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CEYLON. *Laws, Statutes, &c.*  
*Session 1866*

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ORDINANCES

ENACTED DURING THE SESSION OF  
1866—67.



COLOMBO:  
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CEYLON.

1867.

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# ORDINANCES

PASSED BY THE LEGISLATIVE COUNCIL OF CEYLON IN THE YEARS 1866—67.

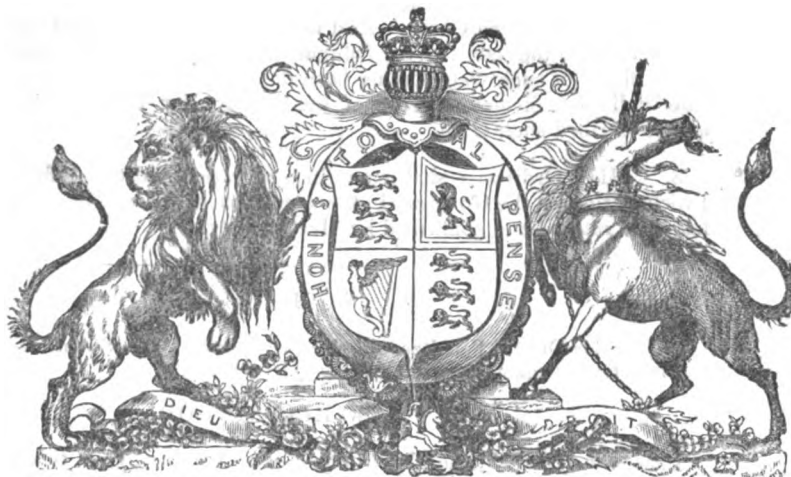
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# CEYLON.



## ORDINANCES ENACTED BY THE GOVERNOR OF CEYLON, WITH THE ADVICE AND CONSENT OF THE LEGISLATIVE COUNCIL THEREOF.

No. 1.—1866.

### *An Ordinance to naturalize Naylor Dunbar Schultze.*

No. 1.—1866.

Preamble.

**W**HEREAS Naylor Dunbar Schultze, 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 should thereafter be made and enacted by the Legislature 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, should, 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, should be made and enacted in such manner and form and subject to and in uniformity with all such rules as then were or thereafter should be in force in respect of other Laws, Statutes, or Ordinances enacted or to be enacted by any such Legislatures respectively, and should and might be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as then extended or should thereafter extend to the confirmation or disallowance of any other such Laws, Statutes, or Ordinances: **IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—**

1. SO soon as this Ordinance shall come into operation it shall be lawful for the Governor to issue Letters Patent, in the name of Her Majesty, under the Public Seal of this Island, granting to the said Naylor Dunbar Schultze (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 Naylor Dunbar Schultze 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 Naylor Dunbar Schultze the rights of a British subject in this Island.

B

**No. 1.—1866.**

Letters Patent to be enrolled and oath to be taken.

2. 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 within sixty days from the date of such Letters Patent, the said Naylor Dunbar Schultze shall take and subscribe the Oath in the Schedule hereunto annexed before some Judge of the Supreme Court. And the Registrar of the said Court shall make, sign, and deliver to the said Naylor Dunbar Schultze, 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 Naylor Dunbar Schultze having taken and subscribed such Oath.

Ordinance when to come into operation.

3. THIS Ordinance shall come into operation and take effect from and after the Proclamation by the Governor in the *Government Gazette* of this Island that the same has been ratified and confirmed by Her Majesty.

SCHEDULE.

I, Naylor Dunbar Schultze, do sincerely promise and Swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

SO HELP ME GOD!

Passed in Council, the Thirteenth day of October, One thousand Eight hundred and Sixty-six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of October, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 2.—1866.**

**No. 2.—1866.**

*An Ordinance to provide for the apprehension of Pioneer Deserters, and for the better protection of Government property entrusted to the charge of Pioneers.*

Preamble.

WHEREAS it is expedient to provide for the speedy apprehension of Pioneer Deserters, and for the better protection of Government property entrusted to the charge of Pioneers: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of Ordinance No. 3 of 1849.

1. THE Ordinance No. 3 of 1849, entitled "*An Ordinance for preventing the sale and unlawful possession of Clothes and other articles supplied to Pioneers,*" is repealed.

Officers commanding Pioneer Divisions may issue Warrant for apprehension of Pioneer Deserters.

2. IT shall be lawful for any Officer appointed to the command of a Division of Pioneers in the Department of the Commissioner of Roads, on receiving information of the desertion of any Pioneer serving in his Division, to issue Warrant signed by him in substantially the form A. in the Schedule annexed, for the apprehension of such Pioneer, to be dealt with according to law, wherever he may be found, and to entrust the same for service to any person named therein. And such Warrant shall have force, and be in every respect treated and dealt with as if it had been issued by a Justice of the Peace, and the person named as the server thereof shall be entitled to serve such Warrant, and shall, for that purpose, have all the powers belonging to duly authorized Process Servers by the laws of this country.

Penalty on any Pioneer selling cloths, &c., supplied to him.

3. IF any Pioneer shall sell, or barter, or give away, or shall wilfully damage or spoil, any cloths, 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 be liable to imprisonment with or without hard labour for any period not exceeding twelve months.

4. ANY person who shall knowingly detain, buy, exchange, or receive from any Pioneer or any other person, on any pretence whatever, or who 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, 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 who shall change the colour of any such clothes as aforesaid, shall be guilty of an offence, and shall be liable to a fine not exceeding Twenty pounds, or to imprisonment, with or without hard labour, for any period not exceeding Twelve months, or to both. And if any credible person shall show on oath before a Justice of the Peace, a reasonable cause for suspicion that any person has in his possession or on his premises, within the jurisdiction of such Justice, any property of the description hereinbefore 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 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, with the property seized by him, to be dealt with according to law.

**No. 2.—1866.**

Penalty on persons purchasing or enticing Pioneers to sell, or unlawfully possessing such clothes, &c.

5. 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 Twelve months from the time of the commission of such offence.

Limitation of prosecution.

SCHEDULE.

A.

(Section 2.)

WARRANT OF APPREHENSION.

To \_\_\_\_\_ of \_\_\_\_\_  
 Take into your Custody the body of \_\_\_\_\_ of \_\_\_\_\_  
 charged with \_\_\_\_\_

Passed in Council, the Thirteenth day of October, One thousand Eight hundred and Sixty-six.

JAMES SWAN  
 Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of October, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
 Colonial Secretary.

**No. 3.—1866.**

*An Ordinance to enlarge the operation of the Ordinance  
 No. 10 of 1844.*

**No. 3.—1866.**

WHEREAS the operation of certain clauses of the Ordinance No. 10 of 1844 entitled "*An Ordinance to amend the Law relative to the Distillation and Sale of Arrack, Rum and Toddy within these Settlements*," has been heretofore restricted to certain Districts only, and it is now expedient to remove such restriction: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1. IT shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to bring the sixth, seventh, eighth and tenth clauses of the said Ordinance into force in the

Governor empowered to proclaim clauses 6, 7, 8 and 10 in the excepted Districts.

**No. 3.—1866.**

districts hereinafter specified or any of them, any thing in the 15th clause of the said Ordinance to the contrary notwithstanding.

Pantura, Raygam Corle, Pasdoon Corle, Wallavitty Corle, and Cultura Division within the Western Province.

Bentota, Wallavitty Corle, Amblanodde, Welleboda Pattu, Gangeboda Pattu, and Akmimene of the Galle District; Belligam Corle, and Tottamuné, Four Gravets of Matura and Welleboda Pattu of the Matura District; Girreway Pattu, within the Southern Province.

Commencement.

2. THIS Ordinance shall come into operation from the date of the passing thereof. Passed in Council, the Seventeenth day of October, One thousand Eight hundred and Sixty-six.

JAMES SWAN,

Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of October, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,

Colonial Secretary.

**No. 4.—1866.**

**No. 4.—1866.**

*An Ordinance to enlarge the power of the Surveyor General to demand the production of Deeds, and make Surveys of lands, and to facilitate the proof of Surveys.*

Preamble.

WHEREAS the continued encroachments made by private individuals upon lands belonging to the Crown, and the necessity for ascertaining and distinguishing the lands belonging to the Crown from those belonging to private individuals, render it necessary that the Surveyor General and his Officers should be vested with increased powers to demand the production of Title Deeds, and to make surveys of lands, whether public or private; And whereas it is expedient to facilitate the proof of Government Surveys: IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Surveyor General, &c., may demand production of deeds.

1. IT shall be lawful for the Surveyor General, or any of his Assistants, or for any person authorised in that behalf in writing by the Surveyor General, whenever to them it shall appear necessary to do so, to demand in writing of the person claiming to be the owner of any land or premises, or of his agent, or of the occupier of any such land or premises, the production of every deed, document or instrument upon which such person founds his claim; and if such agent or the occupier of any such land or premises, shall refuse to give full information respecting the name and residence of the alleged owner, and of the person by whom such agent or occupier is employed, and in whose possession the said deeds, documents and instruments are, upon being requested so to do by the Surveyor General, or on his behalf as aforesaid, or if such alleged owner or agent or occupier shall refuse to produce to the Surveyor General, or to any person on his behalf, 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 any person on his behalf 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 on his behalf, every such agent, occupier, alleged owner, and person so refusing shall be guilty of an offence, and be liable, on conviction thereof, to a fine not exceeding Five pounds.

Demand of production of deed to include power of examination.

2. 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 person demanding the same, may require, and 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



4. The Surveyor General's power to demand the production of deeds is not limited to cases of encroachments on Crown land, & claims on the Crown in respect thereof, but could be exercised whenever the necessity for so doing became apparent to him, or to the other persons mentioned in the section.

It is held also, - that the "Assistant" may make the demand, - yet he cannot make it "for the Surveyor General" unless he is "authorized in that behalf in writing by the Surveyor General." F.C. Col. No. 14397 Warren v. Mehedine. 7. S.C.C. p. 133.

*[Faint, illegible text, possibly bleed-through from the reverse side of the page]*

examination of any such deed, document or instrument, to any party authorized under this Ordinance to demand production thereof, and making such demand, shall be liable to a fine not exceeding Five pounds.

3. THE Surveyor General or any of his Assistants, or any person authorized in that behalf in writing by the Surveyor General may, after reasonable notice given to the occupier, enter upon any land or premises which it may be necessary for him to inspect or survey, and make such inspection and survey of the same as shall be necessary to enable such Surveyor General, Assistant or other person to ascertain whether such land or premises belongs to Her Majesty, or is the private property of the person claiming the same. General notice, by beat of tom-tom, an hour at least before the entry that such entry will be made upon the lands in any village, or within any given limits, shall be deemed reasonable notice for the purposes of this Ordinance. But such form of notice shall not preclude the Surveyor General or his Assistants from adopting any other form.

Surveyor General may enter into and survey lands.

4. EVERY person molesting, resisting or obstructing the Surveyor General or his Assistant, or any person authorised by him as aforesaid, or any person acting under the orders of such Surveyor General, Assistant, or other person in the performance of any duty or the exercise of any authority imposed on or vested in him by this Ordinance, shall be guilty of an offence, and be liable 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.

Penalty for obstructing Surveyor General, &c.

5. IF the Surveyor General, or any of his Assistants, or any person authorised by him as aforesaid, or any person acting under his orders, shall, under pretence of performing any duty or exercising any privilege imposed on or vested in him by or under this Ordinance, abuse his power or 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 to a fine not exceeding Twenty pounds.

Penalty on abuse of power by Surveyor General, &c.

6. IF any Plan or Survey offered in evidence in any suit shall purport to be signed by the Surveyor General or Officer acting on his behalf, such Plan or Survey shall be received in evidence, and may be taken to be *prima facie* proof of the facts exhibited therein; and it shall not be necessary to prove that it was in fact signed by the Surveyor General or Officer acting on his behalf, nor that it was made by his authority, nor that the same is accurate, until evidence to the contrary shall have first been given.

Proof of Plans signed by the Surveyor General.

7. ANY Plan or Survey purporting to be a true copy of one purporting to be signed as aforesaid shall, provided the said copy purport to be signed and authenticated by the Surveyor General or Officer acting on his behalf as a true copy of the original, be received in evidence in all cases and for all purposes instead of the original, and may (without proof that the original is not procurable) be taken as *prima facie* evidence of the truth of the facts exhibited therein as fully as that original may be under this Ordinance. And it shall not be necessary to prove that the said copy was in fact signed or authenticated by the Surveyor General or Officer acting on his behalf, nor that it is a true copy, nor that the facts established therein are accurate, until evidence to the contrary shall have first been given.

Copies purporting to be authenticated by the Surveyor General receivable instead of originals.

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

Commencement.

Passed in Council, the Seventeenth day of October, One thousand Eight hundred and Sixty six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of October, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

*An Ordinance to facilitate the recovery of Moneys due as Commutation of the Paddy Tax, and of the performance of Labour.*

Preamble.

WHEREAS it is expedient to facilitate the recovery of Moneys due on the Commutation of the Government share of the Tax on Paddy and on Dry Grain, and on the Commutation of Labour under "The Road Ordinance, 1861:" IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement.

1. THIS Ordinance shall come into operation on the date of the passing hereof.

Government Agent, &c., may seize property of defaulters.

2. IF any person shall not pay the amount due by him on the commutation of the Government share of the tax on Paddy and Dry Grain as soon as the same is due, either into the Office of the Government Agent, or Assistant Government Agent, or to some Collector authorized by the Government Agent, or Assistant Government Agent, by writing under his or their hand, to collect and receive the same, or shall be in default in the payment of the same at the time when this Ordinance shall come into operation,—it shall be lawful for the Government Agent, or Assistant Government Agent, or any person authorized specially in writing by such Government Agent, or Assistant Government Agent, for non-payment of such amount, to seize any property whatsoever belonging to the person by whom such amount is due, wheresoever the same may be found within the Province or District of such Government Agent, or Assistant Government Agent, and if the amount due on account of such commutation, together with the costs and charges payable under Section 6 of this Ordinance, shall not be sooner paid or tendered, to sell the property so seized by Public Auction at any time not less than ten, nor more than thirty days from the time of such seizure.

And may sell the same.

Chairman of Provincial or District Committee may seize property of defaulters.

3. IF any person shall not pay the amount due by him as Commutation under the Ordinance No. 10 of 1861, and the further sum of Six-pence, as specified in the notice mentioned in Section 63 of the said Ordinance, or shall be in default in payment of the same at the time when this Ordinance shall come into operation,—it shall be lawful for the Chairman of the Provincial or District Road Committee, or any person thereunto authorized specially in writing by such Chairman, for non-payment of such amount, (any thing in Section 64 of the said Ordinance to the contrary notwithstanding), to seize any property whatsoever belonging to the person in default, wheresoever the same may be found within the Province or District for which the Provincial or District Committee is empowered to act, and if double the amount due on account of such commutation, together with the costs and charges payable under Section 6 of this Ordinance, shall not be sooner paid or tendered, to sell the property so seized by Public Auction at any time not less than ten, nor more than thirty days from the time of such seizure.

And may sell the same.

Proceeding if defaulter be not possessed of property.

4. IF the person in default be possessed of no sufficient property, the Government Agent or Assistant Government Agent, or the Chairman as aforesaid, shall certify the same to the Police Court of the District in which the money ought to have been paid, and such Court shall proceed to deal with the person in default as if a penalty for the like amount had been imposed on him by the said Police Court, and no sufficient distress could be had thereupon.

Removal of property seized for safe custody.

5. ANY moveable property so seized, as aforesaid, may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit; and in case of the seizure of immoveable property or of any property which cannot conveniently be removed, it shall be lawful for the person making the seizure to place and keep a person in possession thereof pending such sale.

Or, keeping a person in charge.

Costs and charges of seizure and sale.

