...	4	15	0
"	750	—	1000...	7	0	0
"	1000	—	2000...	10	0	0
"	2000	—	3000...	20	0	0
"	3000	—	4000...	30	0	0
"	4000	—	5000...	40	0	0
"	5000	—	6000...	50	0	0
"	6000	—	7000...	60	0	0
"	7000	—	8000...	70	0	0
"	8000	—	9000...	80	0	0
"	9000	—	10000...	90	0	0
"	10000	—	12500...	110	0	0
"	12500	—	15000...	130	0	0
"	15000	—	20000...	160	0	0
"	20000	—	30000...	225	0	0
"	30000	—	40000...	330	0	0
"	40000	—	50000...	425	0	0
"	50000	—	60000...	525	0	0
"	60000	—	80000...	625	0	0
"	80000	—	100000...	750	0	0
"	100000 or upwards	—	...	850	0	0

Original of any such conveyance, where the purchase or consideration money exceeds £20 ... 0 2 0

And where the purchase or consideration money is less than £20 ... 0 0 6

**NOTE.**—The purchase or consideration money is to be duly expressed and set forth in words at length, in or upon every such principal or only deed or instrument of conveyance.

And where any lands or other property, of different tenures or holdings, or held under different titles, contracted to be sold at one entire price for the whole, shall be conveyed to the purchaser in separate parts or parcels, by different deeds or instruments, the purchase or consideration money shall be divided and apportioned in such manner as the parties shall think fit, so that a distinct price or consideration for each separate part or parcel may be set forth in or upon the principal or only deed or instrument of conveyance relating thereto; the duplicate of which shall be charged with the said *ad valorem* duty, in respect of the price or consideration money therein set forth.

And where any lands or other property contracted to be purchased by two or more persons jointly, or by any person for himself and others, or wholly for others, at one entire price for the whole, shall be conveyed in parts or parcels, by separate deeds or instruments to the persons for whom the same shall be purchased, for distinct parts or shares of the purchase money; the duplicate of the principal or only deed or instrument of conveyance, of each separate part or parcel, shall be charged with the said *ad valorem* duty in respect of the sum of money therein specified as the consideration for the same.

But if separate parts or parcels of such lands or other property shall be conveyed to, or to the use of, or in trust for different persons, in and by one and the same deed or instrument, then such duplicate deed or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the purchase or consideration monies therein mentioned to be paid or agreed to be paid for the lands or property thereby conveyed.

And where any person having contracted for the purchase of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell to any other person and the same shall in consequence be conveyed immediately to the sub-purchaser; the duplicate of the principal or only deed or instrument of conveyance shall be charged with the said *ad valorem* duty, in respect of the purchase or consideration money therein mentioned to be paid, or agreed to be paid by the sub-purchaser.

And where any person having contracted for the purchase of any lands or other property, but not having obtained a conveyance thereof, shall contract to sell the whole or any part or parts thereof, to any other person or persons, and the same shall in consequence be conveyed by the original seller to different persons, in parts or parcels; the duplicate of the principal or only deed or instrument of conveyance, of each part or parcel thereof, shall be charged with the said *ad valorem* duty, in respect only of the purchase or consideration money which shall be therein mentioned to be paid or agreed to be paid for the same by the person or persons to whom or to whose use or in trust for whom the conveyance shall be made, without regard to the amount of the original purchase money.

And in all cases of such sub-sales as aforesaid, the sub-purchasers, and the person immediately selling to them, shall be deemed and taken to be the purchasers and sellers, within the intent and meaning of the provisions and regulations of this Ordinance relating to the *ad valorem* duties on conveyances on the sale of property hereby imposed.

But where any such sub-purchaser shall take an actual conveyance of the interest of the person immediately selling to him, which shall be chargeable with the said *ad valorem* duty, in respect of the purchase or consideration money paid or agreed to be paid by him, and shall be duly stamped accordingly; the duplicate of any deed or instrument of conveyance to be afterwards made to him of the property in question, by the original seller, shall be exempted from the said *ad valorem* duty, and be charged only with the ordinary duty on Notarial deeds or instruments of the same kind not upon a sale.

And where any lands or other property, separately contracted to be purchased of different persons, at separate and distinct prices, shall be conveyed to the purchaser, or as he shall direct, in and by one and the same deed or instrument; the duplicate of such deed or instrument shall be charged with the said *ad valorem* duty, in respect of the aggregate amount of the pur-

**No. 2, — 1848.**

chase or consideration monies therein mentioned £ s. d.  
to be paid or agreed to be paid for the same.

And where any lands or other property shall be sold and conveyed, in consideration, wholly or in part, of any sum of money charged thereon by way of mortgage or otherwise, and then due and owing to the purchaser, or shall be sold, and conveyed, subject to any mortgage, bond or other debt, or to any gross or entire sum of money, to be afterwards paid by the purchaser, such sum of money or debt shall be deemed the purchase or consideration money or part of the purchase or consideration money, as the case may be, in respect whereof the said *ad valorem* duty is to be paid.

And where there shall be several deeds, instruments or writings, for completing the title to the property sold; such of them as are not liable to the said *ad valorem* duty shall be charged with the duty to which the same may be liable, under any general or particular description of such deeds, instruments or writings contained in this Schedule.

And where, in any case not hereby expressly provided for, of several deeds, instruments or writings, a doubt shall arise which is the principal, it shall be lawful for the parties to determine for themselves which shall be so deemed, and to pay the said *ad valorem* duty on the duplicate thereof accordingly.

And when any deed or instrument, operating as a conveyance on the sale of any property, shall operate also as a conveyance of any other than the property sold by way of settlement, or for any other purpose, or shall also contain any other matter or thing besides, which shall be incident to the sale and conveyance of the property sold, or relate to the title thereto, the duplicate of every such deed or instrument shall be charged, in addition to the duty to which it shall be liable as a conveyance on the sale of property, with such further stamp duty as any separate deed containing the other matter, would have been chargeable with.

*Exemptions from the preceding Stamp duties.*

All Leases, and mortgages; and all transfers or assignments thereof.

DISCHARGE for money—see *Receipt*.

LEASE—see *Bond*.

LETTER of Power of Attorney of any kind ...	0	10	0
Substitution or surrogation under any letter of Attorney ...	0	5	0

*Exemptions from the preceding and all other 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.

LETTERS of <i>Venia Etatis</i> ...	5	0	0
LICENCE for marriage without publication of Banns ...	1	0	0
Licence to be taken out yearly by every manufacturer of, or dealer in, Fire arms ...	1	0	0
Licence to be taken out yearly by every person who shall use or possess any fire arms, for every gun or other fire-arm. ...	0	2	6

MORTGAGE—see *Bond*.

NOTARIAL DEED, the counterpart or duplicate of any whatsoever, not otherwise charged in this Schedule, nor expressly exempted from all Stamp duty. ...	0	15	0
The Original thereof ...	0	2	0
Notarial copy of or extract from any Deed or Instrument whatever. ...	0	1	6

*Exemptions from the preceding, and all other Stamp duties.*

All Wills, Testaments and Codicils, whether Notarial or otherwise.

POWER OF ATTORNEY—see *Letter of Attorney*. £ s. d.

PROMISSORY NOTE. *The same ad valorem duty as on a Bill of Exchange of the like amount.*

*Exemptions from the duties on Promissory Notes.*

All instruments bearing in any degree the form or style of Promissory notes, but which in law shall be deemed special agreements. But such instruments shall nevertheless be liable to the duty which may attach thereon, as agreements or otherwise.

PROTEST of any Bill of exchange or promissory note for any sum of money not exceeding ...	£20...	0	1	0
Exceeding £20 and not exceeding ...	100...	0	2	0
" 100 "	500...	0	4	0
" 500 "	...	0	8	0
Protest of any other kind ...	...	0	2	6

PURCHASE DEED—see *Conveyance*.

RECEIPT or discharge given for or upon the payment of money, amounting to £2 and not exceeding £5...	0	0	2
Exceeding 5 "	10...	0	0
" 10 "	20...	0	0
" 20 "	50...	0	1
" 50 "	100...	0	1
" 100 "	200...	0	2
" 200 "	300...	0	4
" 300 "	500...	0	5
" 500 "	1,000...	0	7
" 1,000 "	...	0	10

And where any sum of money whatever shall be therein expressed or acknowledged to be received in full of all demands. ... 0 10 0

And any note, memorandum, or writing whatsoever, given to any person for, or upon the payment of money, whereby any sum of money, debt or demand, or any part of any debt, or demand therein specified, and amounting to two pounds or upwards, shall be expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, or which shall import or signify any such acknowledgement, and whether the same shall or shall not be signed with the name of any person, shall be deemed and taken to be a receipt for a sum of money of equal amount with the sum, debt, or demand so expressed or acknowledged to have been paid, settled, balanced, or otherwise discharged or satisfied, within the intent and meaning of this Schedule, and shall be charged with a duty accordingly.

And any receipt or discharge, note, memorandum, or writing whatever, given to any person for, or upon the payment of money, which shall contain, import or signify any general acknowledgment of any debt, account, claim, or demand, debts, accounts, claims, or demands, whereof the amount shall not be therein specified, having been paid, settled, balanced, or otherwise discharged or satisfied, or whereby any sum of money therein mentioned shall be acknowledged to be received in full, or in discharge, or satisfaction of any such debt, account, claim or demand, debts, accounts, claims or demands, and whether the same shall or shall not be signed with the name of any person, shall be deemed, and taken to be a receipt for the sum of £1,000 or upwards, within the intent and meaning of this Schedule, and shall be charged with the duty of Ten shillings accordingly.

And all receipts, discharges, and acknowledgements of the description aforesaid, which shall be given for, or upon payments made by or with any Bills of exchange, drafts, promissory notes, or other securities for money, shall be deemed and taken to be receipts given upon the payment of money, within the intent and meaning of this Schedule.

No. 2, — 1848.

*Exemptions from the preceding duties on Receipts. £ s. d.*

Receipts or discharges written upon promissory notes, Bills of exchange, drafts, or orders for the payment of money, duly stamped according to the laws in force at the date thereof; or upon Bills of exchange drawn out of, but payable in this Island.

Letters by the General Post, acknowledging the safe arrival of any Bills of exchange, promissory notes or other securities for money.

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 secured.

Releases or discharges for money by deeds duly stamped according to the laws in force at the date thereof.

Receipts or discharges for the return of any duties of customs upon certificates of over entry.

Receipts or discharges given by or to any Government Agent, Fiscal, or his Deputy or Officer, or other public Officer in the execution of his Office.

TRANSFER—see *Conveyance bond.*

Transfer or Assignment of any mortgage to which the mortgagor is not a party; or where he is a party, if no new security be given or no additional sum be advanced; ... .. 1 0 0  
 Provided that if any such transfer or assign-

ment shall be executed before a Notary the above £ s. d. mentioned duty shall be chargeable on the duplicate or counterpart of such instrument, instead of the original thereof.

WARRANT to act as a Notary Public. ... .. 5 0 0

*Exemptions.*

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 exempted from the payment of Stamp duties by virtue of the Ordinance No. 4 of the year 1833, entitled "For the protection of the Ceylon Savings' Bank, and the Fund thereby established."

All instruments exempted from stamp duty by the Ordinance No. 6 of 1835, entitled "Ordinance to amend and consolidate the laws now in force in these settlements relating to Bankruptcy, the relief of insolvent debtors and the privilege of Cessio Bonorum."

Provided that where any instrument hereinbefore in this part of the Schedule specified (in respect of which special provision has not been already made in that behalf) shall be executed or acknowledged before a Notary Public, the Stamp duty hereby chargeable on such instrument, shall be chargeable on the duplicate or counterpart thereof, instead of on the original instrument.

PART II.

CONTAINING THE DUTIES ON LAW PROCEEDINGS.

IN THE SUPREME COURT.	DUTY.							
	1st Class under £10.	2d Class under £30.	3d Class under £75.	4th Class under £150.	5th Class under £500.	6th Class under £1000.	7th Class under £5000.	8th Class £5000. & upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>In Civil Proceedings.</i>								
Every Affidavit or Affirmation ...								
" Bills 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 or 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 ...	0 1 6	0 3 0	0 4 0	0 6 0	0 9 0	0 12 0	0 15 0	1 0 0
" Exhibit of each unstamped document ...								
" Injunction ...								
" Mandate, or Writ of Mandamus Procedendo and Prohibition ...								
" Order of transference ...								
" Petition of Appeal to the Judges collectively ...								
" Do. to the Queen in Council ...								
" Proxy ...								
" Rule Nisi or absolute ...								
" Summons ...								
" Translation of any exhibit ...								

*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.

**No. 2, — 1848.**

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 defend, as a Pauper, shall be required to use any Stamps, in Civil proceedings in the Supreme Court.

IN THE DISTRICT COURTS.	DUTY.							
	1st Class under £10.	2d. Class under £30.	3d Class under £75.	4th Class under £150.	5th Class under £500.	6th Class under £1000.	7th Class under £5000.	8th Class under £5000, & upwards.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
<i>Civil Proceedings.</i>								
Every Affidavit or Affirmation ...								
" Bail Bond, or other Bond or Recognition ...								
" Bill of Costs ...								
" Certificate in Appeal ...								
" Certificate of quiet possession ...								
" Commission to examine witnesses; to Survey; of Reference; and all other Commissions ...								
" Commitment in Mesne process; or in Execution ...								
" Decree or Judgment ...								
" Edictile Citation for Certificate of quiet possession of Land ...								
" Exhibit of each unstamped document ...								
" Injunction, and each copy or translation thereof ...								
" Libel, Answer, Replication, Demurrer, or other pleading ...								
" List of Witnesses ...	0 1 6	0 3 0	0 4 0	0 6 0	0 9 0	0 12 0	0 15 0	1 0 0
" Notice of Trial or argument; to hear judgment of the District or the Supreme Court; to be examined <i>virá voce</i> ; and for Judgment by default...								
" Petition of Appeal ...								
" Proxy ...								
" Rule, Nisi or Absolute; ...								
" Sequestration, and each notice and translation thereof ...								
" Set of Interrogatories ...								
" Subpœna to a witness...								
" Summons to each Defendant or Intervenant ...								
" Translation of each exhibit ...								
" Warrant of Arrest in Mesne process...								
" Warrant of Attachment for non-attendance, or contempt ...								
" Writ of Execution against person or property ...								
" Office copy, duly certified, of all matter of record, per sheet of 120 words ...	0 0 6	0 0 9	0 1 0	0 1 6	0 2 6	0 3 6	0 5 0	0 7 6
" Petition to the Court not included in the foregoing table...	0 0 9	0 1 6	0 2 0	0 3 0	0 4 6	0 6 0	0 7 6	0 10 0

Poundage at the rate of one per centum on all monies 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.

*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.

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 defend as a Pauper, shall be required to use any Stamps in Civil proceedings in the District Court. Provided also, that no Summons, Subpœna, 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 whatsoever, 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 also, that in appeals to the Supreme Court, the Appellant shall furnish to the Secretary of the District Court the proper Stamp for the decree or order of the Supreme Court which may be made on such appeal.



IN THE COURT OF REQUESTS.	1st Class under £2.			2d Class £5 and under.		
	£	s.	d.	£	s.	d.
Every Affidavit or Affirmation ...						
„ Bail bond, or other recognizance						
„ Commitment ...						
„ Copy, (office copy) of any matter of record ...						
„ Exhibit of each unstamped document						
„ Notice of Interlocutory judgment	0	0	9	0	1	6
„ Petition of review ...						
„ Subpœna to each witness ...						
„ Summons to a defendant ...						
„ Translation of each document...						
„ Warrant of Arrest in Mesne process						
„ do. of Attachment ...						
„ do. of Execution ...						

Every Citation and each copy or translation thereof ...			
„ Commission of appraisement ...			
„ Copy (office copy) of any Will or Codicil, or extract therefrom, or of any document mentioned in this part of the Schedule not exceeding 120 words, for every additional 120 words or any less number ...	0	4	0
„ Inventory... ..			

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 a trustee for any other person or persons and not beneficially, shall be under the value of £20 ...		£	s.	d.
of the value of 20 and under the value of £50...	0	5	0	
50	100	0	10	
100	200	1	10	
200	300	2	10	
300	450	4	0	
450	600	5	10	
600	800	7	10	
800	1,000	10	0	
1,000	1,500	15	0	
1,500	2,000	20	0	
2,000	3,000	25	0	
3,000	4,000	30	0	
4,000	5,000	40	0	
5,000	6,000	50	0	
6,000	7,000	60	0	
7,000	8,000	70	0	
8,000	9,000	80	0	
9,000	10,000	90	0	
10,000	12,000	100	0	
12,000	14,000	110	0	
14,000	16,000	130	0	
16,000	18,000	150	0	
18,000	20,000	170	0	
20,000	25,000	190	0	
25,000	30,000	210	0	
30,000	35,000	230	0	
35,000	40,000	260	0	
40,000	45,000	300	0	
45,000	50,000	350	0	
50,000	60,000	400	0	
60,000	70,000	450	0	
70,000	80,000	550	0	
80,000	90,000	650	0	
90,000	100,000	750	0	
100,000 and upwards	..	850	0	

Poundage at the rate of one per centum on all monies 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.

*Exemptions.*

All Affidavits or Affirmations for verifying service of process; all Warrants of attachment issued by the Court at its own instance. Provided also, that no Government officer suing or being sued in his official capacity, shall be required to use any Stamps in any Court of Requests. Provided also, that no Summons, Subpœna, Warrant of Arrest, or Writ of 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 whatsoever 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.

PART III.

CONTAINING THE DUTIES IN TESTAMENTARY PROCEEDINGS; ON PROBATES OF WILLS, AND LETTERS OF ADMINISTRATION.

	£ s. d.		
Every Affidavit or Affirmation ...	...	...	...
„ Account, provisional or final ...	...	...	0 4 0
„ Bond ...	...	...	...

Passed in Council the Thirty-first day of January, One Thousand Eight Hundred and Forty-eight.

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,  
*Colonial Secretary.*

No. 3,—1848.

No. 3,—1848.

*(Repealed by Ordinance No. 23 of 1848.)*

*For the Registration of Carriages and Boats used for the Conveyance of Goods and Passengers for hire; and for declaring the rights and liabilities of the owners thereof.*

WHEREAS it is expedient to consolidate and amend the laws now in force regarding the licensing of carts used for the conveyance of goods for hire, and to make further and other provision for the registration and licensing of Carriages and Boats of every description used for the conveyance of goods and passengers for hire, and to declare in certain respects the rights and liabilities of the owners of the said Carriages and Boats:

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the commencement of this Ordinance, the 8th clause of the Ordinance No. 4 of the year 1834, entitled "*To consolidate and amend the several Regulations relating to the Assessment tax on houses, and the tax on licensed Bullock Carts in Colombo and Point de Galle; and for making further provisions as to the future management and application of the said taxes;*" the 2d, 3d, 4th, 5th, and 6th clauses of the Ordinance No. 3 of the year 1835, entitled "*For altering, amending and explaining the Ordinance No. 4 of the year 1834;*" and the 3d, 4th, 5th, and 6th clauses, and so much of the 2d clause as regards the registration of Bullock Carts, of the Ordinance No. 4 of the year 1840, entitled "*For the supply of Bullock Carts and other means of Transport required for Her Majesty's Forces and their Baggage on marches in this Colony;*" shall be and the same are hereby repealed, except as to the repeal thereby of any former Law, Regulation, or Ordinance; and except as to any fines or penalties thereby imposed, or as to any offences which may have been committed against the same. Provided, however, that in so far as the aforesaid provisions of the Ordinances above mentioned relate to Bullock Carts for which licences shall have been granted for the year 1848 before this Ordinance shall come into operation, the same shall continue in force until the expiration of the said year.

2. And it is further enacted, that no Carriage shall be used on land at any place within this Island, and that no Boat shall be used on any river, lake, or canal within the same for the conveyance for hire as a public business of the goods of any persons, or for the like conveyance of any passengers, unless the owner of such Carriage or Boat shall have had the same registered in manner hereinafter mentioned, and shall have obtained a licence for the same from the Government Agent of the Province in which such owner resides, or from some Assistant Government Agent thereof. And every such licence shall be on a stamp of Six shillings, and shall be in force until the 31st day of December of the year in or for which the same shall be granted, and no longer; and shall be as near as is material in the form in the Schedule hereunto annexed, marked A. And the said licences shall be numbered consecutively, commencing at the beginning of every year with the number one. Provided always, that no owner of any Bullock Cart for which a licence for the year 1848 shall have been granted before this Ordinance shall come into operation, shall be required to register such Bullock Cart or obtain the licence hereby required, until the period for which the said first mentioned licence was granted shall have expired; anything herein contained to the contrary notwithstanding.

3. And it is further enacted, that no licence shall be granted as aforesaid, until a declaration of ownership shall have been made and subscribed before the said Government Agent or Assistant Government Agent, by the owner of the Carriage or Boat to be registered; which declaration shall be as near as is material in the form in the Schedule hereunto annexed, marked B. Provided always, that if it shall become necessary to license any Carriage or Boat belonging to any corporate body or company consisting of more than five co-partners, and trading under a deed of settlement or partnership, such declaration shall be made and subscribed by the secretary of such corporate body or company, or other person acting in such capacity. And provided also, that if by reason of sickness or absence from the Island, or other cause, any such owner shall be unable to attend before such Government Agent or Assistant Government Agent, such declaration may be made and subscribed by the agent of such owner duly authorized in writing to make and subscribe the same.

4. And it is further enacted, that at the time when any such Carriage or Boat shall be licensed, the Government Agent or Assistant Government Agent granting such licence shall issue to the owner thereof a plate on which shall be legibly painted or marked a number corresponding with the number of such Carriage or Boat mentioned in the licence for the same, together with figures or letters denoting the year in which such licence has been granted, and the name of the place where such licence was obtained. And the said plate shall then be affixed on some conspicuous part of the said Carriage or Boat, in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so affixed during the continuance of such licence: and the owner of such Carriage or Boat, shall at the expiration of the period for which the said licence shall have been granted, or on his ceasing to be the owner thereof, return the said plate to the Government Agent or Assistant Government Agent from whom it was received.

5. And it is further enacted, that the said several Government Agents and Assistant Government Agents shall, and they are hereby required to keep a book in which shall be

registered all the particulars stated in the licences granted by them; and the said register shall be kept as near as is material according to the form in the Schedule hereunto annexed, marked C.; and every entry in such register shall be numbered in accordance with the number of the licence to which it has reference. And it shall be lawful for any person, at any time during office hours to demand inspection of the said register, and also to take any copy or extract therefrom.

6. And it is further enacted, that if any person shall, contrary to the provisions of this Ordinance, use, or permit, or suffer to be used any Carriage or Boat belonging to him, for the conveyance for hire of goods or of passengers, for which a licence has not been obtained as aforesaid, or after the expiration of the period mentioned in such licence, or without having the said plate affixed as aforesaid, or if he shall use the said plate, or suffer it to remain affixed as aforesaid, after the period for which it was given shall have expired, or shall neglect or refuse to deliver up such plate within one month after the expiration of such licence, or after he has ceased to be the owner of such Carriage or Boat; or if, upon being thereunto required by any Justice of the Peace, Superintendent of Police, or Police Officer of the place where such person shall reside, any such person shall refuse or neglect, within a reasonable time, to produce the licence for the same to such Justice of the Peace, Superintendent of Police, or Police Officer; then in every such case the owner of such Carriage or Boat shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Five pounds for the first offence, and for the second and every other offence, to a fine not exceeding Ten pounds; and the said Carriage or Boat, and every ox, horse, or other animal used for drawing the same shall, in every such case of a second or subsequent offence, be forfeited to the use of Her Majesty, Her Heirs and Successors, if the Court before which such conviction shall take place shall so adjudge.

7. Provided always, and it is further enacted, that if any person shall wilfully make any false declaration to any of the matters hereinbefore required to be verified by declaration, or if any person shall counterfeit, alter, falsify or forge any licence or tin plate, or part of any licence or plate, issued under the provisions of this Ordinance; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any false, forged or counterfeit licence or plate resembling or intended to resemble, either wholly or in part, any licence or plate which at any time whatever hath been or shall or may be issued, or used under the provisions of this Ordinance: then and in every such case every person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be guilty of an offence, and shall be liable to be imprisoned with or without hard labour for any term not exceeding Five years.

8. And it is further enacted, that the owner of every such licensed Carriage or Boat used for the conveyance of goods for hire, shall be held and accounted to be and shall incur all the duties and liabilities of a common carrier.

9. Provided always, and it is further enacted, that no such owner shall be liable for the loss of or injury to any article or articles of property of the descriptions following; (that is to say,) gold or silver coin of this or any other country, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewelry, watches, clocks, or time-pieces of any description, trinkets, bills of exchange, orders, notes or securities for payment of money, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate or plated article, glass, china, opium, silks in a manufactured or an unmanufactured state, and whether or not wrought up into other materials, or lace, or any of them contained in any parcel or package, which shall have been delivered to be carried for hire, or to accompany the person of any passenger, when the value of such article or articles, or property aforesaid, contained in such parcel or package shall exceed the sum of Five pounds, unless at the time of delivery thereof at the office, warehouse or receiving house of such owner, or to such owner or to his driver, book-keeper, coachman, boatman, or other servant, for the purpose of being, carried or of accompanying the person of any passenger as aforesaid, the value and nature of such article or articles or property shall have been declared by the person sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

10. And it is further enacted, that when any parcel or package containing any of the articles above specified shall be so delivered, and its value and contents declared as aforesaid, and such value shall exceed the sum of Five pounds, it shall be lawful for such Carrier to demand and receive an increased rate of charge to be notified by some notice affixed in legible characters in some public and conspicuous part of the office, warehouse, or other receiving house where such parcels or packages are received by them for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending or delivering any such parcels or packages at any such office, shall be bound by such notice without further proof of the same having come to their knowledge.

11. And it is further enacted, that whenever any goods shall have been received for conveyance by any such licensed Carriage or Boat, whether the same be such goods as are

**No. 3,—1848.**

mentioned in the 9th clause of this Ordinance or other goods, the person receiving the same for carriage on hire, shall, if thereto required, when the rate of charge shall have been paid, or an engagement to pay the same shall have been accepted, sign a receipt for the said goods: and if such receipt shall not be given when required, the Carrier, in addition to any other penalty or liability which he may incur by such refusal, shall not have or be entitled to any benefit or advantage under the 9th clause of this Ordinance, and shall also be liable to refund any increased rate of charge he may have received in respect of the goods specified therein.

12. Provided always, that no public notice or declaration by the owner of any such licensed Carriage or Boat shall be deemed or construed to limit, or in any wise affect his liability as a common carrier as aforesaid, for or in respect of any articles or goods to be carried and conveyed by him; but that all and every such owners shall be liable to answer for the loss of or any injury to any articles and goods in respect whereof they may not be entitled to the benefits of the 9th clause of this Ordinance, any public notice or declaration by them made and given, in any wise limiting such liability, to the contrary notwithstanding.

13. And it is further enacted, that any one or more of the owners of any such licensed Carriage or Boat shall be liable to be sued by his or their name or names only; and that no action or suit commenced to recover damages for loss or injury to any parcel, package or person, shall abate for the want of joining any co-proprietor or co-partner in such Carriage or Boat.

14. And it is further enacted, that nothing in this Ordinance contained shall extend or be construed to annul or in any wise affect any special contract between such carrier and any other party for the conveyance of goods and merchandizes.

15. And it is further enacted, that where any such goods as are mentioned in the 9th clause of this Ordinance shall have been delivered as aforesaid, and the value and contents declared as aforesaid, and the increased rate of charge, if any, paid, and such goods shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage, shall also be entitled to recover back such increased charge so paid as aforesaid, in addition to the value of such goods.

16. Provided also and it is further enacted, that nothing in the 9th section of this Ordinance contained shall be deemed to protect the owner of any such licensed Carriage or Boat from any liability to answer for loss of or injury to any goods or articles whatsoever, arising from theft or fraudulent conduct of any coachman, driver, book-keeper, boatman, or other person or servant in his employ or in charge of any such Carriage or Boat; nor to protect any such coachman, driver, book-keeper, boatman, or other person or servant from liability for any loss or injury occasioned by his or their own personal neglect or misconduct.

17. Provided also, and it is further enacted, that no such carrier shall be concluded as to the value of any goods, whereof the value shall be declared in pursuance of the 9th clause of this Ordinance, but he shall in all cases be entitled to require from the party suing in respect of any loss or injury, proof of the actual value of the said goods by the ordinary legal evidence; and such carrier shall be liable to such damages only as shall be proved as aforesaid, not exceeding the declared value, together with the increased charges as aforesaid.

18. And it is further enacted, that in all actions brought against any such carrier for the loss of or injury to any goods delivered to be carried, whether the value of such goods shall have been declared or not, it shall be lawful for the defendant or defendants to pay money into Court, in the same manner and with the same effect as money may be paid into Court in any other action.

19. And it is further enacted, that every box, basket, package, parcel, or other thing whatsoever, not exceeding Fifty pounds weight, brought to any coach office, hotel, warehouse, or other place, by any licensed carriage drawn by horses, for the purpose of delivery at any place within the gravets of Colombo, Kandy, Galle or Matura (except where the same shall be directed to be left till called for) shall be delivered according to the direction thereof, within six hours after the arrival of any such box, basket, package, parcel, or other thing, at such coach office, hotel, warehouse, or other place, unless such arrival shall be between the hours of Five in the evening and Seven in the morning, and in that case every such delivery shall be made within Six hours after such hour in the morning; and in default thereof the keeper of such coach office, hotel, warehouse, or other place, shall forfeit and pay, for every such offence, any sum not exceeding Twenty shillings.

20. And it is further enacted, that every such box, basket, package, parcel, or other thing brought to such coach office, hotel, warehouse, or other place as aforesaid, which shall be directed to be left till called for, shall, upon the demand of the person properly authorized to receive the same, be delivered to such person without any charge or demand whatsoever, other than what is justly due for the carriage thereof, and the additional sum of Two pence for the warehouse room thereof; and if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, every keeper of such coach office, hotel, warehouse, or other place, shall forfeit and pay for every such offence, any sum not exceeding Twenty shillings. Provided nevertheless, that if such box, basket, package, parcel, or other thing so directed to be left till called for, be not sent for

from such coach office, hotel, warehouse or other place, before the end of one week after the same is brought to such coach office, hotel, warehouse, or other place, it shall be lawful to and for the keeper of such coach office, hotel, warehouse, or other place, to charge and receive the further sum of one penny for the warehouse room thereof, and so in like manner if the same be not sent for before the end of the second or any subsequent week, to charge the further sum of one penny weekly.

21. And it is further enacted, that if any such box, basket, package, parcel, or other thing, brought to such coach office, hotel, warehouse, or other place as aforesaid, which is not directed to be left till called for, shall, before the same is sent for delivery from such coach office, hotel, warehouse, or other place, be demanded by any person properly authorized to receive the same, such box, basket, package, parcel, or other thing, shall be thereupon delivered to such person demanding the same; and it shall in such case be lawful to and for the keeper of such coach office, hotel, warehouse, or other place, to charge and take the sum justly due for the carriage thereof, and also the sum of Two pence for the warehouse room thereof: but if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, the keeper of such coach office, hotel, warehouse or other place, shall forfeit and pay, for every such offence, any sum not exceeding Twenty shillings.

22. And it is further enacted, that the keeper of any coach office, hotel, warehouse, and other place within the gravets of Colombo, Kandy, Galle or Matura, to whom any box, basket, package, parcel, or other thing whatsoever, not exceeding fifty pounds weight, is brought by any licensed carriage drawn by horses; or any coolie or other person employed by the keeper of any such coach office, hotel, warehouse, or other place as aforesaid, in the delivery of any such box, basket, package, parcel, or other thing as aforesaid, within the gravets of any of the said towns, shall be entitled to ask, demand, receive and take, in respect of such delivery the sums hereinafter mentioned; that is to say,

For any distance not exceeding one mile, the sum of Two-pence.

For any distance exceeding one mile, but not exceeding two miles, the sum of Four-pence.

For any distance exceeding two miles, but not exceeding three miles, the sum of Six-pence; and so in like manner the additional sum of Two-pence for every further distance not exceeding a mile.

23. And it is further enacted, that if any coolie or other person employed in the delivery of such boxes, baskets, packages, parcels, or other things as aforesaid, shall ask, or demand, or receive, or take of or from any person or persons in respect of such delivery, any greater sum or sums than the rates or prices hereinbefore fixed in that behalf, such coolie or other person shall, for every such offence, forfeit a sum not exceeding Ten shillings.

24. And it is further enacted, that all goods and merchandize sent by any licensed carriage drawn by oxen, or by any licensed boat, for the purpose of delivery at any place within this Island, shall, in the absence of any special contract to the contrary, be delivered according to the direction thereof, within Twenty-four hours after the arrival of any such Carriage or Boat at the place of delivery; and in default thereof, the owner of such Carriage or Boat shall forfeit and pay for every such offence any sum not exceeding Twenty shillings.

25. And it is further enacted, that if in any prosecution or proceeding under this Ordinance, any question shall arise as to whether any Carriage or Boat has been used for the conveyance for hire as a public business of any goods without a licence; or as to whether a licence has been obtained for any Carriage or Boat within the meaning thereof; or as to whether any person has made the declaration required thereby; the proof that such goods were not conveyed for hire by the owner of such Carriage or Boat as his public business, shall be upon the accused, and it shall only be necessary for the complainant to prove that goods belonging to any person other than the owner of such Carriage or Boat, have been conveyed therein: and the proof that such licence has been obtained, or that such person has made such declaration, shall lie on the party against whom such prosecution or proceeding shall be had: provided that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused, against any person who may have made a vexatious complaint; and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

26. And it is further enacted, that one half of all the fines actually recovered and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer.

27. And it is further enacted, that no prosecution shall be instituted in a Police Court against any person for any offence committed against any of the provisions of this Ordinance, unless the same shall be commenced within one calendar month from the time of the commission of such offence.

28. And it is further enacted, that in the construction of this Ordinance, the words "Carriage or Boat" shall be deemed and construed to include every description of conveyance, used either on land or water for the transport of goods or passengers or both; and

**No. 3,—1848.**

that all words importing the singular number or the masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals; unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

29. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of April, One thousand Eight hundred and Forty-eight.

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**SCHEDULE A.**

Number 149. *Colombo*, the *day* of *184*

Whereas A. B. of *Galkisse*, in the district of *Colombo (C. D. of in the district of* &c. &c.) in pursuance of the Ordinance No. *of the year* has (or have) made and subscribed the declaration thereby required, and has (or have) declared that he is the sole owner (or that they are the joint owners) of the *Bandy* (or other description of Carriage or Boat, as the case may be) marked and registered number 149, license is hereby granted unto the said A. B. (or A. B., C. D., &c.) to convey goods (or passengers, or goods and passengers) therein for hire from the date hereof, until the 31st day of December 184 .

*Given under my hand the day and year first above written.*

(Signed)

*Govt. Agent.*

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**B.**

Number 149.

I, A. B., do truly declare that I reside at *Galkisse* in the district of *Colombo*, and that I am the sole owner of the *Bandy (or other Carriage, or Boat)* which I have applied to be registered at the *Colombo* Cutcherry, and which has been registered number 149.

Declared at *Colombo* the *day* of *184* .  
(Signed) *A. B.*

Before me  
(Signed)

*Govt. Agent.*

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**C.**
**REGISTER of Carrier's Licences for the *Western* Province.**

Number of Licence.	Date of Licence.	Name and Residence of Owner.	Description of Carriage or Boat.	Whether for goods or passengers or both.

• Passed in Council the Thirty-first day of January, One Thousand Eight Hundred and Forty-eight.

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 4,—1848.**

**No. 4,—1848.** (*Repealed by Ordinance No. 18 of 1852.*)\*

*To alter and amend the law relating to Port dues.*

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\* The repealed Ordinances relating to the Customs are not published at length.

**No. 5,—1848.** (*Repealed by Ordinance No. 20 of 1848.*)**No. 5,—1848.**

*To make provision for the Registration and Licensing of certain Traders.*

WHEREAS it is expedient to provide for the registration and licensing of persons who shall keep wholesale or retail stores, shops, or boutiques, in certain towns in this Island;

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of July next ensuing, it shall not be lawful for any person to keep any wholesale or retail store, shop, or boutique, which shall be of the annual value or rental of Five pounds sterling or upwards, for the sale of any goods, wares, or merchandize, within the towns, forts, or gravets of Colombo, Kandy or Galle, without having obtained a licence for that purpose, as near as is material according to the form in the Schedule hereunto annexed, marked A, from the Government Agent or some Assistant Government Agent of the Province in which such town is situated. And any person who contrary to the provisions of this Ordinance, shall by himself or by any agent, servant, or other person on his behalf, sell or dispose of, or cause or permit to be sold or disposed of on his account, whether by auction or otherwise, or shall expose or offer to sale, in any such store, shop, or boutique as aforesaid, any goods, wares or merchandize whatever, without having a licence, which shall be then in force or contrary to the tenor thereof, shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Five pounds. Provided always, that one licence only shall be required for any number of persons in co-partnership.

2. And it is further enacted, that for the purposes of this Ordinance, the person in the actual possession of any goods, wares or merchandize exposed or offered to sale in any such store, shop or boutique, shall be deemed and taken to be the keeper of such store, shop or boutique as aforesaid; unless the person in possession shall be the agent or servant of some other person who has obtained a licence for such store, shop, or boutique, which shall be then in force (the proof whereof shall lie on such agent or servant.) And that the assessment made in manner hereinafter provided shall be conclusive evidence of the annual value or rental of any house, room, or other premises, in which any store, shop, or boutique shall be kept.

3. And it is further enacted, that it shall be lawful for the Governor to nominate and appoint within and for each of the said towns, a Committee consisting of not more than Five nor less than Three persons, being resident householders therein, for the purpose of determining which of the houses, rooms, or other premises therein, in which goods, wares, or merchandize shall be sold or disposed of, or offered or exposed to sale, or which it shall be intended to use for that purpose, are of the *bonâ fide* annual value or rental of Five pounds. And in case any person so appointed shall die or resign, or shall, in the opinion of the Governor, become incapacitated to discharge his duties, or misconduct himself, the Governor may, at his discretion, appoint another person in the room of the person so dying, resigning, misconducting himself, or becoming incapacitated.

4. And it is further enacted, that every person so appointed, shall be entitled to receive such remuneration as the Governor may in his discretion award.

5. And it is further enacted, that the said Committee shall, and is hereby required, on the application of the Government Agent of the Province, or of any person who shall be, or shall intend to become, the keeper of any store, shop or boutique as aforesaid, in the town for which such Committee shall be appointed, without unnecessary delay, proceed to enquire into and according to the best of its information and judgment, ascertain and assess the *bonâ fide* annual value or rental of any house, room, or other premises in such town, which shall be used, or which it shall be intended to use, as a store, shop, or boutique as aforesaid: and for that purpose it shall be lawful for the said Committee, or any member thereof, or for any person in company with or authorized in writing by any such member, to enter into, and upon any such house, room, or other premises, and to do or cause to be done therein or thereupon all such things as may be necessary to enable such Committee to ascertain and assess the annual value or rental of such house, room, or other premises. And such Committee shall, without delay, report the assessment so made by them to the Government Agent of the Province, who shall thereupon cause the same to be entered in a book, which shall have an index or other convenient form of reference, and shall be kept at his office for public inspection.

6. And it is further enacted, that every licence obtained under the provisions of this Ordinance, shall be on a stamp of One pound sterling, and shall be in force until the Thirty-first day of December of the year in or for which the same shall be granted, and no longer: And the said licences shall be numbered consecutively, commencing at the beginning of every year with the number One.

7. And it is further enacted, that the said several Government Agents and Assistant Government Agents shall, and they are hereby required to keep a book, in which shall be registered all the particulars stated in the licences granted by them under the provisions of this Ordinance; and every entry in such register shall be numbered in accordance with the number of the licence to which it has reference. And it shall be lawful for any person, at

**No. 5,—1848.**

any time during office hours, to demand inspection of any such register, and also to take any copy or extract therefrom.

8. And it is further enacted, that if any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited any licence, or part of any licence, issued under any of the provisions of this Ordinance, or if any person 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 licence, resembling or intended to resemble, either wholly or in part, any licence which at any time whatever hath been or shall or may be issued or used under any of the provisions of this Ordinance, then and in every such case the person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be liable to be imprisoned with or without hard labour for any term not exceeding Five years.

9. And it is further enacted, that if the keeper of any store, shop or boutique as aforesaid, upon being thereunto required by any Justice of the Peace, Superintendent or Inspector of Police, of the place where such person resides, shall refuse or neglect, within a reasonable time, to produce his licence to such Justice of the Peace, Superintendent or Inspector of Police, he shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Five pounds for the first offence, and for the second and every other offence, to a fine not exceeding Ten pounds.

10. And it is further enacted, that if in any prosecution or proceeding under this Ordinance, any question shall arise as to whether a licence has been obtained within the meaning thereof, the proof that such licence has been obtained shall be on the party against whom such prosecution or proceeding shall be had: Provided, that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused, against any person who may have made a vexatious complaint, and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

11. And it is further enacted, that one half of all the fines actually recovered and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer.

12. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance cognizable by the Police Court, unless the same shall be commenced within One calendar month from the time of the commission of such offence.

13. And it is further enacted, that this Ordinance shall commence and take effect from and after the promulgation thereof.

## SCHEDULE.

## A.

No. 497.	<i>Colombo the</i>	<i>day of</i>
By virtue of the Ordinance No. _____ of the year 1848, Licence is hereby granted to <i>Meera</i>		
<i>Lebbe Marcar (or to the firm of A. B. &amp; Co., as the case may be)</i> to keep a Shop (Store or Boutique) at		
No. 5, in the <i>Main-street of the Pettah of Colombo</i> , for and during the year 184_____.		
Given under my hand the day and year first above written.		
(Signed)		

*Gort. Agent.*

Passed in Council the Tenth day of April, One Thousand Eight Hundred and Forty-eight.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 6,—1848.****No. 6,—1848.**

*For establishing a Toll on the Road from Kattoogastotte Ferry to the Pangwelle Swamp on the Road to the Knuckles in the Central Province.*

Preamble.

WHEREAS a carriage road leading from the high road between Kandy and Trincomalie, at or near the Kattoogastotte Ferry, to a point joining the road leading to the Hunasgeria Estate, and thence to the Pangwelle Swamp, on the road or trace to the Knuckles, has been made by the proprietors of the several estates mentioned in the Schedule annexed to this Ordinance, marked A, at the cost of a sum of One thousand Six hundred and Fifty pounds, subscribed by them for that purpose in the proportion therein specified; And whereas it is expedient that the said road should be kept in good order and repair for the use of the pre-



sent and future proprietors of the said estates, and of all other persons frequenting those parts, and that the amount so subscribed, and the interest thereof, should be repaid to the parties at whose expense the said Road has been made.

**No. 6, — 1848.**

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, it shall be lawful for the Trustees hereinafter mentioned, and for all other persons duly appointed Trustees of such Road under the provisions of this Ordinance, and they are hereby authorized and empowered to put up, erect, and build, or cause to be put up, erected, and built, in, upon, or across the said road, or any part thereof, at such place or places as the Governor, with the advice of the Executive Council shall appoint, such Toll-gate or Toll-bar as may appear necessary for the due collection of the Tolls hereinafter mentioned. And that it shall also be lawful for the said Trustees, or any person appointed by them collector of the Tolls to be taken by virtue of this Ordinance, and they are hereby authorized and empowered to demand and take every day (such day for the purposes of this Ordinance being computed from Twelve of the clock at night to Twelve of the clock of the next succeeding night) the Tolls mentioned and set forth in the second Clause of the Ordinance No. 9 of 1845, entitled "*To amend the Law in respect to the collection of Tolls,*" at any such Toll-gate or Toll-bar as shall be erected by virtue of this Ordinance.

Trustees may put up Toll-bar and take Tolls.

2. And it is further enacted, that George Ackland, William Austin and Charles Pitts shall be, and they are hereby declared and appointed to be, the first, or original Trustees for the purposes of this Ordinance; and that in case of the death, incapacity, or resignation of any of the said Trustees, it shall be lawful for the proprietors of the said estates for the time being, or their lawful representatives, or the greater part of them assembled at any meeting duly convened and held for that purpose, to elect some fit person to be a Trustee in the place and stead of the Trustee so dying, becoming incapable, or resigning. Provided that no Trustee shall be permitted to resign his office until he shall have duly accounted to his co-Trustees for all sums of money at any time received by him in his said trust. And provided also, that if any such vacancy or vacancies shall not be supplied by the election of another Trustee or other Trustees in manner aforesaid, the remaining Trustees or Trustee shall continue to exercise all the powers which by this Ordinance are given to the Trustees hereby appointed.

Trustees appointed.

Vacancies how supplied.

3. And it is further enacted, that the said first or original Trustees, and all others who shall be hereafter elected as Trustees under the provisions of this Ordinance, shall, whilst they continue such Trustees, stand and be possessed of all Tolls and sums of money collected or received by virtue of this Ordinance, upon trust in the first place to pay and apply the said Tolls and sums of money for defraying thereout the wages of the persons employed in making such collection; then to defray the cost of all necessary expenses in and about the keeping and maintaining the said Road at all times in good and sufficient repair; and also upon trust thereafter to pay and apply the said Tolls and sums of money in and about the purchase of such land and the erection of such houses and buildings, as are or may be required for the collection of the said Tolls; and also upon trust thereafter to pay and apply the said Tolls and sums of money in payment of any Loans, and the interest thereof, which may be effected by the said Trustees for carrying into effect the objects of their trust; and lastly upon trust to pay the residue thereof to the proprietors for the time being of the aforesaid estates, in the proportion of the amounts subscribed by the present proprietors thereof respectively, towards the making and completion of the said Road.

Objects of the Trusts.

4. And it is further enacted, that on or before the Thirty-first day of March in every year, the said Trustees shall transmit to the Colonial Secretary for this Island a true and correct account under their hands, wherein shall be entered all monies received and paid by them or by their direction or authority, and on what account, or for what purpose, under any of the provisions of this Ordinance; and the said account shall thereupon be published in the Government Gazette for general information.

Accounts of Trustees to be published.

5. And it is further enacted, that if the said Trustees shall at any time neglect to keep the said Road in good and sufficient repair, it shall be lawful for the Commissioner of Roads, or the Government Agent for the Central Province, on the information of any person whomsoever, to make or cause an examination to be made into the state of repair of the said Road, and if upon such examination it shall be made to appear to such Commissioner of Roads or Government Agent, that the Road is out of repair, it shall be lawful for such Commissioner of Roads or Government Agent to take such steps as may appear to him requisite for having the said Road put into good and sufficient repair; and the costs thereof shall be payable by

Proceedings if Road not kept in repair.

**No. 6, — 1848.**

the Trustees: and if, on being required to make such payment, they shall fail or refuse so to do, it shall be lawful for such Government Agent (in addition to any remedy which the Crown may have at law against such Trustees, to recover the amount so expended), to demand and take the said Tolls, and to appoint some person or persons to receive and collect the same for and on behalf of the Crown, and from that time forward it shall not be lawful for the said Trustees to demand and take any Toll whatsoever under the provisions of this Ordinance.

Government may purchase the said Road, &c.

6. And it is further enacted, that it shall be lawful for the Governor of this Colony for the time being, with the advice and consent of the Executive Council thereof, at any time to tender payment to the said Trustees of the said sum of One thousand Six hundred and Fifty pounds sterling, or any further sum or sums which the said Trustees may have expended upon the said Road, with the consent of the Governor first had and obtained, together with interest at the rate of Six per cent. per annum, less such part of the said sum and interest as shall have been reimbursed to them by means of the payments received on account of the Tolls which the said Trustees are by this Ordinance authorized to demand and take, after deduction of the expenses incurred by them in keeping the said Road in repair, and in the collection of the said Tolls; and on such payment being made or tendered to the said Trustees, it shall be lawful for the said Governor, by any Ordinance to be by him in that behalf made and enacted, with the advice and consent of the Legislative Council of this Colony, to declare and enact, that this Ordinance shall no longer be of any force or effect whatsoever, and that the said Road, and all Toll-gates, Toll-bars, and other buildings, put up, erected, or purchased by the Trustees for the collection of the Tolls thereon, and all land purchased or acquired by the said Trustees under the provisions of this Ordinance, shall thereafter belong absolutely, and to all intents and purposes whatsoever to the Government of this Colony.

Table of Tolls to be kept suspended at Toll-gate.

7. And it is further enacted, that the said Trustees shall cause a copy of this Ordinance, and also a Board with the Table of Tolls and the name of the Toll collector written or printed thereon in large and legible characters in the English and Native Languages, to be suspended at some conspicuous place immediately adjoining the said Toll-gate or Toll-bar; and if any person appointed by the said Trustees under the provisions of this Ordinance for the collection of Tolls, shall demand or take any Toll under the provisions of this Ordinance, unless a copy of this Ordinance and such Board as aforesaid shall be suspended in manner aforesaid; or shall demand or take any Toll not authorized to be taken by this Ordinance; or from any person by this Ordinance exempted from the payment of Toll; or shall wilfully subject any passenger, vehicle or animal, to unreasonable delay or detention; every such offender shall, on conviction, be liable to the payment of a fine not exceeding Five pounds, one-half whereof shall be paid to the informer, and in default of payment, to imprisonment with or without hard labour, for a period not exceeding Three months; and on any second or subsequent conviction, to a fine not exceeding Ten pounds, one-half whereof shall be paid to the informer, and in default of payment, to imprisonment with or without hard labour for any period not exceeding Six months.

Penalty for infringement of this Ordinance by passengers.

8. And it is further enacted, that if any person liable to payment of Toll shall pass from the said Road over any land near or adjoining thereto (not being a public highway) with intent to evade such payment, or shall fraudulently or forcibly pass by, over or through any place duly appointed for the collection of Tolls, or shall resist or make forcible opposition against any person duly appointed to collect Tolls in the execution of his office, or if any person shall maliciously damage any bar, gate, or other thing employed for the purpose of collecting Tolls, or shall maliciously remove, deface, alter, or damage any copy of this Ordinance or Board suspended as hereinbefore directed, or do any act whatsoever in order to evade the payment of any Toll, and whereby the same shall be evaded, every such person shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding Five pounds, which shall be paid to the said Trustees, and in default of payment to imprisonment with or without hard labour, for any period not exceeding Three months.

Limitation of prosecution.

9. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance, unless the same shall be commenced within Six calendar months from the time of the commission of such offence.

Exemptions from Toll.

10. And it is further enacted, that the Governor or Lieutenant Governor and his suite, when in immediate attendance on him, the Government Agents, the Civil Engineer and Surveyor General, the Commissioner of Roads, and their respective Assistants, when on duty, together with all their necessary attendants, horses, animals, conveyances, baggage and implements, Military Officers and Soldiers, mounted or unmounted, whether on duty or not, but provided they be in uniform dress or undress, and all Messengers, Carriages and Horses drawing or carrying the Public Mails, shall be exempted from payment of any Tolls.

## SCHEDULE A.

No. 6,—1848.

<i>Names of Estates.</i>	<i>Names of Proprietors.</i>	<i>Amount Subscribed.</i>
Madookelie.....	Messrs. W. S. & A. P. Boyd.....	£150 0 0
Kallebokke.....	„ ditto..... ditto.....	150 0 0
Halheria.....	„ ditto & A. Smith.....	150 0 0
Nilloomalley.....	„ ditto B. Harding & C. Hamilton.....	150 0 0
Deyanelle.....	„ ditto.....ditto.....	150 0 0
Gomeratenne.....	„ A. S. Daniel & Ackland Boyd & Co.....	150 0 0
Katooleyatenne.....	„ ditto.....ditto.....	150 0 0
Moorgahagalla.....	Capt. Langford & ditto.....	150 0 0
Bamberella.....	Messrs. A. de Arroyave & ditto.....	150 0 0
Ononoogalla.....	„ C. Morrison, Boyds & Thomas & ditto.....	150 0 0
Hunasgeria Estate.....	Mr. Wm. Tindall.....	150 0 0

Passed in Council the Tenth day of April, One Thousand Eight Hundred and Forty-eight.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,  
*Colonial Secretary.*

## No. 7,—1848.

*For registering Palanqueen and other Carriages let to hire. \**

WHEREAS it is expedient to make provision for the registration of Palanqueen and other Carriages let to hire for the job, within certain places in this Island, and for the licensing and regulating thereof.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the commencement of this Ordinance, it shall not be lawful for any person to let to hire by the job to any person, any Palanqueen Carriage, or other Carriage with two or more wheels, at any place within the towns, forts, or gravets of Colombo, Galle, Jaffna, and Trincomalie, or to keep the same for the purpose of letting it to hire by the job as aforesaid, unless such person shall have had the same registered in manner hereinafter mentioned, and shall have obtained a licence for the same from the Government Agent of the Province in which such person resides, or from some Assistant Government Agent thereof. And every such licence shall be on a stamp of One pound, and shall be in force until the Thirty-first day of December of the year in or for which the same shall be granted, and no longer, and shall be as near as is material in the form in the Schedule hereunto annexed, marked A, and the said licences shall be numbered consecutively, commencing at the beginning of every year with the number One.

2. And it is further enacted, that before any such licence as aforesaid shall be granted, a declaration of ownership, as near as is material in the form in the Schedule hereunto annexed, marked B., shall be made and signed by the proprietor, or one of the proprietors, of the Carriage in respect of which such licence shall be applied for. And in case any person, on applying for any such licence, shall neglect or omit to specify truly in such declaration the name of any person who shall be a proprietor, or part proprietor, of any such Carriage, or who shall be concerned as aforesaid in keeping, or letting to hire such Carriage, for which a licence has not been obtained, every person so offending shall be liable, on conviction, to a fine not exceeding Five pounds.

3. And it is further enacted, that at the time when any such Carriage shall be licensed, the Government Agent or Assistant Government Agent granting such licence shall issue to the person applying for the same, a plate on which shall be legibly painted or marked a number corresponding with the number of such Carriage mentioned in the licence for the same, together with figures or letters denoting the year in which such licence has been granted, and the name of the place where such licence was obtained. And the said plate shall be placed and fixed upon such Carriage in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so

## No. 7,—1848.

Preamble.

Hired Carriages not to be kept or let without licences.

Declaration of ownership to be made.

Numbered plates to be affixed to Carriage.

\* See also Ordinance No. 1 of 1853.

**No. 7.—1848.**

fixed during the continuance of such licence, and the proprietor of such Carriage shall, at the expiration of the period for which the said licence shall have been granted, return the said plate to the Government Agent or Assistant Government Agent from whom it was received.

Register of licences to be kept.

4. And it is further enacted, that the said several Government Agents and Assistant Government Agents shall, and they are hereby required to keep a book in which shall be registered all the particulars stated in the licences granted by them, and every entry in such register shall be numbered in accordance with the number of the licence to which it has reference. And it shall be lawful for any person, at any time during office hours to demand inspection of the said register, and also to take any copy or extract therefrom.

Mode of discontinuing licences.

5. And it is further enacted, that when any person to whom any such licence shall have been granted, shall determine to give up such licence, and to discontinue the letting to hire of the Carriage in respect of which the same may have been granted, such person shall give notice in writing of such his determination to the Government Agent or Assistant Government Agent from whom it was obtained, and when the time for giving up such licence according to such notice shall have expired, and the plate granted for such Carriage shall have been re-delivered to such Government Agent or Assistant Government Agent, such licence shall cease and determine, and shall be no longer in force.

Penalty for letting carriages to hire &c. without a licence.

6. And it is further enacted, that if any person shall let to hire, or shall keep for the purpose of letting to hire, any such Carriage as aforesaid, without having a licence in force so to do, or without having the said plate affixed as aforesaid; or if he shall use the said plate, or suffer it to remain fixed on such Carriage as aforesaid, after the period for which it was given shall have expired, or shall neglect or refuse to deliver up such plate within Six days after the expiration of such licence, or after it shall have ceased to be in force, every such person so offending in any of the several cases aforesaid, shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Five pounds for the first offence, and for the second and every other offence, to a fine not exceeding Ten pounds.

Penalty for forging of licence, plate, &c.

7. And it is further enacted, that if any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited any licence or plate, or part of any licence 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 be on the person accused) have in his possession any false, forged or counterfeit licence or plate, resembling or intended to resemble either wholly or in part any licence or plate which at any time whatever hath been or shall or may be issued or used under the provisions of this Ordinance; then and in every such case the person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be liable to be imprisoned with or without hard labour, for any term not exceeding Five years.

Rates and fares to be taken for such licensed Carriages.

8. And it is further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, from time to time as occasion may require, by any Proclamation to be by him for that purpose issued and published in the Government Gazette of this Island, to declare the rates and fares which the proprietors of Carriages licensed under the provisions of this Ordinance shall be entitled to demand and take for the hire of such Carriages within any of the said towns respectively, and from time to time, as occasion may require, to revoke any such Proclamation, and to declare any other rates and fares which it shall be lawful for any such proprietors to demand and take for the hire of such Carriages as aforesaid. Provided that nothing herein or in any such Proclamation contained shall be construed to affect the right of any parties to enter into any special agreement with each other with reference to the hire of any such Carriage, and to the fare to be paid for the use of the same.

Penalty on person refusing to pay fare, &c.

9. And it is further enacted, that if any person shall refuse or omit to pay to the proprietor or other person authorized to receive the same the sum justly due for the hire of such Carriage, or if any person shall deface or in any manner injure any such Carriage, it shall be lawful for the Police Court, upon complaint of the proprietor and 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 refusal of such defaulter or offender to pay or make such satisfaction, it shall be lawful for the said Court to commit him to prison, there to remain for any time not exceeding One calendar month, and with or without hard labour, as the Court shall think fit, unless the amount of such satisfaction shall be sooner paid.

Penalty on proprietors of licensed Carriages refusing to

10. And it is further enacted, that if the proprietor of any such licensed Carriage, or any other person having the charge or care thereof, shall, without any reasonable and suffi-

cient excuse, refuse to let such Carriage to any person desirous of hiring the same for the legal and proper fare allowed by any Proclamation issued under the provisions of this Ordinance, or shall exact or demand for the hire thereof more than the proper sum limited and allowed for the same by any such Proclamation, every such proprietor or other person as aforesaid so offending, shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Two pounds.

**No. 7,—1848.**  
let them or exacting more than the legal fare.

11. And it is further enacted, that if the proprietor, driver, or horsekeeper of any such Carriage, or any other person having the charge or care thereof, shall by intoxication, or by wanton or furious driving or running with such Carriage, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property; or if any such driver or horsekeeper shall drive any such Carriage to which there is no proper box or seat for the driver; or if any proprietor shall let out his Carriage for hire without having proper driving reins for the horse or horses drawing the same; or if any such proprietor, driver, horsekeeper or other person as aforesaid shall make use of any abusive or insulting language, or be guilty of other rude behaviour to or towards any person whatever; or shall assault or obstruct any Officer of Police in the execution of his duty, every such proprietor, driver or horsekeeper, or other person as aforesaid so offending in any of the several cases aforesaid, shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Five pounds.

Proprietor or drivers misbehaving.

12. And it is further enacted, that if in any prosecution or proceeding under this Ordinance, any question shall arise as to whether a licence has been obtained for any Carriage within the meaning thereof; or as to whether any person has made the declaration required by this Ordinance, the proof that such licence has been obtained, or that such person has made such declaration, shall lie on the party against whom such prosecution or proceeding shall be had. Provided that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint; and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

Proof of licence.

13. And it is further enacted, that one-half of all the fines actually recovered and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer.

Informer's share of penalty.

14. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance cognizable by the Police Court, unless the same shall be commenced within one calendar month from the time of the commission of such offence.

Limitation of prosecution.

15. And it is further enacted, that no proprietor of any Palanqueen Carriage, or other Carriage licensed under the provisions of this Ordinance, shall be required to take out any licence in respect of the same Carriage under the provisions of the Ordinance No. 3 of the present year 1848, entitled "*For the registration of Carriages and Boats used for the conveyance of goods and passengers for hire; and for declaring the rights and liabilities of the owners thereof.*"

Proprietors of licensed Carriages not required to take out Carrier's licence.

16. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of June, One thousand Eight hundred and Forty-eight.

Ordinance when to take effect.

#### SCHEDULE.

##### A.

Number 15,

Whereas A. B. of *Colombo the* *day of*  
*No. in Street of the Pettah of Colombo,*  
in pursuance of the Ordinance No. of the year 1848, has made and subscribed the declaration thereby required, and has declared that he is the sole proprietor of the *Palanqueen Carriage* (or other description of Carriage, as the case may be) marked and registered number 15, Licence is hereby granted unto the said A. B. to let out the said Carriage for hire by the job from the date thereof until the day of

Given under my hand the day and year first above written.  
(Signed)

Govt. Agent.

Note. *This Licence will cease to be in force on the* *day of*

##### B.

I, A. B., do truly declare that I reside at *No.* *in the* *Street of the Pettah of*

**No. 7,—1848.**

*Colombo*, and that I am the sole proprietor of the Palanqueen Carriage which I have applied to be registered at the *Colombo* Cutcherry, and which has been registered number 15.

Declared at *Colombo* the                      day of

(Signed) A. B.

Before me

(Signed)

*Govt. Agent.*

Passed in Council the Tenth day of April, One Thousand Eight Hundred and Forty-eight

G. C. TALBOT,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 8,—1848.**

(*Clauses 27, 31, 38, 39, 41 and 42, repealed by Ordinance No. 14 of 1848.*)

**No. 8,—1848.**

*To make provision for the formation and improvement of the means of communication in this Island.*

Preamble.

WHEREAS it is expedient to make better provision for the formation and maintenance of Roads, and for the improvement of the means of communication by land and by water in this Island, and it is also expedient and proper that the labour to be performed, and the money to be paid by any person under the provisions of this Ordinance, shall be applied for the benefit of the Roads and other means of communication in that part of the country within which such person shall be resident.

Every male resident liable to labour on the Roads.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of January One thousand Eight hundred and Forty-nine, every male between the ages of Eighteen years and Fifty-five years, residing within this Colony, excepting the Governor, or Lieutenant Governor for the time being, and Officers, Non-Commissioned officers, and Soldiers, belonging to the Staff or to any Regiment or Corps of Her Majesty's Army serving therein, and any Indian coolie in search of or employed in agricultural labour in this Island, shall be liable, if required so to do in manner hereinafter provided, to perform Six days' consecutive labour in each year upon the Roads or other means of communication by land or by water therein. Provided always, that it shall be lawful for any person to commute the performance of the whole of such labour as aforesaid, by a money payment of the sum of Three shillings for any year, or of such less sum for the like time for any Province or District, as the Governor, with the advice of the Executive Council, from time to time as he may see occasion, by any Proclamation to be by him for that purpose issued and published in the Government Gazette, may appoint, subject to the rules hereinafter made in that behalf.

Exceptions.

Permission to commute.

Governor to declare principal Roads, Rivers, Lakes and Canals.

2. And it is further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, to declare by Proclamation to be by him for that purpose issued and published in the Government Gazette, that any Road, River, Lake or Canal shall be deemed to be a principal Road, River, Lake or Canal, for the purposes of this Ordinance, and such Road, River, Lake or Canal shall, from the time specified in such Proclamation, be deemed to be a principal Road, Lake, River or Canal accordingly. And it shall be lawful for the Governor, with the like advice and in like manner, when and as often as any sufficient reasons shall be presented to him, to change the course of any principal Road or Canal within this Island, and to substitute some shorter or more convenient course for the same; and also from time to time to describe such new principal Road or Canal as the public advantage may call for or require. Provided always, that any such alteration shall be made before the annual appropriation, as hereinafter provided, of the labour to be supplied under the provisions of this Ordinance.

Governor to declare Assessment Districts.

3. And it is further enacted, that it shall be lawful for the Governor, with the like advice and in like manner, to specify and define the Districts of which the residents shall be liable to performance of labour or payment of commutation for the formation, maintenance or improvement of any such principal Roads, Rivers, Lakes or Canals, or proposed Roads or Canals, or any portion or portions thereof, and with the like advice and in like manner to alter or vary any such Districts, as from time to time to him may appear expedient. Provided always, that any such alteration shall be made previous to the annual appropriation of the labour of the several Districts hereinafter directed and appointed. And provided further, that no person shall be required to labour on or to pay any money in commutation

of such labour, in respect of any principal Road, River, Lake or Canal or portion thereof, if the place at which he shall be required to labour or in respect of which he shall be required to pay such commutation, shall be distant more than Twenty miles from the place of residence of such person.

**No. 2,—1848.**

4. And it is further enacted, that it shall be lawful for the Governor, with the like advice and in like manner, to sub-divide the Districts created under the provisions of the preceding clause into Divisions, and with the like advice and in like manner, to alter or vary any such Divisions, as from time to time to him may appear expedient.

And Divisions.

5. And it is further enacted, that for the purposes of this Ordinance there shall be in each Province a Committee, to be termed the Provincial Road Committee, to be constituted and appointed in manner following:—the Government Agent of the Province for the time being shall be the Chairman thereof; the Commissioner of Roads, when present, or in his absence, then his Principal Assistant in the Province, shall be a member thereof—and it shall be lawful for the Governor, to appoint not less than three nor more than five persons to be the other members thereof, of whom at least two shall be persons not holding office under the Crown, and the persons so appointed shall continue in Office one year and no longer, unless again appointed in like manner; and the Assistant to the Government Agent at the principal station in the Province, shall be the Secretary to the said Committee.

Appointment of Provincial Committee.