6. IT shall be lawful for the Government Agent or Assistant Government Agent, or Chairman of the Provincial or District Committee, or any person authorised by them as aforesaid, to demand, take and receive from the person by whom money may be due as commutation, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the several sums of money mentioned as follows:—

- (1.) FOR cost of proceeding to the house or land of the party in default in order to seize property,—a charge not exceeding *one penny* for every shilling due.
- (2.) FOR removal of the goods seized, in case such removal takes place,—a charge not exceeding *one penny* for every shilling due.

[Illegible text due to extreme contrast and noise]

69. Nothing more than the interest of the defendant passes under that certificate, & s. that the  
defendant had an interest must be shown. D.C. Ratnap. 3. S.C.C. p. 103.  
P.C. Madhok 3928. 25<sup>th</sup> Oct. 1998. "It is not sufficient for plaintiff to say there is any title, he must go on & show  
that the land in question actually passed to him under the conveyance" Per Hansraj C.J.

- (3.) FOR keeping the same in safe custody in case of such detention,—a charge not exceeding *one penny* per day.
- (4.) FOR keeping a person in possession, in case of a seizure of immoveable property, or if the goods seized are not removed,—a charge not exceeding *one shilling* per day.
- (6.) FOR the expenses of sale, where any takes place,—a charge not exceeding *sixpence* in the pound on the net produce of the sale.

7. IT shall be lawful for the Government Agent or Assistant Government Agent or Chairman of the Provincial or District Committee, or any person specially authorized as aforesaid, to break open, or cause to be broken open in the day time, any house or building, for the purpose of seizing property in pursuance of this Ordinance.

Buildings may be broken open for purposes of seizure.

8. IN the event of a sale of property seized, the Government Agent, or Assistant Government Agent, or Chairman of the Provincial or District Committee, at whose instance such seizure was made, shall, after deducting the amount due by the defaulter, and also the costs and charges payable under Section 6 (which said costs and charges such Government Agent, Assistant Government Agent, or Chairman, is hereby authorized to retain) restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

Return of overplus to owner.

9. IF land or other immoveable property be sold for non-payment of commutation, a Certificate substantially in form A. in the Schedule hereto annexed, signed by the Government Agent, or Assistant Government Agent, or Chairman as aforesaid, shall be sufficient to vest the property in the purchaser, any law or custom to the contrary notwithstanding. Such Certificate shall be liable to the stamp duty fixed on conveyances of immoveable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Certificate of sale.

10. EVERY Government Agent or Assistant Government Agent or Chairman as aforesaid, shall, in the execution of the authority entrusted to them respectively by this Ordinance, be civilly responsible in damages to any person who shall be aggrieved by reason that no commutation was due by him, or of any irregularity of proceeding or abuse of authority on the part of such Government Agent, Assistant Government Agent or Chairman as aforesaid, or on the part of any person specially authorized by them as aforesaid. PROVIDED that no action shall be maintainable against such Government Agent, Assistant Government Agent, or Chairman as aforesaid, to recover damages, or for anything done by them under the provisions of this Ordinance, unless such action shall be brought within three months of the time that the cause of action shall have accrued.

Agents and Chairmen of Provincial and District Committees, liable in damages.

Proviso, limiting time of action.

SCHEDULE.

A.

(Section 9.)

Whereas of was in default in the payment of the moneys due by him as commutation of and became liable in the sum of £ inclusive of costs, and made default in the payment thereof, and whereas his property was seized in conformity with the Ordinance No. of 1866, and sold also in conformity therewith on the day of and the same was purchased by for the sum of £ which has been duly paid by the said

Now know ye that I (Government Agent, Assistant Government Agent, Chairman of the Provincial or District Committee as the case may be) by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property, to wit: (here describe the property accurately) has been sold and purchased by of for the sum of which he has duly paid, and that the said premises are and shall henceforward be vested in the said his heirs, executors, administrators, and assigns for ever

Given under my hand at this day of Passed in Council, the Seventeenth day of October, One thousand Eight hundred and Sixty-six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of October, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

*An Ordinance to compel the Registration of Old Deeds and other Instruments of Title.*

Preamble.

**W**HEREAS false Deeds, Sannases and Olas purporting to bear old dates are not uncommonly produced in evidence in Courts of Justice, and it is expedient to provide against them: **IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement of Ordinance.

All Deeds, Sannases, Olas, &c., executed before 1st February, 1840, to be produced to Registrar of Lands.

Proviso as to extension of time for producing Deeds, &c.

Registrar to cause exact copy to be made.

Monthly lists of such Deeds, &c., to be made.

General Lists thereof to be kept.

Process where persons claiming interest under Deeds, &c., are unable to produce the same.

Deeds, &c., not registered not admissible in evidence after January, 1868.

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

2. ALL persons holding or claiming title under Deeds, Sannases, Olas or other Instruments on which title to land or other immoveable property is founded, which bear date on or before the first day of February, 1840, are hereby required to produce the same before the Registrar of Lands for the District within which such persons shall respectively reside, on or before the Thirty-first day of December, One thousand Eight hundred and Sixty-seven. If such Registrar shall reside at an inconvenient distance, such Deeds, Sannases, Olas or other Instruments may be produced before the nearest Commissioner of Requests or Police Magistrate, whose duty it shall be to forward the same safely and expeditiously to the Registrar of Lands for the purposes of registration under this Ordinance. **PROVIDED** that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to extend the time hereinbefore limited for the production of Deeds, Sannases, Olas or other Instruments, either as respects the Colony generally, or any particular Province or District thereof.

3. THE Registrar of Lands shall thereupon cause an exact copy of the said Deed, Sannas, Ola or other Instrument to be made, which said copy shall show the alterations, erasures, interlineations or other suspicious marks, if any, which may appear in the original, and shall cause such copy to be carefully filed and preserved in his Office, and the original to be returned to the person from whom he received the same with the Registrar's endorsement written on some conspicuous part of the Deed, Ola, or other Instrument, and engraved on the Sannas, to show that the same was produced before him, and the date of such production.

4. THE Registrar shall also cause a list in duplicate to be made monthly of all Deeds, Sannases, Olas or other Instruments produced before him under the provisions of this Ordinance, giving all necessary particulars thereof, and shall transmit one to the Registrar General of Lands, and shall file the other in his own Office.

5. FOR facility of reference, a General List, either in alphabetical or other convenient order, shall be made and preserved of all such Deeds, Sannases, Olas or other instruments in the Offices of the Registrar General and District Registrar.

6. IF any person shall claim interest under any such Deeds, Sannases, Olas or other Instruments, but is unable to produce them owing to their being in the possession of another who refuses to part with them, he shall inform the same to the Registrar, who shall thereupon cause such other person to be noticed to produce them. Any person, noticed as aforesaid, who fails or refuses to produce any such Deed, Sannas, Ola or other Instrument, shall be liable to a fine not exceeding One pound for every day he so fails or refuses to produce the same.

7. FROM and after the First day of January 1868,—or in case of the time having been extended as hereinbefore provided, from and after the expiry of such extended time, either in the Colony generally or the particular Province or District in respect of which such extension shall have been made,—no Deed, Sannas, Ola or other Instrument as aforesaid shall be received in evidence in any civil proceeding in any Court of Justice for the purposes of creating, transferring or extinguishing any right or obligation, unless such Deed, Sannas, Ola or other Instrument shall have been previously registered in the manner hereinbefore directed. **PROVIDED** that, if it shall be established to the satisfaction of the Court before which any such Deed, Sannas, Ola or other Instrument is produced that the same was not registered owing to the absence from the Island of the holder thereof, or of his being under some legal disability, or from other causes utterly beyond the control of the



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§ 8. Where in a partition suit a Dist. Judge admitted in evidence a deed dated 31. May. 1835, tho' not registered as req. by Ord. 6 of 1866, on the ground that by virtue of the recital in a subsequent deed of 26. February 1840, it came within the spirit, if not within the letter of the 8<sup>th</sup> § of the Ord: - A case set aside the ruling, - holding that the tenors of "§<sup>th</sup> § are distinct, & to bring a deed within the saving operation of that §, it must be "enjoined" to the latter & "therein" be added "I think reason for doubt what may be the precise meaning of the term enjoined as here employed" but at any rate a mere recital of the existence of the earlier deed is not sufficient" D.C. Madras 35378. Evans of 21. February /89. -

person producing it in evidence, such Court may allow the production of such Deed, Sannas, Ola or Instrument, and the same shall be received in evidence notwithstanding that the same shall not have been previously registered as herein directed. PROVIDED also that nothing in this Ordinance contained shall be held to prevent parties questioning any Deed, Sannas, Ola or other Instrument which may be produced in evidence notwithstanding that the same shall have been registered, and on grounds other than the registration thereof, and on which said other grounds the Court before which the question shall arise shall determine as if this Ordinance had not been passed.

8. NOTHING in this Ordinance contained shall affect any Deed, Sannas, Ola or other Instrument which is annexed to other Deeds or Instruments of Title, bearing date subsequent to the first February, 1840, and which said other Deeds or Instruments of Title have been bona-fide transferred and registered as has heretofore been required by Law.

Passed in Council, the Seventeenth day of October, One thousand Eight hundred and Sixty-six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of October, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 6.—1866.**

Second Proviso.

Deeds, &c., annexed to others, &c., not affected.

**No. 7.—1866.**

*An Ordinance relating to the Police Force.*

WHEREAS it is expedient to amend, in certain respects, the Ordinance No. 16 of 1865, entitled "*An Ordinance to provide for the establishment and regulation of a Police Force in this Island*": IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

**No. 7.—1866.**

Preamble.

1. THE expression Police Officer shall include the Chief Superintendent of Police, Provincial Superintendents, and Assistant Superintendents of Police, Inspectors, Serjeants, and Constables.

Meaning of "Police Officer."

2. THE powers vested in the Chief Superintendent of Police by section 11 of the said Ordinance shall be exercised by him under the directions of the Governor and Executive Council, and not with their advice and consent, as is in the said Section mentioned.

Powers vested in Superintendent by section 11 of "*The Police Ordinance, 1865*," how exercisable.

3. THE 23rd section of the said Ordinance is hereby repealed, and it is enacted instead thereof, that the administration of the Police in this Island shall be vested in the Chief Superintendent of Police, Provincial Superintendents and Assistant Superintendents of Police, Inspectors, Serjeants, and Constables. The powers vested by the said Ordinance in Provincial Inspectors shall be exercised by the Superintendents and Assistant Superintendents, and the provisions in the said Ordinance contained respecting Provincial Inspectors shall apply to such Superintendents and Assistant Superintendents respectively.

The several Officers of Police.

4. THE appointments under the said Ordinance, and under this Ordinance, to which are attached salaries exceeding Two hundred pounds a year, shall be held during the pleasure of Her Majesty, Her Heirs and Successors. PROVIDED that it shall be lawful for the Governor to appoint any person provisionally to such offices, until the pleasure of Her Majesty shall have been made known.

Appointments under Ordinance.

5. THE 35th and 36th Sections of the said Ordinance are hereby repealed, and it is enacted instead thereof, that the assessment to be made in any town for the purposes of creating a fund for the maintenance of a Police force therein shall be made by three or more persons appointed by the Governor, with power to them to act separately or collectively as the Government Agent shall direct; and each person so appointed shall be entitled to receive such remuneration as the Governor, may, in his discretion, award.

Repeal of Sections 35 and 36, and power to appoint three or more Assessors to assess the town, acting separately or collectively.

**No. 7.—1866.**

Time for appointment of Assessors.

6. THE Assessors for the first year in which a Police force is to be introduced in any town may be appointed before the introduction of such force, and every such Assessor, when so appointed, shall have and exercise the powers conferred on the Committee of Assessors by the 37th and 38th Sections thereof, notwithstanding that the Ordinance shall not have been brought into operation in such town. For every year after the first, the Assessors shall be appointed within such time before the commencement of each year, as the Governor shall deem reasonable.

Passed in Council, the Seventeenth day of October, One thousand Eight hundred and Sixty-six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Twentieth day of October, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 8.—1866.**

**No. 8.—1866.**

*An Ordinance to provide against the spread of Contagious Diseases in this Island.*

Preamble.

WHEREAS it is desirable to provide against the introduction and spread of certain malignant diseases generally believed to be of a contagious or infectious nature: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Repeal of Ordinance No. 10 of 1852.

1. THE Ordinance No. 10 of 1852, entitled, *An Ordinance "to amend the laws relating to Small-pox Quarantine, and for preventing the spread of certain Contagious Diseases in this Island,"* is repealed.

Board of Health within each Province.

Proviso, in case of Municipalities.

Second Proviso.

Cases of Small-pox or Cholera, &c., to be reported.

Medical man to report such cases if not already reported.

2. FOR the purposes of this Ordinance, it shall be lawful for the Governor, from time to time, to appoint within each Province two or more persons to form the Board of Health in such Province, and, if need be, to remove such persons, or any of them, and to appoint others in their place: PROVIDED, that if any Town in such Province shall have been heretofore, or shall be hereafter, created a Municipality, the Municipal Council of such Town shall form the Board of Health thereof, and shall exercise the powers and shall be subject to the obligations vested in Boards of Health by this Ordinance, by the Ordinance No. 15 of 1862, entitled "*The Nuisances Ordinance, 1862,*" and by any other Ordinance now in force or to be hereafter enacted. PROVIDED further, that, except in the case of Municipalities, the Boards constituted and appointed under the Ordinance No. 10 of 1852 shall continue to act as Boards of Health under the present Enactment until other appointments shall have been made.

3. EVERY householder residing in this Colony shall be bound to report, with the least possible delay, to the Superintendent of Police, or to some Inspector of Police, or to some Police Constable, or Headman of his town or village every case occurring in the house in which he resides of Small-pox, Cholera or other disease which may, from time to time, be named by the Governor in a Proclamation to be by him for that purpose issued, and any householder neglecting to make such report, shall be liable, on conviction thereof, to a fine not exceeding Two pounds. And every Inspector of Police, Police Constable, or Headman, to whom any such case shall be reported by such householder, or by any other person, or who shall know of the existence of any such case within such town or village, shall forthwith report the same to the Superintendent of Police, or to some Justice of the Peace for the district in which such town or village is situated.

4. THE Medical Attendant of any person attacked with Small-pox, Cholera or other disease as aforesaid, shall be bound to report the same with all convenient despatch to the Superintendent of Police of the town or to some Inspector of Police, or to some Police Constable or Headman of the town or village in which such person resides, unless such Medical Attendant has credible information that such case has already





been reported. And any Medical man neglecting to make such report, he not having received credible information that the case has been already reported, shall be liable, on conviction thereof, to a fine not exceeding Five pounds.

No. 8.—1866.

5. THE Superintendent of Police of the town or place, or any Police Magistrate for the District in which any case of Small-pox occurs, shall be entitled, if he shall see occasion, to place, or cause to be placed on the wall or door of the house or building in which such disease exists, any mark which he may think advisable for the purpose of denoting the existence of the disease, and to keep such mark affixed for such time as he may deem necessary. And any person removing or obliterating any such mark without the authority of such Superintendent of Police or Police Magistrate, shall, on conviction thereof, be liable to a fine not exceeding Five pounds.

Houses infected with Small-pox may be marked.

Penalty for removing mark.

6. IT shall be lawful for the Superintendent of Police of the town or place, or for any Justice of the Peace for the district in which any case of Small-pox, Cholera, or other disease as aforesaid occurs, upon the application of the head of a family or of the owner or occupier of the house in which such case occurs, to make an order in writing for the removal of the person affected with the disease (in such manner and with such precautions as he shall deem necessary,) to some public Hospital or place provided by Government for the reception of persons so affected, and for the detention of such person therein under proper medical care, for such time as the Medical Officer, in charge of such Hospital or place shall deem necessary. And any person resisting or preventing the removal of any other person for whose removal an order has been given on such application as aforesaid, shall, on conviction thereof, be liable to a fine not exceeding Five pounds.

On application of the head of a family, an affected person may be removed to Hospital.

Penalty on person resisting removal.