6. And it is further enacted, that all acts whatsoever, authorized or required by virtue of this Ordinance to be done by the Committee appointed under the authority of the preceding clause, may and shall be done and decided by the majority of the members of such Committee, who shall be present at any Meeting thereof, duly convened in manner hereinafter provided, not being less than three of the whole number of such Committee, unless where by any of the provisions of this Ordinance, one member of the said Committee is expressly empowered to do and decide any act, matter or thing whatsoever. Provided always, that when the votes of the members present in regard to any question, shall be equally divided, the Chairman, or in his absence the Commissioner of Roads, or his Principal Assistant in the Province, or the senior member present, shall, besides his vote as a member, have a casting vote. And provided further, that if the Government Agent shall be absent from any meeting, the Secretary shall be entitled to vote upon any question.

Majority to decide.

Quorum.

Casting vote of Chairman.

7. And it is further enacted, that meetings of the Provincial Committee shall be held for the despatch of business at the Office of the Government Agent for the Province, upon the first and third Mondays of every month, unless any such day shall be a public holiday, in which case such meeting shall be held on the next following day, not being a public holiday. Provided always, that if any two members of a Provincial Committee shall call upon the Chairman by writing under their hands to convene a special meeting thereof, it shall be the duty of the Chairman to convene such meeting, and three days' notice of the day appointed for the same shall be given by the Secretary to each member thereof.

Meetings of Provincial Committees.

8. And it is further enacted, that for the purposes of this Ordinance it shall be lawful for the Governor, with the advice of the Executive Council, to declare by Proclamation to be by him for that purpose issued and published in the Government Gazette, that there shall be in each Province so many Committees to be termed District Committees, and for such Districts as shall in any such Proclamation be specified and declared, as to him may appear expedient, and with the like advice and in like manner from time to time to revoke, alter, or amend any such Proclamation. And every such District Committee shall be constituted and appointed in manner following:—the Government Agent of the Province when present, or in his absence the Assistant Government Agent for the District in which any such District Committee shall be constituted, shall be the Chairman thereof, and three other members shall be appointed by the Provincial Committee, and the persons so appointed shall continue in office one year and no longer, unless again appointed in like manner. Provided always, that it shall be lawful for any member of a Provincial Committee to be appointed also a member of any District Committee or District Committees.

Appointment of District Committee.

9. And it is further enacted, that any person appointed a member of a Provincial or District Committee under the provisions of this Ordinance, shall be bound to act in such office for the space of one year from the time of such appointment. And any person so appointed, who shall refuse to act as such for the time aforesaid; or who shall on any occasion during such time as aforesaid, wilfully neglect, or refuse to perform any of the duties imposed upon him by this Ordinance, shall forfeit for any such act of neglect or refusal, any sum not exceeding Fifty pounds. Provided always, that it shall be lawful for the Governor, with the advice of the Executive Council, upon good and sufficient reasons shewn to him, to permit any person appointed a member of a Provincial or District Committee to resign

Person appointed bound to serve.

**No. 8,—1848.**

such office before the expiration of one year from the time of such appointment; and provided further, that no person shall, unless with his own consent, be appointed a member of any such Committee within ten years from the time of his having ceased to act in such office; and provided further, that nothing in this Ordinance contained shall prevent any person duly appointed a member of any such Committee, continuing with his own consent to act as and be a member of any such Committee for a longer period than one year.

Vacancy in Provincial or District Committee.

10. And it is further enacted, that in case of the death, incapacity, resignation or departure from the Island of any member of a Provincial or District Committee appointed as aforesaid, it shall be lawful for the Governor or the Provincial Committee, as the case may be, to appoint some qualified person to supply the vacancy so created during the remainder of the period for which any such member was bound or had undertaken to act in such office. And any person appointed to supply any such vacancy shall be and become vested with all the powers and rights, and liable to the performance of all the duties conferred or imposed by this Ordinance on members of the Provincial or District Committee, as the case may be, to which he may be appointed a member as aforesaid. And that until any such vacancy which may occur shall be supplied, the remaining members or member of any such Provincial or District Committee shall continue to do and perform all and every the acts, matters, and things necessary for carrying into effect the purposes of this Ordinance, any thing herein contained relative to the number of members required in any case to form a quorum to the contrary notwithstanding.

Provincial Committee to make Rules.

11. And it is further enacted, that it shall be lawful for the Provincial Committee to make such rules for the management of their own business, and for the guidance of the District Committees within their Province, as to them may appear expedient, provided that such rules be not repugnant or inconsistent with any of the provisions of this Ordinance; and provided further, that copies thereof be with all convenient speed transmitted to the Governor, for the approval, amendment or disallowance thereof of the said Governor, with the advice of the Executive Council, and the said Rules as approved or amended, shall be published in the Government Gazette, and shall thereupon become as legal, valid, and effectual as if the same had been inserted herein. And it shall be further lawful for the Provincial Committee, from time to time as to them shall appear necessary, to give general directions for the management of their business to the District Committees within their Province; provided that such directions be not repugnant to or inconsistent with any of the provisions of this Ordinance, or any Rules made and published under the authority of this clause.

Appointment of Division Officer.

12. And it is further enacted, that for the purposes of this Ordinance there shall be elected or appointed in the manner hereinafter provided, for each of the Divisions created under the provisions of the fourth clause of this Ordinance, an Officer who shall be called the Division Officer.

Qualification of Division Officer.

13. And it is further enacted, that no person shall be eligible to be elected or appointed a Division Officer, unless he shall be resident in or in the immediate neighbourhood of the Division for which he shall be elected or appointed; and shall be able to read and write his own language, and unless he shall be possessed in his own right of landed property within the Division for which he shall be elected or appointed. And it shall be lawful for the Provincial Committee to determine in the case of each Division, the value in landed property the possession of which shall entitle the owner to be elected or appointed the Division Officer thereof, as well as the amount of the security to be given by such Officer, as hereinafter provided.

Election of Division Officer.

14. And it is further enacted, that the Provincial Committee shall, with the least possible delay after their appointment, fix places and days for the election of Division Officers for each of the Divisions within their Provinces, and shall give notice thereof to the respective District Committees, and shall cause Notices in the English and Native Languages to be affixed, at least one calendar month before the day of any such election, to such conspicuous place or places as to them may appear expedient within such Divisions respectively, calling upon all persons intending to offer themselves as candidates for the said office, to signify such their intention in writing to the District Committee within Thirty days from the date of such notices. And such notices shall state the value in landed property of which the candidates must be the owners, as well as the amount of security to be given by them.

Description of security.

15. And it is further enacted, that the security by the preceding Clause required shall, if the Provincial Committee consent thereto, be given by way of mortgage of or upon some immoveable property of the Division Officer situate and being within this Island, or other-



wise by bond of two resident land-owners or householders. Provided always, that any mortgage or other bond given for the due and faithful execution of the duties of any Division Officer shall be free of Stamp duty.

16. And it is further enacted, that any party intending to offer himself as a candidate for the office of Division Officer, shall, within the time hereinbefore mentioned, signify such his intention in writing to the District Committee, and shall at the same time furnish the said Committee with a list of the landed property possessed by him, and of that which he may be willing to hypothecate, or a declaration in writing signed by two resident householders or land owners, setting forth that they are willing to become sureties for such person in the amount required, and the property which they may be willing to hypothecate. And such two persons shall, in the event of such party being elected or appointed as aforesaid, be thereupon considered and held to be bound in law as such his sureties, as fully and effectually as if they had given bond for the same, and shall be bound on the requisition of the District Committee, to execute and sign such bond for the required amount as the said Committee may consider to be necessary.

17. And it is further enacted, that the District Committee shall, without delay, cause notices in the English and Native languages to be affixed to such conspicuous places within the respective Divisions as to them may appear expedient, setting forth the names of the parties intending to offer themselves as candidates for the office of Division Officer of each of them, and the landed property stated to be possessed and proposed to be hypothecated by them, or the names of the persons willing to become sureties for them respectively, and the property which such persons may be willing to hypothecate. And it shall be lawful for any male between the ages of Eighteen years and Fifty-five years residing within any Division, to make objection in writing addressed to the District Committee, within Fifteen days from the date of affixing such notice, to the election or appointment of any of the candidates to the office of Division Officer for such Division. And such District Committee shall forthwith enquire into the truth and validity of any objection so made, and shall report thereupon to the Provincial Committee. And the said Provincial Committee shall make such further enquiry as they may deem requisite, and shall declare whether the objection made be good or not, and the decision so made shall be final. And it shall also be lawful for the said Provincial Committee to object to the election of any candidate.

18. And it is further enacted, that the Provincial Committee shall within a reasonable time before the day fixed for any such election, transmit to the District Committee a list of the candidates approved by them, and such District Committee shall forthwith cause the same to be made generally known in the respective Divisions.

19. And it is further enacted, that every election of a Division Officer shall be held at the place and upon the day fixed by the Provincial Committee as hereinbefore provided, and in the presence of the Chairman thereof, or of such member or members thereof or of any of the District Committees of the Province as he may depute for that purpose, and that it shall be lawful for every male householder between the ages of Eighteen years and Fifty-five years residing within the Division in respect of which any such election shall be held, to nominate for election as Division Officer any candidate duly approved as aforesaid, and no other person, and every such male householder shall be entitled to attend personally at the time and place appointed before the member or members of the Provincial or District Committee directed to hold the election, and declare to him or them the name of the candidate for whom he votes, and such member or members shall then enter or cause to be entered the names of the voters for the several candidates in lists to be by him or them opened and kept for that purpose, and shall at the close of the election publicly declare the name of the candidate for whom the greatest number of votes may have been recorded, who shall thereupon be deemed to be duly elected.

20. And it is further enacted, that any person elected as aforesaid to be a Division Officer shall, within Ten days from the time of such election, give such security to Her Majesty for the due and faithful execution of his Office, as shall have been determined by the Provincial Committee.

21. And it is further enacted, that if at any election held under this Ordinance any questions shall be raised as to the right of any person to vote at such election, it shall be lawful for the member or members of the Provincial or District Committee before whom such election shall be held, then and there to make such enquiry as he or they may deem requisite, and to declare whether the objection made be good or not, and the decision so made shall be final.

**No. 8,—1848.**

Candidate to give notice.

District Committee to give notice of candidates.

Objection to candidate.

Approval of candidate.

Mode of holding election.

Division Officer to give security.

Officers holding election to decide upon objection to voters.

**No. 8, — 1848.**

Proceedings in default of election.

22. And it is further enacted, that if upon the day fixed for holding any election as aforesaid, no approved candidate shall offer himself, or if a less number than Fifty voters shall attend and give their votes thereat, or if the person elected shall fail to give security as hereinbefore provided, it shall be lawful for the Provincial Committee to appoint another time and place for holding such election, giving notice thereof in manner hereinbefore provided, or if they shall think fit so to do, to nominate and appoint some duly qualified person to be the Division Officer for the Division in respect of which an election has not taken place, or in the place and stead of the person elected as Division Officer thereof, but who has failed to give security.

Person elected or appointed bound to serve.

23. And it is further enacted, that any person elected or appointed to be a Division Officer under the provisions of this Ordinance, shall be bound to act in such office for the space of one year from the time of such election or appointment. And any person so elected or appointed, who shall refuse to act as such, or who shall on any occasion during such time as aforesaid wilfully neglect or refuse to perform any of the duties imposed upon him under any of the provisions of this Ordinance, shall forfeit for every such act of neglect or refusal, a sum not exceeding Ten pounds. Provided always, that it shall be lawful for the Provincial Committee, upon good and sufficient reasons shewn to them, to permit any person so elected or appointed, to resign such office before the expiration of one year from the time of such election or appointment; and provided further, that nothing in this Ordinance contained shall prevent any such person from acting in the said office for a longer period than one year, unless removed therefrom as hereinafter provided.

Provincial Committee to make rules for Division Officers.

24. And it is further enacted, that it shall be lawful for the Provincial Committee to make such rules and to give such directions for the guidance of the Division Officers within their Province, in the discharge of the duties imposed upon them by this Ordinance, as to them may appear expedient, provided that such rules or directions be not repugnant to or inconsistent with any of the provisions of this Ordinance or any Rules made and published under the authority of the Eleventh clause thereof. And it shall be lawful for the said Committee to remove any such Division Officer from his office, upon proof to their satisfaction of disobedience or other misconduct in the discharge of his duty.

Election of successors to Division Officers.

25. And it is further enacted, that if any Division Officer shall die, or become incapable, or disqualified, or resign or be removed from his office, the Provincial Committee shall, with the least possible delay, take the necessary steps for the election or appointment of a successor to the said Division Officer, in manner hereinbefore provided in respect to the first or original Division Officers appointed under the authority of this Ordinance.

Landowner to furnish lists of houses.

26. And it is further enacted, that at any time after the election or appointment of a Division Officer for any Division, every person owning any land therein, upon which any house shall be then standing, shall, once in every year, on being thereunto required by the said Division Officer, furnish him with a list of all such lands within the said Division, and of the houses standing thereon, and of the names, so far as the same may be known to him, of the principal occupant of every such house. And if any person shall at any time after such election or appointment, acquire any land within any Division upon which any house shall be standing, or upon which any house shall be afterwards erected, he shall, upon any requisition to that effect by such officer, furnish him with the information hereinbefore required in respect of such land. And any person neglecting to comply with the provisions of this clause, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds.

27. And it is further enacted, that at any time after such election or appointment as aforesaid, every householder within the Division, shall, once in every year, on being thereunto required by the Division Officer thereof, furnish him with a list of the males resident in his house and of their respective ages, so far as the same shall be known to him. And any person neglecting to comply with such requisition, or wilfully omitting from such list the name of any such male, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds. And every such householder shall thereupon be liable for the performance of the labour or payment of the commutation thereof, due from any such male resident under the provisions of this Ordinance for the year on account of which such list shall have been furnished. And if any such male resident shall be a person in the employ or in the receipt of wages from such householder, and if such resident shall leave or be discharged from such employ before the performance of the labour or payment of the commutation due as aforesaid, it shall be lawful for such householder to deduct the amount of such commutation from any wages that may be due to such resident at the time of his so leaving or being discharged.

Division Officer to preserve lists.

28. And it is further enacted, that every such officer shall carefully preserve the lists

furnished him under the provisions of the two preceding clauses, and shall at all reasonable times permit any person liable to the performance of labour in respect of the Division to which the same shall relate, to have access thereto.

29. And it is further enacted, that every such officer shall, with the least possible delay after his election or appointment, proceed to make a list of all males whom he may know or believe to be between the ages of Eighteen years and Fifty-five years, residing within the Division for which he may have been elected or appointed. And the names of such males shall be entered in such list alphabetically, according to their family names, and such Officer shall immediately on the completion of the said List, transmit an exact copy thereof to the District Committee of the District. And any such Officer who shall wilfully omit the name of any such male from such list, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Twenty pounds.

List of persons liable to service.

30. And it is further enacted, that the said Officer shall from time to time insert in the lists by the preceding clause required, in its proper place, any name that may have been erroneously omitted therefrom, or the name of any person who shall subsequently to the formation thereof have become liable under this Ordinance to the performance of labour in respect of his Division, and shall strike out the name of any person who shall have been erroneously inserted therein, or who shall have died, or been exempted from the performance of labour in respect of his Division. Provided always, that every Officer making any such addition, alteration, or erasure as aforesaid, shall forthwith report the same to the District Committee of the District in which his Division is situated, and any Officer wilfully neglecting to comply with any of the provisions of this clause, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Ten pounds.

Necessary alterations of lists.

31. And it is further enacted, that if at any time after the preparation and transmission of the list required by the Twenty-ninth clause of this Ordinance, any person shall come to reside within the limits of any Division, it shall be lawful for the Division Officer, and he is hereby required so to do, to call upon the person so arriving to declare whether he will perform in person the labour due by him, or whether he will commute the same, and to proceed thereupon in like manner as if such person had been resident in such Division at the time of the preparation of such list. Provided always, that any such person arriving as aforesaid shall be exempted from performance of labour or payment of commutation on account of such Division, on production of a receipt or certificate proving the payment or performance of the same, on account of some other Division for the same year. Provided also, that such person so arriving shall be exempted in like manner who shall come to reside in such Division at any time within Three months before the expiration of the current year, unless during the preceding months of such year, he shall have resided in some other Division of the Island.

32. And it is further enacted, that the said Provincial Committee shall, on or before the First day of October in this present year, and on or before the First day of July in every subsequent year, transmit to the Governor a numerical abstract of the Males resident within the Province, liable to the performance of labour under this Ordinance during the ensuing year, distinguishing the number thereof belonging to each District and Division within the Province.

Committee to furnish lists annually to Government.

33. And it is further enacted, that the Provincial Committee shall, on or before the said First day of October in this present year, and on or before the First day of July in every subsequent year, transmit to the Governor an estimate or estimates, to be prepared under the direction of the Commissioner of Roads, of the amount required to be expended during the ensuing year upon any Road, River, Lake or Canal within the Province, which may have been declared to be a Principal Road, River, Lake or Canal, or proposed Principal Road or Canal as hereinbefore provided, and shall state at what time during such year the respective works could most conveniently be performed. And it shall be lawful for the Governor to propose such estimates, or such of them as to him may appear expedient, in the Ordinance for making provision for the Contingent expenditure of the Colony for such ensuing year, to be dealt with in like manner as any other estimate to be so proposed. Provided always, that the amount of labour to be supplied under the provisions of this Ordinance for the performance of any work or works for which an estimate or estimates may have been so proposed by the Governor and approved of by the Legislative Council, shall be distinctly stated in the Ordinance enacted for the same, and that the same shall not exceed two-thirds of the whole amount of labour due from the District or Districts within which it may be required to be performed.

Committee to furnish estimates for principal Roads.

To be included in the Supply Ordinance.

Limitation of appropriation of labour.

34. And it is further enacted, that the superintendence, direction, and control of any labour to be supplied under this Ordinance for the execution of any work directed by the

Management of principal Roads to be vested in Commissioner of Roads.

**No. 8, — 1848.**

Governor and the Legislative Council, to be undertaken upon any Principal Road, River, Lake or Canal under the provisions of the preceding clause, shall be vested in the Commissioner of Roads for the time being, or such other officer as the Governor may direct. And the Provincial Committee shall, as hereinafter provided, furnish the said Commissioner of Roads or other officer with the proper amount of labour for each such work, or shall from time to time pay for such labour out of the sums received by them, as hereinafter provided, in commutation of labour due under this Ordinance.

Commissioner of Roads to  
fix commencement of work.

35. And it is further enacted, that the Commissioner of Roads or other Officer shall, immediately after any work shall have been in manner aforesaid directed by the Governor and the Legislative Council to be undertaken, inform the Provincial Committee of the time at which he proposes to commence such work. And it shall be lawful for such Provincial Committee, and they are hereby required to determine as to them shall appear expedient, the proportion of the labour due from each District and Division within their Province, which shall be applied to each such work; provided that such appropriation shall be in strict conformity with any Proclamations which shall have been published by the Governor under the provisions of the Third and Fourth clauses of this Ordinance, and which shall then be in force. And the Provincial Committee shall inform each District Committee of the amount of labour to be furnished by each Division, in conformity with such appropriation. And such District Committee shall forthwith cause notices thereof in the Native languages to be affixed to such conspicuous places within the respective Divisions as to them may appear expedient.

Provincial Committee to  
apportion labour.

And inform Division Officer  
of the apportionment.

Provincial Committee to  
employ unappropriated labour.

36. And whereas by the Thirty-third Clause of this Ordinance it is provided, that the amount of labour to be supplied under the same for the Principal Roads, Rivers, Lakes and Canals, shall not exceed two-thirds of the whole amount of the labour due from each District, and it is expedient to make provision for the due application of the remainder of such labour as may be most advantageous for the public. It is therefore further enacted, that it shall be lawful for the District Committee, with the approval of the Provincial Committee, to apply any such remainder of labour, or any money paid in commutation thereof, for the repair, improvement, maintenance, and formation of any minor Road or Path, River, ~~Stream~~ or Canal within the District. Provided always, that no person shall be liable to be employed upon, nor shall the money paid by any person in commutation be applied under this clause to any work, if the place at which such work shall be undertaken shall be at a greater distance than Seven miles from the place where such person shall reside.

Proviso.

Provincial Committee to  
have charge of Rest Houses.

37. And it is further enacted, that the charge of all Rest Houses and of any premises belonging thereto, the property of Her Majesty, shall be vested in the Provincial Committee of the Province within which the same shall be situated. And it shall be lawful for the said Committee, with the approval of the Governor, to make such Rules as to them may appear expedient in respect to the letting or occupation of the same, and all such Rules shall be binding in law upon all parties in any manner using or occupying any such Rest Houses, or any of the premises belonging thereto. And all sums which shall, by virtue of any such Rules or otherwise, be received from any person hiring, using or occupying any such Rest House or premises, shall be paid over to the Chairman of the District Committee of the District within which the same shall be situated. And it shall be lawful for the Provincial Committee, with the approval of the Governor, to apply any of the labour provided by or any of the money received under the provisions of this Ordinance, to the repair of any existing Rest House, and of the premises belonging thereto, and to the construction and repair of any such other Rest House or other place of shelter for travellers as from time to time may be found to be necessary.

38. And it is further enacted, that immediately after the appropriation by the Provincial Committee under the provisions of the 35th Clause of this Ordinance, of the labour of the respective Districts, the Division Officer shall call upon every householder resident within his Division then and there to declare whether each and every person mentioned in the list furnished by him under the provisions of the 27th clause of this Ordinance, will perform in person the labour hereinbefore required of him, or whether he will commute the performance of such labour as hereinbefore provided, and such declaration shall be deemed to be made by and on behalf of and shall be binding upon each such person. And such householder shall, within Ten days from the date of such decision, pay over to the Division Officer the commutation due on account of any such person.

39. And it is further enacted, that the Division Officer shall furnish the District Committee, with the least possible delay, with a list of the persons resident in his Division who may have elected to perform the labour due from them, and a list of those who may have elected to pay the commutation, in respect to the ensuing year, and shall at the same time pay to the Chairman of the said Committee all sums received by him.

40. And it is further enacted, that all sums which shall be received by the Chairman of any District Committee under the provisions of this Ordinance, shall be held by him subject to the orders of the Chairman of the Provincial Committee, and that the order of such last mentioned Chairman for the payment of any money, together with the receipt of the party to whom the same may have been paid, shall be held to be a full and sufficient authority and discharge for any such payment.

41. And it is further enacted, that the Provincial Committee shall, at least one calendar month before the commencement of any work upon any Principal Road, give notice thereof to the respective District Committee for each of the Districts from which any labour may be due for the execution of the same, and such District Committees shall, through the proper Division Officer, call upon the householders to cause all the inmates of their houses who may have elected to perform the labour due from them, to attend and render the same at such time and place and in such rotation as may be directed by the said District Committees.

42. And it is further enacted, that if any person who shall have elected to commute the performance of labour as hereinbefore provided, either on his own behalf or on behalf of any inmate of his house, shall fail to pay such commutation within the time appointed to the Division Officer, or if any person or householder who shall have elected to perform in person the labour due from him, or from any inmate of his house shall fail or refuse to attend and perform the same, or to cause such inmate so to do at the proper time and place when required so to do, any such person shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds. Provided always, that it shall be lawful for any householder who may be unable to procure the attendance of any such inmate, or who may himself be unable to attend, to pay over to the Division Officer within Seven days from the day appointed for such attendance, and instead thereof, the sum of Six shillings, or twice the amount which may have been declared by the Governor by any Proclamation published under the authority of the First clause of this Ordinance, to be payable in respect of the District in which such householder shall reside, any thing in this clause to the contrary notwithstanding, and which sum such householder shall be entitled to recover from any such inmate for whom the same has been paid. And provided further, that it shall be lawful for any person who shall have elected to perform the labour in person, to perform the same when required by substitute.

43. And it is further enacted, that any householder or person who shall pay any such sum as is hereinbefore required in commutation of the labour due from him or from any inmate of his house under this Ordinance for any one year, shall be entitled to receive a receipt from the Division Officer to whom the same shall be paid. And any person who shall perform the labour hereinbefore required of him in respect of one year, shall be entitled to receive from the Officer in charge of any work upon which he may be employed, a certificate of the due performance of such labour. And any Division or other Officer who shall wilfully neglect or delay to grant such receipt or certificate, shall be guilty of an offence, and shall be liable, on conviction, to any fine not exceeding Five pounds. Provided that all such receipts shall be free of Stamp duty, and provided further, that the Officer in charge of any such work shall at the termination thereof, or at the termination of the year during which the same shall be carried on, grant to the Division Officer a certificate shewing the number of persons of his Division who may have been employed upon such work during such year.

44. And it is further enacted, that any person liable to the performance of labour under this Ordinance, and who shall have elected to perform in person the labour due from him, or the substitute of any such person employed upon any work under this Ordinance, who without reasonable cause shall neglect or refuse to attend at and during the time and hours when or at the place where he may have been ordered to attend by the Officer in charge of such work, or who shall be guilty of wilful neglect or disobedience of the orders of such Officer, shall be guilty of an offence, and shall be liable, on conviction, to a fine not exceeding Ten shillings. Provided, the time and hours specified shall not be Sunday or any public holiday, and shall be after Six in the morning and before Six in the evening. And provided such place shall not be at a greater distance from the residence of such person than the distance described in the Third and Thirty-sixth clauses of this Ordinance.

45. And it is further enacted, that it shall be lawful for the District Committee, upon proof to their satisfaction that any person resident within the District and liable to the performance of labour under the provisions of this Ordinance, is either from disease or bodily or mental infirmity incapable of performing the same, to grant such person a certificate of exemption from the performance thereof, either for life or for such period as may be stated therein: and the said Committee shall inform the proper Division Officer of the granting of any such certificate, and every such exemption shall be noted in the list kept by the said District Committee and in that kept by the said Division Officer.

### No. 8.—1848.

Money to be at the disposal of Chairman of Provincial Committee.

Receipts or certificates to be granted by proper officer.

Labourer refusing to work.

District Committee to exempt person incapable of labour.

**No. 3, — 1848.**

District Committee may pay subsistence money.

46. And it is further enacted, that it shall be lawful for the District Committee, upon the application of any person who may be employed upon any work under the provisions of this Ordinance, to pay to such person as subsistence money for every day that such person may be so employed, a sum equal to one half of the rate per day declared under the provisions of the First clause of this Ordinance to be payable in respect of the District in which such work shall be situated in commutation of labour due for the same, any thing in the Fortieth clause to the contrary notwithstanding. Provided always, that any person applying for and receiving such payment shall be liable to the performance of Twelve consecutive days labour, exclusive of Sundays, in the same year.

District Committee to determine questions of age.

47. And it is further enacted, that if at any time after the passing of this Ordinance any person shall claim to be exempted from the performance of labour or from payment of the commutation thereof as hereinbefore provided, by reason that such person's age is less than Eighteen years, or exceeds Fifty-five years, or if at any time complaints shall be made that any person has been unduly exempted therefrom upon the like plea, or if any person shall refuse to labour upon any work upon the plea that the same is situated at a greater distance from the place where he resides than that prescribed by the Third and Thirty-sixth clauses of this Ordinance, it shall be lawful for the District Committee of the District to which any such person shall belong, to make such enquiry as they shall deem necessary in respect to the age of such person, or in respect to such distance, and to determine whether such person be liable to the performance of labour or payment of commutation thereof or not, and the decision of such Committee shall be final.

Division Officer to render account.

48. And it is further enacted, that on or before the First day of March in each year, the Division Officer shall furnish the District Committee with an account in writing, shewing the amount received by him during the preceding year in commutation of labour due under the provisions of this Ordinance, together with a list of the persons resident within his Division, who shall have performed the labour due from them during the same period, and shall at the same time produce to the Committee the receipts of the Chairman thereof for all sums paid to him by such Division Officer under the provisions of the Forty-ninth clause of this Ordinance, together with the certificates received by such Division Officer in pursuance of the provisions of the Forty-third clause thereof. And such Committee shall, after satisfying itself that all monies received by the said Division Officer have been duly and faithfully accounted for by him, grant to him a certificate to that effect, and shall transmit the said account, countersigned by the Chairman thereof, to the Provincial Committee.

Payment of Division Officer.

49. And it is further enacted, that the Division Officer shall be entitled to demand and receive from the Provincial Committee, at the termination of any year for which he may have served, and after he shall have received the certificate in the preceding clause referred to, such sum of money as the Governor, at the recommendation of the Provincial Committee, shall award.

Headmen and others to assist Division Officers.

50. And it is further enacted, that all Headmen, and all Police and Peace Officers, shall be aiding and assisting every Division Officer within their respective jurisdictions in the discharge of the duties imposed upon him by this Ordinance; and every such Headman, or Police, or Peace Officer, who shall wilfully neglect or refuse so to aid or assist, when required by any such Division Officer, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds.

Provincial Committee to furnish Lists of labour rendered, and works executed.

51. And it is further enacted, that the Provincial Committee shall, on or before the First day of April in each year, transmit to the Governor lists shewing the amount of labour and money performed and paid on account of each District and Division in the Province during the preceding year, and of the several works to which the same may have been applied. And the said lists shall be laid before the Legislative Council as soon as conveniently may be after the receipt thereof, and shall also be published in the Government Gazette.

Proper Officers empowered to enter upon lands for repair &c. of Roads and Canals.

52. And it is further enacted, that it shall be lawful for any person authorized in writing by the Chairman of a Provincial or District Committee, and for the servants, workmen, and labourers employed by or under any such person, at all times and with all necessary and proper carriages and animals and other means, to enter upon all or any lands adjacent or near to any existing or intended Street, Road, Thoroughfare or public place, or navigable River, Lake, or Canal, within the Province or District for which such Committee is assigned to act, and there severally to do and perform all acts, matters, and things necessary for the purposes of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving, or fencing any such Street, Road, Thoroughfare or public place, or navigable River, Lake, or Canal, or for building, erecting, excavating, repairing, clearing, or improving

any Bridge, Fence, Drain, Dam, or Ditch thereupon, or in any way connected therewith, or for performing any act, matter, or thing under the provisions of this Ordinance.

53. And it is further enacted, that it shall be lawful for any person authorized as aforesaid, with the servants, workmen, and labourers employed by or under any such person, at all reasonable times and with all necessary and proper carriages, animals and other means, to search for, dig, cut, take and carry away any water, timber, brushwood, stone, gravel, clay, or any other materials whatsoever for the purpose of tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing, or in any way assisting in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing, improving or fencing any existing or intended Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal, within the Province or District for which such Committee is assigned to act, or of building, erecting, excavating, repairing, clearing, or improving any Bridge, Fence, Drain, Dam, or Ditch thereupon, or in any way connected therewith, or for the construction or repair of any Lines, or any buildings whatsoever required on or near any such Street, Road, Thoroughfare or public place, or navigable River, Lake, or Canal, for the use of any person authorized as aforesaid, or any workmen, animals, carriages, persons or things employed in his service, in and from any land adjacent or near to any such Street, Road, Thoroughfare or public place, or navigable River, Lake, or Canal, and to carry away the same through the ground of any person, without being deemed a trespasser or trespassers. Provided, that no Timber, not being indigenous, shall be taken from any land, without the consent of the owner thereof. And provided further, that the persons authorized as aforesaid, shall rail or fence off any quarries or pits from which any such materials shall be taken, so that the same shall not be dangerous to any person or animal.

54. And it is further enacted, that it shall and may be lawful for any person authorized as aforesaid, when tracing, measuring, making, working, opening, altering, turning, repairing, clearing, or improving any existing or intended Street, Road, Thoroughfare or public place, navigable River, Lake, or Canal within the Province or District for which such Committee is assigned to act, or building, erecting, excavating, repairing, clearing, or improving any Bridge, Fence, Drain, Dam, or Ditch thereupon or in any way connected therewith, to make and erect temporary buildings on any land adjacent or near thereto, for the accommodation of such person, or for the accommodation of the servants, workmen, labourers, animals, carriages, or things employed by him during the progress of the work; and to keep all such cattle, horses, and animals as may be employed by him upon any lands near or adjacent thereto, not at the time under actual cultivation, and to continue to keep the said cattle, horses, and animals on such lands for such time as may be necessary, and the person or persons in occupation of any such lands shall be bound to provide a sufficient quantity of grass or other fodder for the maintenance of such cattle, horses, and animals during such time as they may be kept upon the same, upon payment of the fair value of such grass or fodder, and if such person or persons shall on any day neglect or refuse to provide such grass or fodder, then such cattle, horses, and animals shall and may be grazed on such lands for that day.

55. And it is further enacted, that in the tracing, measuring, making, working, opening, altering, turning, repairing, clearing or improving any existing or intended Street, Road, Thoroughfare or public place, or navigable River, Lake, or Canal, or building, erecting, excavating, repairing, clearing, or improving any Bridge, Fence, Drain, Dam, or Ditch thereupon, or in any way connected therewith, it shall and may be lawful for any person authorized as aforesaid, to throw or cause to be thrown upon any lands adjacent or near thereto, such earth, rubbish, or materials as it shall or may be necessary to remove from the place of any such work, and any person who shall remove back the same or any part thereof to the said Street, Road, Thoroughfare or public place, River, Lake, or Canal, shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding Five pounds, and to payment of any expenses that may have been incurred in the removal of the same.

56. And it is further enacted, that it shall be lawful for any person authorized as aforesaid, to make or cause to be made a road through the grounds adjacent or near to any existing or intended Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal, during the execution of any work thereupon, or in any way connected therewith.

57. And it is further enacted, that every person tying or tethering, or causing to be tied or tethered, any horse, goat, sheep, cattle, or animal of any description, so that any such animal can or shall make its way into any Street, Road, Thoroughfare or public place within any Town or into any Principal Road or Canal, unless such animal shall be so tied or tethered during the time required for loading or unloading it, or for the loading or unloading of any cart or boat to which it may belong, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Ten shillings.

No. 8, — 1848.

And to take materials.

And erect buildings.

And keep Cattle, &c.

And throw rubbish upon adjacent lands.

And make temporary Road.

Persons tying Cattle on or near a Road or Canal.

**No. 8, — 1848.**

Seizure of stray Cattle.

58. And it is further enacted, that it shall and may be lawful for any person thereto authorized in writing by the Chairman of a Provincial or District Committee, to seize any horse, goat, sheep, cattle, or animal of any description which he may find tied or tethered, or straying, except during the time of loading or unloading as aforesaid, upon any Street, Road, Thoroughfare or public place within any Town or upon or in any principal Road or Canal within the Province or District for which such Committee is assigned to act. Provided always, that if the person authorized as aforesaid shall not be a Peace Officer, every animal seized by him shall be forthwith delivered into the custody of the nearest Peace Officer. And every Peace Officer seizing or receiving any animal seized as aforesaid, shall forthwith report such seizure to the proper Police Court, and such Court shall, if at the time of such report no claim be made to such animal, direct such Peace Officer to take the necessary steps for the safe custody and maintenance thereof, and to publish such seizure in the usual manner. And no animal seized as aforesaid shall be delivered to the owner thereof, unless upon payment into Court of the sum of Three shillings for the use of the person by whom the same shall have been seized, and of a further sum of Six-pence for each day during which the same shall have been kept in the custody of the Peace Officer for the use of such Peace Officer. And if no person shall claim such animal, nor shall pay such dues as aforesaid within Ten days after it shall have been so seized, it shall be lawful for such Peace Officer, and he is hereby required to sell the same by Public Auction, and after payment of Three shillings to the person by whom the same may have been seized, and of the sum due to himself for the custody and maintenance thereof, to pay the remainder of the produce of such sale, if any, to the proper Officer for the use of Her Majesty.

Destruction of stray pigs.

59. And it is further enacted, that the owners of all pigs found tied, straying, burrowing or wallowing upon, or in any Street, Road, Thoroughfare or public place within any town, or upon, or in any principal Road or Canal, shall be guilty of an offence, and be liable, on conviction thereof, to a fine of Five shillings; and that it shall be lawful for every person to seize, shoot or otherwise destroy any pig that he may find tied, straying, burrowing or wallowing upon, or in any Street, Road, Thoroughfare or public place within any town, or upon, or in any principal Road or Canal, and such person may, if he choose, take such pig to any Peace Officer having jurisdiction in such matter, who shall forthwith sell the same, and pay the produce of such sale to such person.

Proper officer may cut trees on Road or Canal.

60. And it is further enacted, that it shall be lawful for any person authorized as aforesaid, to cut, remove, or cause to be cut and removed and placed upon any ground adjacent or near thereto, all trees, and all leaves or branches or roots of trees that shall grow in, or overhang, or in any way injure or impede the traffic or navigation upon any Street, Road, Thoroughfare or public place within any town or any Principal Road, or navigable River, Lake or Canal within the Province or District for which such Committee is assigned to act; and for that purpose to enter upon any land or premises, and to cause to enter thereupon such persons, animals, instruments and things as may be necessary, and to proceed to do so therein, or cause to be done all such things as may be necessary for the due cutting, lopping or removing of such trees, leaves, branches or roots.

And put up fences.

61. And it is further enacted, that it shall be lawful for any person authorized as aforesaid, to put up or make fences, hedges, ditches, drains or banks by the side of any Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal within the Province or District for which such Committee is assigned to act, whenever to them it shall appear necessary, and the owners or occupiers of land adjoining such fences, hedges, ditches, drains or banks shall, and they are hereby required to keep the same in good and substantial repair and order. And the owners and occupiers of lands adjoining any Street, Road, Thoroughfare or public place within any town or any public Road or navigable River, Lake or Canal who shall have fences or hedges of their own bordering thereupon, shall keep the same lopped to a height of Six feet, and every owner or occupier of any such land, and every part owner, or part occupier thereof, who shall fail to do any thing required to be done by the owners or occupiers of any such land under the provisions of this clause, shall be guilty of an offence, and shall be liable, on conviction of every such offence, to a fine not exceeding Two pounds.

Access to premises adjoining public Road.

62. And it is further enacted, that if the occupant of any premises adjoining any Principal Road by the side of which a drain shall have been made or excavated, shall require the means of access to such premises from such Road, such occupant shall be bound to place a bridge, platform or arch which shall in no case cover less than Four feet of the length of such drain. And it shall be lawful for the Provincial or District Committee of the Province or District in which such premises are situated, or for any person authorized in writing by the



Chairman of such Provincial or District Committee, if it shall come to their knowledge that any parties have access to any premises situated as aforesaid, without such bridge, platform or arch as aforesaid, to call upon the occupant of such premises forthwith to construct the same, and if he shall fail to do so within a reasonable time, to cause the same to be done. And upon such Chairman or any person authorized as aforesaid certifying to the proper Police Court the costs which have been *bonâ fide* incurred in the placing of such bridge, platform or arch, such Court shall summon the party or parties on account of whose default such costs were incurred, to appear before him on a certain day, then and there to make payment of such costs, where it shall appear after due investigation that such costs were properly incurred. And if such party or parties shall refuse or fail to make such payment, the Court shall proceed to recover such payment in such and the same manner as it would proceed to recover any fine or penalty incurred under any sentence of such Court.

63. And it is further enacted, that if any person shall wilfully pull up, throw down, cut, break, injure, damage or destroy any post, rail or fence, placed or to be placed or put up, either by the side or sides of any Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal, or at or near to any pit or quarry, which shall be used, opened or made for the getting of stone, gravel, or other materials for the making or repairing of any such Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal, or of any bridge or other thing thereupon, or if any person shall wilfully cause any damage or injury to be done to any bridge, lock, lock-gate, dam, drain, sluice or bank, or to any arch, wall, abutment, prop or fence belonging thereto, which already have been, or which shall, or may hereafter be built upon any such Street, Road, Thoroughfare, public place, River, Lake or Canal, or by the sides thereof;—

Or if any person shall wilfully damage, injure, or otherwise destroy any post or stone set up or erected by the side or sides of any such Street, Road, Thoroughfare, public place, River, Lake or Canal, to exhibit or shew the number of miles or distance from or to any place or places whatsoever, or any direction post;—

Or if any person shall wilfully remove any stone, log, or other thing laid on any such Street, Road, Thoroughfare or public place, for the temporary prevention of the use thereof;—

Or if any person shall place or throw any earth or rubbish, or other matter or thing upon or in any such Street, Road, Thoroughfare or public place, River, Lake or Canal, or into any drain, ditch, or other watercourse, under or by the sides of any such Road, River, Lake or Canal, so as to obstruct the running off and draining of any water or moisture from or into any such Street, Road, Thoroughfare, public place, River, Lake or Canal;—

Or if any person shall, without being thereunto authorized by the Provincial Committee or by some person authorized as aforesaid, gather or heap up, or take away any stones, gravel, sand or other material, slutch, dirt, mire, drift or soil, from off any such Street, Road, Thoroughfare, public place, River, Lake or Canal, or any part thereof, or the side or sides thereof, or any footpath or causeway belonging thereto;—

Or if any person shall put up any erection or building, or fence or other obstruction, on or at the sides of any such Street, Road, Thoroughfare, public place, River, Lake or Canal, in such manner as to reduce the breadth thereof;—

Or shall make or cause to be made any dam, ditch, drain or watercourse upon or across, or shall otherwise break up or injure the surface of any such Street, Road, Thoroughfare, public place, River, Lake, Canal, or any part thereof;—

Or if any person shall lead or drive any horse, ox or other animal, from or off any Street, Road, Thoroughfare or public place within any town, or any public Road, in such manner as to cause any injury to the same;—

Or if any person shall hang up or otherwise expose any mats, cloths or other material upon or immediately at the side of any Street, Road, Thoroughfare or public place within any town or any public Road;—

Or if any person shall make any fire or fires upon, or shall wantonly let off or throw any lighted squib, rocket or other firework within Fifty feet of any Street, Road, Thoroughfare or public place within any town or any public Road, or shall race any horse or cattle, or any other animal, or play at any game or exercise that may cause any riot, mob, or tumultuous meeting upon such Road, River, Lake or Canal, or the side thereof, or shall, by fighting or otherwise, collect together any such mob to the annoyance of any traveller or passenger upon such Road, River, Lake or Canal;—

Penalty on persons injuring Road or Canal, &c.

Or destroying mile post, &c.

Or removing logs, &c., to prevent temporary use of road.

Or throwing rubbish, &c.

Or taking away stones or gravel, &c.

Or encroaching.

Or injuring surface.

Or injuring Road.

Or exposing mats &c.

Or making fires or letting off fireworks.

**No. 8.—1848.**

Or preventing others from passing.

Or hauling or trailing timber, &c.

Penalty on persons leaving any cart in Road, &c.

Or leaving boat or timber &c., so as to obstruct passage on Canal, &c.

Or laying timber or rubbish.

Or suffering water or filth to flow from adjacent lands.

Or suffering pigs or animals to do injury.

Or leaving block.

Or damaging lamp or lamp post.

Persons placing stones upon Roads at Jaffna.

Or if any person shall in any manner wilfully prevent any other person, or any carriage, boat, raft, or other conveyance under his care from passing upon any such Street, Road, Thoroughfare, public place, River, Lake or Canal;—

Or if any person shall haul or draw, or cause to be hauled or drawn upon any part of such Street, Road, Thoroughfare or public place, any timber, stone, or other heavy thing otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon such Street, Road, Thoroughfare or public place, to the prejudice thereof;—

Or if any person shall leave any waggon, cart, or other carriage, or other conveyance whatever, upon such Street, Road, Thoroughfare or public place, or on the side or sides thereof, without any proper person in the sole custody or care thereof, except in cases of accident, and in cases of accident for a longer time than may be necessary to remove the same, or shall not place such cart, carriage or conveyance, during the time of loading and unloading the same, as near to one side of the Street, Road, Thoroughfare or public place as conveniently may be, either with or without any beast of draught harnessed or yoked thereto;—

Or shall leave any boat or raft in any such Canal, without mooring it at both ends, or in such a way as to obstruct the passage on such Canal, or shall leave any raft, or timber in or close to the same place in any such Canal, (except in some part thereof which shall be at least 100 feet wide), for a longer period than forty-eight hours;—

Or shall lay any timber, stone, hay, straw, dung, manure, soil, ashes, rubbish, or other matter or thing whatsoever, upon such Road, River, Lake or Canal, or on any side or bank thereof, or on any side path or causeway adjoining, to the prejudice thereof, or to the prejudice, annoyance, interruption, or personal danger of any person or persons travelling or passing thereon;—

Or shall suffer any water, filth, or other offensive matter or thing whatsoever, to run or flow into or upon such Street, Road, Thoroughfare or public place, from any house, building, erection, lands or premises adjacent or near thereto;—

Or if any person driving pigs or swine or any other animals upon such Street, Road, Thoroughfare or public place, or near such Canal, shall suffer such pigs or swine or animals to root up or damage the same, or the fences, hedges, banks, or copse on either side respectively;—

Or if any person shall, after having blocked or stopped any cart, waggon or other carriage in going up or down a hill or rising ground, cause or suffer to be or remain on such Street, Road, Thoroughfare or public place, the stone, timber or other thing with which such cart or other carriage shall have been blocked or stopped;—

Or if any person shall pull down, damage or destroy any lamp or lamp-post, erected in or near to the side of any such Street, Road, Thoroughfare or public place, River, Lake or Canal, or any bridge or toll house erected thereon, or shall extinguish the light of any such lamp;—

Every person so offending in any of the cases aforesaid, shall be liable, on conviction of every such offence, to a fine not exceeding Five pounds.

64. And whereas it is customary in the cultivation of lands situated in the Peninsula of Jaffna, to remove the stones from the same from time to time; and whereas the stones so removed are frequently placed upon the public Roads; It is therefore further enacted, that whenever any stones shall be found to be so placed upon any public Road within the District aforesaid, the placing thereof shall be deemed to be the act of the person in occupation of the land immediately adjoining, unless the contrary be proved, and such person shall be deemed to be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds.

Penalty on erection of kraals.

65. And it is further enacted, that every person who shall place or continue any kraal, or any fence, or any other obstruction of a like nature in any navigable River, Lake or Canal in this Island, so as to impede, or in any way interfere with the convenient navigation thereof, shall be liable, on conviction thereof, to any fine not exceeding Twenty pounds; and it shall be lawful for the Provincial or District Committee to cause any such kraal, fence, or obstruction so placed or continued as aforesaid in any such River, Lake or Canal, within the Province or District for which such Committee is assigned to act, to be pulled up or otherwise destroyed.

66. And whereas the line of many public Roads and Thoroughfares, has been altered to suit the purposes of private parties, and many obstructions and encroachments have been made in and upon the said Roads and Thoroughfares, proof of which it is in many cases impossible to establish by evidence at this distance of time, but which alterations, obstructions and encroachments are greatly inconvenient. It is therefore hereby further enacted, that whenever a certificate shall be filed in any District Court, signed by the Chairman of the Provincial or District Committee of the Province or District within which such District Court is established, to the effect that to the best of his belief the line of any Street, Road, Path, Thoroughfare or public place, River, Lake or Canal, within the jurisdiction of such Court, has been altered without proper authority, or has been stopped up or obstructed, or encroached upon in some particular place or places, such Court shall forthwith call upon the party claiming to be the owner of the land from off which the said Street, Road, Path, Thoroughfare or public place, River, Lake or Canal, shall be alleged to have been turned, or upon which such stoppage, or obstruction, or encroachment shall be alleged to have been made, to prove his title to such land.

67. And it is further enacted, that if any Plan or Survey, made by the authority of the Provincial or District Committee, shall be produced in evidence in support of any claim of Her Majesty, such plan or survey shall be deemed and taken to be conclusive proof of the facts exhibited therein, in so far as the claim of Her Majesty is concerned, unless satisfactory proof to the contrary shall be established by the party contesting such claim.

68. And it is further enacted, that it shall be lawful for the Provincial or District Committee to give order verbally, or by notice in writing, to be served personally, or by affixing the same in some conspicuous part of the premises, to any person obstructing or encroaching upon any Street, Road, Path, Thoroughfare or public place, or any navigable River, Lake or Canal, situate within the Province or District for which such Committee is assigned to act, forthwith to remove or abate the same; and if any such person to whom such order or notice shall have been given, shall refuse or neglect to comply with the same in a reasonable time, or if there be any doubt as to who is the proper person to whom such order or notice should be given, it shall be lawful for the said Provincial or District Committee to cause any such obstruction or encroachment to be forthwith removed or abated; and for that purpose it shall be lawful for the said Committee, or any person thereto authorized in writing by the Chairman thereof, where necessary, to enter into any house, garden, enclosure, or other premises, and to cause to enter therein such persons, instruments and things as may be necessary, and to proceed to do therein or cause to be done all such things as may be necessary for such removal or abatement. And upon the Chairman of the said Committee certifying to the Police Court of the District or place where such person resides, or where such obstruction or encroachment existed, the costs which have been *bonâ fide* incurred in effecting such removal or abatement, such Court shall summon the party or parties on account of whose non-compliance with any such order or notice such costs were incurred, to appear before it on a certain day, then and there to make payment of such costs, where it shall appear, after due investigation, that such costs were properly incurred. And if such party or parties shall refuse or fail to make such payment, the Court shall proceed to recover such payment in such and the same manner as it would proceed to recover any fine or penalty incurred under any sentence of such Court.

69. And it is further enacted, that if it shall at any time appear to the Provincial or District Committee that any building, erection, enclosure or encroachment, shall have been raised or made in any Street, Road, Path, Thoroughfare or public place, or navigable River, Lake or Canal, or on any waste or other ground immediately adjoining thereto, and belonging to Her Majesty, except with the express permission in writing of the Government Agent or some other competent authority, it shall be lawful for any such Committee to demand in writing of the person claiming to be the owner of the premises on which such building, erection, enclosure or encroachment shall have been raised or made, the production of every deed, document and instrument upon which such person founds such claim; and if the occupier of such premises, not being himself the alleged owner, shall refuse to give full information respecting the name and residence of such alleged owner, upon being requested so to do by any such Committee, or if such alleged owner shall refuse to produce, within Ten days after being requested so to do, every deed, document and instrument upon which he founds his claim to the said premises, and which shall be in his possession; or if any such deed, document or instrument shall not be in his possession, shall refuse fully to inform any such Committee upon application, in whose possession they are; or if any person having in his possession any such deed, document or instrument, shall refuse to produce the same within Ten days after

No. 8.—1848.

Proof of right to apparent encroachments to rest upon the owner.

Survey by proper Officer to be conclusive evidence.

Removal of obstructions or encroachments.

Committee may in certain cases demand production of title deeds.

**No. 8,—1848.**

having been requested so to do in writing by any such Committee, every such occupier, alleged owner, and person so refusing, shall be guilty of any offence, and be liable, on conviction thereof, to any fine not exceeding Five pounds. And it shall be lawful for any such Committee or any person thereto authorized in writing by the Chairman thereof, to enter upon any premises upon which any such building, erection, enclosure or encroachment shall have been raised or made as aforesaid, and upon any other premises whatsoever, which it may be necessary to enter for the purposes of the survey hereinafter mentioned, and to make such survey of all such premises as may be necessary to enable any such Committee to ascertain whether such building, erection or enclosure is an encroachment upon any Street, Road, Path, Thoroughfare or public place, or navigable River, Lake or Canal, or upon any land adjoining thereto and belonging to Her Majesty. Provided always, that if any removal shall be effected after the due production of all deeds, documents and instruments affecting the title to such premises, and such premises shall nevertheless be adjudged by some competent Court to be the property of the party laying claim to the same, any such Committee shall be liable in damages for all loss and injury occasioned thereby; but if the party claiming to be the owner of such premises, shall refuse or be unable to produce all such deeds, documents and instruments, or if such deeds, documents and instruments shall not be produced within Ten days after application in that behalf, and any such Committee shall nevertheless have caused the removal of such building, erection, enclosure or encroachment, then in the event of such premises being adjudged to be the property of the party claiming to be the owner thereof, any such Committee shall not be liable in damages for any loss or injury occasioned thereby.

And make survey of premises.

Proviso.

Demand of production of deed to include power of examination.

70. And it is further enacted, that the deeds, documents and instruments in the preceding clause mentioned, shall be produced on the premises to which the same may relate or at such other place as the Provincial or District Committee may require, and that the power of demanding the production thereof in the preceding clause given, shall be deemed and taken to include the power of making such examination of such deeds, documents and instruments as shall be necessary, and every person refusing or failing to permit such examination of any such deed, document or instrument, to any party authorized under this or either of the above mentioned Ordinances to demand production thereof, and making such demand, shall be guilty of an offence, and liable, on conviction thereof, to any fine not exceeding Five pounds.

Proviso.

71. Provided always and it is further enacted, that nothing herein contained shall be construed to prevent any Public Officer duly authorized in that behalf, from making temporary use of any part of any Street, Road, Thoroughfare or public place, or navigable River, Lake or Canal for the public service, nor to prevent the Superintendent of Police from granting his licence to the inhabitants for the erecting of temporary fences and enclosures, in order to the building, pulling down, or repairing of their houses and other buildings, or of temporary decorations within any town and limits; provided that the length and breadth of such enclosures be described in such licence, and that there be sufficient room for coaches, carts, and other carriages, or boats, to pass; and provided that the person obtaining such licence shall, immediately after sun-set during all the time that the enclosure shall continue, if required by the said Superintendent of Police in such licence, place and keep a sufficient light upon the premises till day-break, and any person removing or extinguishing such light during such time, shall be guilty of an offence, and be liable, on conviction thereof, to any fine not exceeding One pound.

Compensation for injury to property by authorized Officers.

72. And it is further enacted, that every party who shall sustain any loss or damage by reason of the exercise of any of the powers and authorities conferred by the 52d, 53d, 54th, 55th and 56th clauses of this Ordinance, upon the Provincial and District Committee and persons therein specified, shall be entitled to receive from the Government compensation for the same. Provided, that he shall make application in that behalf to the Chairman of the proper Provincial or District Committee within Thirty days after the completion of the work in respect of which such damage shall be alleged to have been done.

Vexatious conduct of Officer.

73. And it is further enacted, that every person acting under the authority of the Provincial Committee, 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 any fine not exceeding Five pounds.

Obstruction of Officer.

74. And it is further enacted, that all persons who shall wilfully resist, obstruct, hinder or molest, and all persons who shall incite, procure or assist others to resist, obstruct, hinder or molest any person acting under the authority of the Provincial or District Committee, or

any workman, labourer or other person acting under any such, in the discharge of any duty, or the performance of any act, which they shall be authorized or required to perform by this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds.

75. And it is further enacted, that all Headmen, and all Police and Peace Officers shall be aiding and assisting in the prevention of all offences against this Ordinance committed within their respective jurisdictions. And every Headman, and every Police or Peace Officer who being cognizant of any such offence having been committed within his jurisdiction, whether upon his own view or upon the information of others, shall fail to make complaint thereof before some Judge or Magistrate or Justice, or who shall refuse to receive any information respecting any such offence, or shall fail to act promptly and vigorously thereupon, or who shall fail to observe any rules which may be laid down by the Government Agent for his guidance in the discharge of his duties in respect of this Ordinance, shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds.

Headmen to enforce provisions of Ordinance.

76. And it is further enacted, that one half of all fines actually required and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer. And if any person upon whom any such fine shall be imposed shall fail to pay the same, the informer shall be entitled to receive from the Government Agent the amount of the share of such fine to which he would have been entitled if the same had been paid, provided that the said Government Agent shall not be bound to pay, in respect of any one such share, any sum exceeding the sum of Seven pounds and Ten shillings.

Informer's share of fines.

77. And it is further enacted, that it shall be lawful for any Provincial or District Committee for the time being, to call in and compel the payment of all sums of money which shall at any time be due and payable to any such Committee, or to any Division Officer under and by virtue of any of the provisions of this Ordinance, and to make and enter into, perform and execute, and compel the performance and execution of all such contracts and agreements, matters and things, and to commence and maintain all such suits and actions, as they shall deem necessary to the performance of the duties imposed on any such Committee by this Ordinance. And all such contracts and agreements shall and may be entered into and enforced, and all such suits and actions be brought by them in the name of the Provincial or District Committee of the Province or District for which any such Committee is assigned to act, without specifying the names of the members of any such committee, or the name of any member thereof; and no action shall abate by reason of the death, resignation or removal, or going out of office of any member of any such Committee. And all suits or actions, the cause of which shall arise or accrue to any person whatsoever from or by reason of any contract or agreement, or any other matter or thing made or entered into, done or performed by the said Provincial or District Committee in the execution of the powers vested in them by this Ordinance, shall be brought by such person against such Provincial or District Committee under the name and title aforesaid. Nor shall any member of any such Committee, by reason of his being a plaintiff or defendant in any such suit, be prevented from being a witness therein. And the service of all process in any such suit or action against any such Committee shall be made upon the Chairman thereof.

Committee may sue and be sued.

78. And it is further enacted, that for the purpose and within the meaning of this Ordinance, any person lawfully administering for the time being the Government of this Island, shall be deemed and taken to be the Governor thereof; and that any person being in this Island, and who shall have been domiciled therein for the space of Twelve calendar months or upwards, or who being in this Island shall be the owner or lessee of any lands or tenements situate therein, and shall have been domiciled therein for the space of Three calendar months or upwards, shall be deemed and taken to be resident within this Island, within the meaning of this Ordinance, and that in the construction of this Ordinance, the word "Roads" shall be understood to include the pathways, drains, embankments, ditches and all such portions of land adjoining the same as have been specially reserved for the protection or benefit of the Road—and all waste land or ground lying on the side of any such Road being part of the Road, and which has been used and accustomed to be used as a public passage—as also all such Roads as may be made under the provisions of the 55th clause of this Ordinance. And that the word "Canal" shall be understood to mean the full extent of water-way from bank to bank—and to include the sides thereof, the towing path, the embankment, and all drains or sluices communicating therewith.

Interpretation of terms.

79. And it is further enacted, that the Ordinance No. 16 of 1844, entitled "*An Ordinance for the preservation and improvement of the Streets, Roads, Throughfares and public places within Towns, and of the public Roads, navigable Rivers, Lakes and Canals of this Island,*" shall

Ordinance No. 16 of 1844 repealed, excepting certain Clauses.

**No. 8,—1848.**

be and the same is hereby repealed, except the 16th, 17th, 23rd, & 24th clauses thereof, and except as to the repeal thereby of any former laws, customs, proclamations and regulations, and except as to any offences already committed, and as to any fines, penalties, dues, forfeitures, or liabilities incurred thereunder.

Ordinance when to take effect.

80. And it is further enacted, that this Ordinance shall commence and take effect from and after the promulgation thereof.

Passed in Council the Thirteenth day of April, One Thousand Eight Hundred and Forty-eight.

G. C. TALBOT,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,

*Colonial Secretary.*

**No. 9,—1848.** (*Repealed by Ordinance No. 21 of 1848.*)

**No. 9,—1848.**

*To require the owners of Dogs to take out Licences for the same.*

WHEREAS it is necessary to keep down the number of Dogs in this Island, and it is expedient to make further provision in this behalf, by requiring the owners of Dogs to take out Licences for the same annually.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the time when this Ordinance shall come into operation, it shall not be lawful for any person residing in this Island to have in his custody or possession, or to keep or permit to be kept or to remain in his house or premises, any Dog or Dogs, unless a Licence for every Dog so possessed or kept by him, or allowed to be kept or to remain in his house or premises as aforesaid, shall have been obtained in manner hereinafter provided. And any person who, contrary to the provisions of this Ordinance, shall have in his custody or possession, or shall keep or permit to be kept or to remain in his house or premises any Dog for which a Licence shall not have been obtained, which shall be then in force, shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Ten shillings.

2. And it is further enacted, that any person who may be desirous to obtain any such Licence, shall make an application to that effect to the Government Agent or any Assistant Government Agent of the Province within which such person resides, who shall issue to such person a Licence for every Dog, as near as is material according to the form in the Schedule hereunto annexed, marked A., which Licence shall be on a stamp of one shilling, and shall be in force until the 31st day of December in the year in or for which the same shall be granted and no longer.

3. And it is further enacted, that every such Government Agent or Assistant Government Agent, shall register all such Licences so granted by him in a book to be kept for that purpose; and it shall be lawful for any person at any time during office hours, on payment of a fee of Six-pence, to demand inspection of the said book, and to take any copy or extract therefrom.

4. And it is further enacted, that if any such Licence shall be by any casualty destroyed, defaced or lost, it shall be lawful for the person to whom the same shall have been granted, to report the same to the Government Agent or any Assistant Government Agent of the Province wherein such person resides; and if such Government Agent or Assistant Government Agent shall be satisfied of the fact of such casualty or loss, he shall grant to such person a certificate in the form in the Schedule hereunto annexed, marked B., reciting such loss and setting out the purport and effect of the Licence so lost, defaced or destroyed, and such certificate shall be in lieu thereof and of like force and effect.

5. And it is further enacted, that it shall be lawful for any Superintendent of Police, and for any Inspector of Police specially authorized in writing by such Superintendent of Police, or if there shall be no such Officer, for any Constable or Police Officer specially authorized in writing by any Government Agent or Assistant Government Agent, at any time in and during which Dogs not being led or carried may be destroyed under the order of the Governor issued by him in virtue of the provisions of the Ordinance No. 9 of the year 1842, entitled "*For the prevention of mischief by Dogs,*" to enter in the day time into any house or premises situated in any place which shall be mentioned in any such order within their respective jurisdictions, and if any such Superintendent or Inspector of Police, or Constable or Police Officer as aforesaid, shall find any Dog therein, above the age of three months, to require the occupant of such house or premises to produce his Licence to keep such Dog; and if such Superintendent or Inspector of Police, or Constable, or Police Officer shall find in any such house or premises any Dog for which a Licence has not been obtained, or if on his requisition the Licence for such Dog shall not be produced to him by such occupant, it

shall be the duty of such Superintendent or Inspector of Police, or Constable, or Police Officer, and he is hereby required to take the said Dog, or cause the same to be taken by any Officer of Police or other person employed for that purpose, to the nearest Police Station, and there drowned or otherwise put to death, and the carcass thereof buried or otherwise disposed of in such manner as the principal Officer on duty at such station shall direct. Provided however, that no such Dog shall be removed or destroyed as aforesaid, if the owner or other person on his behalf shall consent forthwith to take out a Licence for the same, and shall deposit with such Superintendent or Inspector of Police or with the principal Officer of Police on duty as aforesaid the amount required for such Licence.

6. And it is further enacted, that if any Superintendent or Officer of Police or any other person, shall wantonly or maliciously exercise any of the powers or authorities confided to him by this Ordinance, or shall in any way wilfully exceed such powers and authorities, he shall be guilty of an offence, and liable, on conviction thereof, to any fine not exceeding Five pounds.

7. And it is further enacted, that whenever in any prosecution or proceeding under this Ordinance, any question shall arise as to whether a Licence has been obtained for any Dog, the proof that such Licence has been obtained, shall lie upon the party against whom such prosecution or proceeding shall be had. Provided that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint; and such sum shall be recovered in like manner as any fine imposed by such Court.

8. And it is further enacted, that no prosecution shall be instituted against any person, for any offence committed against any of the provisions of this Ordinance, unless the same shall be commenced within One calendar month from the time of the commission of such offence.

9. And it is further enacted, that one half of all fines actually recovered and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer.

10. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of August, One thousand Eight hundred and Forty-eight.

A.

Form of Licence to keep a Dog:

No.	A. B. of								was
this day licensed to keep a Dog of the following description;									
Sex	...	...	...	...	...	...	...	...	
Color	...	...	...	...	...	...	...	...	
Size	...	...	...	...	...	...	...	...	
Breed	...	...	...	...	...	...	...	...	
Any peculiar or distinctive marks	...	...	...	...	...	...	...	...	
Issued the	day of								(Signed)

Govt. Agent.

Note. This Licence will cease to be in force, on the Thirty-first day of December, 184

B.

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ last a Licence to keep the Dog herein mentioned was granted by \_\_\_\_\_ to A. B. of \_\_\_\_\_

And whereas it has been proved to my satisfaction, that the said Licence has been (destroyed, defaced, or lost as the case may be.) Now I do hereby grant the said A. B. this Certificate to be in lieu of the said Licence, and of all the like force and effect.

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

(Signed)

Govt. Agent.

Sex	...	...	...	...	...	...	...	...
Color	...	...	...	...	...	...	...	...
Size	...	...	...	...	...	...	...	...
Breed	...	...	...	...	...	...	...	...
Any peculiar or distinctive mark	...	...	...	...	...	...	...	...

Passed in Council, the Thirteenth day of April, One Thousand Eight Hundred and Forty-eight.

G. C. TALBOT,  
Acting Clerk to the Council.

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
Colonial Secretary.

**No. 10,—1848.****No. 10,—1848.**

*To provide for the extension to certain places in this Island of certain of the provisions of the Ordinance No. 17 of 1844.*

Preamble.

WHEREAS it is expedient that certain of the provisions of the Ordinance No. 17 of the year 1844, entitled "*An Ordinance for establishing an efficient Police in certain towns, &c.*" should from time to time be brought into operation in certain places in this Island, notwithstanding that a Police Force may not have been established therein, under the provisions of the said Ordinance.

Governor may by Proclamation declare certain parts of the Police Ordinance in force in certain places in this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, it shall be lawful for the Governor from time to time as occasion may require, by any Proclamation to be by him for that purpose issued and published in the Government Gazette of this Island, to declare that such provisions of the said Ordinance No. 17 of the year 1844 as to the said Governor, with the advice of the Executive Council, may seem advisable, and as shall be mentioned and specified in such Proclamation, shall come into operation within any such Town, Village or Limits in this Island, as shall appear to the said Governor to require the same, and as shall be specified and defined in such Proclamation, from and after such time as shall in the said Proclamation be appointed for that purpose. And it shall be lawful for the said Governor from time to time, as to him may appear expedient, by any Proclamation to be by him with the like advice and in like manner issued and published, to revoke, alter and amend any such Proclamation, and to alter and vary any such limits.