7. IT shall be lawful for any Inspector of Police, Police Constable, or Headman of any town or village, forthwith to take and remove to the nearest Hospital or place provided by Government for the reception of Small-pox patients, any person who shall be found in any street, thoroughfare, or public place in any such town or village whilst the Small-pox disease is upon such person.

Persons going about whilst the Small-pox is upon them, may be taken to the Hospital.

8. ANY person affected with Small-pox, and who knowing himself to be so affected, shall willfully go abroad into any street, thoroughfare, or public place, and any person who shall willfully expose, or take any child or other person affected with Small-pox, knowing such child or person to be so affected, in or to any street, thoroughfare, or public place, shall, on conviction thereof, be liable to a fine not exceeding Five pounds.

Penalty on persons affected with Small-pox, willfully going abroad.

9. THE License required by Section 4 of the Ordinance No. 15 of 1862, shall be issued by the Board of Health of the Province, and not by the Government Agent, or Assistant Government Agent, as is therein required, but if any Town within such Province shall have a Municipality, the said license shall be issued by the Municipal Council of such Town. PROVIDED that the sum payable on account of such License shall be carried to the credit of the General Revenue, except where there is a Municipality, when it shall be received by the Municipal Council and form part of its funds.

License required by *Nuisance Ordinance* 1865, to be issued by Board of Health.

10. WHEREAS it is expedient to empower the Government to take precautions for preventing, as far as may be practicable, the introduction into this Colony of infectious diseases; and also to establish regulations and make orders applicable to cases of emergency arising from or relating to the anticipated breaking out or spreading of any infectious or contagious disease, to establish such regulations and make such orders as the circumstances of the case appear to require: It shall be lawful for the Governor, with the advice of the Executive Council, from time to time, to make such regulations or orders as may seem necessary and expedient to provide for the steps to be taken in the following cases and for the following objects.

Power to Governor to make regulations, &c., to prevent introduction or spread of infectious disease in the Colony.

(1.) IN respect to vessels which may at any time arrive at any port or place in this Island having on board any infectious or contagious disease, whether as respects man or beast, or on board of which any such disease may have appeared in the course of the voyage; or which may at any time arrive under any other alarming or suspicious circumstance as to infection; and also with respect to the persons, animals, goods, merchandize, pack-

Vessels arriving with infectious disease.

**No. 8.—1866.**

ages, baggage, wearing apparel, and other articles on board the same, so as to remove or lessen the danger of such disease being introduced or spreading in this Island. And also for shortening the time of quarantine to be performed by particular vessels, or by particular persons, goods, merchandize, packages, baggage, wearing apparel or any other article, or for absolutely or conditionally releasing them, or any of them, from quarantine.

Infectious disease in the country.

(2.) IN case of any infectious or contagious disease of a malignant nature, whether in man or beast, breaking out or spreading in any town or District of this Colony, under circumstances which render it advisable that measures should promptly be taken for securing the Public health.

Proviso.

PROVIDED that such regulations or orders shall be inserted in the *Gazette*, and that any Public Officer taking action thereunder shall be bound to report the case, with all necessary particulars, without delay, to the Governor.

Penalty for disobeying Governor's orders as aforesaid.

11. IF any person shall knowingly and wilfully disobey or contravene any order or direction made and given by the Governor, with the advice of the Executive Council, under the authority of the preceding section, or any order or direction given under the authority and in pursuance of any such order of the Governor as aforesaid, every person so refusing or neglecting to obey any such order or direction, shall be guilty of an offence, and liable, on conviction thereof, to a fine not exceeding Fifty pounds.

Commencement.

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

Passed in Council, the Twenty-seventh day of October, One thousand Eight hundred and Sixty-six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of November, One Thousand Eight Hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

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**No. 9.—1866.**

**No. 9.—1866.**

*An Ordinance for establishing Tolls on the Yatawatta Road.*

Preamble.

WHEREAS it is expedient to establish Tolls on the Yatawatta Road in the Matalé district in the Central Province: IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Toll established at the Yatawatta Road.

1. FROM and after the First day of January next Tolls shall be established on the Yatawatta Road at such rates and at such places as the Governor, from time to time, by Proclamation shall appoint: PROVIDED that the same shall in no case exceed the rates specified in the 4th Section of the Toll Ordinance, 1861.

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Seventh day of December, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS GIBSON,  
Colonial Secretary.



No. 10.—1866.

No. 10.—1866.

*An Ordinance to make further provision to meet the expenses of constructing the Railway from Colombo to Kandy.*

**W**HEREAS there is reason to believe that the line of Railway now under construction between Colombo and Kandy cannot be finished within the time contemplated by the Ordinance No. 7 of 1864, and that the sum therein estimated for its completion is likely to prove insufficient: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. THE Government of Ceylon shall be authorized to incur an expenditure of One hundred and Eighty-five thousand pounds sterling for Railway construction purposes in addition to the sum of One million and One hundred thousand pounds sterling specified in Section 3 of the Ordinance No. 7 of 1864. And such sum of One hundred and Eighty-five thousand pounds shall be defrayed from the fund formed by Section 4 of the said Ordinance, and shall be appropriated in the manner and under the conditions therein prescribed.

Government to incur an additional expenditure of £185,000 for Railway construction purposes.

2. WHEREVER in Sections 4 and 5 of the said Ordinance, the 1st January, 1867, is mentioned, the 1st January, 1868, is and shall be substituted instead thereof.

1st January, 1868, substituted for 1st January, 1867, in Sections 4 and 5 of the Ordinance 7 of 1864.

3. THIS Ordinance and the Ordinance No. 7 of 1864 shall be read and construed as if they formed one Ordinance.

This Ordinance and No 7 of 1864 to be deemed one.

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Seventh day of December, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

No. 11.—1866.

No. 11.—1866.

*An Ordinance to empower the Trustees and Managers of the Ceylon Savings' Bank to grant a Pension to Mr. Jacob Piachaud for his services as Actuary of the Institution.*

**W**HEREAS the Trustees and Managers of the Ceylon Savings' Bank have represented to the Governor of this Island that Mr. Jacob Piachaud has faithfully and zealously served the said Institution as Accountant and Actuary since the month of August, 1832, and that, from advanced age and physical infirmity, he is now no longer able to perform efficiently the duties of his present Office of Actuary, and that he is eminently deserving of a Pension for his said services, and that the Institution can well afford to grant him such Pension from the Interest accruing from its surplus profits, which amount at present to the sum of £7,229:

Preamble.

**AND** whereas the said Trustees and Managers have applied to the Governor to authorize them by an Ordinance, to be for that purpose enacted by the Legislative Council of this Island, to grant such Pension and make the same a charge on the interest accruing from the said surplus profits of the said Bank:

**AND** whereas the application made by the Trustees and Managers is reasonable and just, and it is expedient to grant the same: **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

1. THE Trustees and Managers of the Ceylon Savings' Bank are hereby empowered (anything in the Ordinance No. 12 of 1859, entitled an Ordinance "*For the better regulation of the Ceylon Savings' Bank,*" to the contrary notwithstanding)

Pension granted to Mr. Piachaud for his Services.

**No. 11.—1866.**

to grant to Mr. Jacob Piachaud, the present Actuary of that Institution, for his services as Accountant and Actuary as aforesaid, a Pension or Retiring Allowance, calculated according to the Rules prescribed for the computation of the pensions of the Civil Servants of this Island, and, from time to time, to pay such pension or allowance from the interest accruing from the surplus profits of that Institution, on which said interest the said pension or allowance is hereby made a charge.

Commencement.

2. THIS Ordinance shall come into force on the date of the passing hereof.

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Seventh day of December, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 12.—1866.**

**No. 12.—1866.**

*An Ordinance for making provision for the Supplementary Contingent Charges for the year 1866.*

Preamble.

WHEREAS by an Ordinance No. 25 of 1865, it was enacted that a Sum not exceeding Five hundred and fifty thousand One hundred and Ninety-two pounds, Nine shillings, and Three pence half-penny should be charged upon the Revenue of this Island for the Contingent Service of the year One thousand Eight hundred and Sixty-six, and it has become necessary to make further provision for the service of the said year.

£86,685 11s. 3d. to be charged upon the Revenue of this Island, for the Supplementary Contingent Service of the year 1866.

1. IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, that a sum not exceeding Eighty-six thousand and Six hundred and Eighty-five pounds, Eleven shillings and three pence shall be, and the same is hereby charged upon the Revenue of this Island, for the service hereinafter mentioned; and the said expenditure shall be in conformity with the details of the Estimates specified in the Schedule A. hereunto annexed, whereof the following is an Abstract.

ESTABLISHMENTS.

Salaries, Provisional and Temporary .....	£9024	8	11½
Allowances .....	336	17	5
Office Contingencies .....	2437	7	7½

SERVICES, exclusive of Establishments.

Pensions, Retired Allowances and Gratuities .....	263	17	4¼
Revenue Services .....	7972	4	4
Administration of Justice .....	1796	15	9
Charitable Allowances .....	373	0	4
Education .....	100	0	0
Hospitals .....	877	16	8
Police and Gaols .....	3850	13	0¼
Rent .....	262	7	7
Transport .....	3747	7	7
Conveyance of Mails .....	11	14	0
Works and Buildings .....	2771	12	6½
Roads, Streets, Bridges and Canals .....	24660	16	0
Miscellaneous Services .....	6283	2	9
Colonial Commissariat .....	1439	5	3
Government Vessels .....	7873	1	7
Refund of Duties, Drawbacks, &c. ....	7093	5	0
Lands taken for Government purposes .....	234	18	6
Immigration .....	270	0	0
Redemption of Dutch Credit Brieven .....	4	19	0
Railway Liabilities .....	5000	0	0

Total—86,685 11 3

2. AND whereas, from the sums voted for Public Works in the Supply Ordinances for the years 1864 and 1865, a balance of Sixty-one thousand Eight hundred and Eighty-eight pounds, Five shillings and Five pence half-penny remained unexpended at the end of last year, and the same has been brought forward for expenditure during the current year, It is enacted that it shall be lawful for the Governor to authorize the expenditure of the said amount during the current year for the completion of the works for which the same was voted.

3. THE Treasurer of the said Island shall issue and pay the said several sums to such persons for the purposes 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 the payments so to be made shall be charged upon and payable out of the Revenues of the said Island.

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

**No. 12.—1866.**

Expenditure of the unexpended balances of 1864 and 1865.

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

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

**SCHEDULE A.**

No. 1.—	Provisional and Temporary Salaries.			Allowances.			Office Contingencies.			Total.					
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.			
Colonial Secretary ...	71	6	4	—	—	—	347	0	0	—	—	—	418	6	4
Treasurer and Commissioner of Stamps	—	—	—	58	12	11	25	10	0	—	—	—	84	2	11
Auditor General and Comptroller of Revenue ...	—	—	—	—	—	—	35	10	0	—	—	—	35	10	0
Surveyor General ...	1508	8	0	108	10	0	404	11	0	—	—	—	2021	9	0
Civil Engineer and Commissioner of Roads ...	336	0	0	—	—	—	—	—	—	—	—	—	336	0	0
Secretary of the Loan Board ...	150	0	0	—	—	—	—	—	—	—	—	—	150	0	0
Collector of Customs for the Western Province ...	100	0	0	—	—	—	50	0	0	—	—	—	150	0	0
Collector of Customs, Eastern Province	36	9	2	—	—	—	—	—	—	—	—	—	36	9	2
Master Attendant of Colombo ...	—	—	—	—	—	—	61	0	6	—	—	—	61	0	6
Do. do. Galle ...	94	5	0	—	—	—	51	16	7	—	—	—	146	1	7
Government Steamer "Pearl" (Treasurer) ...	45	0	0	—	—	—	—	—	—	—	—	—	45	0	0
Postmaster-General ...	314	18	4	1	10	0	123	5	4	—	—	—	439	13	8
Electric Telegraph ...	657	2	0	—	—	—	460	0	0	—	—	—	1117	2	0
Registrar General of Lands ...	23	10	5	—	—	—	—	—	—	—	—	—	23	10	5
Government Agent, Western Province...	46	5	0	—	—	—	62	10	11½	108	15	11½	—	—	—
Educational Establishments ...	68	1	0	—	—	—	—	—	—	68	1	0	—	—	—
Government Agent, North-Western Province ...	236	9	7	—	—	—	5	0	0	241	9	7	—	—	—
Educational Establishments ...	4	0	0	—	—	—	—	—	—	4	0	0	—	—	—
Government Agent, Southern Province	21	5	0	5	9	6	63	0	0	—	—	—	89	14	6
Government Agent, Eastern Province...	—	—	—	—	—	—	14	2	0	—	—	—	14	2	0
Government Agent, Central Province...	—	—	—	—	—	—	10	0	0	—	—	—	10	0	0
Queen's Advocate ...	62	10	0	—	—	—	—	—	—	—	—	—	62	10	0
Registrar of the Supreme Court ...	112	1	11	—	—	—	—	—	—	—	—	—	112	1	11
District Judges, Commissioners of the Courts of Requests, and Police Magistrates ...	308	11	4	—	—	—	198	3	4	—	—	—	506	14	8
Ecclesiastical Establishments (Treasurer)	150	0	0	90	15	0	—	—	—	—	—	—	240	15	0
Principal Civil Medical Officer ...	40	0	0	—	—	—	—	—	—	—	—	—	40	0	0
Chief Superintendent of Police ...	4161	10	0	72	0	0	423	1	4½	—	—	—	4656	11	4½
Fiscal for the Western Province ...	81	0	6	—	—	—	6	10	0	—	—	—	87	10	6
Do. North-Western Province	20	4	4½	—	—	—	50	0	0	—	—	—	70	4	4½
Do. Southern do.	80	0	0	—	—	—	11	10	0	—	—	—	91	10	0
Do. Eastern do.	—	—	—	—	—	—	2	8	0	—	—	—	2	8	0
Do. Central do.	294	11	0	—	—	—	23	0	0	—	—	—	317	11	0
General and Garrison Staff ...	—	—	—	—	—	—	9	8	6½	—	—	—	9	8	6½
Regiments serving in Ceylon ...	1	0	0	—	—	—	—	—	—	—	—	—	1	0	0
	£	9024	8	11½	336	17	5	2437	7	7½	Carried forward	11798	14	0	

### No. 2.—PENSIONS, RETIRED ALLOWANCES AND GRATUITIES.

Director of the Botanical Garden					
Gratuity to Mr. W. MacNicol, Conductor of the Cinchona Garden at Hackgalla	...	...	...	100	0 0
Government Agent, Southern Province				62	11 3
Civil Pensions for December, 1866	...	...	...		
Government Agent, Eastern Province.					
Civil Pensions	...	...	9 6 8		
Military do.	...	...	40 0 0		
				49	6 8
Government Agent, Central Province.				51	19 5½
Civil Pensions for December, 1866	..	..	...		

263 17 4½

### No. 3.—REVENUE SERVICES.

Government Agent for the Western Province	...	...	...	623	14 4
For the collection, &c., of Grain	...	...	71 0 9		
For Assessment Tax	...	...	207 13 7		
For Law prosecutions	...	...	25 0 0		
Tin Plates for Licensed Carts, &c.	...	...	20 0 0		
For the collection, &c., of Tolls	...	...	300 0 0		
			623 14 4		
Government Agent for the North-Western Province	...	...	...	2557	10 0
For collecting and storing, &c., Salt	..	..	2400 0 0		
Remuneration to Assessors of Grain	.	.	157 10 0		
			2557 10 0		
Government Agent for the Eastern Province.				1116	0 0
For transporting, &c., Salt	...	...	...		
Government Agent for the Northern Province	...	...	...	3120	10 0
For collecting and storing, &c., Salt	...	...	2105 0 0		
For recommuting the Grain Tythe	...	...	20 0 0		
For the inspection of the Pearl Banks at Arippe, &c.	...	...	925 10 0		
For commission to Headmen on receipts from Timber felled, &c.	...	...	70 0 0		
			3120 10 0		
Government Agent for the Central Province.	..	...	...	554	10 0
For the collection, &c., of Grain	...	...	550 0 0		
Licenses, Petty expenses	...	...	4 10 0		
			554 10 0		

7972 4 4

### No. 4.—ADMINISTRATION OF JUSTICE.

Government Agent for the Western Province	...	...	...	35	0 0
Government Agent for the Central Province.	...	...	...	10	0 0
Registrar of the Supreme Court	...	...	...	500	0 0
District Judges, Commissioners of Requests and Police Magistrates.	...	...	...	57	15 6
Fiscals	...	...	...	1194	0 3

1796 15 9

### No. 6.—CHARITABLE ALLOWANCES

Government Agent for the Western Province	..	..	..	90	0 0
Do. Southern do.	..	..	..	85	0 0
Do. Eastern do.	..	..	..	53	0 4
Do. Northern do.	..	..	..	45	0 0
Do. Central do.	..	..	..	100	0 0

373 0 4

### No. 7.—EDUCATION.

Government Agent for the Western Province	...	...	...	...	100 0 0
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### No. 8.—HOSPITALS.