Laws and customs repugnant thereto repealed.

2. And it is further enacted, that so soon as any of the provisions of the said Ordinance No. 17 of 1844, shall, in manner aforesaid, be brought into operation within any town, village or limits, or part of any town or village, all laws, customs and usages which may then be in force therein, so far as such laws, customs and usages are in any wise repugnant to or inconsistent with the provisions of the said Ordinance which shall be so brought into operation therein, shall be and the same are hereby revoked, abrogated and repealed.

Passed in Council the Twenty-third day of October, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 11,—1848.****No. 11,—1848.**

*To indemnify the Governor and all persons acting under his authority for certain acts done during the existence of Martial Law in certain parts of this Island.*

Preamble.

WHEREAS on or about the Twenty-eighth day of July, One Thousand Eight Hundred and Forty-eight, a treasonable insurrection broke out within certain districts of this Island, and by reason thereof it became necessary for the Governor to adopt the most vigorous and decisive measures for the immediate suppression of the said insurrection, and for that purpose to proclaim Martial Law in the said districts as hereinafter mentioned. And whereas by a Proclamation made by the said Governor, and bearing date the Twenty-ninth day of the said month of July, it was ordered and declared that Martial Law should be in force within the District of Kandy in the Central Province, from and after the publication in the said District of such Proclamation, until further orders: And whereas by a Proclamation made by the said Governor, and bearing date the Thirty-first day of the said month of July, it was ordered and declared that Martial Law should be in force within the District of Kurnegalle, from and after the publication in the said District of such Proclamation, until further orders: And whereas by a Proclamation made by the said Governor and bearing date the Twenty-fourth day of August, One Thousand Eight Hundred and Forty-eight, it was ordered and declared that from and after the date of such Proclamation Martial Law should cease, and be no longer in force within so much of the town and gravets of Kandy as is bounded on the west by Trincomalie-street, on the north by Hill-street, and by the road called Lady Horton's Walk, on the east by Lady Horton's Walk and by a straight line drawn from it through the north-western angle of the eastern redoubt to the Kondesalle road, and on the south by the New road and part of Kondesalle road: And whereas by a Proclamation of the said Governor bearing date the Fourth day of October, One Thousand Eight Hundred



and Forty-eight, it was ordered and declared, that from and after the Tenth day of the said month of October, Martial Law should wholly cease to be in or have force and effect within the said Districts of Kandy and Kornegalle. And whereas during the time that Martial Law was in force in the said Districts respectively, it was and became necessary for the Governor and the persons acting under his orders or by his authority, or under the authority of such Proclamations of Martial Law, to direct, authorize, do and perform certain acts, matters and things within the said Districts, which may not have been in conformity with the ordinary course of law therein, but which were necessary for the public safety: And whereas it is expedient that the Governor and all persons acting under his orders or by his authority or direction, or under the authority of such Proclamations of Martial Law, should be indemnified in respect of such orders, directions, acts, matters and things.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said Governor, and also all persons acting under his orders, or by his authority or direction, or under the authority of any such Proclamation of Martial Law as aforesaid, shall be, and they are hereby severally and jointly indemnified, freed, and discharged from and against all actions, suits, prosecutions, and penalties whatsoever, for, or on account, or in respect of, all or any acts, matters, and things whatsoever, done, ordered, directed, or authorized by the said Governor, or by any person or persons acting under his order, direction and authority, or under the authority of any such Proclamation of Martial law as aforesaid within the said Districts, or either of them, during the existence therein of such Martial Law as aforesaid: so only and provided that such acts, matters, and things shall have been done, ordered, directed or authorized, *bonâ fide*, in furtherance and in the execution of the objects for which Martial Law was proclaimed as aforesaid. And that no act done in pursuance of any order issued by the said Governor, or by the Officer Commanding Her Majesty's Forces in the Kandyan Provinces, for suppressing the said insurrection, or for the safety and protection of the persons and properties of Her Majesty's peaceable and loyal subjects, or for the trial and punishment of treasons and other crimes and offences committed within the said Districts, or for the arrest and detention in custody of persons engaged in such insurrection, or suspected thereof, or for the seizure, sequestration, or sale of the property of any such persons as last aforesaid, shall be questioned in any of Her Majesty's Courts of Civil or Criminal Jurisdiction in this Island. And in order to prevent any doubt which might arise whether any act alleged to have been done in conformity to any such order was so done, it shall and may be lawful to and for the Governor or Officer Commanding Her Majesty's Forces in the said Provinces, to declare such acts to have been done in conformity to such orders: and such declaration, signified by any writing under the hand of the said Governor or Officer Commanding Her Majesty's Forces, shall be a sufficient discharge and indemnity to all persons concerned in any such acts, and shall in all cases be conclusive evidence that such acts were done in conformity to such orders.

Governor and persons acting under his orders indemnified for all acts done during the existence of Martial Law.

2. And it is further enacted, that this Ordinance shall be deemed and taken to be a public Ordinance, and shall be judicially taken notice of as such by all Judges, Magistrates, and others without being specially pleaded.

Ordinance to be deemed a public Ordinance.

Passed in Council the Twenty-third day of October, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 12,—1848.**

*For making provision in certain respects touching the admission of Advocates and Proctors; and for the annual registration of practising Proctors.*

**No. 12,—1848.**

WHEREAS it is expedient to make provision in certain respects relating to the admission of Advocates and Proctors in this Island: And whereas for the better regulation of Proctors practising in this Island, it is expedient that every such Proctor should be required to take out annually a certificate that the person named therein is a Proctor, and authorized to practise as such.

Preamble.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the time when this Ordinance shall come into operation, when any order shall have been duly made for the admission of any person

Admission of Advocates and Proctors.

**No. 12, — 1848.**

to act as an Advocate or a Proctor in any Court of this Island, the Registrar of the Supreme Court of the said Island shall, and he is hereby required, at the time of such admission to issue and deliver to the person so admitted, a writing under the hand of such Registrar and the seal of the said Court, certifying the admission of such person as an Advocate or a Proctor as aforesaid, and specifying the Court in which he has been admitted to act. And the several Stamp duties specified in the table A. in the Schedule to this Ordinance annexed, shall be payable to Her Majesty on such admission. Provided that where any person duly admitted a Proctor in any Court of this Island, shall be afterwards admitted a Proctor in any other Court thereof, the latter admission shall be free of Stamp duty. And no person not duly authorized to act as an Advocate or Proctor previously to the time when this Ordinance shall come into operation, shall be entitled to act as an Advocate or a Proctor in any such Court, who has not obtained such written admission as aforesaid; any thing in the Charter or Letters Patent of KING WILLIAM the Fourth, dated the 18th day of February 1833, or in any Rule or Order of the said Supreme Court, or any usage or custom in any wise to the contrary notwithstanding.

Certificates to be granted yearly to Proctors.

2. And it is further enacted, that from and after the time when this Ordinance shall come into operation, it shall be the duty of the Registrar of the said Supreme Court, and of the several District Judges of the respective District Courts in this Island, and they are hereby required to grant or issue to every person entitled to act as a Proctor in any such Court, who shall apply for the same, a certificate that such person is a Proctor of such Court and duly authorized to practise as such therein. And all such certificates shall be applied for and granted on or before the 25th day of March in every year, and shall be in force for One year and no longer, and the several Stamp duties specified in the table B. in the Schedule to this Ordinance annexed, shall be payable to Her Majesty on such certificates. Provided that if any Proctor shall be entitled, and shall intend to practise in Courts situated at different places, he shall only be required to obtain one such stamped certificate yearly from the proper Officer of any Court in which he shall intend to practise. Provided, however, that if different rates of Stamp duty are chargeable on certificates issued to Proctors practising at such places, the certificate so to be obtained shall be taken out in some Court of the place where the highest amount of duty is chargeable.

On application for certificate a declaration to be made and entered in a book.

3. And it is further enacted, that for the purpose of obtaining such certificate as aforesaid, a declaration in writing, signed by such Proctor or by his partner, containing his name and place of residence, and the Court or Courts of which he is then admitted a Proctor, together with the date of his admission as a Proctor, shall be delivered to the said Registrar or District Judge, who shall cause all the particulars in such declaration to be entered in a proper book to be kept for that purpose, which shall be open to the inspection and examination of all persons, without fee or reward; and the said Registrar or District Judge 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 not upon the Roll of Proctors) deliver to the said Proctor or his agent, a certificate in the form hereunto annexed, marked C., which shall bear such stamp as the same at the time of the granting thereof is hereby required to bear.

In case of neglect to obtain a stamped certificate, application to be made to the Supreme Court or a Judge thereof.

4. And it is further enacted, that if any Proctor shall neglect to procure an annual stamped certificate authorizing him to practise as such, within the time by this Ordinance appointed for that purpose, then and in such case the said Registrar or District Judge shall not afterwards grant a certificate to such Proctor without the order of the Supreme Court, or a Judge thereof, authorizing such Registrar or District Judge to issue such certificate; and it shall be lawful for the said Supreme Court or Judge thereof, to make such order upon such terms and conditions as they shall think fit.

Proctors practising without certificate, incapable of recovering fees.

5. And it is further enacted, that any person who as a Proctor, after the 25th day of March next ensuing, shall sue, prosecute, defend, or carry on any action or suit, or any proceedings in any Court, without having previously obtained such stamped certificate as aforesaid, which shall be then in force, shall be incapable of obtaining any taxation of any Bill of costs due to him, or of maintaining any action or suit for the recovery of any fee, reward or disbursement for or in respect of any business, matter, or thing done by him as a Proctor as aforesaid, whilst he shall have been without such certificate as aforesaid, and shall also incur and be liable to a fine not exceeding £20.

On refusal to grant any certificate application to be made to the Supreme Court.

6. And it is further enacted, that in case any such Registrar or District Judge shall decline to issue any such certificate as aforesaid, the party so applying for the same shall and may apply to the Supreme Court, or to any Judge thereof, who are hereby respectively authorized to make such order in the matter as shall be just.

7. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of January, One thousand Eight hundred and Forty-nine.

**No. 12,—1848.**  
Ordinance when to take effect.

## SCHEDULE.

TABLE A.

Admission of any person to act as an Advocate in this Island	...	...	...	£25	0	0
Admission of any person to act as a Proctor in any Court of this Island	...	...	...	5	0	0

TABLE B.

*Certificate to be taken out yearly by every person practising as a Proctor in any Court of this Island.*

If he shall practise in Colombo, Kandy, Galle, Jaffna or Trincomalie, and shall have been admitted for the space of three years or upwards	...	...	...	...	...	£ 3	0	0
Or if he shall not have been admitted so long	...	...	...	...	...	1	10	0
If he shall practise elsewhere in this Island, and shall have been admitted for the space of three years or upwards	...	...	...	...	...	2	0	0
Or if he shall not have been admitted so long	...	...	...	...	...	1	0	0

TABLE C.

I, A. B., Registrar of the Supreme Court (or District Judge of Kandy) do hereby certify that C. D. of hath this day delivered and left with me the declaration in writing signed by him (or by E. F. his partner on his behalf) required by the Ordinance No. of the year 1848; and I further certify that the said C. D. is duly enrolled as a Proctor in the Supreme Court of this Island (or in the District Court of Kandy) and authorized to practise as such therein.

In witness whereof I have this 25th day of June 1848, at Colombo, set my hand to this stamped certificate.

(Signed) A. B.  
Registrar.

Passed in Council the Twenty-third day of October, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
Clerk to the Council.

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
Colonial Secretary.

**No. 13,—1848.**

*For determining the rate of Interest on monies lent by the Loan Board.*

WHEREAS it is expedient that the monies lent out by the Loan Board should bear interest at the rate of Nine per centum per annum; or such other rate as shall at any time hereafter be the current rate of Interest in this Island.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that all monies which after the promulgation of this Ordinance shall be lent by the Commissioners of the Loan Board, shall bear Interest at and after the rate of Nine per centum per annum, unless some other rate of Interest shall have been fixed in manner hereinafter provided; any Rule or Order of the Supreme Court to the contrary notwithstanding.

2. Provided always and it is further enacted, that it shall at any time hereafter be lawful for the Commissioners of the Loan Board, with the sanction of the Governor, acting with the advice of the Executive Council, by any notice to be by them for that purpose published in the *Government Gazette* of this Island, to alter and determine the general rate of Interest at which the monies under their administration shall be thereafter lent out by them. Provided however, that the time from and after which any such alteration in the rate of Interest is to commence and take effect, shall not be less than Three months from the day of the publication in the said *Gazette* of such notice as aforesaid.

Passed in Council the Thirteenth day of November, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
Clerk to the Council.

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
Colonial Secretary.

**No. 13,—1848.**

Preamble.

Rate of interest on monies lent by the Loan Board to be 9 per cent.

Rate may be altered by the Board.

No. 14,—1848.

No. 14,—1848.

*To alter in certain respects the Ordinance No. 8 of the year 1848, and to extend its operation to the maintenance of Public Tanks and other means of Irrigation.*

Preamble.

WHEREAS circumstances arising out of the disturbed state of the country have prevented the completion of the arrangements necessary for bringing into simultaneous operation certain of the provisions of the Ordinance No. 8 of this present year 1848, entitled "*To make provision for the formation and improvement of the means of communication in this Island.*" And whereas the Provincial Committees contemplated by the said Ordinance have not been constituted and appointed in the manner therein provided, by reason whereof the numerical abstracts of the males resident within the several Provinces, and the estimates of the amount required to be expended during the ensuing year upon the Principal Roads, Rivers, Lakes and Canals therein, have not been transmitted to the Governor within the period prescribed by the 32nd and 33rd clauses thereof: and it is expedient, notwithstanding such omission, to make legal provision for the appropriation of the labour and money which will become due during the said year. And whereas it is also expedient to amend the said Ordinance in certain respects, and to extend its provisions to the maintenance of Public Tanks and other means of irrigation.

Provincial Committees may apply labour to the execution of works for which the estimates shall be voted by the Legislative Council and to minor works.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that it shall be lawful for the Provincial Committees appointed under the provisions of the said Ordinance No. 8 of the year 1848, during the ensuing year only, to apply not more than two-thirds of the labour and money which shall become due during the said year to the execution of any works upon any such Principal Roads, Rivers, Lakes, and Canals, for which estimates shall have been framed by direction of the Governor, and voted by the Legislative Council. And that it shall be lawful for the District Committees, with the approval of the Provincial Committees, to apply any of the residue of such labour for the repair, improvement, maintenance, and formation of any Minor Road or Path, River, Lake, or Canal, or of any public Tank or Water-course. Provided that the application of such labour and money shall in all other respects be made in strict conformity with the provisions of the said Ordinance, except in so far as the same or any of them are hereby altered or amended.

Householders to furnish lists of Males resident in their houses.

2. And it is further enacted, that at any time after the election or appointment of a Division Officer for any Division, under the provisions of the said Ordinance, every householder within the Division shall, once in every year, on being thereunto required by the Division Officer thereof, furnish him with a list of the Males resident in his house, and of their respective ages so far as the same shall be known to him. And any person neglecting to comply with such requisition, or wilfully omitting from such list the name of any such Male, shall be guilty of an offence, and be liable, on conviction, to a fine not exceeding Five pounds.

Division Officer may require production of receipt or certificate.

3. And it is further enacted, that it shall at all times be lawful for the Division Officer to call upon any person within his Division liable to labour under the said Ordinance, and who may allege that he has performed such labour or paid the commutation thereof either in the same or in any other Division, to produce to him the receipt or certificate of the proper Officer proving such payment or performance. And if such person shall fail to produce such receipt or certificate, the Division Officer shall insert his name in its proper place in the list of his Division; and such person shall thereupon become liable to perform labour in respect of such Division. Provided always, that no person shall be liable to such labour, who shall come to reside in any Division within Three months before the expiration of the current year, unless during any of the preceding months of such year he shall have resided in some other Division of the Island.

Provincial Committee to give One month's notice of labour due from any District.

4. And it is further enacted, that the Provincial Committee shall, at least one calendar month before the commencement of any work, give notice thereof to the respective District Committees for each of the Districts from which any labour may be due for the execution of the same; and such District Committees shall, through the proper Division Officer, call upon each person liable to perform the said labour, to declare to such Officer at least Ten days before the time fixed for the commencement of such work, whether he will perform in person the labour required of him, or whether he will commute the same: and any person electing to commute, shall, at the time of making known his decision, pay over the amount due in respect of such commutation to the Division Officer. Provided always, that no person shall be required, unless with his own consent, to declare whether he will perform in person the labour due or commute the same, at any time exceeding one month before the time appointed by the Provincial Committee for the commencement of the work for which the same shall be required.

5. And it is further enacted, that at or before the time fixed for the commencement of any work, and at any time during the progress thereof, the Division Officer shall be and he is hereby authorized to require the persons who have elected to perform labour thereon, to attend and perform the same at such time and place, and in such rotation as may be directed by the District Committee. And if any person who shall have elected to commute the performance of labour, shall fail to pay such commutation as hereinbefore provided, it shall be lawful for the Division Officer, at any time after the commencement and during the progress of the work in respect of which such payment shall be due, to require such person to perform the labour which he had elected to commute. And if any person who shall under the provisions of this Clause have been required by the Division Officer to perform labour, shall without good and sufficient reason fail or refuse to attend and perform the same at the proper time and place, the Division Officer shall forthwith report such failure or refusal to the District Committee, who shall make such enquiry into the circumstances as they may deem necessary, and take or cause to be taken such proceedings in the matter as shall appear to them advisable. And any such person shall be guilty of an offence, and be liable, on conviction thereof, to any punishment which Police Courts are by law empowered to award, and as shall be imposed by the Court before which such offender shall be tried. Provided always, that it shall be lawful for any person to perform labour when required by substitute.

6. And it is further enacted, that the Division Officer shall furnish Lists of the persons in his Division who have elected to perform the labour, and of those who have elected to commute the same, and shall pay over all monies received by him, in such manner, at such times, and to such persons as the Provincial Committee may from time to time direct and appoint.

7. And whereas by the 33d Clause of the said Ordinance it was provided, that the amount of labour to be supplied under the same for the Principal Roads, Rivers, Lakes, and Canals, shall not exceed two-thirds of the whole amount of the labour due from each District: and by the 36th Clause of the said Ordinance it was declared expedient to make provision for the due application of the remainder of such labour as may be most advantageous for the public, and it was therefore thereby enacted that it shall be lawful for the District Committee, with the approval of the Provincial Committee, to apply any such remainder of labour, or any money paid in commutation thereof, for the repair, improvement, maintenance and formation of any minor Road, Path, River, Lake, or Canal within the District. And whereas in many parts of this Island the public Tanks and Water-courses whereon large Districts are dependant for the means of irrigating rice-lands, have become dilapidated and broken, to the restriction or entire suspension of cultivation, and the consequent impoverishment of the village communities. And it may be expedient in certain cases to apply any such remainder of labour or money paid in commutation thereof, to the formation, extension, repair and improvement of such public Tanks and Water-courses. It is therefore further enacted, that it shall be lawful for the District Committee, with the approval of the Provincial Committee, if they shall think fit, to apply any such remainder of labour as in the said 36th clause mentioned, or any money paid in commutation thereof, to the formation, extension, repair, or improvement of such public Tanks and Water-courses as they may think necessary for supplying the means or increased means of irrigation to any tract or tracts of rice-land within their District: and all the duties, obligations, and liabilities imposed by the said Ordinance No. 8 of 1848, or by this Ordinance, upon males resident within this Colony, in regard to the performance of labour upon the Roads or other means of communication by land or by water therein, shall equally extend and apply to the formation, extension, repair, or improvement of such public Tanks, Water-courses and other means of irrigation; and all the powers and authorities conferred by the said Ordinance No. 8 of 1848, or by this Ordinance, upon the several Committees and Officers appointed or to be appointed under the provisions of the said first mentioned Ordinance, for the repair, improvement, maintenance or formation of any Road, River, Lake or Canal, are hereby confirmed and granted to the said Committees and Officers respectively, for the formation, extension, repair or improvement of such public Tanks, Water-courses and other means of irrigation as aforesaid, any thing in the said Ordinance No. 8 of 1848 in any wise to the contrary notwithstanding. Provided always that no such labour or money shall be applied as aforesaid, for the extension, repair or improvement of any Tank or Water-course, except the same shall be the common property of all persons possessed of rice-land within the neighbourhood of such Tank or Water-course, and to be benefitted thereby. And provided also, that no person shall be liable to be employed upon, nor shall any money paid by any person in commutation thereof, be applied under this Clause to any work for the formation, extension, repair or improvement of any Tank, Water-course, or other means of irrigation, if the place at which such work shall be

**No. 14, — 1848.**

Division Officer to call upon persons to labour.

Penalty on refusal.

Party may perform labour by substitute.

Division Officer to furnish Lists as required by the Provincial Committee.

Unappropriated labour may be applied towards the formation and repair of public tanks.

Provided such tanks are the common property of all the owners of rice-land in their vicinity.

And not at a greater distance than seven miles.

**No. 14, — 1848.**

Budhist Priests exempted from performance of labour.

undertaken, shall be at a greater distance than Seven miles from the place where such person shall reside.

8. And whereas it has been represented that the tenets of Budhism prohibit the priests of that religion performing labour of the description contemplated by the said Ordinance; and forbid the acquisition by such priests of money or other property. It is therefore enacted, that nothing in this Ordinance, or in the said Ordinance No. 8 of this present year 1848, shall apply or extend, or be deemed and taken to apply or extend to any of the persons commonly known as Budhist Priests; but that all such persons shall be and they are hereby exempted from the performance of labour under the provisions of the said last mentioned Ordinance, and from the payment of any sum or sums in commutation of such labour, so long as they continue and are known to be Budhist Priests.

Repeal of certain clauses of Ordinance No. 8 of 1848.

9. And it is further enacted, that the 27th, 31st, 38th, 39th, 41st, and 42nd clauses of the said Ordinance No. 8 of this present year 1848, shall be and the same are hereby repealed.

Ordinance when to take effect.

10. And it is further enacted, that this Ordinance shall commence and take effect from and after the promulgation thereof.

Passed in Council the Thirteenth day of November, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 15, — 1848. (Disallowed.)****No. 15, — 1848.**

*An Ordinance to enable ETIENNE AMY, an alien, to hold lands in this Island.*

WHEREAS ETIENNE AMY, an Alien, presently residing in France, is desirous of being enabled to possess and hold lands and other immoveable property in this Island, and it is expedient to promote and encourage the cultivation of waste lands within the same. And whereas by an Act made in the 10th and 11th year of the reign of Her Majesty, entitled "*An Act for the Naturalization of Aliens*," it was enacted and declared, that all Laws, Statutes and Ordinances, which shall thereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad, for imparting to any person or persons the privileges or any of the privileges of Naturalization, to be by any such person or persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, shall, within such limits, have the force and authority of Law, any Law, Statute or usage to the contrary in any wise notwithstanding. Provided nevertheless, that all such Laws, Statutes and Ordinances, shall be made and enacted in such manner and form, and subject to and in conformity with all such Rules as now are or hereafter shall be in force in respect of other Laws, Statutes or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as extend, or shall hereafter extend to the confirmation or disallowance of any other such Laws, Statutes or Ordinances. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the Proclamation by the Governor in the *Government Gazette* of this Island, that this Ordinance has been ratified and confirmed by Her Majesty, it shall be lawful for the said ETIENNE AMY, and he is hereby declared, entitled, by grant, conveyance, lease, assignment, bequest or otherwise, to acquire, take, hold, and possess, any lands or other immoveable property situated in this Island, and the said lands or other property as aforesaid, to sell, transfer, assign, or bequeath to any other, as fully and effectually to all intents and purposes, and with the same rights, remedies, exemptions, and privileges, as if he were a natural born subject of Her Majesty residing in this Island. And that no grant, conveyance, lease, assignment, or bequest of lands or other property as aforesaid, situated in this Island, made to the said ETIENNE AMY, and that no sale, gift, bequest or conveyance of any such lands or property made by him to any other person or persons after the time when this Ordinance shall come into operation, shall be, or be deemed, or taken to be void or invalid, or shall be liable to be set aside as void or invalid, by reason that the said ETIENNE AMY is an alien.

Passed in Council the Thirteenth day of November, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*

No. 16,—1848.

No. 16,—1848.

*An Ordinance to naturalize GABRIEL BENEDICT WORMS.*

WHEREAS GABRIEL BENEDICT WORMS, an Alien, presently residing in this Island, is desirous of being made a partaker of the advantages and privileges enjoyed by the natural born subjects of Our Lady Queen VICTORIA in this Island, and it is expedient that the privileges of Naturalization should be imparted to him, to be by him exercised and enjoyed within the limits of this Island. And whereas by an Act made in the 10th and 11th year of the reign of Her said Majesty, entitled "*An Act for the Naturalization of Aliens*," it was enacted and declared, that all Laws, Statutes and Ordinances which shall thereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad, for imparting to any person or persons the privileges or any of the privileges of Naturalization to be by any such person or persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, shall within such limits have the force and authority of law, any Law, Statute or usage to the contrary in any wise notwithstanding. Provided nevertheless, that all such Laws, Statutes and Ordinances shall be made and enacted in such manner and form, and subject to, and in conformity with all such rules as now are or hereafter shall be in force in respect of other Laws, Statutes or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as extend, or shall hereafter extend to the confirmation or disallowance of any other such Laws, Statutes or Ordinances.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that so soon as this Ordinance shall come into operation, it shall be lawful for the Governor to issue Letters Patent in the name of Her Majesty, under the Public Seal of this Island, granting to the said GABRIEL BENEDICT WORMS (upon his taking the Oath in the Schedule hereunto annexed) within the limits of this Island, all the rights and privileges of a British subject; and thereupon, the said GABRIEL BENEDICT WORMS shall, within the limits of this Island, enjoy and transmit to his descendants, and those claiming by or through him, all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

Letters Patent may issue granting to GABRIEL BENEDICT WORMS the rights of a British subject in this Island.

2. And it is further enacted, that such Letters Patent shall be on a stamp of Twenty-five pounds, and shall be enrolled for safe custody in the Supreme Court of this Island; and that within Sixty days from the day of the date of such Letters Patent, the said GABRIEL BENEDICT WORMS shall take and subscribe the oath in the Schedule hereunto annexed, before some Judge of the said Supreme Court. And the Registrar of the said Court shall make, sign and deliver to the said GABRIEL BENEDICT WORMS, under the seal of the said Court, a certificate of such Oath having been duly taken and subscribed; and such certificate shall be sufficient evidence of the said GABRIEL BENEDICT WORMS having taken and subscribed such Oath.

Letters Patent to be enrolled; and Oath to be taken.

3. And it is further enacted, that this Ordinance shall come into operation and take effect from and after the Proclamation by the Governor in the Government Gazette of this Island, that the same has been ratified and confirmed by Her Majesty.

Ordinance when to come into operation.

## SCHEDULE.

I, GABRIEL BENEDICT WORMS, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my power against all conspiracies and attempts whatever which shall be made against Her Person, Crown or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies which may be formed against Her or Them: And I do faithfully promise and swear to maintain, support, and defend to the utmost of my power the Succession of the Crown, which succession, by an Act intituled "*An Act for the further limitation of the Crown and better securing the rights and liberties of the subject*," is and stands limited to the Princess SOPHIA Electress of Hanover, and the heirs of her body being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the Realm of Great Britain and Ireland, and the Colonies and Dependencies thereof.

So help me God.

Passed in Council the Thirteenth day of November, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,

*Clerk to the Council.*

Published by Order of His Excellency the Governor,

J. EMERSON TENNENT,

*Colonial Secretary.*

No. 17,—1848.

No. 17,—1848.

*An Ordinance to naturalize MAURICE BENEDICT WORMS.*

Preamble.

WHEREAS MAURICE BENEDICT WORMS, an Alien, presently residing in this Island, is desirous of being made a partaker of the advantages and privileges enjoyed by the natural born subjects of Our Lady Queen Victoria in this Island, and it is expedient that the privileges of Naturalization should be imparted to him, to be by him exercised and enjoyed within the limits of this Island. And whereas by an Act made in the 10th and 11th year of the reign of Her said Majesty, entitled "*An Act for the Naturalization of Aliens*," it was enacted and declared, that all Laws, Statutes and Ordinances which shall thereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad, for imparting to any person or persons the privileges or any of the privileges of Naturalization, to be by any such person or persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, shall within such limits have the force and authority of Law, any Law, Statute or usage to the contrary in any wise notwithstanding: Provided nevertheless, that all such Laws, Statutes and Ordinances shall be made and enacted in such manner and form, and subject to and in conformity with all such rules as now are or hereafter shall be in force in respect of other Laws, Statutes or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as extend or shall hereafter extend to the confirmation or disallowance of any other such Laws, Statutes or Ordinances.

Letters Patent may issue granting to Maurice Benedict Worms the rights of a British subject in this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that so soon as this Ordinance shall come into operation, it shall be lawful for the Governor to issue Letters Patent in the name of Her Majesty under the Public Seal of this Island, granting to the said MAURICE BENEDICT WORMS (upon his taking the Oath in the Schedule hereunto annexed) within the limits of this Island, all the rights and privileges of a British subject: and thereupon, the said MAURICE BENEDICT WORMS shall, within the limits of this Island, enjoy and transmit to his descendants, and those claiming by or through him, all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

Letters Patent to be enrolled, and Oath to be taken.

2. And it is further enacted, that such Letters Patent shall be on a Stamp of Twenty-five pounds, and shall be enrolled for safe custody in the Supreme Court of this Island: and that within Sixty days from the day of the date of such Letters Patent, the said MAURICE BENEDICT WORMS shall take and subscribe the Oath in the Schedule hereunto annexed, before some Judge of the said Supreme Court. And the Registrar of the said Court, shall make, sign and deliver to the said MAURICE BENEDICT WORMS, under the seal of the said Court, a certificate of such Oath having been duly taken and subscribed, and such certificate shall be sufficient evidence of the said MAURICE BENEDICT WORMS having taken and subscribed such Oath.

Ordinance when to come into operation.

3. And it is further enacted, that this Ordinance shall come into operation and take effect from and after the Proclamation by the Governor in the Government Gazette of this Island, that the same has been ratified and confirmed by Her Majesty.

## SCHEDULE.

I, MAURICE BENEDICT WORMS, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen VICTORIA, and will defend Her to the utmost of my power against all conspiracies and attempts whatever which shall be made against Her Person, Crown or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies which may be formed against Her or Them: And I do faithfully promise and swear to maintain, support and defend, to the utmost of my power the Succession of the Crown, which succession, by an Act intituled "*An Act for the further limitation of the Crown and better securing the rights and liberties of the subject*," is and stands limited to the Princess SOPHIA Electress of Hanover, and the heirs of her body being Protestant; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the Realm of Great Britain and Ireland and the Colonies and Dependencies thereof.

So help me God.

Passed in Council the Thirteenth day of November, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor,  
J. EMERSON TENNENT,  
*Colonial Secretary.*



No. 18, — 1848.

No. 18, — 1848.

*To remove doubts concerning the validity of Grants of Lands in this Island.*

WHEREAS the Governors of this Island have from time to time been authorized and empowered by Her present Majesty, and Her Majesty's last Royal Predecessor, by commission under the Great Seal, to make and execute Grants of waste lands belonging to the Crown within this Island to private persons: And whereas Her said Majesty, and Her Majesty's Royal Predecessor, did appoint and direct that such Grants should pass in the name of Her Majesty, or Her Majesty's Royal Predecessor, as the case might be, under the Public Seal of this Island, and should be made to such private persons, and to their heirs and assigns, and that such Grants should be enrolled in such Courts as Her Majesty and Her Royal Predecessor have respectively appointed and directed: And whereas in the exercise or supposed exercise of the powers and authorities in them so vested as aforesaid, the respective Governors have from time to time made and issued Grants or conveyances of lands situated in this Island to divers private persons; but such Grants or conveyances have not always been of waste lands, and have been made in the names of the said Governors and not in the name of Her Majesty or Her Royal Predecessor, and have also been made to the grantee and to his heirs, executors, administrators, and assigns, and in many instances such Grants or conveyances have not been duly enrolled in the proper Court: And whereas doubts may be entertained whether such Grants or conveyances, made and issued as aforesaid, by reason of the informality thereof, are valid in the law, or binding upon Her Majesty, Her Heirs and Successors: And whereas to remove any such doubts, and to quiet the titles of persons holding or entitled to hold any lands in this Island so granted or conveyed as aforesaid, Her Majesty hath graciously signified Her Royal Will and Pleasure, that all Grants or conveyances of lands in this Island made by any such Governor in the exercise or supposed exercise of the powers and authorities in them so vested as aforesaid, should be declared to be valid in the law, and binding upon Her Majesty, Her Heirs and Successors, notwithstanding any such informality as aforesaid, subject to the limitation hereinafter contained.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that all Grants or conveyances of land, at any time heretofore made and issued by or in the name of any Governor of the Island, in the exercise, or supposed exercise, of the powers and authorities vested in him by Her Majesty, or by Her Majesty's Royal Predecessor, of any lands situated in this Island, whether the same were waste lands or otherwise, and notwithstanding such Grants or conveyances shall not be in the name of Her Majesty, or of Her Majesty's Royal Predecessor, or shall not be under the Public Seal of this Island, and notwithstanding such Grants or conveyances shall have been made to the grantee and to his heirs, executors, administrators, and assigns, and shall not have been duly enrolled in the proper Court, shall be, and be deemed, taken, and held to be, and to have been, from the respective dates thereof, as valid and effectual in the law to grant and convey such lands, and shall be as binding upon Her said Majesty, Her Heirs and Successors, to all intents and purposes, as if such Grants or conveyances had been of lands which were waste, and had been made and issued in the name of Her Majesty, or of Her Majesty's Royal Predecessor, and had passed and been executed under the Public Seal of this Island, and had been made to the respective grantees and to their respective heirs and assigns, and had been duly enrolled in the proper Court; any thing in any such Commission, or any law, custom or usage to the contrary in any wise notwithstanding. Provided always, that where in any case the invalidity of any such Grant or conveyance shall be consequent upon the non-enrolment thereof in the proper Court, nothing hereinbefore contained shall be deemed or taken to have rendered the same valid, until the same shall have been enrolled in the District Court of the District where the land thereby granted or conveyed shall be situate.

Grants of lands heretofore issued by the Governors of this Island declared valid, notwithstanding certain informalities therein.

Such grants not hitherto duly enrolled, to be enrolled in the District Court.

Passed in Council the Thirteenth day of November, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 19,—1848.****No. 19,—1848.***To repeal the Regulations No. 11 of 1806, and No. 2 of 1807.—*

Preamble.

WHEREAS the provisions contained in the Regulation No. 11 of the year 1806, and in the Regulation No. 2 of the year 1807, relating to the sale of Bread at Colombo and Trincomalie, are not adapted to the present circumstances of this Island; and many of them have become obsolete. And whereas it is therefore expedient to repeal the same.

Repeal of Regulations No. 11 of 1806 and 2 of 1807.

It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, the Regulation No. 11 of the year 1806, and the Regulation No. 2 of the year 1807, entitled "*Regulations respecting Bakers at Trincomalie,*" shall be and the same are hereby repealed.

Passed in Council the Eighteenth day of December, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 20,—1848.****No. 20,—1848.***To repeal the Ordinance No. 5 of 1848.*

Preamble.

WHEREAS the revenue derived from Licences on shops has been found to be inconsiderable, and it is therefore inexpedient to continue in force the provisions contained in the Ordinance No. 5 of this present year.

Ordinance No. 5 of 1848 repealed.

It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of January next ensuing, the Ordinance No. 5 of the year 1848, entitled "*To make provision for the Registration and Licensing of certain Traders,*" shall be and the same is hereby repealed, save and except as to any offences committed, or any fines or penalties incurred thereunder.

Passed in Council the Eighteenth day of December, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 21,—1848.****No. 21,—1848.***To repeal the Ordinance No. 9 of the year 1848.*

Preamble.

WHEREAS the Ordinance No. 9 of the present year 1848 requiring the owners of Dogs to take out licences for the same annually, has been found in a great degree ineffectual for the purpose for which the same was enacted; and it is expedient to repeal the said Ordinance.

Ordinance No. 9 of 1848 repealed.

It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the 1st day of January next ensuing, the Ordinance No. 9 of the year 1848, entitled "*To require the owners of Dogs to take out Licences for the same,*" shall be and the same is hereby repealed, save and except as to any offences committed, or any fines or penalties incurred thereunder.

Passed in Council the Eighteenth day of December, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

## No. 22,—1848.

No. 22,—1848.

To amend in certain respects the Ordinance No. 13 of 1847, entitled "To regulate the possession of Fire Arms."

WHEREAS the establishment of one general and uniform provision respecting the possession and use of Fire Arms in this Island is of the utmost importance: but it is expedient nevertheless that certain alterations should be made in the Ordinance No. 13 of 1847, in that behalf enacted; and that the owners of such Arms should not henceforth be required to take out annual licences for the same.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the Ordinance No. 13 of the year 1847, entitled "To regulate the possession of Fire Arms," shall be and the same is hereby repealed; save and except as to the repeal thereby of any former Regulation, Proclamation or Law; and except as to any offences already committed, or liabilities incurred thereunder.

Repeal of former laws.

2. And it is further enacted, that it shall not be lawful for any person to have in his custody or possession any Arms, without having obtained a licence for such Arms: and any party who shall have in his custody or possession any Arms without having obtained such licence shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Two pounds; and all such Arms shall be forfeited to the use of Her Majesty, Her Heirs and Successors, if the Court before which such conviction shall take place shall so adjudge. Provided however, that nothing herein contained shall be construed to apply or extend to any licensed manufacturer of or dealer in Arms, nor to any person while actually employed by any such manufacturer of or dealer in Arms, to carry or convey Arms for the purposes of his trade: And provided also, that nothing herein contained shall apply or extend to any person while entrusted by a person having any such licence, with the temporary use or custody (whether as the servant of the owner, or by way of security for any debt or otherwise) of any Arms for which a licence has been obtained. And provided also, that no member of the family of a deceased person, who had at the time of his decease a licence to keep Arms, shall be liable to any fine for having such Arms, until after the expiration of one calendar month from the death of such licensed person.

Licence to possess Fire Arms.

Penalty.

Proviso.

3. Provided always and it is further enacted, that every licence duly obtained under and in virtue of the provisions of the Ordinance No. 13 of 1847, shall be and continue in full force and effect, so long as the Arms for which the same was granted shall remain in the custody and possession of the person to whom such licence was issued; anything in the said Ordinance, or in any such licence contained to the contrary notwithstanding: and that no person having obtained such licence shall incur the fine or forfeiture hereinbefore mentioned, in respect of any Arms in his custody or possession, and therein described.

Licences issued under the Ordinance No. 13 of 1847 to remain in force.

4. And it is further enacted, that any person who may be desirous to obtain any licence under the provisions of this Ordinance shall make an application verbally or in writing to that effect, to the Government Agent or some Assistant Government Agent of the Province within which such person resides, specifying the name and residence of such person, and the number and description of Arms for which licences are required; and such Government Agent or Assistant Government Agent shall issue to the person making the same, a licence for each Gun, Pistol, or other description of Arms specified, as near as is material according to the form in the Schedule hereunto annexed, marked A., which licence shall be on a stamp of Two shillings and Six-pence. Provided always, however, that when any person shall apply for a licence for any Arms for which a licence has been previously obtained by the former owner thereof, it shall be lawful for the Government Agent or Assistant Government Agent, and he is hereby required, to issue such licence on a stamp of One shilling only.

Licence how obtained.

5. And it is further enacted, that whenever any such Arms are not marked with such names or figures, or in such other manner as that the same may be readily identified, it shall be lawful for the Government Agent or Assistant Government Agent to whom the application is made, before granting the licence applied for, to require the applicant to produce to him any such Arms, and thereupon to cause the same to be marked, either on the stock or barrel, with some permanent mark, whereby the same may afterwards be known and identified, but in such manner as not to injure or disfigure the same: and such Arms, when duly marked, shall, with the licence relating thereto, be delivered to the said applicant: and the expenses attendant on such marking shall be defrayed by the Government Agent or Assistant Government Agent out of the public funds. And if any person shall wilfully obliterate or deface, or shall alter, counterfeit or forge any such mark, or any mark put on any Arms under the provisions of the Ordinance No. 13 of 1847, or shall mark any Arms

Fire Arms may be marked by the Government Agent if necessary.

**No. 22, —1848.**

Penalty for fraudulently ob-  
literating or forging mark.

with any mark resembling or intended to resemble any mark used by such Government Agent or Assistant Government Agent under the provisions of this Ordinance, or of the Ordinance No. 13 of 1847, with intent thereby to expose any person to any fine, or to defraud Her Majesty of any stamp duty, or to commit any other fraud, every such offender shall forfeit for each offence a sum not exceeding Twenty pounds.

Register of licences.

6. And it is further enacted, that every Government Agent and Assistant Government Agent shall register all such licences so granted, in a book to be kept for that purpose: and it shall be lawful for any person at any time during office hours to demand inspection of the said book, and also to take any copy or extract therefrom.

Proceedings where licence  
is lost, &c.

7. And it is further enacted, that if any such licence granted under the provisions of this Ordinance, or of the Ordinance No. 13 of 1847, shall be by any casualty destroyed, defaced or lost, it shall be lawful for the person to whom the same shall have been granted, to report the same to the Government Agent or any Assistant Government Agent for the Province wherein such person resides; and if such Government Agent or Assistant Government Agent shall be satisfied of the fact of such casualty or loss, he shall grant to such person a certificate in the form in the Schedule hereunto annexed, marked B., reciting such loss, and setting out the purport and effect of the licence so lost, defaced or destroyed; and such certificate shall be in lieu thereof, and of like force and effect.

Proof of ownership.

8. And it is further enacted, that the occupier of any house or premises in which any Arms shall be found, shall for the purposes of this Ordinance be deemed and taken to be the possessor of such Arms.

Licence to manufacture or  
sell Arms.

9. And it is further enacted, that no person shall make, or keep for or expose to sale in this Island by way of auction or otherwise, any Arms or any part of any Arms, without a licence from the Government Agent or some Assistant Government Agent of the Province within which such person resides, which licence shall be as near as is material according to the form in the Schedule hereunto annexed, marked C., and shall be on a stamp of One pound: and if any person shall have in his custody or possession, for the purpose of his trade as a manufacturer of or dealer in Arms, any Arms or part thereof, without being so licensed, every such offender shall be liable, on conviction thereof, to a fine not exceeding Five pounds. Provided always, that nothing herein contained shall be construed to prevent any person licensed to possess Arms under the 3rd section of the Ordinance No. 13 of 1847, or under the 4th section of this Ordinance, from selling any Arms for which he has obtained a licence. Provided also, that every licence to manufacture or sell Arms duly obtained under and in virtue of the provisions of the Ordinance No. 13 of 1847, shall be and continue in full force and effect, so long as the person to whom the same was granted shall continue to exercise his trade as a manufacturer of or dealer in Arms, anything in the said Ordinance, or in any such licence contained to the contrary notwithstanding; and that no person, having obtained such licence, shall incur the fine hereinbefore mentioned for having any Arms, or part thereof, in his custody or possession, for the purposes of his said trade.

Penalty.

Not to extend to sale of  
Arms by the licensed owner  
thereof.

Licences issued to dealers  
under the Ordinance No. 13  
of 1847 to remain in force.

Headman to give informa-  
tion.

10. And it is further enacted, that if any Headman, or Officer of Police, or any Peace Officer whomsoever, shall fail to inform against any person guilty of possessing or using Arms without a licence, and whom he shall have good reason to know or to believe to be guilty thereof, such Headman, Officer of Police or Peace Officer shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds, in respect of every failure to inform against any such person as aforesaid.

Informers share of penalty.

11. And it is further enacted, that one-half of all the fines actually recovered and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer.

Proof of licence.

12. And it is further enacted, that whenever any person shall be charged before a competent Court with possessing or using Arms without a licence, the party complaining shall not be required to prove the want of licence, but the proof that such person is licensed shall be upon the accused. Provided that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused, against any person who may have made a vexatious complaint: and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

Vexatious complaints how  
punished.

Limitation of prosecutions.

13. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance, cognizable by a Police Court, unless the same shall be commenced within one calendar month from the time of the commission of such offence.

14. And it is further enacted, that nothing in this Ordinance contained shall apply to or affect any person serving in Her Majesty's forces, or in any Police force, or in any Corps of Pioneers in this Island, in respect of any Arms entrusted to or used by any such person in such capacity.

**No. 22,—1848.**  
Ordinance not to extend to Military and Naval persons.

15. And it is further enacted, that in the construction of this Ordinance, the word "Arms" shall be deemed and construed to include every description of Fire Arms and Air-guns, and every separate Gun or Pistol, Barrel or Stock, and no other weapon whatever.

Construction of terms.

16. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of January, One thousand Eight hundred and Forty-nine.

Ordinance when to take effect.

A.

FORM OF LICENCE TO POSSESS AND USE ARMS.

No. *Fowling Piece by Manton No. 6,749.* A. B. of *Δ, or as the case may be).* was this day licensed to possess and use (*A double barrelled or A single barrelled Pistol, marked on the barrel*)

Issued the \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

*Govt. Agent.*

B.

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_ last a Licence to keep the Arms herein mentioned was granted by \_\_\_\_\_ to A. B. of \_\_\_\_\_ And whereas it has been proved to my satisfaction, that the said Licence has been (*destroyed, defaced, or lost, as the case may be*). Now I do hereby grant the said A. B. this certificate to be in lieu of the said Licence, and of the like force and effect.

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

(Signed)

*Govt. Agent.*

(*Here insert the description of the Arms licensed*).

C.

LICENCE TO MAKE AND SELL ARMS.

No. \_\_\_\_\_ Licence is hereby granted to A. B. of \_\_\_\_\_ to use and exercise the trade or calling of a manufacturer of, or dealer in Arms at \_\_\_\_\_ in the District of \_\_\_\_\_ Given at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

*Govt. Agent.*

Passed in Council the Twenty-third day of December, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 23,—1848.**

*To amend the Ordinance No. 3 of the year 1848, entitled "For the registration of Carriages and Boats used for the conveyance of Goods and Passengers for hire; and for declaring the rights and liabilities of the Owners thereof."*

**No. 23,—1848.**

WHEREAS it is expedient to amend the Ordinance No. 3 of the year 1848, entitled "*For the registration of Carriages and Boats used for the conveyance of Goods and Passengers for hire; and for declaring the rights and liabilities of the Owners thereof;*" and to declare in certain respects the rights and liabilities of the owners of Carriages and Boats used for the conveyance of Goods and Passengers for hire.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the commencement of this Ordinance, the said Ordinance No. 3 of the year 1848, shall be and the same is hereby repealed, except as to the repeal thereby of any former Law, Regulation or Ordinance, and except as to any fines or penalties thereby imposed, or as to any offences which may have been committed against the same.

Repeal of former Ordinance.

**No. 23, — 1848.**

Carriages and Boats to be registered and licensed.

2. And it is further enacted, that no Cart or other Carriage shall be used on land at any place within this Island, and that no Boat shall be used on any River, Lake or Canal within the same for the conveyance of goods for hire; and that no Mail Coach, or other public conveyance by land, shall be used within this Island for the conveyance for hire of any passengers or goods; unless the owner thereof shall have had the same registered in manner hereinafter mentioned, and shall have obtained a licence for the same from the Government Agent of the Province in which such owner resides or exercises his calling, or from some Assistant Government Agent thereof. And every such licence shall be on a stamp of Six shillings; and shall be in force until the 31st day of December of the year in or for which the same shall be granted, and no longer; and shall be as near as is material in the form in the Schedule hereunto annexed, marked A. And the said licences shall be numbered consecutively, commencing at the beginning of every year with the number one.

Declaration of ownership to be made before licence is granted.

3. And it is further enacted, that no licence shall be granted as aforesaid until a declaration of ownership shall have been made and subscribed before the said Government Agent or Assistant Government Agent, by the owner of the Cart, Coach or other Carriage, or Boat, to be registered; which declaration shall be, as near as is material, in the form in the Schedule hereunto annexed, marked B. Provided always, that if it shall become necessary to licence any Cart, Coach, or other Carriage or Boat, belonging to any corporate body or company consisting of more than five co-partners, and trading under a deed of settlement or partnership, such declaration shall be made and subscribed by the Secretary of such corporate body or company, or other person acting in such capacity. And provided also, that if by reason of sickness or absence from the Island or other cause, any such owner shall be unable to attend before such Government Agent or Assistant Government Agent, such declaration may be made and subscribed by the agent of such owner duly authorized in writing to make and subscribe the same.

A plate to be affixed to licensed Carriages, &c.

4. And it is further enacted, that at the time when any such Cart, Coach, or other Carriage, or Boat, shall be licensed, the Government Agent or Assistant Government Agent granting such licence, shall issue to the owner thereof a plate, on which shall be legibly painted or marked, a number corresponding with the number of such Carriage or Boat mentioned in the licence for the same, together with figures or letters denoting the year in which such licence has been granted, and the name of the place where such licence was obtained. And the said plate shall be affixed on some conspicuous part of the said Carriage or Boat, in such manner that the number thereon shall be at all times plainly and distinctly visible and legible, and shall be kept and continued so affixed during the continuance of such licence: and the owner of such Carriage or Boat shall, at the expiration of the period for which the said licence shall have been granted, or on his ceasing to be the owner thereof, return the said plate to the Government Agent or Assistant Government Agent from whom it was received.

Licences to be registered.

5. And it is further enacted, that the said several Government Agents and Assistant Government Agents shall, and they are hereby required to keep a book in which shall be registered all the particulars stated in the licences granted by them; and the said register shall be kept, as near as is material, according to the form in the Schedule hereunto annexed, marked C., and every entry in such register shall be numbered in accordance with the number of the licence to which it has reference. And it shall be lawful for any person at any time during office hours to demand inspection of the said register, and also to take any copy or extract therefrom.

Penalty for letting unlicensed Carriages, &c.

6. And it is further enacted, that if any person shall, contrary to the provisions of this Ordinance, use, or permit, or suffer to be used, any Cart, Coach, or other Carriage, or Boat, belonging to him, for the conveyance for hire of goods or of passengers, for which a licence has not been obtained as aforesaid; or after the expiration of the period mentioned in such licence; or without having the said plate affixed as aforesaid; or if he shall use the said plate, or suffer it to remain affixed as aforesaid, after the period for which it was given shall have expired; or shall neglect or refuse to deliver up such plate within one month after the expiration of such licence, or after he has ceased to be the owner of such Carriage or Boat; or if upon being thereunto required by any Justice of the Peace, Superintendent of Police, or Police Officer, of the place where such person shall reside, any such person shall refuse or neglect within a reasonable time to produce the licence for the same to such Justice of the Peace, Superintendent of Police, or Police Officer; then in every such case the owner of such Carriage or Boat shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Five pounds for the first offence, and for the second and every other offence to a fine not exceeding Ten pounds; and the said Carriage or Boat, and every ox, horse, or

other animal used for drawing the same, shall, in every such case of a second or subsequent offence, be forfeited to the use of Her Majesty, Her Heirs and Successors, if the Court before which such conviction shall take place shall so adjudge.

7. Provided always and it is further enacted, that if any person shall wilfully make any false declaration to any of the matters hereinbefore required to be verified by declaration; or if any person shall counterfeit, alter, falsify, or forge any licence, or plate, or part of any licence 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 be on the person accused) have in his possession any false, forged or counterfeit licence or plate resembling, or intended to resemble, either wholly or in part, any licence or plate which at any time whatever hath been, or shall or may be issued or used under the provisions of this Ordinance; then and in every such case every person so offending, and every person knowingly and wilfully aiding, abetting, or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be guilty of an offence, and shall be liable to be imprisoned with or without hard labour for any term not exceeding Five years.

Penalty for false declaration, forgery of licence, &c.

8. And it is further enacted, that the owner of every such licensed Cart, Coach, or other Carriage or Boat, used for the conveyance of goods for hire, shall, in the absence of any special contract between him or the person in charge of such Cart, Coach, or other Carriage, or Boat, and any other party, for the conveyance of such goods, be liable for any loss of, or injury to any goods, articles or property whatsoever, delivered to be carried therein for hire, which shall be occasioned by the neglect or misconduct of such owner, or of any Driver, Coachman, Boatman, Book-keeper, or other person or servant in his employ, or in charge of any such Cart, Coach, or other Carriage, or Boat. Provided however, that nothing in this section contained shall be construed to limit or in any wise affect the liability of any such owner as a common Carrier, if he shall be such.

Liabilities of the owners of licensed Carriages.

9. Provided always and it is further enacted, that no such owner shall be liable for the loss of or injury to any article or articles, or property of the descriptions following; (that is to say,) gold or silver coin of this or any other country, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewelry, watches, clocks, or time pieces of any description, trinkets, bills of exchange, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate or plated articles, glass, china, opium, silks in a manufactured or an unmanufactured state, and whether or not wrought up into other materials, or lace, or any of them, contained in any parcel or package which shall have been delivered to be carried for hire, or to accompany the person of any passenger, when the value of such article or articles or property aforesaid contained in such parcel or package shall exceed the sum of Five pounds, unless at the time of delivery thereof at the office, warehouse or receiving house of such owner, or to such owner, or to his Driver, Coachman, Boatman, Book-keeper, or other servant for the purpose of being carried, or of accompanying the person of any passenger as aforesaid, the value and nature of such article or articles or property, shall have been declared by the person sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

Not liable for loss of certain goods above Five Pounds unless delivered as such.

10. And it is further enacted, that when any parcel or package containing any of the articles above specified shall be so delivered, and its value and contents declared as aforesaid, and such value shall exceed the sum of Five pounds, it shall be lawful for the person receiving the same for carriage on hire, to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in some public and conspicuous part of the office, warehouse, or other receiving house where such parcels or packages are received by them for the purpose of conveyance, stating the increased rates of charge required to be paid, over and above the ordinary rate of carriage, as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending or delivering any such parcels or packages at any such office, shall be bound by such notice without further proof of the same having come to their knowledge.

Increased rate of charge for such goods.

11. And it is further enacted, that whenever any goods shall have been received for conveyance for hire by any such licensed Cart, Coach, or other Carriage, or Boat, whether the same be such goods as are mentioned in the 9th clause of this Ordinance, or other goods, the person receiving the same for carriage on hire, shall, if thereto required when the rate of charge shall have been paid, or an engagement to pay the same shall have been accepted, sign a receipt for the said goods; and if such receipt shall not be given when required, the person so receiving the same for carriage, in addition to any other penalty or liability which

Carriers to give receipts.

Penalty in case of neglect.

**No. 23, — 1848.**

he may incur by such refusal, shall not have or be entitled to any benefit or advantage under the 9th clause of this Ordinance, and shall also be liable to refund any increased rate of charge he may have received in respect of the goods specified therein.

Publication of notice to limit liability in respect of other goods.

12. Provided always, that no public notice or declaration by the owner of any such licensed Cart, Coach, or other Carriage or Boat, shall be deemed, or construed to limit, or in anywise affect his liability as aforesaid, for or in respect of any articles or goods to be carried and conveyed by him; but that all and every such owners shall be liable to answer for the loss of or any injury to any articles and goods in respect whereof they may not be entitled to the benefits of the 9th clause of this Ordinance, any public notice or declaration by them made and given in any wise limiting such liability to the contrary notwithstanding.

Any owner may be sued.

13. And it is further enacted, that any one or more of the owners of any such licensed Cart, Coach, or other Carriage or Boat, shall be liable to be sued by his or their name or names only; and that no action or suit commenced to recover damages or loss, or injury to any parcel, package, or person, shall abate for the want of joining any co-proprietor or co-partner in such Carriage or Boat.

Parties entitled to damages may also recover extra charges.

14. And it is further enacted, that where any such goods as are mentioned in the 9th clause of this Ordinance shall have been delivered as aforesaid, and the value and contents declared as aforesaid, and the increased rate of charge, if any, paid, and such goods shall have been lost or damaged, the party entitled to recover damages in respect of such loss or damage, shall also be entitled to recover back such increased charge so paid as aforesaid, in addition to the value of such goods.

Owner liable for thefts committed by his servants, &c.

15. Provided also, and it is further enacted, that nothing in the 9th section of this Ordinance contained, shall be deemed to protect the owner of any such licensed Cart, Coach, or other Carriage or Boat, from liability to answer for loss or injury to any goods or articles whatsoever arising from theft or fraudulent conduct of any Coachman, Driver, Book-keeper, Boatman, or other person or servant in his employ, or in charge of any such Carriage or Boat; nor to protect any such Coachman, Driver, Book-keeper, Boatman, or other person or servant from liability for any loss or injury occasioned by his or their own personal neglect or misconduct.

Owners liable to such damages only as are proved.

16. Provided also, and it is further enacted, that no owner of any such licensed Carriage or Boat, shall be concluded as to the value of any goods whereof the value shall be declared in pursuance of the 9th Clause of this Ordinance, but he shall in all cases be entitled to require from the party suing in respect of any loss or injury, proof of the actual value of the said goods by the ordinary legal evidence; and such owner shall be liable to such damages only as shall be proved as aforesaid, not exceeding the declared value, together with the increased charges as aforesaid.

Parcels brought by coaches to be delivered within six hours.

17. And it is further enacted, that every box, basket, package, parcel, or other thing whatsoever, not exceeding Fifty pounds weight, brought to any Coach Office, Hotel, Warehouse, or other place, and accepted for the purpose of being carried by any licensed Mail Coach, or other public conveyance by land, shall be despatched on the day and by the Coach or conveyance agreed upon, and that every such box, basket, package, parcel or other thing brought to any Coach Office, Hotel, Warehouse or other place by any licensed Mail Coach, or other public conveyance by land, for the purpose of delivery at any place within the Gravets of Colombo, Kandy, Galle, or Matura (except where the same shall be directed to be left till called for), shall be delivered according to the direction thereof, within Six hours after the arrival of any such box, basket, package, parcel or other thing at such Coach Office, Hotel, Warehouse, or other place, unless such arrival shall be between the hours of Five in the evening and Seven in the morning, and in that case every such delivery shall be made within Six hours after such hour in the morning, and in default thereof the keeper of such Coach Office, Hotel, Warehouse or other place, shall forfeit and pay for every such offence any sum not exceeding Twenty shillings.

Parcels directed to be left till called for.

18. And it is further enacted, that every such box, basket, package, parcel or other thing brought to such Coach Office, Hotel, Warehouse, or other places as aforesaid, which shall be directed to be left till called for, shall upon the demand of the person properly authorized to receive the same, be delivered to such person without any charge or demand whatsoever, other than what is justly due for the Carriage thereof, and the additional sum of Two-pence for the warehouse room thereof; and if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, every keeper of such Coach Office, Hotel, Warehouse or other place, shall forfeit and pay for every



such offence any sum not exceeding Twenty shillings. Provided nevertheless, that if such box, basket, package, parcel, or other thing so directed to be left till called for, be not sent for from such Coach Office, Hotel, Warehouse, or other place before the end of one week after the same is brought to such Coach Office, Hotel, Warehouse or other place, it shall be lawful to and for the keeper of such Coach Office, Hotel, Warehouse or other place, to charge and receive the further sum of one penny for the warehouse-room thereof, and so in like manner if the same be not sent for before the end of the second or any subsequent week, to charge the further sum of one penny weekly.

19. And it is further enacted, that if any such box, basket, package, parcel, or other thing, brought to such Coach Office, Hotel, Warehouse or other place as aforesaid, which is not directed to be left till called for, shall, before the same is sent for delivery from such Coach Office, Hotel, Warehouse or other place, be demanded by any person properly authorized to receive the same, such box, basket, package, parcel, or other thing shall be thereupon delivered to such person demanding the same; and it shall in such case be lawful to and for the keeper of such Coach Office, Hotel, Warehouse or other place to charge and take the sum justly due for the carriage thereof, and also the sum of Two-pence for the warehouse room thereof: but if the same be not delivered to such person on such demand, or any charge other than as aforesaid be made or received in respect thereof, the keeper of such Coach Office, Hotel, Warehouse, or other place, shall forfeit and pay for every such offence any sum not exceeding Twenty shillings.

20. And it is further enacted, that the keeper of any Coach Office, Hotel, Warehouse, and other place within the Gravets of Colombo, Kandy, Galle, or Matura, to whom any box, basket, package, parcel, or other thing whatsoever not exceeding Fifty pounds weight, is brought by any licensed Mail Coach, or other public conveyance by land; or any coolie or other person employed by the keeper of any such Coach Office, Hotel, Warehouse, or other place as aforesaid, in the delivery of any such box, basket, package, parcel or other thing as aforesaid, within the Gravets of any of the said towns, shall be entitled to ask, demand, receive, and take, in respect of such delivery, the sums hereinafter mentioned; that is to say,

For any distance not exceeding one mile, the sum of Two-pence.

For any distance exceeding one mile, but not exceeding two miles, the sum of Four-pence.

For any distance exceeding two miles, but not exceeding three miles, the sum of Six-pence, and so on in like manner the additional sum of Two-pence for every further distance not exceeding a mile.

21. And it is further enacted, that if any coolie or other person employed in the delivery of such boxes, baskets, packages, parcels, or other things as aforesaid, shall ask, or demand of or from any person or persons in respect of such delivery any greater sum or sums than the rates or prices hereinbefore fixed in that behalf, such coolie or other person shall, for every such offence, forfeit a sum not exceeding Ten shillings.

22. And it is further enacted, that all goods and merchandize sent by any licensed Cart, or Boat, for the purpose of delivery at any place within this Island shall, in the absence of any special contract to the contrary, be delivered, according to the direction thereof within twenty-four hours after the arrival of any such Cart or Boat at the place of delivery; and in default thereof the owner of such Cart or Boat shall forfeit and pay for every such offence any sum not exceeding Twenty shillings.

23. And it is further enacted, that if in any prosecution or proceeding under this Ordinance, any question shall arise as to whether any Cart, Coach, or other Carriage or Boat, has been used for the conveyance of any goods for hire without a licence, or as to whether a licence has been obtained for any Cart, Coach, or other Carriage or Boat, within the meaning thereof; or as to whether any person has made the declaration required thereby; the proof that such goods were not conveyed for hire shall be upon the accused, and it shall only be necessary for the complainant to prove that goods belonging to any person other than the owner of such Cart, Coach or other Carriage or Boat, have been conveyed therein; and the proof that such licence has been obtained, or that such person has made such declaration, shall lie on the party against whom such prosecution or proceeding shall be had: Provided that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint; and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

24. And it is further enacted, that one half of all the fines actually recovered and rea-

No. 23,—1848.

Warehouse-room.

Proviso for parcels not directed to be left till called for.

Rates of Coolie hire of parcels not exceeding 50lbs.

Penalty on taking more than the above rates.

Goods sent by Carts and Boats to be delivered within 24 hours.

Proof of licence to be on the accused.

Informer's share of penalty.

**No. 23, — 1848.**

lized under the provisions of this Ordinance shall go to our Lady the Queen, and the other half to the informer.

Limitation of prosecution.

25. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance cognizable by the Police Court, unless the same shall be commenced within one calendar month from the time of the commission of such offence.

Commencement of Ordinance.

26. And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of January, One thousand Eight hundred and Forty-nine.

SCHEDULE.

A.

Number 149. Colombo, the day of 184 .

WHEREAS A. B. of Galkiss in the District of Colombo (C. D. of &c. &c.) in the District of Colombo in the District of the year 1848 has (or have) made and subscribed the declaration thereby required, and has (or have) declared that he is the sole owner (or that they are the joint owners) of the Bandy (or other description of Carriage or Boat, as the case may be) marked and registered number 149, Licence is hereby granted unto the said A. B. (or A. B., C. D. &c.) to convey goods (or passengers, or goods and passengers) therein for hire from the date hereof until the 31st day of December 18

Given under my hand the day and year above written.

(Signed)

Govt. Agent.

B.

Number 149.

I, A. B., do truly declare that I reside at Galkiss in the District of Colombo, and that I am the sole owner of the Bandy (or other Carriage or Boat) which I have applied to be registered at the Colombo Cutcherry and which has been registered number 149.

Declared at Colombo the day of 184 .  
(Signed) A. B.

Before me  
(Signed)

Govt. Agent.

C.

REGISTER OF LICENCES for the Western Province under the Ordinance No. of 1848.

Number of Licence.	Date of Licence.	Name and Residence of Owner.	Description of Carriage or Boat.	Whether for Goods or Passengers or both.

Passed in Council the Twenty-third day of December, One Thousand Eight Hundred and Forty-eight.

W. C. GIBSON,  
Clerk to the Council.

Published by Order of His Excellency the Governor.  
J. EMERSON TENNENT,  
Colonial Secretary.

No. 24,—1848.

No. 24,—1848.

*To regulate the felling and removal of Timber grown on the Crown lands in this Island.*

**WHEREAS** for the preservation of the Crown lands in this Island, and the protection of the revenue derived from the Timber grown thereon, it is expedient to make further provision relative to the felling and removal of such Timber, and also relative to the removal of Timber felled on the lands of private parties.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the time when this Ordinance shall come into operation, the Regulation No. 1 of the year 1833, entitled "*For repealing the Regulation No. 2 of the year 1822, and making other provisions in lieu thereof*," shall be, and the same is hereby repealed; except as to the repeal thereby of any former Regulation or Law, and except as to any offences committed, or any fines, penalties or forfeitures incurred thereunder.