Government Agent for the Western Province	...	...	...	498	7 0
Do. North-Western do.	...	...	...	150	0 0
Do. Eastern do.	...	...	...	50	0 0
Do. Central do.	...	...	...	179	9 8

877 16 8

### No. 9.—POLICE AND GAOLS.

Chief Superintendent of Police	..	..	..	44	0 0
Fiscal for the Western Province	...	...	...	1150	0 0
do. North-Western do.	...	...	...	215	0 0
do. Northern do.	...	...	...	141	0 0
do. Central do.	...	...	...	1200	0 0
Governments of India	...	...	...	1100	13 0½

3850 18 0½





[Brought forward.. £

...

27033 1 5½ No. 12.—1866.

## No. 10.—RENT.

Civil Engineer and Commissioner of Roads	...	...	...	21	0	0
Collector of Customs for the Northern Province	..	...	...	5	0	11
Government Agent for the Northern Province	...	...	5 0 0			
(Education Establishment)...	...	...	4 0 0	9	0	0
Government Agent for the Central Province (Educational Establishment)	...	...	...	70	6	8
Chief Superintendent of Police	...	..	..	153	5	0
Fiscal for the Northern Province	...	...	...	3	15	0

262

## No. 11.—TRANSPORT.

Governor	...	...	...	250	0	0
Auditor General	...	...	...	50	0	0
Surveyor General	...	...	...	150	0	0
Electric Telegraph	..	..	..	309	6	9
Government Agent for the Western Province	...	...	...	168	0	0
Do. North-Western Province	...	...	...	60	0	0
Do. Southern do.	...	...	...	125	0	0
Do. Eastern do.	...	...	...	15	0	0
Do. Northern do.	...	...	...	40	0	0
Do. Central do.	...	...	...	155	0	0
Queen's Advocate	...	...	...	50	0	0
Commissioners of Requests and Police Magistrates	...	...	...	48	0	10
Principal Civil Medical Officer	...	...	...	60	0	0
Chief Superintendent of Police	..	...	...	256	0	0
Fiscal for the Western Province	...	...	...	2000	0	0
Do Northern do.	..	...	...	5	0	0
Regiments serving in Ceylon	..	...	...	6	0	0

3747 7 7

## No. 12.—CONVEYANCE OF MAILS.

Postmaster-General	...	...	...	11	14	0
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## No. 13.—WORKS AND BUILDINGS.

## CIVIL ENGINEER AND COMMISSIONER OF ROADS.

## NEW WORKS.

For extending the boat shed next that occupied by the life Boat to accommodate the Iron Lighter	...	...	310	17	0
For providing accommodation for the European Constables near the Police Station at Galle	...	...	558	16	0
For building retaining walls, &c., from Gurugalakanda to Kanakóroppugé Bridge at Nedimále on the banks of the Canal from Colombo to Kalutara (Caltura,) on an Estimate of £4,000	...	...	529	0	0
For building a Church at Hulsdorp for the Sinhalese Congregation upon an Estimate of £3,251 17 0	...	...	24	7	11½
For executing certain works to the General Cemetery at Borella upon an Estimate of £1,948	...	...	81	15	7
For building a Surgery and Medical Officer's Quarters at Hambantota upon an Estimate of £231 10s.	...	...	90	10	0
For erecting a building to be used as Cutcherry Offices at Anuradhapura, upon an Estimate of £750	...	...	271	13	5½
For building a Church at Dolosbágé, Government moiety	...	...	155	4	9½
For fitting up the new Dioptric light on the Clock Tower	...	...	133	15	2
For constructing a sluice in the Dehandea Ella near Negombo, Government moiety	...	...	32	2	11
For building two Police Stations at Wijeria and Rakwána	...	...	97	10	0
For building an Office and residence for the keeper of the General Cemetery at Borella	..	...	404	11	2
			2690	4	0

## REPAIRS.

For ventilating the stables and providing guttering and down pipes to drain the iron roof over the upper Verandah at the Pavilion, Kandy	...	...	35	2	0
For shingling the roof of the house assigned to the Conductor of the Cinchona Garden at Hakgala	...	...	24	19	0
			60	1	0

Carried forward—£ 2750 5 0 31054 10 7½

No. 12.—1866.

		[Brought forward £...	2750 5 0	31054 10 7½
<b>No. 13.—WORKS AND BUILDINGS.</b>				
CIVIL ENGINEER AND COMMISSIONER OF ROADS—(contd.)				
COMMANDING ROYAL ENGINEER.				
To cover the balance of £21 7s. 6½d. remaining unexpended in the Balance Estimate No. 24 of £275 16s. 11d., granted by the Supply Ordinance No. 12 of 1863 for erecting one block of 18 huts for the married men of the Ceylon Rifles at Jaffna ... .. .				
			21 7 6½	2771 12 6½
<b>No. 14.—ROADS, STREETS, BRIDGES AND CANALS—(contd.)</b>				
FOR THE ORDINARY AND NECESSARY REPAIRS.				
ROADS.				
For the general upkeep of the Kandy Mail Road for the year 1866	2507 3 6			
For forming depôts of stone on the Kandy Mail Road	3464 1 8			
For permanent repairs of the 8 miles of the Nuwara Eliya and Badulla Road between the 67th and 71st and 59th and 63rd mile-posts ... .. .	314 13 10			
For making passable for wheel traffic a portion of the road from Haragama to Maturata upon an Estimate of £3000	762 14 10½			
For the upkeep of the Road between Rattota and Matalé	150 0 0			
For the upkeep of the road between Péradeniya and Gampola	600 0 0			
For the repair and upkeep of the roads, bridges and drains, between Grandpass and Sitawaka ... .. .	150 0 0			
For rendering passable the 16 miles of road between Ginegatiénalgap to Dunbar ford, Dikoya ... .. .	28 15 0			
For the upkeep of the road between Kandy and Matalé ... .. .	600 0 0			
For the upkeep of the 37 miles of the road from Gampola to Nuwara Eliya, between the 13th and 15th mile posts...	1406 11 4			
For the general upkeep of the portion of road between Badulla and Ratnapura ... .. .	189 4 0			
For casual repair of the road from Badulla to Hambantota	255 4 0			
For the general upkeep of the Nuwara Eliya and Badulla road between the 50th and 83rd mile posts ... .. .	970 4 0			
For metalling a portion of road between Ratnapura and Palmadulla ... .. .	452 15 7			
For the upkeep of the road from Yatiyantota to Kitulgala	100 0 0			
		11951 7 9½		
FOR OPENING NEW ROADS.				
For surveying and tracing roads ... .. .	800 0 0			
For the extension of the Dotella road to the left bank of the Maha Oya, Government Moiety ... .. .	62 10 0			
For forming a road from the Factory past the proposed Railway Station to the Maradána (Marandahu) road upon an Estimate of £3,294 14s. 4d....	33 5 0			
For opening a four feet bridle path between Dimbula and Dikoya ... .. .	260 0 0			
For opening a road from Katugastota bridge to the Kurunégala road ... .. .	1507 2 9			
For opening a new road from the Allawwa road near Polgahawela past the site of the Railway station to the Kégalla road ... .. .	77 0 0			
For forming a new road from Maradána road to the sea shore road at the end of Kortebon street, upon an Estimate of £7047 15s. 0d. ... .. .	2047 15 10			
For the extension of the Dimbula road, Government moiety ... .. .	386 6 1½			
		5173 19 8½		
For Light-House Apparatus ... .. .	1537 0 0			
For maintaining 5 new Elephants which were captured at Nelugala Kraal in 7 Korles ... .. .	599 0 0			
For losses sustained by the desertion of Coolies imported from Negapatam ... .. .	254 1 3			
For compensation to be paid to land owners for damages sustained by them in the opening of the new road from Warakápola to Kínadeniya ... .. .	325 8 11			
For blowing up and removing the boulder stones from the bed of the Harbour in the neighbourhood of the site of the Kappara rock in the Galle Harbour ... .. .	495 0 0			
For the importation of Pioneers and labourers from the Coast	3000 0 0			
For compensation for land taken for stone quarry at Silver-smith Street ... .. .	75 0 0			
		6285 10 2		
Carried forward...		23410 17 8	33826 3 2	



## No. 14.—ROADS, STREETS, BRIDGES AND CANALS—(contd.)

## CIVIL ENGINEER AND COMMISSIONER OF ROADS—(contd.)

## FOR THE ORDINARY AND NECESSARY REPAIRS.

## BRIDGES.

## New.

For putting an Iron bridge of 80 feet span across the Bopé stream ... ..	1048 4 7
For constructing, effecting requisite repairs to the girders and masonry, and completing the Kanakarayanár bridge upon Estimates of £1200, £184 and £200 ... ..	25 11 1½
For building an Iron Lattice bridge over the Dambul Oya	106 19 11½
	<hr/>
	1180 15 8

## REPAIRS.

For rebuilding an Arch of 25 feet span in the Amblangoda bridge .. ..	69 2 8
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24660 16 0

## No. 15.—MISCELLANEOUS SERVICES.

Treasurer .. ..	780 11 3
Surveyor General .. ..	5300 0 0
Government Agent for the Western Province .. ..	17 11 6
Do. Southern do. .. ..	15 0 0
Do. Eastern do. .. ..	30 0 0
Do. Northern do. .. ..	90 0 0
Do. Central do. .. ..	50 0 0

6283 2 9

## No. 17.—COLONIAL COMMISSARIAT.

Deputy Commissary General .. ..	1140 0 0
Colonial Agents in India .. ..	299 5 3

1439 5 3

## No. 20.—GOVERNMENT VESSELS.

Treasurer .. ..	7873 1 7
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7873 1 7

## No. 21.—REFUND OF DUTIES, DRAWBACKS, &amp;c.

Government Agent for the Western Province .. ..	25 0 0
Do. do. Eastern Province .. ..	28 1 1
Do. do. Central Province .. ..	7040 3 11

7093 5 0

## No. 22.—LANDS TAKEN FOR GOVERNMENT PURPOSES.

Government Agent, Southern Province .. ..	105 0 0
Do. do. Central do. .. ..	5 0 0
Do. do. Northern do. .. ..	124 18 6

234 18 6

## No. 23.—IMMIGRATION.

Government Agent for the Northern Province .. ..	270 0 0
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270 0 0

## No. 25.—REDEMPTION OF DUTCH CREDIT BRIEVEN

Treasurer .. ..	4 19 0
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4 19 0

## No. 27.—RAILWAY LIABILITIES.

Excess of working expenses beyond the receipts of the Railway for 1866 .. ..	5000 0 0
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5000 0 0

Total...£ .. 86685 11 3

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Seventh day of December, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 13.—1866.** *An Ordinance to provide for the Construction, Up-keep and Repair of Branch Roads.*

Preamble.

WHEREAS it is expedient to consolidate and amend the Branch Roads' Construction Grants-in-aid Ordinances of 1857, 1858 and 1865, and to provide for the Construction, Up-keep and Repair of Branch Roads: IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

I.—*Preliminary.*

- Short title. 1. THIS Ordinance may be cited for all purposes as "*The Branch Roads' Ordinance, 1866.*"
- Commencement. 2. THIS Ordinance shall come into operation on the date of the passing thereof.
- Interpretation. 3. IN the construction, and for the purposes of this Ordinance, the word "Proprietor" shall mean the sole or any joint owner of an Estate, and the word "Estate" shall mean a tract of land exceeding Fifty acres, cultivated or uncultivated, belonging to one person, or to several persons, and forming a separate or distinct property. PROVIDED that nothing in this Ordinance contained shall be held to apply to proprietors of Paddy lands or to lands cultivated with Paddy or other grain.
- Repeal of former Ordinances. 4. THE Ordinance No. 16 of 1857, entitled "*To promote the Construction of Branch Roads by Grants-in-aid,*" the Ordinance No. 11 of 1858, entitled "*To amend the Branch Roads Construction Grants-in-aid Ordinance, 1857,*" and the Ordinance No. 13 of 1865, entitled "*An Ordinance further to amend the Branch Roads Construction Grants-in-aid Ordinances of 1857 and 1858,*" are hereby repealed; except as to liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place before this Ordinance comes into operation.

II.—*Construction of Branch Roads.*

- Application for Grants-in-aid. 5. THE proprietors of any three or more Estates, situated in the same District to which there is no available Cart Road, leading from some convenient principal Thoroughfare, may make application, in writing, to the Provincial Road Committee of the Province in which such Estates are situated, that the provisions of this Ordinance be extended to the said District; and shall set forth, in such application, so far as they may be able to ascertain the same, the following particulars:—
- (1.) THE name of the said District;
  - (2.) THE names of all Estates therein;
  - (3.) THE names of the proprietors, or, if unknown, of the resident managers;
  - (4.) THE extent (so far as is known) of the land belonging to such Estates under cultivation;
  - (5.) THE nature and quantity of the average annual produce of the cultivated Estates in such District;
  - (6.) THE estimated length in miles of Road required to be made, to connect such Estates in the District, with the most convenient principal Thoroughfare;
  - (7.) THE amount which, in the opinion of the applicants, will be required for the construction of the proposed Road.

If the Estates in any District fall within two Provinces, it shall be lawful for the Governor to choose the Province, the Provincial Road Committee of which shall be empowered to act as provided by the Ordinance,—and, upon such choice being made, and published in the *Government Gazette*, the Provincial Road Committee of the Province so chosen shall have power to act as hereinafter provided.

Provincial Committee to define limits of district.

6. ON receipt of such application, the said Provincial Committee shall give such public notice, by publication in three consecutive numbers of the *Government Gazette* as they think necessary, of their intention to define the limits of the





District, the Estates in which—if the proposal for the construction under the provisions of this Ordinance, of such Branch Road, be adopted by the proprietors of two-thirds of the acreage in such District, as hereinafter provided,—will become and be severally bound and liable for the amount of contribution towards the construction of such Road which the said Estates may be afterwards assessed at, in manner provided by this Ordinance: and in such notice the said Committee shall appoint the time and place at which they will take evidence, if necessary, and receive and consider the objections of any proprietor to his Estate being included within the limits of such District. And the said Committee, after making such inquiry as they may deem requisite, and considering any such objections, shall proceed to define the limits of such District; and shall enter a description of such limits in the Minutes of their Proceedings. And the Chairman of such Committee shall thereupon transmit to the proprietor (or, in case of his absence from the Colony, to the resident manager—or, if there be no resident manager, to the agent, if any, in this Colony, of the proprietor,) of every Estate within the limits of such District, so defined as aforesaid, a requisition (A) calling upon him to declare in writing, within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such District for the purpose of the construction therein of a Branch Road. If there be no known Agent, the Chairman shall cause such requisition to be affixed in some conspicuous part of the Estate, and published in three consecutive numbers of the *Government Gazette*. If no answer be sent to the said Chairman, within the time limited by such requisition, the person to whom the same was forwarded, shall be deemed and taken to have concurred in the proposal referred to therein.

Requisition thereon to proprietors.