Repeal of Regulation No. 1 of 1833.

2. And it is further enacted, that from and after the time when this Ordinance shall come into operation, no person shall fell or remove any Timber on or from any land in this Island, belonging to Her Majesty, without having previously obtained a licence from the Government Agent, or some Assistant Government Agent of the Province in which such land is situated, specifying the name and residence of the holder of such licence, the number and description of the trees to be felled, the place where, and the time when, and the terms and conditions on which, the same are to be felled and removed. And such licence shall be directed to such Headman of the district or place where such land is situated, as to the Government Agent or Assistant Government Agent shall seem fit, and shall be as near as is material in the form in the Schedule hereunto annexed, marked A. And there shall be paid to such Government Agent or Assistant Government Agent, for the said licence, by the party to whom the same is granted, at and after such general rate, according to the description of Timber, as shall be determined by the Governor, with the advice of the Executive Council, for and within each Province of the Island. Provided always, that it shall be lawful for such Government Agent or Assistant Government Agent to refuse a licence to any person whomsoever, if he shall deem it advisable so to do.

No person to cut Timber on Crown land without a licence.

3. And it is further enacted, that any such licensed person shall, by himself, or by his servant or agent, before felling any of the Timber mentioned in such licence, produce the same to the Headman to whom it is addressed, and furnish him with a list of the names of every individual whom he intends employing to fell and remove the Timber specified in such licence. And it shall be the duty of such Headman, to write upon such licence the date of its production to him, and to sign his name thereto, and thereafter to return the same to the person from whom he received it.

Licence to be produced to the Headman to whom it is addressed.

4. And it is further enacted, that it shall not be lawful for any such licensed person to remove or cause to be removed any Timber felled in virtue of such licence, unless notice of his intention to remove the same shall have been given to the said Headman. And it shall be the duty of such Headman to inspect such Timber previously to its removal, and if he finds that it has been felled conformably with the licence, to grant a permit to the holder of such licence for its removal, which shall be as near as is material in the form in the Schedule hereunto annexed, marked B. And the said Headman shall forthwith deliver or transmit a duplicate of such permit to the Government Agent or Assistant Government Agent by whom such licence was granted.

Timber not to be removed without notice to Headman. Who shall inspect the same and grant permit for its removal.

5. And it is further enacted, that if any person shall fell or remove any Timber on or from any Crown land in this Island, without having obtained such licence, or contrary to the conditions on which a licence has been granted to him; or if any licensed person shall fell any Timber on such land before producing his licence to the proper Headman, and furnishing him with a list of the names of every individual whom he intends employing to fell or remove the same, or shall employ any person for any such purpose whose name is not mentioned in such list, or shall fell any Timber on land belonging to the Crown at any place other than that specified in his licence, or any description or larger number of trees than such as shall be therein specified, or shall fell or remove the Timber mentioned in such licence after the time specified therein shall have expired, or before it shall have commenced, or shall remove any such Timber without giving to the said Headman the notice of his intention to remove the same hereinbefore required to be given, or without having obtained a permit for its removal from the said Headman, or shall, when engaged in the removal of any such Timber, refuse or neglect to produce such permit when thereunto required by such Headman,

Penalty on felling Timber on Crown land without a licence, or before production of licence, or not in conformity therewith, &c.

**No. 24, — 1848.**

or by any Justice of the Peace, Constable, or Police Officer of the District or place where such removal is being effected; or if any person shall have in his possession any Timber felled on, or removed from, any Crown land, knowing that the same has been felled or removed contrary to the provisions of this Ordinance; every such person shall, in any of such cases, be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding Five pounds, and any such Timber shall be confiscated. And the Court before which such offence is tried, shall, if the Timber has been seized, determine and adjudge whether the said Timber has been legally seized. Provided always, that nothing herein contained shall extend or be construed to apply to any person acting *bonâ fide* as the servant or agent of any person to whom a licence has been duly granted.

In cases of emergency, Timber may be removed after the expiry of the time mentioned in the licence, and within such time as the Government Agent shall appoint.

6. Provided always and it is further enacted, that in the event of any licensed person being unable from unforeseen accident or misfortune to remove any Timber lawfully felled by him within the time mentioned in his licence, it shall be lawful for him to leave the same in the forest or other place where it was felled, for removal at or within such time as shall be appointed for that purpose, by the Government Agent or Assistant Government Agent who granted the said licence, who shall on the application of such person to that effect, note on the said licence the time so appointed by him. And if such Timber shall be removed in conformity with such appointment, the person removing the same shall not incur the fine or forfeiture in the preceding section mentioned for having removed the same after the expiration of the time specified in his licence. Provided always that it shall be lawful for such Government Agent or Assistant Government Agent to refuse any such application, if he shall deem it advisable so to do.

The provisions of the 3d and 4th sections may in certain cases be dispensed with.

7. And whereas the provision contained in the 3d section of this Ordinance, requiring the holder of any such licence to furnish the Headman to whom it is addressed with a list of the names of every individual whom he intends employing to fell and remove the Timber specified therein, and the provisions contained in the 4th section of this Ordinance, cannot be enforced in some of the remote districts of this Island without great and serious inconvenience. It is therefore hereby further enacted, that it shall be lawful for the Government Agent or Assistant Government Agent granting any licence under the provisions of this Ordinance, in any case in which he shall deem it advisable so to do, to state in writing in or upon the licence, that the holder thereof shall not be required to furnish the Headman to whom the same is addressed with a list of the names of every individual whom he intends employing to fell and remove the Timber specified therein, nor to give notice to such Headman of his intention to remove any such Timber, nor to obtain a permit from such Headman for the removal thereof, as directed by the 3rd and 4th sections of this Ordinance. And in any such case, the holder of such licence shall not incur the fine or forfeiture in the 5th section of this Ordinance mentioned, for not having furnished any such list, or for not having given such notice, or for not having obtained such permit, as the case may be; anything contained in the 3rd, 4th, and 5th sections of this Ordinance to the contrary notwithstanding.

Private Timber not to be removed without a permit.

8. And whereas much valuable Timber is felled on the Crown lands in this Island and removed therefrom without any authority, under pretext that the same has been felled on the lands of private parties; and it is expedient to prevent as far as practicable the continuance of these frauds. It is therefore further enacted, that it shall not be lawful for any person to remove from his own land or from the land of any other private party, any Timber which may have been felled thereon, without having obtained a permit authorizing such removal, and which shall accompany the Timber so removed, and shall be as near as is material in the form in the Schedule hereunto annexed, marked C. And such permit shall be granted by some Headman of the District or place where such land is situated, on the joint application of the owner of the Timber and the owner or occupier of the land from which the same is to be removed; or in case such Timber belongs to the owner or occupier of such land, then on the application of such owner or occupier. And if any person shall, contrary to the provisions of this clause, remove from his own land or from the land of any other private party any Timber felled thereon, without having obtained a permit for such removal, or after the time therein specified shall have expired, or shall, when engaged in the removal of any such Timber refuse or neglect to produce such permit when thereunto required by any Justice of the Peace, Headman, Constable, or Police Officer of the district or place where such removal is being effected, he shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding Five pounds, and any such Timber shall be confiscated. And the Court before which such offence is tried, shall, if the Timber so illegally removed has been seized, determine and adjudge whether the said Timber has been legally seized.

Penalty.

9. But inasmuch as the restrictions on the removal of Timber the property of private individuals, in the preceding section contained, may not be found necessary for the protection of Crown property in all parts of this Island. It is therefore further enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, by any Proclamation to be by him from time to time for that purpose issued and published in the Government Gazette of this Island, to exempt any particular district or place to be mentioned in such Proclamation from the operation of the preceding section, either as regards the removal of Timber generally, or of any particular description of Timber; and any such Proclamation, with the like advice from time to time to alter, amend, or revoke, as occasion may require. And no person removing from his own land, or from the land of any other private party, in accordance with the provisions contained in any such Proclamation, any Timber which may have been felled thereon, shall incur the fine or forfeiture in the preceding section mentioned, for any breach of the provisions thereof, if such land shall be situated, and such removal shall be effected and completed, within the district or place specified in any such Proclamation, anything in the preceding section to the contrary notwithstanding.

10. And it is further enacted, that it shall be lawful for all Headmen and Police Officers, within their respective jurisdictions, and they are hereby required to arrest and take before the Police Court having jurisdiction, any person, not being the servant or agent of some person licensed to fell or remove Timber, whom they shall find felling or removing Timber on or from any Crown land without a licence, or contrary to the tenor and effect thereof, or removing Timber without having a permit to remove the same as aforesaid, in those cases in which a permit is required. And it shall also be the duty of any such Headman or Police Officer, to seize any Timber hereby declared to be confiscated, and also any Timber felled on Crown land which shall not have been removed by the party felling the same within the time specified in his licence, or appointed by such Government Agent or Assistant Government Agent as aforesaid for the removal thereof. And all Timber seized as aforesaid, shall be deemed and taken to be forfeited to Her Majesty, and may be sold under the orders of the Government Agent or any Assistant Government Agent of the Province in which the same was seized for account of Government; unless the person from whom the same was seized, shall, within Fourteen days from the day of seizing the same, give notice in writing to such Government Agent or Assistant Government Agent, that he disputes the legality of such seizure, in which case such sale shall be stayed until the legality of such seizure shall have been determined by the Court before which any such person may be tried for any offence against the provisions of the 5th section of this Ordinance. And any Headman or Police Officer who shall, without lawful excuse, neglect or refuse to do and perform any of the duties, matters and things imposed on him by this Ordinance, shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding Five pounds.

11. And it is further enacted, that if any person shall forge or counterfeit, or shall cause or procure to be forged or counterfeited, any licence or part of any licence issued under the provisions of this Ordinance, or any writing or signature which any Government Agent or Assistant Government Agent is by this Ordinance authorized or required to make or put on any such licence, 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 licence, or any genuine licence containing any such forged or counterfeit writing or signature, resembling or intended to resemble, either wholly or in part, any licence which at any time whatever hath been, or shall, or may be issued or used under the provisions of this Ordinance, or any writing or signature of any Government Agent or Assistant Government Agent, which shall or may be made or put on any licence issued under the provisions of this Ordinance; then, and in every such case, the person so offending, and every person knowingly and wilfully aiding, abetting or assisting any person in committing any such offence, and being thereof lawfully convicted, shall be liable to be imprisoned with or without hard labour, for any term not exceeding Five years.

12. And it is further enacted, that if in any prosecution or proceeding under this Ordinance any question shall arise as to whether a licence has been obtained within the meaning thereof, the proof that such licence has been obtained shall lie on the party against whom such prosecution or proceeding shall be had. And if in any such prosecution or proceeding any question shall arise as to whether the Timber felled or removed was felled or removed on or from land belonging to Her Majesty, the proof that the same was not felled or removed on or from land belonging to Her Majesty shall lie on the party against whom such prosecution or proceeding shall be had. And if any question shall arise in any such prosecution or proceeding as to the title to the land on or from which any Timber has been felled or re-

**No. 24, — 1848.**

Governor may by Proclamation exempt particular districts from the operation of the preceding section.

Headman to arrest persons felling Timber without licence.

And to seize Timber illegally felled or not removed in due time.

Penalty for forging licence.

Proof of licence.

And of the places where Timber was felled.

**No. 24,—1848.**

The Court which has jurisdiction over the offence may, if necessary, try the question of title to the land.

Proviso.

moved, the Court which has jurisdiction to impose the fine that may have been incurred by the party prosecuted, shall, for the purposes of the said prosecution, have jurisdiction to try and determine any such question of title. Provided always, that the judgment or decision of such Court on any such question shall not be received as evidence of title or pleaded in bar in any civil suit or proceeding in which the title to the said land may be put in issue. Provided also, that it shall be lawful for the Court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint; and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.

Informers share of penalty.

13. And it is further enacted, that one half of all fines and forfeitures actually recovered and realized under the provisions of this Ordinance, shall go to our Lady the Queen, and the other half to the informer.

Limitation of prosecution.

14. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance cognizable by the Police Court, unless the same shall be commenced within Three calendar months from the time of the commission of such offence.

Ordinance not to extend to cocoanut trees, or firewood.

15. And it is further enacted, that nothing in this Ordinance contained shall extend or apply, or be deemed or taken to extend or apply, to cocoanut or areca nut trees; nor to brushwood, or wood commonly used for, and cut for the purpose of being used in this Island as firewood; nor to stakes cut for the purpose of being used in this Island for fencing land; nor to wood cut for the purpose of making ploughs or other agricultural implements in common use in this Island. Provided however, that nothing in this section contained shall be deemed or taken to allow of any satinwood, ironwood, ebony, jackwood or other valuable description of Timber-tree being cut or removed contrary to the provisions of this Ordinance, on the plea that such Timber-tree has been cut or removed for firewood, or for fencing land. And provided further, that it shall be lawful for the Governor, with the advice of the Executive Council, by any Proclamation to be by him from time to time issued and published in the *Government Gazette* of this Island, to set apart and define, any tract or tracts of Crown land, as reserved forest land, within the limits of which no wood shall be cut or removed either for firewood, or for fencing land, or for making ploughs or other agricultural implements, or for any other purpose whatsoever: and also in like manner to set apart and define any tract or tracts of Crown land, within the limits of which no satinwood, ironwood, ebony, jackwood, or other valuable description of Timber-tree, shall be cut or removed for the purpose of making ploughs or other agricultural instruments aforesaid.

Ordinance when to take effect.

And it is further enacted, that this Ordinance shall commence and take effect from and after the First day of March, One thousand Eight hundred and Forty-nine.

### SCHEDULE A.

#### LICENCE TO FELL TIMBER.

To A. B. residing at \_\_\_\_\_ Korale of \_\_\_\_\_ in the district of \_\_\_\_\_  
(or as the case may be).

No. \_\_\_\_\_ Take notice that Licence is hereby granted to C. D. of \_\_\_\_\_ in the district of \_\_\_\_\_ to fell and remove from the Government forest land at \_\_\_\_\_ in your district, between the \_\_\_\_\_ day of \_\_\_\_\_ and the \_\_\_\_\_ day of \_\_\_\_\_ the following timber.

• (here insert the number and description of trees in words at length)  
under and subject to the conditions hereinafter set forth, that is to say:—

1st \_\_\_\_\_ (here insert the conditions agreed upon).  
Government Agent's Office,  
this \_\_\_\_\_ day of \_\_\_\_\_

(Signed)

Govt. Agent.

Produced to me by the said C. D. }  
this \_\_\_\_\_ day of \_\_\_\_\_ }

(Signed) A. B.

Korale of \_\_\_\_\_

On the application of the said C. D., permission is hereby given to him to remove the above timber on or before the \_\_\_\_\_ day of \_\_\_\_\_ next.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18

(Signed)

Govt. Agent.

## B.

No. 24,—1848.

## PERMIT TO REMOVE TIMBER GROWN ON CROWN LAND.

No. of Licence

C. D. of \_\_\_\_\_ in the district of \_\_\_\_\_ has permission to remove from the Govern-  
 ment Forest land at \_\_\_\_\_ in the district of \_\_\_\_\_, the following Timber felled by him  
 under the above Licence (here insert a description of the timber proposed to be removed)  
 to \_\_\_\_\_ in the district of \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18  
 (Signed) A. B.  
 Korale of \_\_\_\_\_

## C.

## PERMIT TO REMOVE TIMBER FROM PRIVATE LANDS.

E. F. of \_\_\_\_\_ in the district of \_\_\_\_\_ has permission to remove from the garden  
 called \_\_\_\_\_ in \_\_\_\_\_ (or as the case may be) the following timber.  
 to \_\_\_\_\_ (here insert the number and description of trees in words at length).  
 in the district of \_\_\_\_\_ within \_\_\_\_\_ days from the date hereof.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 18  
 (Signed) A. B.,  
 Korale of \_\_\_\_\_

Passed in Council the Twenty-third day of December, One Thousand Eight Hundred and  
 Forty-eight.

W. C. GIBSON,  
 Clerk to the Council.

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
 Colonial Secretary.

## No. 25,—1848. (Expired).\*

To apply a sum not exceeding Thirty-three Thousand Six hundred and Thirty-four pounds to  
 defray the Supplementary contingent charges of the year 1848.

No. 25,—1848.

## No. 26,—1848. (Expired).\*

To apply a sum not exceeding One hundred and Eighty-one Thousand and Forty pounds to  
 the Contingent service of the year 1849.

No. 26,—1848.

## No. 1,—1849.

## An Ordinance to naturalize JOHANN HEINRICH SONNENKALB.

No. 1,—1849.

WHEREAS JOHANN HEINRICH SONNENKALB, an Alien, presently residing in this Island, is  
 desirous of being made a partaker of the advantages and privileges enjoyed by the natural  
 born subjects of our Lady Queen VICTORIA in this Island, and it is expedient that the pri-  
 vileges of Naturalization should be imparted to him to be by him exercised and enjoyed  
 within the limits of this Island. And whereas by an Act made in the 10th and 11th year  
 of the reign of Her said Majesty, entitled "*An Act for the Naturalization of Aliens*," it was  
 enacted and declared, that all Laws, Statutes and Ordinances which shall thereafter be made  
 and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad, for  
 imparting to any person or persons the privileges or any of the privileges of Naturalization,  
 to be by any such person or persons exercised and enjoyed within the limits of any such  
 Colonies and Possessions respectively, shall within such limits have the force and authority of  
 law, any Law, Statute or usage to the contrary in anywise notwithstanding: Provided  
 nevertheless, that all such Laws, Statutes and Ordinances shall be made and enacted in such  
 manner and form, and subject to and in conformity with all such rules as now are or  
 hereafter shall be in force in respect of other Laws, Statutes or Ordinances enacted, or to be  
 enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed  
 by Her Majesty in such and the same manner, and subject to the same rules and regula-  
 tions as extend or shall hereafter extend to the confirmation or disallowance of any other  
 such Laws, Statutes or Ordinances.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent

Letters Patent may issue

\* The Supply Ordinances for each year are not published at length.

**No. 1,—1849.**

granting to Johann Heinrich Sonnenkalb, the rights of a British subject in this Island.

Letters Patent to be enrolled; and Oath to be taken.

Ordinance when to come into operation.

of the Legislative Council thereof, that so soon as this Ordinance shall come into operation, it shall be lawful for the Governor to issue Letters Patent in the name of Her Majesty under the Public Seal of this Island, granting to the said JOHANN HEINRICH SONNENKALB (upon his taking the Oath in the Schedule hereunto annexed) within the limits of this Island, all the rights and privileges of a British subject: and thereupon the said JOHANN HEINRICH SONNENKALB shall, within the limits of this Island, enjoy and transmit to his descendants, and those claiming by or through him, all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

2. And it is further enacted, that such Letters Patent shall be on a stamp of Twenty-five pounds, and shall be enrolled for safe custody in the Supreme Court of this Island: and that within Sixty days from the day of the date of such Letters Patent, the said JOHANN HEINRICH SONNENKALB shall take and subscribe the Oath in the Schedule hereunto annexed, before some Judge of the said Supreme Court. And the Registrar of the said Court shall make, sign and deliver to the said JOHANN HEINRICH SONNENKALB under the seal of the said Court, a certificate of such Oath having been duly taken and subscribed; and such certificate shall be sufficient evidence of the said JOHANN HEINRICH SONNENKALB having taken and subscribed such Oath.

3. And it is further enacted, that this Ordinance shall come into operation and take effect from and after the Proclamation by the Governor in the *Government Gazette* of this Island that the same has been ratified and confirmed by Her Majesty.

## SCHEDULE.

I, JOHANN HEINRICH SONNENKALB, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which shall be made against Her Person, Crown, or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies which may be formed against Her or Them: And I do faithfully promise and swear to maintain, support and defend to the utmost of my power the Succession of the Crown, which succession, by an Act intituled "*An Act for the further limitation of the Crown and better securing the rights and liberties of the subject,*" is and stands limited to the Princess SOPHIA Electress of Hanover, and the heirs of her body being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the Realm of Great Britain and Ireland and the Colonies and Dependencies thereof.

So help me God.

Passed in Council the Thirtieth day of January, One Thousand Eight Hundred and Forty-nine.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.  
J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 2,—1849.**

Preamble.

**No. 2,—1849.**

*An Ordinance to naturalize GOTTLIEB ARNOLD CRUWELL.*

WHEREAS GOTTLIEB ARNOLD CRUWELL, an Alien, presently residing in this Island, is desirous of being made a partaker of the advantages and privileges enjoyed by the natural born subjects of our Lady Queen VICTORIA in this Island, and it is expedient that the privileges of Naturalization should be imparted to him, to be by him exercised and enjoyed within the limits of this Island. And whereas by an Act made in the 10th and 11th year of the Reign of Her said Majesty, entitled, "*An Act for the Naturalization of Aliens,*" it was enacted and declared, that all Laws, Statutes, and Ordinances which shall thereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad, for imparting to any person or persons the privileges or any of the privileges of Naturalization, to be by any such person or persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, shall within such limits have the force and authority of Law, any Law, Statute, or usage to the contrary in any wise notwithstanding: Provided nevertheless, that all such Laws, Statutes, and Ordinances shall be made and enacted in such manner and form, and subject to, and in conformity with all such rules as now are or hereafter shall be in force in respect of other Laws, Statutes, or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as extend, or shall hereafter extend to the confirmation or disallowance of any other such Laws, Statutes, or Ordinances.



1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that so soon as this Ordinance shall come into operation, it shall be lawful for the Governor to issue Letters Patent in the name of Her Majesty under the Public Seal of this Island, granting to the said GOTTLIEB ARNOLD CRUWELL (upon his taking the Oath in the Schedule hereunto annexed) within the limits of this Island, all the rights and privileges of a British subject: and thereupon the said GOTTLIEB ARNOLD CRUWELL shall within the limits of this Island enjoy and transmit to his descendants, and those claiming by or through him, all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

2. And it is further enacted, that such Letters Patent shall be on a Stamp of Twenty-five pounds, and shall be enrolled for safe custody in the Supreme Court of this Island: and that within Sixty days from the day of the date of such Letters Patent, the said GOTTLIEB ARNOLD CRUWELL shall take and subscribe the Oath in the Schedule hereunto annexed, before some Judge of the said Supreme Court. And the Registrar of the said Court shall make, sign, and deliver to the said GOTTLIEB ARNOLD CRUWELL, under the seal of the said Court, a certificate of such Oath having been duly taken and subscribed; and such certificate shall be sufficient evidence of the said GOTTLIEB ARNOLD CRUWELL having taken and subscribed such Oath.

3. And it is further enacted, that this Ordinance shall come into operation and take effect from and after the Proclamation by the Governor in the Government Gazette of this Island, that the same has been ratified and confirmed by Her Majesty.

#### SCHEDULE.

I, GOTTLIEB ARNOLD CRUWELL, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty QUEEN VICTORIA, and will defend Her to the utmost of my power against all conspiracies and attempts whatever, which shall be made against Her Person, Crown or Dignity; and I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs, and Successors, all treasons and traitorous conspiracies which may be formed against Her or Them: And I do faithfully promise and swear to maintain, support and defend, to the utmost of my power, the Succession of the Crown, which succession, by an Act intituled "*An Act for the further limitation of the Crown and better securing the rights and liberties of the subject*," is and stands limited to the Princess SOPHIA, Electress of Hanover, and the heirs of her body being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the Realm of Great Britain and Ireland, and the Colonies and Dependencies thereof.

So help me God.

Passed in Council the Third day of October, One Thousand Eight Hundred and Forty-nine.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

#### No. 3,—1849.

*For preventing the sale and unlawful possession of Clothes and other articles supplied to Pioneers.*

WHEREAS persons employed by the Government of this Island as Pioneers, are supplied with clothing, tools, and other articles at considerable expense to the Colony, and it is expedient to make provision for preventing the disposal thereof by such Pioneers, and also touching the unlawful possession of the same.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, if any Pioneer shall sell, barter, or give away, or shall wilfully damage or spoil, any Clothes, Tools, Arms or Ammunition supplied or entrusted to him as such Pioneer, or shall be concerned in, or connive at any such sale, exchange, gift or wilful damaging or spoiling, he shall be guilty of an offence, and shall, on conviction thereof in any competent Court, be liable, at the discretion of the Court, to be imprisoned with or without hard labour for any period not exceeding Twelve calendar months, or to be publicly or privately whipped.

2. And it is further enacted, that any person who shall knowingly detain, buy, exchange, or receive from any Pioneer or any other person, on any pretence whatever, or shall solicit or entice any Pioneer, or shall be employed by any Pioneer, knowing him to be such, to sell or barter any Clothes, Tools, Arms or Ammunition supplied or entrusted to any such Pioneer by the Government of this Colony, or by any Officer thereof in the execution of his office;

VOL. II.

3 F

#### No. 2,—1849.

Letters Patent may issue granting to Gottlieb Arnold Cruwell the rights of a British subject in this Island.

Letters Patent to be enrolled; and Oath to be taken.

Ordinance when to come into operation.

#### No. 3,—1849.

Preamble.

Penalty on any Pioneer selling Clothes, &c. supplied to him.

Penalty on persons purchasing, or enticing Pioneers to sell, or unlawfully possessing, such Clothes, &c.

**No. 3,—1849.**

or who shall have in his possession or keeping any such Clothes, Tools, Arms or Ammunition as aforesaid, and shall not give a satisfactory account how he came by the same; or shall change the colour of any such Clothes as aforesaid; shall be guilty of an offence, and shall, on conviction thereof, incur and be liable to a fine not exceeding Twenty pounds. And if any credible person shall prove on Oath before a Justice of the Peace, a reasonable cause to suspect that any person has in his possession or on his premises, within the jurisdiction of such Justice, any property of the description herein before mentioned, on or with respect to which any such offence shall have been committed, the said Justice may grant a warrant to search for such property, as in the case of stolen goods, and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the person in whose possession the same shall be found before such Justice, to be dealt with according to law.

Limitation of prosecution.

3. And it is further enacted, that no prosecution shall be instituted against any person for any offence committed against any of the provisions of this Ordinance, unless the same shall be commenced within Six calendar months from the time of the commission of such offence.

Passed in Council the Third day of October, One Thousand Eight Hundred and Forty-nine.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 4,—1849.**

*For authorizing the collection of Tolls at Ginigathena Pass.*

**No. 4,—1849.**

WHEREAS it is expedient to authorize the collection of Tolls at Ginigathena Pass.

Tolls to be levied at Ginigathena Pass.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the First day of December 1849, Tolls shall be levied at Ginigathena Pass, on the road from Yattiantotte to Ambegamowe, at such rates as the Governor from time to time by Proclamation in the *Government Gazette* shall direct and appoint: provided that the same shall in no case exceed the rates specified in the 2nd section of the Ordinance No. 9 of the year 1845, entitled "*To amend the law in respect to the collection of Tolls.*"

The Governor to fix toll stations.

2. And it is further enacted, that it shall be lawful for the Governor from time to time by Proclamation in the *Government Gazette*, to determine at what place or places the Tolls hereinbefore authorized to be levied shall be collected, and the said place or places from time to time in like manner to alter and another place or other places to establish for the collection of such Tolls instead thereof.

Certain provisions of the Ordinance No. 9 of 1845 extended to this Ordinance.

3. And it is further enacted, that the 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, and 18th sections of the said Ordinance No. 9 of 1845, and all provisions, regulations, and directions in the said sections contained, relating to or affecting the collection of Tolls, shall be deemed and taken to be part of this Ordinance, and shall be read and construed as if the same had been inserted herein at this place, and shall be applied, observed, and put in execution accordingly.

Passed in Council the Third day of October, One Thousand Eight Hundred and Forty-nine.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 5,—1849.****No. 5,—1849.**

*To give jurisdiction to the Police Courts in cases of Cattle trespass.*

WHEREAS by the Ordinance No. 2 of the year 1835, entitled "*To provide for the protection of cultivated and enclosed lands, and of the public roads and canals against the trespass and depredations of stray cattle, goats, sheep and pigs,*" jurisdiction is given to the several District Courts to hear and enquire into cases of Cattle trespass, and to award damages, and impose fines thereunder; and by the said Ordinance certain things are also required to be done before District Courts, or by or before the District Judges, in relation to prosecutions and complaints relating to such trespasses. And whereas it is expedient, that the powers, jurisdiction and authority thereby vested in or granted to the said District Courts or to the Judges thereof, should hereafter be vested in and exercised by the several Police Courts of this Island, and by the several Police Magistrates within their respective districts.

Preamble.

1. It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the promulgation of this Ordinance, all actions, prosecutions, complaints, matters or things, which by the said Ordinance No. 2 of the year 1835, are made cognizable by or are required to be done before the District Courts, shall and may be enquired into, tried, done, and determined, by and before the several Police Courts within their respective districts; and that the said Police Courts shall, within their respective Districts have full power, jurisdiction and authority to award any damages, and impose any fines which any person or persons may have become liable to pay under any of the provisions of the said Ordinance, as fully and effectually to all intents and purposes, as the said District Courts could or might have had before the promulgation of this Ordinance, and that from and after such time as aforesaid, the several District Courts shall cease to have and exercise the powers, jurisdiction, and authority vested in them by the said Ordinance, and hereby vested in the said Police Courts respectively, anything contained in the said Ordinance No. 2 of 1835 to the contrary notwithstanding. Provided however, that any prosecution or proceeding which may have been commenced or taken under the said Ordinance before any District Court, prior to the promulgation of this Ordinance, shall be deemed to be as valid and effectual to all intents and purposes, and shall and may be continued and carried on in such and the same manner as if this Ordinance had not been passed.

Police Courts to have cognizance of cases of Cattle trespass.

Proceedings already commenced in District Court may be continued and carried on therein.

2. And it is further enacted, that all the powers and authorities which by the said Ordinance No. 2 of the year 1835, are vested in, and may now be lawfully exercised by the several District Judges, shall, from and after the promulgation of this Ordinance, be vested in and may be lawfully exercised by the several Police Magistrates within their respective districts; and that from and after such time as aforesaid, the said powers and authorities shall no longer be vested in or exercised by the said District Judges respectively, anything contained in the said Ordinance No. 2 of 1835 to the contrary notwithstanding.

Police Magistrates may exercise certain powers formerly vested in the District Judges.

Passed in Council the Tenth day of October, One Thousand Eight Hundred and Forty-nine.

W. C. GIBSON,  
*Clerk to the Council.*

Published by Order of His Excellency the Governor.

J. EMERSON TENNENT,  
*Colonial Secretary.*

**No. 6,—1849. (Expired).\***

*To apply a sum not exceeding Thirty-nine thousand Three hundred and Eighty-four pounds to defray the Supplementary contingent charges of the year 1849.*

**No. 6,—1849.**

**No. 7,—1849. (Expired).\***

*To apply a sum not exceeding One hundred and Fifty-one thousand Two hundred and Eleven pounds to the Contingent service of the year 1850.*

**No. 7,—1849.**

\* The Supply Ordinances for each year are not published at length.

No. 1,—1850.

No. 1,—1850. (*Expired.*)

*For enabling the Governor to appoint Commissioners to make inquiry touching certain Documents presented to a Committee of the Commons House of Parliament.*

WHEREAS a humble Address hath been presented to Her Majesty, by the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, praying that Her Majesty would be graciously pleased to appoint a Commission to inquire into the circumstances relating to certain documents presented to a Committee of the said Commons House of Parliament on the 14th day of the month of February, in the year of Our Lord One Thousand Eight Hundred and Fifty, with the name of one Captain WATSON attached thereto, and to which documents the Evidence laid upon the table of the said Commons House of Parliament refers: And whereas Her Majesty hath been graciously pleased to assent to the prayer of the said Address; and it is expedient that an Ordinance should be enacted, to enable the Governor to appoint Commissioners for the purpose mentioned in the said Address, and who shall be authorized to make the inquiry therein specified.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council, that it shall be lawful for the said Governor, under his hand and the Public Seal of this Island, to issue a Commission in the name of Our Lady Queen Victoria addressed to two fit and proper persons authorizing them to be Commissioners of inquiry for the purposes of this Ordinance; and in the case of the death or resignation of one of them, or in the event of one of them becoming incapacitated or incapable of acting, it shall be lawful for the surviving or continuing Commissioner, to act in the execution of this Ordinance as if he had been solely appointed to be a Commissioner for the purposes of this Ordinance. And all the provisions of this Ordinance concerning the said Commissioners, shall be taken to apply to such surviving or continuing Commissioner.

2. And it is further enacted, that each of the Commissioners appointed in pursuance of this Ordinance, shall, before beginning to act in the execution of the Commission, take and subscribe before some Justice of the Peace the following oath; (that is to say;)

I do swear that I will truly and faithfully, according to the best of my knowledge and judgment, execute the powers and trusts vested in me as Commissioner by the Ordinance No. 1 of the year 1850, entitled "For enabling the Governor to appoint Commissioners to make inquiry touching certain documents presented to a Committee of the Commons House of Parliament. So help me God."