7. IF it shall appear to the Provincial Committee from the replies to such requisitions, or otherwise, that the proprietors of two-thirds at least of the acreage in any such District are desirous that the provisions of this Ordinance should extend and be applied to the said District for the purpose of constructing therein a Branch Road, the said Committee shall forthwith forward such application to Government, together with their report as to the necessity for such Road, and as to the line, direction, and terminus which they recommend, as best adapted for the general convenience of the District. And thereupon it shall be lawful for the Governor to direct the Commissioner of Roads to examine the said District, and to report as to the best mode of giving effect to the proposal, and to frame and submit an Estimate of the probable cost of properly constructing and metalling the proposed Road in such sections as the Provincial Committee shall determine.

Proceeding if proprietors of two-thirds of acreage agree.

Proceedings thereon.

8. UPON receipt of the Report of the Commissioner of Roads and of the Estimate prepared by him as aforesaid, it shall be lawful for the Governor, if to him, with the advice of the Executive Council, it shall appear expedient so to do, to propose such Estimate in the Ordinance for making provision for the contingent expenditure of the Colony for the ensuing year, or for any year thereafter, to be brought before the Legislative Council to be dealt with as any other Estimate so proposed. And if the Estimate so proposed be approved by the Legislative Council, and a sum of money equal to one moiety of the total cost of constructing the proposed Road be duly voted by the Legislative Council, the Proprietors of all the Estates within the limits of such District, so defined as aforesaid, shall become and be severally bound and liable for their contribution equal to the other moiety, in proportion to the rates to be determined by an assessment as hereinafter provided, and the same shall be a first charge upon the Estates respectively.

A moiety of proposed cost may be granted out of the Public Funds.

9. THE Provincial Committee shall proceed to assess the proportion due by each Estate, by dividing the sum of money, equal to a moiety of the total cost of constructing each section of the proposed Road, by the total number of acres of the Estates interested in and capable of using such section, (subject to the exception in Section 10 specified) and thus apportioning the amount due upon each acre. And the rate assessed by the Committee shall be binding and conclusive on all proprietors of Estates in such District. And the Chairman of such Committee shall thereupon transmit to the proprietor of each Estate (or, in case of his absence from the Colony, to the resident Manager,—or, if there be no resident Manager, to the Agent, if any, in this Colony of the Proprietor,) a requisition, (B), calling upon him to pay into the Colonial Treasury, within such time as shall be therein specified, the amount of the contribution due by him to make up the moiety payable

The Provincial Road Committee to assess the share to be contributed by each Estate.

Proceeding thereon.

**No. 13.—1866.**

Publication of Notice in  
*Gazette.*

Provincial Committee to exempt from assessment lands inaccessible, obviously unfit for cultivation, or lands which had been cultivated and abandoned.

Proviso that the exemption should be promptly claimed.

Further proviso, making such lands liable if they are nevertheless cultivated afterwards, and the road used for the conveyance of their produce.

If amount of first estimate prove insufficient, further estimates are to be made, and the rates payable by the estates to be assessed in like manner as the original rates.

Further rates for repairs.

by the Proprietors. If there be no known Agent, the Chairman shall cause such requisition to be affixed in some conspicuous part of the Estate. And the Chairman shall also cause a notice to be published in three consecutive numbers of the *Government Gazette*, specifying the Estates which will have to contribute towards the construction of the proposed Road, the sum each Estate is assessed at, and the time within which the several contributions are to be paid into the Colonial Treasury.

10. IF by reason of any Estate, or any portion not less than half of the entire extent thereof, being inaccessible or obviously unfit for cultivation, or having been cultivated and abandoned, or from other like cause, it shall seem to the Provincial Committee right to exempt such Estate or portion thereof from the Assessment, it shall be lawful for such Committee to do so, and to proceed in its assessment as if there was no such land in the District. PROVIDED, that to entitle a proprietor to such exemption, he or the person representing him shall claim the same at the time and place appointed by the Provincial Committee for hearing objections of Proprietors or Agents to Estates included within the limits of the District as provided by Section 6, and shall, at his own cost and expense, satisfy the Committee, by such proof as it shall call for, that he is entitled to such exemption. PROVIDED further that, should the proprietor of any such Estate or portion thereof, or any person claiming under him, bring such Estate or portion thereof nevertheless into cultivation afterwards, and use the road for the purposes of, or with a view to such cultivation (of which facts the Provincial Committee for the time being shall be the sole and final Judge) it shall be competent for such Provincial Committee to call upon such proprietor or person to pay the sum which he would have been liable to pay had the Estate or portion thereof not been exempted from the original assessment, and, in default of his paying the same, to proceed to recover such sum in the manner herein provided for the recovery of sums assessed. And the Provincial Committee shall apply such sum for the upkeep and repair of the road.

### III.—Completion and Repair of Branch Roads.

11. IF, after any road shall have been commenced under the provisions of the Ordinances hereby repealed, or of the present Ordinance, the Estimate originally made shall prove insufficient for properly constructing and metalling the same, the Estates in the district (including any which may have been opened since the original assessment,) shall become and be held liable for a moiety of the further sum or sums required to complete the Road, and it shall be lawful for the Governor to direct the Commissioner of Roads to frame and submit further Estimates for the purpose aforesaid. And, on such further Estimates being prepared, the Provincial Committee shall proceed, once or oftener, if necessary, to assess the proportion due by the Estates in each Section of the road, to make up the moiety of such further Estimates, and to take the further proceedings prescribed for the original assessment of the proportion due by each Estate under Section 9 of this Ordinance. And the rate or rates assessed by such Committee shall be binding and conclusive on all proprietors of Estates in the district, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government, (either by Labour under "*The Thoroughfares' Ordinance, 1861,*" or money from the Treasury,) for the completion of the said road.

12. WHENEVER it shall be found necessary at any time to repair any road constructed under the provisions of the Ordinances hereby repealed, or of the present Ordinance, the Estates in the district (including any which may have been opened since the original assessment,) shall become and be held liable for a moiety of the sum or sums required for making the necessary repairs (provided that the amount of Tolls which may be collected on such Road shall be deducted from the moiety assessed on the Estates) and it shall be lawful for the Governor to direct the Commissioner of Roads to frame and submit one or more estimates for such repairs. And, on such Estimate or Estimates being prepared, the Provincial Committee shall proceed to assess the proportion due by the Estates in each section of the road, to make up the moiety of such Estimate or Estimates less the Tolls as aforesaid, and shall take the further proceedings prescribed for the original assessment of the proportion due by each Estate under section 9 of this Ordinance. And the rate or rates so assessed by the Committee shall be binding and conclusive on all proprietors of Estates in the district, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under the "*Thoroughfares' Ordinance, 1861,*" or money from the Treasury) for the purpose of repairing the said road.



§. 13. - This clause must be construed in connection with the 17<sup>th</sup> §, - so that tho' the debt to the Road Committee is declared to be a first charge on the estate, - the purchaser at a sale held under the provisions of this Ord.:- only takes the right, title & interest the defaulter had at the time of the sale, - so that all <sup>the sale of</sup> encum-  
-bered estate must be held ~~subject~~ to the encumbrance. D.C.L. 58. 135. Hindjalle Estate.



IV.—*Recovery of sums assessed.*

No. 13.—1866.

13. IF any proprietor shall neglect or refuse to pay his proportion of the said moiety, for any of the purposes above specified, within the time fixed for the payment of the same, or shall be in default in the payment of the sums assessed under the Ordinances hereby repealed or any of them, it shall be lawful for the Provincial Committee to order proceedings to be taken for the recovery of the same. Whereupon the Chairman of the Provincial Committee or any person authorized by writing under his hand, shall proceed to seize the Estate assessed, and if the amount due, together with the costs and charges payable under Section 15 of this Ordinance shall not be previously paid or tendered, to sell the said Estate so seized, by Public Auction, at any time not less than thirty nor more than sixty days from the time of such seizure. And the amount due by such Proprietor, shall be a first charge upon the Estate, but the said Estate having been seized and sold as aforesaid, the Proprietor thereof shall stand free from all further demands, and shall not be liable to have his other property or his person seized for the balance, if any, of such assessment. PROVIDED that, it shall be lawful for the other Proprietors, or any one or more of them, to advance the amount due by the Proprietor in default, so as to prevent delay in the construction of the road, without in any way affecting the right of the Provincial Committee to seize and sell as aforesaid, which it shall be obligatory on the Provincial Committee to do in such case, paying over from the proceeds the sum so advanced. PROVIDED further that in the case of a proprietor absent from the Island and not represented by any person therein, the sale shall not take place without notice of sale being published in the *Government Gazette*, for six months previous to the sale, and being affixed in some conspicuous part of the Estate.

Provincial Road Committee may seize and sell the property of any proprietor, who refuses or neglects to pay his share.

Amount may be advanced by other proprietors, without prejudice to the Committee's right of action.

14. IT shall be lawful for the person making the seizure to place and keep a person in possession of the land so seized as aforesaid, pending such sale.

Keeping a person in charge of property seized.

15. IT shall be lawful for the Chairman of the Provincial Committee, or any person authorized by him as aforesaid, to demand, take and receive from the person by whom money may be due as aforesaid, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the several sums of money mentioned as follows:—

Costs and charges of seizure and sale.

- (1.) FOR cost of proceeding to the land of the party in default in order to seize the same,—a charge not exceeding *one shilling* for every pound due.
- (2.) FOR keeping a person in possession,—a charge not exceeding *one shilling* per day.
- (3.) FOR the expenses of sale,—a charge not exceeding *sixpence* in the pound on the net produce of the sale.

Return of overplus to owner.

16. IN the event of a sale of property seized, the Chairman of the Provincial Committee, at whose instance such seizure was made, shall, after deducting the amount due as aforesaid, and also the costs and charges payable under Section 15 (which said costs and charges such Chairman is hereby authorized to retain), restore the overplus, if any, arising from such sale, to the owner or joint owners of the property sold.

Certificate of sale.

17. IF land be sold for non-payment as aforesaid, a Certificate substantially in form C. in the Schedule hereto annexed, signed by the Chairman shall be sufficient to vest the right, title and interest of the Proprietor in default in the purchaser, any law or custom to the contrary notwithstanding. Such Certificate shall be liable to the stamp duty fixed on conveyances of immoveable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Provincial Committee liable in damages.

18. THE Provincial Committee, the Chairman of which shall cause property to be seized and sold as aforesaid, shall, in the execution of the authority entrusted to them by this Ordinance, be civilly responsible in damages to any person who shall be aggrieved by reason of any irregularity of proceeding or abuse of authority on the part of such Chairman as aforesaid, or on the part of any person specially authorized by him as aforesaid. PROVIDED however that no such action shall be brought against the Provincial Committee or any of its officers after the expiration of six months from the time that the cause of action shall have arisen.

Proviso.

No. 13.—1866.

V.—General Provisions.

Costs.

19. IF costs shall be incurred in any suit, other than that provided by the preceding section, brought by or against the Committee for anything done under the provisions of this Ordinance, or if a Survey be indispensable to enable the Provincial Committee to act, and such Committee shall therefore order one to be made, such costs and the expenses of such Survey shall be payable by the Proprietors of the Estates in the District in equal proportions. And if any Proprietor refuse or neglect to pay his proportion when required to do so, the Chairman shall recover the same in the manner and subject to the provisions herein prescribed under the fourth division of this Ordinance relating to "Recovery of sums assessed."

The grant of the moiety may be made subject to conditions.

20. IT shall be lawful for the Governor, with the advice of the Executive Council, to make the grant of the moiety voted by the Legislative Council, subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the Public funds as by the proprietors, as the Governor, with the advice of the Executive Council, shall think fit from time to time to establish, either specially in each case, or generally applicable to all cases. PROVIDED that no Warrant shall be issued to the Treasurer for the payment of any such sum of money, or of any part thereof, from the Colonial Treasury, nor shall any sum be issued by him from the said Treasury, until the other moiety of the estimated cost of constructing or repairing such Road, or so much of such moiety as the Governor may think necessary, shall have been deposited in the said Treasury by or on behalf of the proprietors of such Estates as aforesaid.

Moiety not to be paid by Government till deposit of their moiety or part thereof by proprietors.

Roads for which such grants in aid are made, to be deemed Public roads.

21. EVERY road, towards the construction or repair of which any money shall be issued from the Colonial Treasury, under the authority of this Ordinance, shall be deemed and taken to be a Public road to all intents and purposes.

Tolls on Branch Roads.

22. IT shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to direct that Tolls not exceeding those specified in the Ordinance No. 22 of 1861, entitled "*An Ordinance to consolidate and amend the Law in respect to the Collection of Tolls*," or in any Ordinance to be in that behalf hereafter enacted, shall be levied on any of the Roads which shall have been made or completed or repaired under the provisions of the Ordinances hereby repealed, or which shall be made or completed or repaired under the provisions of this Ordinance, and to determine at what place the Tolls so levied shall be collected, and the places from time to time in like manner to alter, and other places to establish instead thereof, for the collection of such Tolls; and when the Tolls shall have been so established, the provisions of the said Ordinance No. 22 of 1861 or of any other Ordinance to be in that behalf hereafter enacted, shall, so far as they are applicable thereto, be of force in respect of the Tolls to be levied, in virtue of the Proclamations to be made as aforesaid, and shall be read and construed as if the said provisions had been expressly enacted as applicable to the said places, and shall be applied, observed, and put in execution accordingly.

And may fix Toll Stations.

Provisions of the Ordinance No. 22 of 1861 extended to the Tolls to be so established.

Proprietor may be represented by resident Manager or Agent.

23. IN case of the absence from the Colony of the proprietor of any Estate, the resident manager—or, if there be no resident manager, the agent, if any, in this Colony, of the proprietor,—shall and may represent such proprietor, and act for him in all matters and things which it may be lawful or necessary for such proprietor to do under any of the provisions of this Ordinance. If there be no known Agent, notice affixed on the land and published in the *Government Gazette* shall be deemed notice to the Proprietor.

Provisions of Ordinance No. 10 of 1861 to be in force so far as they are consistent with this Ordinance.

24. THE provisions, regulations and directions in the "*The Thoroughfares' Ordinance, 1861*" contained, so far as they are applicable to the making and repairing of Roads, and not inconsistent with this Ordinance, shall be of force in respect of the Roads to be constructed or repaired under this Ordinance, and shall be read and construed as if such provisions, regulations and directions had been inserted herein as applicable to the said Roads, and shall be applied, observed, and put in execution accordingly.

Pupuressa Road to be repaired as a Branch Road.

25. WHEREAS the Road leading from the Gampolla and Pussellawa Road to Pupuressa and known as the Pupuressa Road was originally constructed by the Proprietors of certain Estates, and it is expedient to provide for its upkeep and repair as if it were a Branch Road constructed under this Ordinance: It is enacted that, henceforward, such Road shall be treated as a Road made under this Ordinance, and provision shall be made for its upkeep and repair as if it had been originally constructed under the provisions of this Ordinance.

Provisions of this Ordinance to apply to all Lands assessed after 1st September, 1866.

26. THE provisions of this Ordinance shall be held to apply to all assessments of lands made since the First day of September last under the provisions of the Ordinances hereby repealed.





SCHEDULE.

A.  
(Section 6.)

Office of the Provincial Committee,  
Kandy, 18 .

To  
Proprietor (or Resident Manager) of Estate.

SIR,  
It has been proposed to construct a branch Cart-road leading from the main road near the mile post  
(or at the village of ) to the District of in which  
your Estate is situated, under the provisions of "The Branch Roads Ordinance,  
1866;" and I am therefore to request you will fill up the accompanying paper, and return the same to me before the  
day of next ensuing, in failure whereof you will be deemed to have con-  
curred in the said proposal.

I am, SIR,  
Your obedient Servant,  
Chairman Provincial Committee.

(Paper referred to in the foregoing Letter.)

186 .

To the Chairman of the Provincial Committee for the Central Province, Kandy.

SIR,  
I hereby declare that I (do or do not) desire that the provisions of "The Branch Roads' Ordinance, 1866," should  
be extended to the District of , in which my Estate (or, the Estate under my management)  
called is situated, for the purpose of the construction of a branch Cart road to the  
said District, from the main road to near the mile post (or, at the village of )

I am, SIR,  
Your obedient Servant,  
Proprietor (or, Resident Manager or Agent) Estate.  
of

B.  
(Section 9.)

Office of the Provincial Committee, 18 .

To  
Proprietor (or Resident Manager or Agent) of Estate.

SIR,  
THE Governor, with the advice and consent of the Legislative Council, having agreed to grant a moiety for the  
construction (or completion or repair as the case may be) of a branch Cart Road, leading from the main road near the  
mile post, (or at the village of ) to the District of in which your Estate  
is situated, the Provincial Committee, acting under the provisions of "The Branch Roads' Ordinance, 1866," have  
assessed the proportion due by your Estate at £ which sum you are hereby required to pay into the Colonial  
Treasury, on or before the day of 18 .

I am, SIR,  
Your obedient Servant,  
Chairman Provincial Committee.

C.  
(Section 17.)

Whereas of was in default in the payment of the moneys due by him as  
contribution for constructing (or completing or repairing as the case may be, under the Branch Roads Ordinance, 186 ,  
and became liable in the sum of £ inclusive of costs,  
and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance,  
and sold, also in conformity therewith, on the day of and the same was purchased  
by for the sum of £ which has been duly paid by the said  
Chairman of the Provincial Committee, by virtue of the powers  
vested in me by the said Ordinance, do hereby certify that the following property; to wit: (here describe the property  
accurately) has been sold and purchased by of for the sum of which he has  
duly paid, and that the right, title and interest of the said in the said premises are and shall hence-  
forward be vested in the said his heirs, executors, administrators, and assigns for ever.

Given under my hand at this day of  
Passed in Council the Fifth day of December, One thousand Eight hundred and Sixty-six.  
JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Seventh day of December, One thousand Eight  
hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

*An Ordinance relating to Kandyan Marriages.*

Preamble.

**W**HEREAS the proof by oral testimony only, as to whether marriages contracted by Kandyans, be in Beena or in Deega, gives rise to frauds and perjuries, which it is expedient to prevent: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Commencement of Ordinance.

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

Notice of marriage must state whether the marriage is contracted in Beena or in Deega.

2. **WHENEVER** Notice of Marriage is given to a Registrar under Section 11 of the Ordinance No. 13 of 1859, entitled "*An Ordinance to amend the laws of Marriage in the Kandyan Provinces*," or under any other Ordinance to be in that behalf hereafter enacted, such notice, in addition to the several particulars required to be given in the same, shall set forth whether the marriage is to be contracted in Beena or in Deega, and the Registrar shall enter the same in the Marriage Notice Book provided for by Section 12 of the said Ordinance.

Such information to be also given in the Registry Book and certified copies.

3. **IN** addition to the information prescribed by Sections 17, 21 and 22 of the said Ordinance, there shall also be recorded in the Marriage Register Book and in the certified copies to be given of the entries therein, the nature of the marriage contracted by the parties, that is, whether in Beena or in Deega.

Particulars as to marriage having been in Beena or in Deega to be given as respects marriages already referred.

4. **AS** respects Marriages already contracted by Kandyans, and registered under the provisions of the said Ordinance, the Registrars of the Districts within which such Marriages have been registered are hereby required to give written notice to the parties thereto calling upon them to furnish him, within thirty days from the service of the notice, with information in writing touching the nature of such Marriage, that is, whether the same was contracted in Beena or in Deega. Parties rendering such information shall do so in writing and shall subscribe their signatures or marks to the same in the presence of any Headman of the village in which the parties reside.

Entry of such particulars, of refusal to afford them.

5. **IF** the parties to such marriage shall furnish the Registrar with such information he shall add the same to the entry relating to the Registration of the Marriage of the parties in the book kept under Sections 29 and 19 of the said Ordinance. It shall be further the duty of the Registrar to cause the paper containing the information as aforesaid to be duly filed and preserved in his Office. If the parties shall refuse or fail to give such information the Registrar shall record such refusal or failure in the entry aforesaid. When the books shall be filled, the Registrar shall deliver one to the Government Agent, and the other he shall keep safely in his Office. The books kept in the Registrar's Office shall be subject to the inspection and examination of the Agent from time to time.

Any party to a marriage may have omission or error in Registry or particulars supplied or rectified.

6. **IF** the information required by this Ordinance as to the marriage having been contracted in Beena or in Deega, shall have been omitted or erroneously given, without fault of the parties to the marriage, any party to such marriage may take steps, at any time before any suit in respect of such marriage, or of property affected thereby, or after suit, with consent of the Court before which such suit shall have been brought, to have such omission supplied or error rectified. And, for that purpose, such party may apply to the District Court having jurisdiction in the place where such marriage shall have been contracted, to have such omission supplied or error rectified, and such Court shall summarily take evidence on the question, and certify to the Registrar the nature of the marriage contracted by the parties, which the Registrar shall thereupon add to the proper Registry of marriage briefly, with the order of the Court, the date thereof, and the number of the Record in which such order shall have been made. If the Register book containing the marriage shall have been already delivered to the Government Agent, as is required by the said Ordinance, the Registrar shall furnish such Agent with the information necessary to enable the Agent to add the same to the Registry.







7. ANY person claiming an interest in marriages contracted before or after this Ordinance shall come into operation, may make application to the Registrar in writing, setting forth the name and interest of applicant and the names of the parties married, and particulars of their marriage, and praying that such parties should be called upon to appear before the Registrar and declare whether their marriage was contracted in Beena or in Deega. And if the parties appear and make such declaration, the Registrar shall enter the same in the proper Registry of Marriages. If the married parties or either refuse to make such declaration, upon such application the Registrar shall further record such refusal in the proper book of Registry as aforesaid.

8. IF the declaration as to whether the marriage has been contracted in Beena or in Deega, be not made, or be incorrectly made, any person who would have an interest in the property of such persons after their death, or the death of either, if such marriage shall have been contracted in Beena or in Deega shall be entitled to apply to the District Court of the District within which either party to the marriage may reside, to cause such declaration to be made or rectified, and the District Court, after summarily hearing the parties and their evidence, shall make such order thereon as the justice of the case shall seem to require; and the District Court shall cause a certified copy of such order to be served on the proper Registrar, whose duty it shall be to enter the same in the proper Registry, and if the book shall have been already delivered to the Government Agent, the Registrar shall forward such copy to the Agent who shall cause the same to be entered as aforesaid.

9. EVERY person claiming such interest as aforesaid shall be entitled at all reasonable hours to inspect the books of the Registrar on payment of one penny, and to obtain a certified copy of any entry therein on payment of two pence.

10. THE entry as aforesaid in the Register of Marriages shall be primâ facie evidence, of the nature of marriage contracted by the parties. If it does not appear in the Register or in the Book aforesaid whether the unregistered marriage was contracted in Beena or in Deega, such marriage shall be presumed to have been contracted in Deega until the contrary be shewn.

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of December, One thousand Eight hundred and Sixty six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 15.—1866.**

*An Ordinance relating to Arbitration and Awards, and to provide for summary reference to Courts.*

WHEREAS it is expedient to facilitate the settlement of differences by arbitration, and by summary recourse to Courts: IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

1. THIS Ordinance may be cited for all purposes as "*The Arbitration Ordinance, 1866.*"
2. THIS Ordinance shall come into operation on the date of the passing thereof.
  - I.—*Reference to Arbitration.*
3. ALL matters in dispute between parties, which may form the subject of civil action, and not that of an indictment or criminal proceeding, may be submitted to arbitration.
4. A SUBMISSION to arbitration may be *compulsory*, by order of Court, or *voluntary*, by the consent of parties.

**No. 14.—1866.**

Parties claiming interest in marriages may take proceedings to get married persons to declare whether their marriages were contracted in Beena or in Deega.  
District Court.

Action by parties claiming interest to have omission or error supplied or rectified.

Inspection and copies of Registry books, &c.

Entry in Registry and book of existing Beena or Deega marriages to be primâ facie evidence.  
Presumption if Registry silent.

**No. 15.— 1866.**

Preamble.

Short Title.

Commencement.

All civil matters may be referred to Arbitration.

Arbitration may be compulsory or voluntary.

II.—Compulsory Reference.

Power of Court to direct arbitration.

5. IF, at any time after the institution of an action, it shall appear to the satisfaction of the Court, that it relates wholly, or in part, to matters of mere account of an intricate and complicated character which cannot conveniently be tried in the ordinary way, it shall be lawful for such Court to order that such matters, either wholly or in part, be referred to one or more Arbitrators to be nominated by the parties, or, if they cannot agree or refuse to nominate them, by the Court itself upon such terms as to the costs, and otherwise, as such Court shall think reasonable. The award of the Arbitrators or of the Umpire shall be reported to the Court, and shall, subject to the provisions hereinafter contained, be treated as if it were a finding of the Court on the particular matter referred to arbitration.

Court may determine however any particular questions of fact or law upon which allowance of any item of account may depend.

6. IF, at the time of making reference, or at any time thereafter, it shall appear to the Court, on a report to that effect made by the Arbitrators, that the allowance or disallowance of any particular item in such Account depends upon a question of law fit to be decided by the Court, it shall be lawful for such Court to try and determine such question, and the finding of the Court thereupon shall be taken and acted upon by the Arbitrators as conclusive.

Power to send back to Arbitrators.

7. IN every case where reference shall be made to Arbitration by the order of Court as aforesaid, the Court shall, in addition to the general power to remit conferred upon it by Section 26, have power, from time to time, to remit the matters referred, or any of them, for the re-consideration and re-determination of the said Arbitrators or Umpire, upon such terms, as to costs and otherwise, as to the Court may seem proper.

If action commenced by one party after all have agreed to Arbitration, Court may stay proceedings.

8. WHENEVER the parties to any deed or instrument in writing to be hereafter made or executed, or any of them, shall agree that any existing or future differences between them, shall be referred to Arbitration, and any one or more of the said parties, or any person claiming through or under them, shall nevertheless commence any action against the other party, or against any person claiming through or under them, in respect of the matters so agreed to be referred, it shall be lawful for the Court in which the action is brought, on application by the defendants, or any of them, upon being satisfied that no sufficient reason exists why such matters cannot be referred to Arbitration according to such agreement as aforesaid, and that the defendants or any of them were, at the time of the bringing of such action, and still are, ready and willing to join and concur in all acts necessary and proper for causing such matters to be decided by Arbitration, to make an order staying all proceedings in such action, and compelling reference to arbitration on such terms, as to costs and otherwise as to such Court may seem fit: PROVIDED ALWAYS, that any such rule or order may, at any time afterwards, be discharged or varied as justice may require.

Proceedings before, and power of such Arbitrator.

9. THE proceedings upon any compulsory arbitration, shall, unless otherwise directed hereby or by the deed or instrument authorising the reference, be conducted in like manner, and subject to the same rules as to the power of the arbitrator and of the Court, the attendance of witnesses, the production of documents, the enforcing or setting aside the award, and otherwise, as upon a reference made by consent under a rule of Court.

III.—Voluntary Reference.

How to be made.

10. REFERENCE to arbitration by consent of parties may be made, purely, by the acts of the parties, as by deed or other instrument in writing, or by their act with the interposition of the Court, as by order in a suit pending.

Where reference cannot be made and is not made a rule of Court.

11. WHERE reference to arbitration is made by deed or other instrument, and such reference contain words purporting that the parties intended that it should not be made a rule of Court, and the same is not made a rule of Court under Section 13 of this Ordinance, the nature and extent of reference, the power of the arbitrators or umpire, and all things connected with, arising from, or relating to such reference, must be limited by the terms and conditions of the deed or other instrument.

5. A contributory reference of all matters, which embraced a question of partnership, - held to be ultra vires. No. 11. 2499.  
4 S.C. 118, 1 G.L. 7.  
A party who had objected to the reference, but had not appeared against it, - had thereafter taken part in the proceedings before the arbitrator, - held entitled to contest the validity of the reference as upon a motion for judgment according to the record. -

In D.C. Colo. 58.582. - it was held by the Sup. Ct. that where, under a voluntary reference, the parties by motion had enlarged the time for making the award - it was competent for the Dist. judge under this § of the Act. to grant a further enlargement on the mere application of the arbitrator. Green Rep. (note 1. / 73. p. 41)

## IV.—General Provisions.

No. 15.—1866.

12. WHEN reference to arbitration in a suit is desired, an application must be made to the Court by the parties, in person, or by their Advocates or Proctors or Agents, specially authorised in that behalf by an instrument in writing, which shall be presented to the Court at the time of making the application, and shall be filed with the proceedings in the suit. Such applications shall be, substantially, in the form A. to the Schedule hereto annexed.

13. WHEN any persons shall, by a Deed or instrument in writing, agree that any difference between them, not the subject of an action in Court, shall be referred to arbitration, and when such difference shall have arisen, application may be made by the parties thereto, or any of them, that the agreement be filed in such Court. On such application being made, the Court shall direct such notice to be given to any of the parties to the Agreement, other than the applicants, as the Court may think necessary, requiring such parties to show cause, within a time to be specified, why the Agreement should not be filed. Such application shall be written on a stamped paper of the value prescribed for libels or plaints in any suit involving a like amount, and shall be numbered as a suit between some or one of the parties interested or claiming to be interested as plaintiffs, and the others of them as defendants, if the application have been presented by all the parties, or, if otherwise, between the applicant as plaintiff and the other parties as defendants. If it appear from the agreement that the reference shall or may be made a rule of Court, the Court shall make the same a rule of Court forthwith. If such was not provided by the agreement, the Court shall proceed to inquire if there be any sufficient cause shewn against the agreement being filed, and reference of any dispute thereon being made a rule of Court, and if no sufficient cause be shewn, the Court shall order that such agreement be filed, and an order of reference to arbitration be made thereon. The several provisions in this Ordinance, so far as they are not inconsistent with the terms of any agreement so filed, shall be applicable to all proceedings under such order of reference made by the Court, and to the Award of arbitration, and to the enforcement of such award.

14. WHEN any matter has been referred to arbitration without the intervention of any Court of Justice, and an award has been made, any person interested in the award may, within six months from the date of the award, make application to the Court having jurisdiction in the matter to which the award relates, that the award be filed in Court. The Court shall direct notice to be given to the parties to the arbitration other than the applicant, requiring such parties to show cause, within a time to be specified, why the award should not be filed. The application shall be written on the stamped paper required for libel or plaint in any suit involving a like amount, by any law for the time being in force, and shall be numbered as a suit between the applicant as plaintiff and the other parties as defendants. If no sufficient cause be shewn against the award, the award shall be filed and may be enforced as an award made under the provisions of this Ordinance.

15. THE power and authority of any arbitrator or umpire, appointed by or in pursuance of any rule or order of Court, in any action now brought, or which shall hereafter be brought by, or in pursuance of any reference containing an Agreement that such reference shall be made a rule or order of Court, shall not be revocable by any party to such reference without the leave of the Court by which such rule or order shall have been made, or which shall be mentioned in such reference; and the arbitrator or umpire shall and may, and is hereby required, to proceed with the reference, notwithstanding any revocation, and to make such award, although the person making such revocation shall not afterwards attend the reference; and the Court may, from time to time, enlarge the term for any such arbitrator or umpire making his award.

16. THE arbitrators shall be nominated by the parties, and the arbitrators or umpire by the parties or by the arbitrators, in such manner as may be agreed upon between them. If the arbitrators or umpire so nominated shall die, or refuse, or become incapable to act, and the parties, having had notice thereof, shall refuse or fail to appoint another arbitrator or umpire, as the case may be, within such time as the Court shall prescribe, it shall be lawful for the Court to appoint new arbitrators or umpire, in the place of the persons so dying or refusing or becoming incapable to act. When the arbitrators are empowered by the terms of the order of reference to appoint another arbitrator or umpire, and they do not appoint accordingly,

Applications to Court for reference to arbitration.