And the Justice of the Peace before whom such Oath shall be taken, shall transmit the same to the Registrar of the Supreme Court, to be filed among the Records of the said Court.

3. And it is further enacted, that the said Commissioners, upon their appointment or within a reasonable time afterwards, shall from time to time hold meetings at some convenient place, or at such convenient places in this Island, as to the said Commissioners shall appear best adapted for the purposes of the inquiry mentioned in this Ordinance, and shall continue to hold such their meetings from time to time until the said inquiry be ended: And the said Commissioners shall cause such notice to be given of the several times and places of holding their meetings as to them shall appear reasonable.

4. And it is further enacted, that the said Commissioners shall, by all such lawful ways and means as to them shall appear best, with a view to the discovery of the truth, inquire into the circumstances of the framing, signing, circulation of, and all other the circumstances relating to certain documents partly written in Singhalese and partly in English characters, presented to the said Committee of the Commons House of Parliament, on the Fourteenth day of February, in the year of Our Lord One thousand Eight hundred and Fifty, and which said Documents have attached to them the name of A. Watson, a Captain in Her Majesty's Ceylon Rifle Regiment, and heretofore Commandant of Matelle, and to which said documents reference is made in certain evidence given by the said Captain Watson before the said Committee on the said last mentioned day of February. And the said Commissioners shall report to Her Majesty the evidence which shall be taken by them, and what they shall find concerning the premises.

5. And it is further enacted, that it shall be lawful for the Commissioners to be appointed in pursuance of this Ordinance, by a summons under their hands, or under the hand of any one of them, to require the attendance before them, at a time and place to be mentioned in the summons, of any person or persons whomsoever whose evidence shall, in the judgment of the said Commissioners, be material to the subject matter of inquiry directed by this Ordinance, 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 of the matters directed to be inquired into by them under the provisions of this Ordinance; all which persons shall attend the said Commissioners, and shall produce such books, papers, deeds and writings as shall be required of them, and which shall be in their custody and control, according to the tenor of the summons: Provided always, that no person shall be compellable to answer any question, or to produce any book, paper, deed or writing, the answer to which, or the production of which may criminate or tend to criminate such person, or to expose such person to any pains or penalties.

No. 1,—1850.

6. And whereas it may appear to the said Commissioners desirable to examine as witnesses several persons touching the things directed to be enquired into by this Ordinance, the evidence of which persons may tend to expose them to penal consequences; It is therefore further enacted, that for the more effectually prosecuting the inquiry directed by this Ordinance, every person who has been engaged in any act connected with the framing, signing, and circulating of, or in any other act relating to the said documents, and who shall be examined as a witness and give evidence before the said Commissioners touching such acts, matters or things, and who shall upon such examination make a true discovery to the best of his or her knowledge touching all things to which he or she shall be so examined, shall be freed from all penal actions, forfeitures, punishments, disabilities, and incapacities, and all criminal prosecutions to which he or she may have been or may become liable or subject at the suit of Her Majesty, Her Heirs or Successors or any other person, for any thing done by such person or persons in respect of such acts.

7. Provided always, and it is further enacted, that where any witness shall be so examined as aforesaid, such witness shall not be indemnified under this Ordinance, unless he or she shall receive from the said Commissioners a certificate in writing under their hand stating that such witness has upon his or her examination made a true disclosure touching all things to which he or she has been so examined.

8. And it is further enacted, that it shall be lawful for the said Commissioners or one of them to administer an Oath, or, in the case of persons allowed by law to make affirmation instead of taking an oath, an affirmation, to all persons who shall be examined before them touching the things directed to be inquired into by them under the provisions of this Ordinance.

9. And it is further enacted, that if any person upon whom any such summons shall be served by the delivery thereof to him or her, or by the leaving thereof at his or her usual place of abode, shall without reasonable cause (to be allowed by the said Commissioners of inquiry), fail to appear before them at the time and place mentioned in the summons, or shall refuse to be sworn or make affirmation (as the case may be), or shall not make answer to such questions as shall be put to him or her touching the matters directed to be inquired into by the said Commissioners, or shall refuse or fail without reasonable cause (to be allowed by the said Commissioners) to produce and shew to the said Commissioners any such papers, books, deeds, or writings, being in their possession or under their control, as to the said Commissioners shall appear necessary for arriving at the truth of the things directed to be inquired into by them as aforesaid, the said Commissioners shall have the same powers in all respects touching any such person so failing to appear, or refusing to be sworn or to make affirmation, or not answering such questions as shall be put to him or her, or refusing to produce any such papers, books, deeds, or writings as aforesaid, as any District Court in this Island may by Law exercise against any person for making default of appearance, or for refusing to be sworn or give evidence on any issue joined in any action depending in such Court.

10. And it is further enacted, that every person who upon examination upon oath or affirmation before the said Commissioners of inquiry, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

11. And it is further enacted, that no action shall be brought against the said Commissioners, or any other person or persons whomsoever, for anything done in the execution of this Ordinance, unless such action shall be brought within Six calendar months next after the doing of such thing.

12. And it is further enacted, that this Ordinance shall come into operation from and after the publication thereof in the Government Gazette.

Passed in Council, the Twenty-ninth day of April, One Thousand Eight Hundred and Fifty.

K. MACKENZIE,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,  
*Acting Colonial Secretary.*

No. 2,—1850.

*For establishing Tolls to be levied at the Kottoogodde Bridge.*

WHEREAS a Bridge has been built from private funds over the river at Kottoogodde in lieu of the Ferry now established at the said place; and it is expedient to provide for the collection of Tolls on the said Bridge.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that from and after the enactment of this Ordinance, the Tolls which might theretofore be levied in respect of the said Ferry at Kottoogodde under and by virtue of the Proclamation of the First day of January in the year 1846, and the 3rd

No. 2,—1850.

Preamble.

Tolls now levied at Kottoogodde Ferry to be levied at the Bridge.

**No. 2,—1850.**

Ferry Tolls to cease.

section of the Ordinance No. 9 of the year 1845, entitled "*To amend the law in respect to the collection of Tolls*," shall and may be thereafter levied in respect of the said Bridge; and that from and after such time as aforesaid, no Tolls shall be levied in respect of the said Ferry, anything in the said Proclamation and Ordinance contained to the contrary notwithstanding. Provided always, that no Toll upon any foot passenger shall be levied in respect of the said Bridge.

No Toll on foot passengers.

Governor to abolish or alter Tolls.

2. And it is further enacted, that it shall be lawful for the Governor from time to time by Proclamation in the *Government Gazette*, to abolish any Toll, or alter, or amend the rates of any Toll hereby authorized to be levied in respect of the said Bridge; Provided always, that by such alteration or amendment the said rates shall not exceed those enumerated in the second section of the said Ordinance No. 9 of 1845.

Toll station at bridge.

3. And it is further enacted, that it shall be lawful for the Governor from time to time by Proclamation in the *Government Gazette*, to determine and appoint at what place or places the Tolls hereinbefore authorized to be levied in respect of the said Bridge shall be collected, and the said place or places from time to time in like manner to alter, and another place or places to establish for the collection of such Tolls.

Certain provisions of the Ordinance No. 9 of 1845, extended to this Ordinance.

4. And it is further enacted, that the 6th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, and 18th sections of the said Ordinance No. 9 of the year 1845, and all provisions, regulations and directions in the said sections contained, in so far as the said sections relate to or affect the collection of Tolls at Bridges, shall be deemed to be part of this Ordinance, and shall be read and construed as if the same had been inserted herein in this place, and shall be applied, observed, and put in execution accordingly.

Passed in Council the Twenty-fourth day of September, One Thousand Eight Hundred and Fifty.

K. MACKENZIE,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,

*Acting Colonial Secretary.***No. 3,—1850.***For establishing Tolls to be levied at the top of the Nuwera Ellia Pass.***No. 3,—1850.**

Preamble.

WHEREAS it is expedient to establish a Toll on the top of the Nuwera Ellia Pass.

Tolls to be levied on the top of the Nuwera Ellia Pass.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that Tolls shall be levied on the top of the Nuwera Ellia Pass, at such rates as the Governor from time to time by Proclamation in the *Government Gazette*, shall be pleased to appoint; provided that the same shall in no case exceed the rates specified in the Schedule A. attached to the Ordinance No. 9 of 1845, entitled "*To amend the law in respect to the collection of Tolls*."

The Governor to fix Toll stations.

2. And it is further enacted, that it shall be lawful for the Governor from time to time by Proclamation in the *Government Gazette*, to determine at what place the Tolls hereinbefore authorized to be levied shall be collected, and the said place from time to time in like manner to alter, and another place to establish instead thereof for the collection of such Tolls.

Certain provisions of the Ordinance No. 9 of 1845 extended to this Ordinance.

3. And it is further enacted, that the 6th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th and 18th sections of the said Ordinance No. 9 of the year 1845, and all provisions, regulations and directions in the said sections contained, in so far as the said sections relate to or affect the collection of Tolls at Bridges, shall be deemed applicable to the place hereby established for the collection of Tolls, and shall be taken and construed as if the said sections had been inserted herein as applicable to the said place, and shall be applied, observed, and put in execution accordingly.

Ordinance when to take effect.

4. And it is further enacted, that this Ordinance shall commence and take effect upon and from the First day of January, One Thousand Eight Hundred and Fifty-one.

Passed in Council the Twenty-fourth day of September, One Thousand Eight Hundred and Fifty.

K. MACKENZIE,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,

*Acting Colonial Secretary.*

## No. 4,—1850.

No. 4,—1850.

*To amend the Ordinance No. 16 of 1843. Repealed by 2 of 1853.*

WHEREAS it is expedient to amend the second and third sections of the Ordinance No. 16 of 1843, and to make further and other provisions in lieu thereof.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the said second and third sections of the said Ordinance No. 16 of 1843, entitled "*For enabling the Governor to cause Surveys to be made, and possession taken of lands belonging to individuals for public uses, and also to cause Surveys to be made of such lands under certain other circumstances,*" shall be, and the same are hereby repealed, except so far as relates to any order or act, made or done in pursuance of the said sections, or to any right which has accrued thereunder.]

Second and third sections of the Ordinance No. 16 of 1843 repealed.

2. And it is further enacted, that whenever it shall satisfactorily appear to the said Governor and Executive Council, that it is necessary for the public advantage that Her Majesty should obtain possession of any lands, tenements, or hereditaments within this Island, not belonging to the Crown, it shall be lawful for the said Governor to direct the Surveyor General or Commissioner of Roads to enter upon such lands, tenements, or hereditaments, or cause the same to be entered upon by such persons as he may deem necessary, and to make or cause to be made such Surveys thereof, as shall enable the Surveyor General or Commissioner of Roads to report to the said Governor, whether the possession of such lands, tenements or hereditaments by Her Majesty, will be necessary for the purposes for which they appeared to be necessary as aforesaid, to the said Governor and Council.

Governor may direct Survey to be made of lands, &c., required for public purposes.

3. And it is further enacted, that if after the receiving the report of the said Surveyor General or Commissioner of Roads, it shall appear necessary to the Governor and the said Council to take possession for Her Majesty of any such lands, tenements or hereditaments; it shall be lawful for the said Governor to issue a Commission, directed to such person or persons as shall therein be named, authorizing and directing him or them, or any one or more of them, to cause to come before him or them, or any one or more of them the Commissioners in such Commission to be named, within a time to be by the said Commission limited,—and after having affixed on the said lands, tenements or hereditaments, and at the Offices of the Government Agent or Assistant Government Agent, and at the Court House of every Court of Law within the district wherein the said lands, tenements or hereditaments are situated, and for the space of one month, a notice in writing as near as is material, according to the form A. hereunto appended,—a Jury of thirteen good and lawful men of the said district, not being in the service or employ of Her Majesty, and by the oaths, or in the case of persons allowed by law to make affirmation, by affirmation of such good and lawful men, or seven or more of them, which oaths or affirmations the said Commissioner or Commissioners are hereby authorized to administer, to assess the amount of compensation to be made in respect of the said lands, tenements or hereditaments, with the buildings standing thereon, and all other the appurtenances thereof, and to return such assessment within a period to be in the said Commission also specified, to the Governor, under the hand or hands of the said Commissioner or Commissioners by whom the said assessment shall be caused to be made. And it shall be lawful for all such Commissioners to enter upon the said lands, tenements or hereditaments, and to cause to enter thereupon, all such persons, and to do and cause to be done therein, all such things as to them shall appear necessary for the purposes of such assessment, and to require the attendance before them and such jury, and to take the examination on oath, or in the case of persons allowed by law to make affirmation, on affirmation of every person whose evidence shall appear to be desirable. And on such return being made and recorded in the Minutes of the Executive Council, it shall be lawful for the Governor to direct that the said lands, tenements or hereditaments shall be taken possession of by some Officer of the Crown, and a memorandum as near as is material of the form in the Schedule B. to this Ordinance annexed, shall thereupon be signed by such Officer, and by the said Commissioner or Commissioners, and which shall be deemed and taken to be a full and sufficient proof of a lawful possession of the said land, tenements and hereditaments by the Crown: and the amount of compensation so assessed shall be paid to the person or persons entitled to the said lands, tenements or hereditaments, or to some duly authorized agent of the said person or persons, or to the executor or administrator of the said person or persons; or to the assignee of the said person or persons being bankrupt or insolvent, or to the trustee of such person being a cessionant; or to the husbands, guardians, or trustees of such person or persons respectively, who are under coverture, or who are minors, lunatics or prodigals, or who are under any other disability or incapacity; or in case the said lands, tenements or hereditaments shall

And may appoint Commissioners to cause the amount of compensation to be assessed.

And may direct possession to be taken.

To whom payment of the amount of compensation to be made.

**No. 4, —1850.**

belong to or be held in right of any church or chapel, or shall belong to or be held in right of any temple, or shall be held in trust for charitable purposes, then and in every such case, the said amount shall be paid to one or more of the trustees, if any, of the said church, chapel, temple, or of the said trust for charitable or other purposes; or in case there be no trustee of the said church or chapel, then to the officiating minister thereof; and if there be no trustee of the said temple to the chief incumbent thereof, or holder or manager thereof. And on the said amount being paid to the person or persons to whom the same may be paid as aforesaid, the said person or persons shall execute a conveyance in due form of the said lands, premises, or hereditaments to Her Majesty and her Successors, and such conveyance shall be a bar to all claims whatsoever against the Crown in respect of the said lands, tenements or hereditaments, or of the value of the same.

In certain cases amount of assessment to be deposited in the General Treasury.

4. Provided always and it is hereby further enacted, that if upon tender by the Government Agent of the district wherein the said lands, tenements or hereditaments are situated, or by any party authorized by him, of the said amount to the person or persons to whom the same may be paid as aforesaid, the said person or persons shall refuse to receive the same, or shall when required so to do by the said Government Agent or the said party authorized by him, refuse or neglect to execute a conveyance in due form of the said lands, tenements or hereditaments; or if the person or persons alleged to be entitled to the said lands, tenements or hereditaments, or to whom the said amount may be paid as aforesaid, shall fail to adduce a good title to the said lands, tenements or hereditaments, or if before payment of the said amount as aforesaid, any dispute shall arise, or any adverse claims be made in respect of the ownership of the said lands, tenements or hereditaments, or in respect of the person or persons to whom the said amount shall be paid; or if the person or persons entitled to the said lands, tenements or hereditaments, shall labour under any disability or incapacity, and shall not be represented by a guardian or other legal representative; or if the person or persons entitled to the said lands, tenements or hereditaments, or to whom the said amount may be paid, shall be absent from the Island, or if no such persons can be found; then and in every such case, the said amount shall be deposited in the General Treasury, to the credit, and for the use of the person or persons entitled to receive the same; and shall be accompanied by a statement shewing why the same was deposited; and upon the said amount being deposited as aforesaid, and the lands, tenements or hereditaments in respect of which the said amount shall have been deposited, being described to the Treasurer, the said Treasurer shall grant a certificate of such deposit, which certificate shall be as near as is material of the form in the Schedule C. to this Ordinance annexed, and shall be taken and considered to vest the said lands, tenements or hereditaments in Her Majesty and Her Successors, fully and effectually to all intents and purposes whatsoever, anything in any former Ordinance, Regulation or Law contained to the contrary notwithstanding.

Certificate by Treasurer of deposit to vest title in the Crown.

Disposal of amount deposited in the Treasury.

5. And it is hereby further enacted, that if the said amount shall be so deposited as aforesaid, by reason of any dispute or claim as aforesaid, the same shall remain in the said Treasury until a competent Court shall adjudge who is the party entitled to receive the same; but if the party or parties raising any such dispute, or making any such claim as aforesaid, or for whom the same shall be raised or made, shall without labouring under any disability or incapacity, not prosecute his claim in such Court within one year from the time of the said amount being deposited as aforesaid, the same shall be paid over to the party who first alleged himself to be entitled to the said lands, tenements or hereditaments, or to be entitled to receive the said amount in any of the capacities hereinbefore mentioned, as being the capacity in which the said amount may be paid to him. And if the said amount shall be so deposited as aforesaid by reason of the person or persons entitled to the said lands, tenements or hereditaments, or to whom the said amount may be paid as aforesaid, being absent from the Island, or by reason that the said person or persons cannot be found, the said amount shall be forfeited to and become the property of the Crown, if not claimed by such person or persons, or by some person authorized by them, within Ten years from the date of such deposit as aforesaid.

How compensation to be estimated.

6. And it is hereby further enacted, that in assessing as aforesaid the amount of compensation to be made in respect of the said lands, tenements, or hereditaments, regard shall be had by the said Jury not only to the actual value of the said lands, tenements or hereditaments, but also to the damage, if any, to be sustained by the person or persons entitled to the said lands, tenements or hereditaments, by reason of the severing of the same from the other lands, tenements or hereditaments of such person or persons, or by reason of otherwise injuriously affecting such other lands, tenements or hereditaments.



## SCHEDULE A.

No. 4,—1850.

This is to give notice that I (or we) have been appointed under a Commission issued by His Excellency the Governor on the \_\_\_\_\_ day of \_\_\_\_\_ Commissioners to ascertain the value of (here give a general description of the land) alleged to be the property of \_\_\_\_\_ with a view to the same being taken possession of, for the use of Her Majesty, and that we shall proceed to execute the said Commission at \_\_\_\_\_ on \_\_\_\_\_

(Signed) A. B.  
C. D.

## B.

I (or we) hereby certify that I (or we) have this day taken possession for and on behalf of Her Majesty, under and by virtue of the provisions of the Ordinance No. \_\_\_\_\_ of \_\_\_\_\_ of the land and premises situated at \_\_\_\_\_ and more particularly described in the annexed Survey and description thereof authenticated by \_\_\_\_\_

Signature of Officer or  
Officers to be annexed.

Survey authenticated by \_\_\_\_\_

I (or we) hereby certify that the amount of compensation to be made in respect of the land and premises described in the above memorandum and in the annexed Survey, was assessed by me (or us) and a Jury assembled for the purpose of such assessment, under and by virtue of the provisions of the above mentioned Ordinance on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_

Date \_\_\_\_\_

Signature of the Commissioner  
or Commissioners.

## C.

I, \_\_\_\_\_ Treasurer, hereby certify that \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ did, by virtue of the \_\_\_\_\_ Clause of the Ordinance No. \_\_\_\_\_ of \_\_\_\_\_ deposit for and on behalf of Her Majesty, the sum of £ \_\_\_\_\_ in the General Treasury of this Island, to the credit and for the use of the person or persons entitled to receive the said amount in respect of the lands situated at \_\_\_\_\_ and bounded on the \_\_\_\_\_ and more particularly described in the annexed Survey and description thereof authenticated by (a Survey to be annexed duly authenticated.) \_\_\_\_\_

Date \_\_\_\_\_

Signature of the Treasurer.

Passed in Council the Seventeenth day of December, One Thousand Eight Hundred and Fifty.

H. O'GRADY,  
Acting Clerk to the Council.

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,  
Acting Colonial Secretary.

## No. 5,—1850. (Expired.)\*

To apply a sum not exceeding Thirty-one thousand One hundred and Ninety-one pounds, to defray the Supplementary contingent charges of the year 1850.

No. 5,—1850.

## No. 6,—1850.

For the more effectual suppression of the crime of Cattle stealing, and for authorizing District Courts to hear, try, and determine charges relating to the same.

No. 6,—1850.

WHEREAS the crime of Cattle stealing has of late increased to an alarming extent; and the periodical holding of the Criminal Sessions of the Supreme Court has been found to be, especially in the remote Districts of the Island, wholly inadequate for the suppression of the said crime. And whereas it is expedient that greater facilities than at present exist should be provided for the speedy apprehension, trial, and punishment of persons guilty of the said crime, and for that purpose that District Courts should be authorized to hear, try, and determine charges relating to the same.

Preamble.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the several District Courts shall within their respective Districts have full power and authority to hear, try, and determine all charges and complaints of Cattle stealing, and all charges and complaints of receiving stolen Cattle, knowing the same to have been stolen; and on conviction of any person charged with either of the said crimes, to punish such offender in such manner as shall be competent to the said Courts.

District Courts to try charges of Cattle stealing.

\* The Supply Ordinances for each year are not published at length.

**No. 6,—1850.**

Demanding or taking reward for helping to recovery of stolen Cattle.

2. And it is further enacted, that every person who shall corruptly demand or take any money or reward directly or indirectly, under pretence of or upon account of helping or of having helped any person to the recovery of any stolen Cattle, shall (unless he cause the offender to be apprehended and brought to trial) be guilty of an offence, and being convicted thereof, shall be liable to Twelve calendar months imprisonment with or without hard labour, or to whipping not exceeding Fifty lashes, or to a fine not exceeding Twenty pounds.

Penalty on Headmen refusing or neglecting to report cases of Cattle stealing, or to assist in detecting the perpetrators thereof.

3. And it is further enacted, that if any Headman shall, without sufficient excuse (the proof of which shall be upon him), neglect or refuse to report, without any unnecessary delay, to the nearest Justice of the Peace, all cases or charges of Cattle stealing, or of receiving stolen Cattle, knowing the same to have been stolen, occurring within his District, which may have been brought to his knowledge, or shall refuse or wilfully neglect to aid and assist to the utmost of his power in the detection and apprehension of the accused, when called upon to render such assistance, every such Headman shall be guilty of an offence, and shall, on conviction thereof before any Court of competent Jurisdiction, be liable to a fine of Five pounds, and to imprisonment with or without hard labour for Three months.

Ordinance when to come into operation.

4. And it is further enacted, that this Ordinance shall commence and take effect on and from the First day of January, One thousand Eight hundred and Fifty-one.

Passed in Council the Twentieth day of December, One Thousand Eight Hundred and Fifty.

H. O'GRADY,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,  
*Acting Colonial Secretary.*

**No. 7,—1850. (Expired.)\***

**No. 7,—1850.**

To apply a sum not exceeding One hundred and Sixty-eight thousand Eight hundred and Fifty-nine pounds to the Contingent service of the year 1851.

**No. 1,—1851.**

**No. 1,—1851.**

To provide for the transmission of Printed Books, Magazines, Reviews and Pamphlets between this Island and the United Kingdom.

Preamble.

WHEREAS it is expedient to make provision for the transmission by Post of Books between this Island and the United Kingdom.

Rates of Postage.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that Printed Books, Magazines, Reviews or Pamphlets (whether British, Colonial or Foreign,) may be transmitted through the Post Office of this Island to and from the United Kingdom, whether the conveyance be by Packet or by private Ship, at the following rates of Postage;

• For each packet not exceeding ¼ lb. in weight.....	£0 0 6
For each packet exceeding ¼ lb. and not exceeding 1lb.....	0 1 0
For each packet exceeding 1lb. and not exceeding 2lbs.....	0 2 0
For each packet exceeding 2lbs. and not exceeding 3lbs.....	0 3 0

and so on, increasing one Shilling for every additional pound or fraction of a pound.

Rules for transmission.

2. And it is hereby further enacted, that the following Regulations shall be observed in the transmission of such Packets, that is to say;

- 1.—That the rate of Postage shall be the same whether the packet be posted or delivered at the Port of Point de Galle or at any other place in the Island.
- 2.—That the Post Master General or any Deputy Post Master General acting for him, may, and he is hereby authorized, in cases of necessity, to delay the transmission of any such Packet until the despatch of the Inland Mail next after that by which it would in the usual course be sent, or at his option, for a period not exceeding one week.

\* The Supply Ordinances for each year are not published at length.

- 3.—That no packet be sent by a route which would entail an expense of transit postage on the Post Office Department.
- 4.—That one-third of the total charge be considered as paid for the British inland rate, one-third for the sea-rate, and the remaining third for the Colonial inland rate.
- 5.—That prepayment of the rate of postage must be made in all cases.
- 6.—Every packet shall contain a single volume only (whether Printed Books, Magazine Review or Pamphlet) the several sheets or parts thereof, where there are more than one, being sewed or bound together.
- 7.—A packet shall not exceed two feet in length, breadth, width or depth.
- 8.—Every packet sent through the Post under the above regulations, shall be subject in all respects to the same restrictions and conditions as Newspapers are subject to under the Ordinance No. 1 of the year 1846.
- 9.—If any of the conditions mentioned in the 6th, 7th, or 8th Regulations be violated, the packet will be charged as a letter and treated as such in all respects.

**No. 1,—1851.**

Postage on Books transmitted to Colonies.

3. And whereas the Post Master General may receive directions from or on behalf of Her Majesty's General Post Office in London, for the transmission by Packet of Books from this Island to Her Majesty's Foreign Possessions or Colonies; It is therefore hereby enacted, that on such directions being published in the *Government Gazette* of this Island, Books may be transmitted to and from such Foreign Possessions or Colonies subject to the same provisions as are contained in this Ordinance, with regard to Books sent to the United Kingdom.

4. And it is hereby further enacted, that this Ordinance shall come into operation from and after such day as shall be notified by the Governor in the *Gazette* of this Island.

Ordinance when to come into effect.

Passed in Council the Second day of October, One Thousand Eight Hundred and Fifty-one.

E. RAWDON POWER,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,  
*Colonial Secretary.*

**No. 2,—1851. (Disallowed.)**

To amend the 47th section of the Ordinance No. 17 of 1844, and to make other provisions concerning the same.

**No. 2,—1851.**

WHEREAS it is expedient to amend the 47th section of the Ordinance No. 17 of 1844, and to make other provisions concerning the Tax payable thereunder.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that the 47th section of the Ordinance No. 17 of 1844, shall be and the same is hereby repealed, except as to any arrears of Tax due, and as to any act done thereunder.

2. And it is enacted, that for the purpose of providing a fund sufficient for the maintenance and keeping of such Police force within such towns and limits as are mentioned in the said Ordinance No. 17 of 1844, a Tax shall be payable on the 31st day of March, on the 30th day of June, on the 30th day of September, and on the 31st day of December in every year, for the quarter ending on the said days respectively, on all houses and buildings of every description, and on all lands and tenements whatsoever, within every such town and limits, to an amount equal to five per cent. on the *bonâ fide* annual value of such houses, buildings, lands and tenements. Provided always, that buildings appropriated to religious worship, and all houses or buildings whereof the annual value shall not exceed the sum of Twenty shillings, shall be exempt from the payment of such Tax.

3. And it is enacted, that it shall not be lawful for the Government Agent to seize any moveable 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, except such property shall belong to the owner or to any joint owner of the said house, building, land or tenement, who shall be liable to the payment of such Tax, or except the said property shall belong to any person who shall have occupied the said house, building, land or tenement at the period when the said arrears accrued and became due.

4. And whereas doubts are entertained whether the powers vested in the Government Agent by the said Ordinance No. 17 of 1844, in respect of the said Tax, can be exercised by

**No. 2,—1851.**

the Assistant Government Agent; and whereas it is expedient to remove the said doubts. It is therefore hereby enacted, that all the said powers shall and may be exercised by any Assistant of the said Government Agent; and that any of the said powers as shall heretofore have been exercised by any Assistant of the said Government Agent, shall be deemed to be as legal as if the same were exercised by the Government Agent.

5. And it is further enacted, that the 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, and all other sections of the said Ordinance which relate to the Tax leviable under the 47th clause thereof, so far as the said sections, or any of them, or any part thereof, shall not be repugnant to the provisions herein contained, shall be deemed to apply to this Ordinance, and shall be regarded as a part thereof.

6. And it is enacted, that this Ordinance shall come into operation on or from the First day of January, One thousand Eight hundred and Fifty-two.

Passed in Council the Thirty-first day of October, One Thousand Eight Hundred and Fifty-one.

E. RAWDON POWER,

*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,

*Colonial Secretary.*

**No. 3,—1851.***An Ordinance to naturalize FRIEDRICH LUDWIG STRAUBE.***No. 3,—1851.**

Preamble.

WHEREAS FRIEDRICH LUDWIG STRAUBE, an Alien, presently residing in this Island, is desirous of being made a partaker of the advantages and privileges enjoyed by the natural born subjects of Our Lady Queen VICTORIA in this Island, and it is expedient that the privileges of Naturalization should be imparted to him, to be by him exercised and enjoyed within the limits of this Island. And whereas by an Act made in the 10th and 11th year of the reign of Her said Majesty, entitled "*An Act for the Naturalization of Aliens*," it was enacted and declared, that all Laws, Statutes, and Ordinances which shall thereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies or Possessions abroad, for imparting to any person or persons the privileges or any of the privileges of Naturalization to be by any such person or persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, shall within such limits have the force and authority of law, any Law, Statute or usage to the contrary in any wise notwithstanding: Provided nevertheless, that all such Laws, Statutes, and Ordinances shall be made and enacted in such manner and form, and subject to and in conformity with all such rules as now are or hereafter shall be in force in respect of other Laws, Statutes, or Ordinances enacted or to be enacted by any such Legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as extend or shall hereafter extend to the confirmation or disallowance of any other such Laws, Statutes, or Ordinances.

Letters Patent may issue granting to FRIEDRICH LUDWIG STRAUBE the rights of a British subject in this Island.

1. It is therefore hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, that so soon as this Ordinance shall come into operation, it shall be lawful for the Governor to issue Letters Patent in the name of Her Majesty, under the Public Seal of this Island, granting to the said FRIEDRICH LUDWIG STRAUBE, (upon his taking the Oath in the Schedule hereunto annexed) within the limits of this Island, all the rights and privileges of a British subject; and thereupon the said FRIEDRICH LUDWIG STRAUBE shall, within the limits of this Island, enjoy and transmit to his descendants, and those claiming by or through him, all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit.

Letters Patent to be enrolled and Oath to be taken.

2. And it is further enacted, that such Letters Patent shall be on a Stamp of Twenty-five pounds, and shall be enrolled for safe custody in the Supreme Court of this Island; and that within Sixty days from the day of the date of such Letters Patent, the said FRIEDRICH LUDWIG STRAUBE shall take and subscribe the Oath in the Schedule hereunto annexed, before some Judge of the said Supreme Court. And the Registrar of the said Court shall make, sign, and deliver to the said FRIEDRICH LUDWIG STRAUBE, under the seal of the said Court, a certificate of such Oath having been duly taken and subscribed; and such certificate shall be sufficient evidence of the said FRIEDRICH LUDWIG STRAUBE having taken and subscribed such Oath.

3. And it is further enacted, that this Ordinance shall come into operation and take effect from and after the Proclamation by the Governor in the Government Gazette of this Island, that the same has been ratified and confirmed by Her Majesty.

**No. 3,—1851.**  
Ordinance when to come into operation.

## SCHEDULE.

I, FRIEDRICH LUDWIG STRAUBE, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen VICTORIA, and will defend Her to the utmost of my power against all conspiracies and attempts whatever which shall be made against Her Person, Crown or Dignity, and I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs, and Successors, all treasons and traitorous conspiracies which may be formed against Her or Them: And I do faithfully promise and swear to maintain, support, and defend to the utmost of my power the Succession of the Crown, which succession, by an Act intituled "*An Act for the further limitation of the Crown and better securing the rights and liberties of the subject,*" is and stands limited to the Princess SOPHIA Electress of Hanover, and the heirs of her body being Protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the Crown of the Realm of Great Britain and Ireland, and the Colonies and Dependencies thereof.

So help me God.

Passed in Council the Seventh day of November, One Thousand Eight Hundred and Fifty-one.

E. RAWDON POWER,  
*Acting Clerk to the Council.*

Published by Order of His Excellency the Governor.

C. J. MACCARTHY,  
*Colonial Secretary.*

**No. 4,—1851. (Expired).\***

*To apply a sum not exceeding One hundred and Sixty-two thousand Nine hundred and Seventeen pounds, One shilling and Eleven pence half-penny, to the Contingent service of the year 1852.*

**No. 4,—1851.**

**No. 5,—1851. (Expired).\***

*To apply a sum not exceeding Thirty-three thousand Nine hundred and One pounds, to defray the Supplementary contingent charges of the year 1851.*

**No. 5,—1851.**

\* The Supply Ordinances for each year are not published at length.

END OF VOLUME II.

*James A. [unclear]*



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