Parties to Deed of reference in a suit not pending may apply that the deed be filed in Court, and consequences thereof.

Parties to award may apply to have the same filed in Court and enforced as an award made under this Ordinance.

Reference to arbitration made under rule of Court, or under reference which may be made rule of Court, not revocable.

Appointment of arbitrators.

If arbitrator or umpire die, or refuse to act, or become incapable to act, course to be pursued.

**No. 15.—1866.**

or if another arbitrator or umpire, having been appointed, do not act, or if, from any cause, there shall be no other arbitrator or umpire able and willing to act, any of the parties may serve the arbitrators with a written notice to appoint another arbitrator or an umpire; and if, within seven days after such notice shall have been served, no umpire be appointed, it shall be lawful for the Court, upon the application of the party having served such notice as aforesaid, and upon proof to its satisfaction of such notice having been served, to appoint another arbitrator or umpire. In any case of appointment under this Section, the arbitrators or umpire so appointed shall have the like power to act in the reference as if their name or names had been inserted in the original order of reference.

Two arbitrators may appoint an umpire.

17. WHEN the reference is to two Arbitrators, and the terms of the document authorising it do not show that it was intended that there should not be an umpire, or provide otherwise for the appointment of an umpire, the two arbitrators may appoint an umpire within the period during which they have power to make an award, unless they be called upon, by notice as aforesaid, to make the appointment sooner.

The Court must make order of reference and fix time for making award.

18. WHERE reference to arbitration takes place in a pending suit, the Court shall, by a written order, refer to the arbitrators the matters in difference which they may be required to determine, and shall fix such time as it may think reasonable for the delivery of the award, and the time so fixed shall be specified in the order.

Provision for difference of opinion in case of two or more arbitrators.

19. IF the reference be to two or more arbitrators, provision shall be made in the order for a difference of opinion among the arbitrators, by the appointment of an umpire, or by declaring that the decision shall be with the majority, or by empowering the arbitrators to appoint an umpire, or otherwise, as may be agreed upon between the parties; or, if they cannot agree, as the Court may determine.

*IV.—Proceedings before Arbitrators.*

Power of arbitrators appointed under order of Court or in pursuance of submission which may be made on rule of Court.

20. WHEN a reference is made to arbitration by an order of Court, or in pursuance of an agreement that such reference shall be made an order of Court, the Court shall issue the same process to the parties and witnesses whom the arbitrators or umpire may desire to have examined, as the Court is authorized to issue in suits tried before it; and persons not attending in consequence of such process, or making any other default, or refusing to give their testimony, or being guilty of any contempt to the arbitrators or umpire during the investigation of the suit shall be made subject to the like disadvantages, penalties and punishments, by order of the Court, on the representation of the arbitrators or umpire, as they would incur for the same offence in suits tried before the Court.

When arbitrators may administer oath; false oath before them made perjury.

21. WHEN in any order of reference, or in any submission to arbitration, containing an agreement that the submission shall be made a rule or order of Court, it shall be ordered or agreed that the parties and witnesses upon such references shall be examined upon oath, it shall be lawful for the arbitrators or umpire, or any one arbitrator, and they are hereby authorized and required to administer oaths to such witnesses, or to take their affirmation, in cases where affirmation is allowed by law instead of oath; and if, upon such oath or affirmation, any person making the same shall wilfully and corruptly give false evidence, every person so offending, shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

Award to be made in three months unless parties or Court enlarge time.

22. THE arbitrators acting under any deed of submission, or compulsory order of reference, shall make their award under their hand and (unless such document or order shall contain a different limit of time) within three months after they shall have been appointed, and shall have entered on the reference, or shall have been called upon to act by a notice in writing from any party, but the Court or the parties by consent in writing, may enlarge the time for making the award. If no period be stated for the enlargement, in such consent or such order for such enlargement, it shall be deemed to be an enlargement for one month; and, in any case when an umpire shall have been appointed it shall be lawful for him to enter on the reference, in lieu of the arbitrators, if the latter shall have allowed their time, or their extended time, to expire without making an award or shall have delivered to any party or to the umpire a notice in writing stating that they cannot agree.



§ 15. Court granting time to arbitrator without the intervention of either of the parties.  
 § 27. On the principle - "De fide et officio judicis non recipitur questio, sed de scientia  
 "sive sit error juris sive facti" - *Procur. Reg. May. 94*  
 But the arbitrator or umpire ought not to have any personal interest in the result; - except it be in  
 a case where the award is by a referee to whom the necessarily interest in the result, parties have con-  
 tracted to submit their differences. - 5. H.L. Cas. 72. See note book "Arbitrator"

§ 28. "The Ordinance entitles you from appealing" said the C.J. to W. Kelly, who was about to contend that the judgment  
 was bad, inasmuch as the award was invalid by reason of irregularities. - D.C. Col. 58.385. *Gen. Rep. 73. p. 47*  
 In the same case (which was affirmed by the D.C.), the D.C. overruled the objections (1.) that stamp was not cancelled at the  
 date of filing, - & date of cancellation was not in arbitrator's manual writing, - & that the award was not stamped as required  
 by Ord. 25 of 1871, & (2) that time for filing award was enlarged, without knowledge or consent of parties.  
 In 47.245. D.C. Col. it was held that the appearance of the deft. before the arbitrator, was an acknowledgment  
 that his character as arbitrator was subsisting. *Gen. Rep. 73. D.C. p. 41.*  
 Ibid. - The time of signature & not the time of the completion of the stamping, must be taken as the date of making of the award.  
 In 59.213. D.C. Col. which was a case referred by consent to an arbitrator, whose award was to be made on or before the  
 1<sup>st</sup> Dec. following; but the award tendered to the court, was dated 16<sup>th</sup> April following, - *Merwin. D.J.* holds that the date  
 of filing an award, had nothing to do (necessarily) with the date of making & publishing, which may have been done orally  
 in the hearing of the parties - & that in the absence of any evidence he wd. presume the arbitrator had done his duty, - the  
 Sup. Ct. set aside the judgment - on the ground that the award bears date 16. April, - & there was no suggestion whatever  
 in the proceedings that the award was made on or before 1<sup>st</sup> Dec. - *Gen. Rep. 73. D.C. p. 6.*  
 Non-production of proceedings had before arbitrator, would not per se, vitiate the award. D.C. Col. 54.428.  
*Gen. Rep. 73. p. 15.*



V.—Award.

No. 15.—1856.

23. WHEN an award in a suit shall be made either by the arbitrators or the umpire, it shall be submitted to the Court under the signature of the person by whom it may be made, together with all the proceedings, depositions and exhibits in the suit.

Award must be signed by party making, and submitted with proceedings, depositions and exhibits.

24. IT shall be lawful for the arbitrators or umpire, upon any reference, by an order of Court, if they shall think fit, and if it is not provided to the contrary, to state their award as to the whole, or any part thereof, in the form of a special case, for the opinion of the Court.

Arbitrators may state their award in the form of a special case.

25. THE Court may, on the application of either party, modify or correct an award, where it appears that a part of the award is upon matters not referred to the arbitrators, (provided that such part can be separated from the other part and does not affect the decision on the matter referred,) or where the award is imperfect in form or contains any obvious error which can be amended without affecting such decision. The Court may also, on such application, make such order as it thinks just respecting the costs of the arbitration, if any question arise respecting such costs, and the award contain no sufficient provision concerning them.

When Court may modify or correct an award.

26. IN any of the following cases the Court shall have power to remit the award or any of the matters referred to arbitration to the reconsideration of the same arbitrators or umpire, upon such terms as it may think proper (that is to say.)—

When Court may remit award.

- (1.) IF the award has left undetermined some of the matters referred to arbitration, or if it determine matters not referred to arbitration,
- (2.) IF the award is so indefinite as to be incapable of execution.
- (3.) IF an objection to the legality of the award is apparent upon the face of the award.

27. NO award shall be liable to be set aside except on the ground of corruption or misconduct of the arbitrators or umpire. Any application to set aside an award shall be made within ten days after the same has been submitted to the Court and notified to the parties in the suit, and not thereafter.

Setting aside of awards.

28. IF the Court shall not see cause to remit the award or any of the matters referred to arbitration for reconsideration in manner aforesaid, and if no application shall have been made to set aside the award, or if the Court shall have refused such application, the Court shall proceed to pass judgment according to the award, or according to its own opinion on the special case if the award shall have been submitted to it in the form of a special case; and, the judgment which shall be so given, shall be carried into execution in the same manner as other decrees of the Court. In every case in which judgment shall be given according to the award, the judgment shall be final, and shall not be subject to appeal. Where judgment shall be given in any case of compulsory reference, such judgment shall be subject to appeal.

Judgment upon awards.

Appeal.

29. IF there be no cause pending in Court, and the submission has not been made a rule of Court, the mode of enforcing the award is by action on the bond of submission.

Proceedings on awards not made a rule of Court.

VI.—Raising questions for the decision of a Court.

30. PARTIES interested or claiming to be interested in the decision of any question of fact or law, may submit their differences to the Court having jurisdiction to settle the same in the form of a special case written on a paper subject to a stamp duty corresponding to that which would be required for a libel or plaint if one had to be filed in a suit brought to settle those differences. And such special case shall be signed by the parties or by their Advocates or Proctors or Agents, specially authorised thereunto by an instrument in writing which shall be presented to the Court with the special case, and shall be filed therewith.

Raising question for the decision of a Court by any persons interested.

31. THE special case shall be numbered as a suit between some or one of the parties interested or claiming to be interested as plaintiffs, and the others as defendants; and notice shall be given to all the parties to the special case other than the parties by whom it was presented.

Agreement thereto to be numbered and registered.



**No. 15.—1866.**

Parties to the agreement shall be then decreed subject to jurisdiction of Court. Proceeding of Court on such agreement.

32. AFTER the special case shall have been filed, all the parties to it shall be subject to the jurisdiction of the Court, and shall be bound by the statements contained therein.

33. THE case shall be set down for hearing summarily, and, if the Court shall be satisfied, after an examination of the parties, or taking such evidence as it may deem proper, that the parties have a *bonâ fide* interest in the question of fact or law stated therein, and that the same is fit to be tried or decided, the Court shall proceed to hear, try and determine the same, and to give judgment thereon, which said judgment may be executed in the same way as if it had been pronounced in a contested suit.

SCHEDULE.

A.

( § 12 )

To the District of

A. B. Plaintiff

No.

Vs.

C. D. Defendant.

The within named parties (or, by their Proctor specially authorized thereunto by the document A. hereto appended) do hereby apply that all the matters in dispute in this case be referred to the arbitration of E. F. and G. H. with power to them, in case of difference, to appoint an Umpire (*Name other conditions if any.*)

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Thirteenth day of December, One thousand Eight hundred and Sixty-six, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 16.—1866.**

**No. 16.—1866.**

*An Ordinance for establishing Tolls on the Pupuressa Road.*

Preamble.

WHEREAS it is expedient to establish Tolls on the road leading from the Gampolla and Pussellâwa Road to Pupuressa Road : IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :—

Tolls established on Pupuressa Road.  
Proviso.

1. FROM and after the first day of January next Tolls shall be established on the said Road at such rates and at such place as the Governor, from time to time by Proclamation shall appoint ; PROVIDED that the same shall in no case exceed the rates specified in the 4th Section of "*The Toll Ordinance, 1861.*"

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.





**No. 17.—1866.**

*An Ordinance to authorise the destruction of old and useless Processes and Documents.*

**No. 17.—1866.**

Preamble.

**W**HEREAS certain of the Documents now preserved in the Courts of Justice of this Colony are utterly useless and the accumulation of them is productive of inconvenience : **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof, as follows :

Governor to authorize destruction of Processes and Records.

1. **IT** shall be lawful for the Governor, from time to time, to authorize one or more persons, to be named by him, to destroy the following Documents now of record in the different Courts of Justice in this Colony, or any of them.

- (1.) **ALL** ordinary Processes of District Courts or Courts of Requests, or any of them, namely, Summonses, Subpœnas, Notices, and Rules Nisi which have been issued and served at any period more than five years anterior to the date of the authority for their destruction.
- (2.) **ALL** the Records of Police Courts, or any of them, save and except the Record Book required by the General Rules and Orders for Police Courts bearing date the 17th day of June 1844, and the Calendars prescribed by Section 26 of the General Rules and Orders attached to the Schedule A. of the Ordinance No. 18 of 1861 entitled "An Ordinance for giving effect to certain Rules and Orders for the Police Courts," and which said Records shall have been made more than three years anterior to the date of the authority for their destruction.

**PROVIDED** however that it shall be lawful for the persons who may be authorised to destroy Processes and Records as aforesaid to preserve any Process or Record in cases where from important documents being filed in such Record, or from other reasons, it may seem desirable to do so.

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

Commencement.

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

**JAMES SWAN,**  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

**WILLIAM CHAS. GIBSON,**  
Colonial Secretary.

**No. 18.—1866.**

*An Ordinance to establish Tolls on the Panwila Road.*

**No. 18.—1866.**

Preamble.

**W**HEREAS "*The Toll Ordinance, 1861,*" restricts the Toll on the Road from Kandy to Kalibokka through Panwila to any place between the 17th and 18th Mile-stones from Kandy; and it is expedient to remove such restriction : **IT IS ENACTED BY THE GOVERNOR OF CEYLON,** with the advice and consent of the Legislative Council thereof, as follows :

Tolls established on the Panwila road.

1. **FROM** and after the First day of January next, Tolls shall be established on such Road at such rates and at such place as the Governor, from time to time, by Proclamation shall appoint : **PROVIDED** that the same shall in no case exceed the rates specified in the 4th section of "*The Toll Ordinance, 1861.*"

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

**JAMES SWAN,**  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

**WILLIAM CHAS. GIBSON,**  
Colonial Secretary.

No. 19.—1866.

No. 19.—1866.

*An Ordinance to prevent the unnecessary destruction of Fish.*

Preamble.

WHEREAS much wholesale and wanton destruction of Fish and of the brood, spawn and fry thereof, results from the use of certain kinds of Nets in some parts of the Sea-coast of this Island, and it is expedient to prevent the same: IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Governor may prohibit the use of certain kinds of nets or may attach conditions to the use thereof.

1. IT shall be lawful for the Governor, with the advice of the Executive Council, from time to time, by Proclamation in the *Government Gazette*, to prohibit the use of certain kinds of Nets to be in such Proclamation specified, or to restrict their use to certain places, or to attach such conditions to their use, as shall appear expedient to the Governor, with the said advice.

Offence to use nets after prohibition, or contrary to condition.

2. WHOEVER, after such Proclamation, shall use, or join in using, any kind of Net, so prohibited as aforesaid, or shall use, or join in using them, in restricted places, or shall use, or join in using them, contrary to the conditions which may be attached to such use, shall be guilty of an offence, and shall be liable to a fine not exceeding Five Pounds, or to imprisonment not exceeding Three months, with or without hard labour, or to both. And the Net, and other implements belonging thereto, and the fish caught by the same, shall be liable to be seized and disposed of, for the benefit of the Crown, as the Police Magistrate of the District shall direct.

Commencement.

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

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

JAMES SWAN,

Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

WILLIAM CHAS. GIBSON,

Colonial Secretary.

No. 20.—1866.

No. 20.—1866.

*An Ordinance to amend the Ordinance No. 18 of 1844.*

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 18 of 1844, entitled "*An Ordinance for the better regulation of Prisons*," with the view of enabling the Government to introduce certain beneficial alterations as respects the enforcement of Sentences passed on Prisoners, and the observance of due discipline in Prisons: IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Governor to make Rules.

1. ANY thing in the said Ordinance No. 1 of 1844 to the contrary notwithstanding, it shall be lawful for the Governor, with the advice of the Executive Council, to make Rules and Regulations touching the kind of labour to be exacted, at the different stages of their imprisonment, from Prisoners who are sentenced to imprisonment with hard labour, the manner and place of exacting the same, the diet of Prisoners, their separation from each other, the remission of Sentences to be allowed to Prisoners who comply duly with the regulations to which they are subjected, and the conditions upon which such remissions are to be made;—and also to provide generally for the due enforcement of Sentences passed on Prisoners, and the observance of proper discipline in Prisons. And such Rules and Regulations, when published in the *Government Gazette*, shall have the same force and validity as if they were herein inserted, and breaches thereof shall be dealt with as breaches of Prison Rules in the manner provided by the said Ordinance.







2. IT shall be lawful for the Governor to appoint one or more Inspectors to inspect the different Gaols in the Island, and such Inspectors, when so appointed, shall, in respect of the Gaols of which they are appointed Inspectors, have the same powers and authorities, and be liable to perform the same duties as are respectively vested in and imposed on Visitors by the said Ordinance.

**No. 20.—1866.**  
Appointment of Inspectors.

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

Commencement.

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

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 21.—1866.**

**No. 21.—1866.**

*An Ordinance relating to the Law of Partnership.*

**W**HEREAS it is expedient to amend and declare the Law relating to Partnership: IT IS ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

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

Commencement.

2. IN the construction of this Ordinance, the word "person" shall include a Partnership Firm, a Joint Stock Company, and a Corporation.

Interpretation of "person."

3. THE advance of money by way of loan to a person engaged or about to engage in any trade or undertaking upon a contract in writing with such person that the lender shall receive a rate of interest varying with the profits, or shall receive a share of the profits arising from carrying on such trade or undertaking, shall not, of itself, constitute the lender a partner with the person carrying on such trade or undertaking, or render him responsible as such.

Lender not a partner by advancing money for share of profits.

4. NO contract for the remuneration of a servant or agent or any person engaged in any trade or undertaking by a share of the profits of such trade or undertaking, shall, of itself, render such servant or agent responsible as a partner therein, nor give him the rights of a partner.

Remuneration of Agents, &c., by profits, not to make them partners.

5. NO person being the widow or child of the deceased partner of a trader, and receiving by way of annuity, a portion of the profits made by such trader in his business, shall, by reason only of such receipt, be deemed to be a partner of, or to be subject to any liabilities incurred by such trader.

Certain annuitants not to be deemed partners.

6. NO person receiving by way of annuity or otherwise a portion of the profits of any business, in consideration of the sale by him of the good-will of such business, shall, by reason only of such receipt, be deemed to be a partner of, or be subject to, the liabilities of the person carrying on such business.

Receipt of profits &c., not to make the seller a partner.

7. IN the event of any such trader as aforesaid being a bankrupt, or insolvent, or taking the benefit of any act for the relief of insolvent debtors, or entering into an arrangement to pay his creditors less than twenty shillings in the pound, or dying in insolvent circumstances, the lender of any such loan as aforesaid shall not be entitled to recover any portion of the profits or interest payable in respect of such loan, nor shall any such vendor of a good-will as aforesaid be entitled to recover any such profits as aforesaid, until the claims of the other creditors of the said trader for valuable consideration in money or money's worth have been satisfied.

In case of bankruptcy, &c., lender not to rank, as respects profit or interest, with other creditors.

**No. 21.—1866.**

Passed in Council, the Twenty-fourth day of December, One thousand Eight hundred and Sixty-six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 22.—1866.**

**No. 22.—1866.**

*An Ordinance to extend the introduction into this Colony of the Law of England in certain cases.*

Preamble.

**W**HEREAS it is expedient to extend the introduction into this Colony of the Law of England in certain respects: **IT IS THEREFORE ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Law of England to be observed in all Commercial matters.

1. **IN** all questions or issues which may hereafter arise or which may have to be decided in this Colony, with respect to the Law of Partnerships, Joint Stock Companies, Corporations, Banks and Banking, Principals and Agents, Carriers by land, Life and Fire Insurance, the law to be administered shall be the same as would be administered in England in the like case, at the corresponding period, if such question or issue had arisen or had to be decided in England, unless in any case other provision is or shall be made by any Ordinance now in force in this Colony or hereafter to be enacted. **PROVIDED** that nothing herein contained shall be taken to introduce into this Colony any part of the Law of England relating to the tenure or conveyance or assurance of, or succession to, any land or other immoveable property, or any estate, right or interest therein.

Proviso.

Commencement.

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

Passed in Council, the Twenty-fourth day of December, One thousand Eight hundred and Sixty-six.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Fourth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 1.—1867.**

**No. 1.—1867.**

*An Ordinance for making provision for the Contingent Services of the year 1867.*

Preamble.

**W**HEREAS the Contingent expenditure required for the service of the Government of this Island for the year One thousand Eight hundred and Sixty-seven, and not otherwise provided for, has been estimated at the sum of Six hundred and Forty-five thousand, Six hundred and Ninety-six pounds, One shilling and three pence.

£645,696 1s. 3d. to be charged upon the Revenue of this Island for the Contingent service of the year 1867.

1. **IT IS ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, that a sum not exceeding Six hundred and Forty-five thousand, Six hundred and Ninety-six pounds, One shilling and three pence, shall be and the same is hereby charged upon the Revenue of this Island for the Contingent service of the year One thousand Eight hundred and Sixty-seven, and the said





Expenditure shall be in conformity with the details of the Estimates specified in the Schedule A. hereunto annexed, whereof the following is an Abstract.

ESTABLISHMENTS.	£	s.	d.
Salaries, Provisional and Temporary .....	109,989	9	8
Allowances.....	3,129	7	10
Office Contingencies .....	21,048	10	8
<b>SERVICES, exclusive of Establishments.</b>			
Pensions, Retired Allowances and Gratuities .....	41,596	3	1
Revenue Services.....	24,546	0	0
Administration of Justice.....	5,336	16	0
Ecclesiastical .....	400	0	0
Charitable Allowances .....	4,649	0	0
Education.....	2,014	0	0
Hospitals .....	12,971	8	0
Police and Gaols .....	16,310	4	0
Rent.....	3,027	16	0
Transport.....	20,599	0	8
Conveyance of Mails.....	8,194	16	0
Works and Buildings .....	96,228	0	0
Roads, Streets, Bridges and Canals .....	153,714	0	0
Miscellaneous Services .....	25,156	12	0
Interest .....	261	7	6
Colonial Commissariat.....	80,777	0	0
Refund of Duties, Drawbacks, &c. ....	1,065	8	10
Lands taken for Government purposes .....	1,102	17	0
Immigration.....	6,378	4	0
Enquiry into the cultivation of the Pearl Oyster.....	1,500	0	0
Electric Telegraph.....	5,700	0	0
<b>TOTAL—</b>	<b>£645,696</b>	<b>1</b>	<b>3</b>

2. AND whereas, from the sums voted for Public Works in the Supply Ordinances for the years 1865 and 1866, a balance of £37,303 10s. remained unexpended at the end of last year, and the same has been brought forward for expenditure during the current year, It is enacted that it shall be lawful for the Governor to authorize the expenditure of the said amount during the current year for the completion of the Works for which the same was voted.

3. AND WHEREAS by the 18th section of the Ordinance No. 10 of the year 1861, intituled " *To consolidate and amend the Laws relating to Public Thoroughfares in this Colony,*" it is enacted, that it shall be lawful for the Governor to propose the estimates prepared in pursuance thereof, or such of them as to him may appear expedient in the Ordinance for making provision for the Contingent expenditure of the Colony for the ensuing year, to be dealt with in like manner as any other estimate to be so proposed. And it is thereby also provided, that the amount of labour to be supplied under the provisions of the said Ordinance No. 10 of 1861, 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: IT IS ENACTED, that the amount of labour to be supplied under the provisions of the said Ordinance, shall be in conformity with the estimates specified in the Schedule A. hereunto annexed.

4. THE Treasurer of the said Island shall issue and pay the said several sums to such persons for the purposes 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 the payments so to be made shall be charged upon and payable out of the revenues of the said Island.

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

Expenditure of the unexpended Balances of 1865 and 1866.

Amount of Labour to be supplied under the Ordinance No. 10 of 1861.

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

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

## SCHEDULE A.

No. 1.—	Provisional and Temporary Salaries.			Allowances.			Office Contingencies.			Total.					
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.			
The Governor ... ..	81	8	0				38	0	0				119	8	0
Colonial Secretary ... ..	2492	14	0				2193	4	9				4685	18	9
Treasurer and Commissioner of Stamps...	69	0	0	488	12	10	146	10	0				704	2	10
Auditor and Accountant General, and Comptroller of Revenue ... ..	365	0	0				261	18	0				626	18	0
Surveyor General ... ..	12282	10	0	423	15	0	724	0	0				13430	5	0
Civil Engineer and Commissioner of Roads	20597	12	0				5010	0	0				25607	12	0
Director of the Royal Botanic Garden...	754	2	0				97	0	0				851	2	0
Commissioner of the Loan Board ...	306	0	0				12	8	0				318	8	0
Collector of Customs for the Western Province	1582	6	0				410	0	0				1992	6	0
Do. do. Southern do.	253	10	0				249	0	0				502	10	0
Do. do. Eastern do.	799	1	6				331	8	9				1130	10	3
Do. do. Northern do.	134	11	6				86	3	2				220	14	8
Master Attendant of Colombo ... ..	643	0	0				264	10	0				907	10	0
Do. do. Galle ... ..	1131	0	0				235	17	6				1366	17	6
Postmaster-General ... ..	2330	8	0	40	10	0	1298	5	6				3719	3	6
Electric Telegraph ... ..	5885	4	0				696	0	0				6581	4	0
Registrar General of Lands ... ..	4515	4	0				620	0	0				5135	4	0
Government Agent Western Province ...	1530	9	0	342	16	0	441	0	0	2314	5	0			
Educational Establishments ... ..	7224	8	0							7224	8	0	—9538	13	0
Government Agent North-Western Province	1248	16	0	30	0	0	130	0	0	1408	16	0			
Educational Establishments ... ..	493	0	0							493	0	0	—1901	16	0
Government Agent Southern Province...	559	7	0	65	14	0	163	0	0	788	1	0			
Educational Establishments ... ..	1409	6	0							1409	6	0	—2197	7	0
Government Agent Eastern Province ...	542	2	0				134	18	0	677	0	0			
Educational Establishments ... ..	124	0	0							124	0	0	— 801	0	0
Government Agent Northern Province...	261	12	0				235	9	0	497	1	0			
Educational Establishments ... ..	123	0	0							123	0	0	— 620	1	0
Government Agent Central Province ...	1038	18	0				306	0	0	1344	18	0			
Educational Establishments ... ..	2137	16	8							2137	16	8	—3482	14	8
Queen's Advocate ... ..	582	6	0				12	0	0				594	6	0
Deputy Queen's Advocate ... ..	6	0	0				5	0	0				11	0	0
Registrar of the Supreme Court ... ..	343	16	0				15	0	0				358	16	0
District Judges, Commissioners of the Courts of Requests, and Police Magistrates	4642	19	0				631	18	0				5274	17	0
Ecclesiastical Establishments (Treasurer)	268	0	0	1215	0	0	0	0	0				1483	0	0
Principal Civil Medical Officer ... ..	8228	7	0	110	0	0	2325	0	0				10663	7	0
Chief Superintendent of the Police ...	20932	1	1	288	0	0	2690	11	0				23910	12	1
Fiscal for the Western Province ... ..	560	0	0				70	0	0				630	0	0
Do. North-Western do. ... ..	159	0	0				59	0	0				218	0	0
Do. Southern do. ... ..	148	8	9				220	10	0				368	18	9
Do. Eastern do. ... ..	7	4	0				20	19	0				28	3	0
Do. Northern do. ... ..	323	0	0				91	0	0				414	0	0
Do. Central do. ... ..	597	6	0				58	0	0				655	6	0
Regiments serving in Ceylon ... ..	257	18	2				5	0	0				262	18	2
General and Garrison Staff ... ..	545	19	6				760	0	0				1305	19	6
Deputy Commissary General ... ..	1021	18	6				0	0	0				1021	18	6
Crown Agents in London ... ..	400	0	0	125	0	0	0	0	0				525	0	0
	£109989	9	8	3129	7	10	21048	10	8	Carried forwd.	134167	8	2		

[Brought forward—£]

... 134167 8 2

## No. 2.—PENSIONS, RETIRED ALLOWANCES, AND GRATUITIES.

Treasurer ...	...	...	...	5031 3 9
Government Agent for the Western Province ...	...	...	...	3123 4 0
Do. North-Western do. ...	...	...	...	902 10 0
Do. Southern do. ...	...	...	...	2459 19 4
Do. Eastern do. ...	...	...	...	512 0 0
Do. Northern do. ...	...	...	...	810 0 0
Do. Central do. ...	...	...	...	2268 18 0
Regiments serving in Ceylon ...	...	...	...	400 0 0
Crown Agents in London ...	...	...	...	22188 8 0
Governments and Agents in India ...	...	...	...	3800 0 0

41596 3 1

## No. 3.—REVENUE SERVICES.

Government Agent for the Western Province ...	...	...	...	1690 0 0
For the collection, &c., of Grain ..	..	..	£355 0 0	
" half share of fines to Informers ..	..	..	12 0 0	
" expenses of removing Timber ..	..	..	20 0 0	
" Assessment Tax, and Remuneration to Assessors, &c. ..	..	..	1225 0 0	
" Law prosecutions ..	..	..	40 0 0	
" Commission on Stamps ..	..	..	3 0 0	
" Tin Plates for Licensed Carts, &c. ..	..	..	35 0 0	
" the collection, &c., of Tolls ..	..	..	0 0 0	
			£1690 0 0	
Government Agent for the North-Western Province ...	...	...	...	7857 0 0
For collecting and storing, &c. Salt ..	..	..	£7450 0 0	
" the collection, &c., of Grain ..	..	..	305 0 0	
" removal of confiscated Timber ..	..	..	5 0 0	
" Assessment Tax, and Remuneration to Assessors, &c. ..	..	..	44 0 0	
" Law prosecutions ..	..	..	30 0 0	
" Tin Plates for Licensed Carts, &c. ..	..	..	20 0 0	
" the Collection of Tolls ..	..	..	3 0 0	
			£7857 0 0	
Government Agent for the Southern Province ...	...	...	...	3775 0 0
For collecting and storing, &c., Salt ..	..	..	£3325 0 0	
" the collection, &c., of Grain ..	..	..	150 0 0	
" removal of confiscated Timber ..	..	..	20 0 0	
" Assessment Tax, and Remuneration to Assessors, &c. ..	..	..	195 0 0	
" Law prosecutions ..	..	..	70 0 0	
" Commission on Stamps ..	..	..	5 0 0	
" Tin Plates for Licensed Carts, &c. ..	..	..	10 0 0	
			£3775 0 0	
Government Agent for the Eastern Province ...	...	...	...	1979 0 0
For collecting and storing, &c., Salt ..	..	..	£1700 0 0	
" the collection, &c., of Grain ..	..	..	127 0 0	
" the Inspection of the Pearl Banks, &c. ..	..	..	5 0 0	
" expenses attending the confiscation and sale of Timber, &c. ..	..	..	63 0 0	
" Assessment Tax, and Remuneration to Assessors ..	..	..	65 0 0	
" Law prosecutions ..	..	..	10 0 0	
" Commission on Stamps ..	..	..	5 0 0	
" Tin Plates for Licensed Carts, &c. ..	..	..	4 0 0	
			£1979 0 0	
Government Agent for the Northern Province ...	...	...	...	7652 10 0
For collecting and storing, &c., Salt ..	..	..	£3885 10 0	
" the collection, &c., of Grain ..	..	..	1482 0 0	
" Commission to Retailers, on Arrack, &c. ..	..	..	45 0 0	
" the Inspection of the Pearl Banks at Aripo, &c. ..	..	..	2000 0 0	
" Commission to Headmen on the receipts from Timber felled, &c. ..	..	..	190 0 0	
" Law prosecutions ..	..	..	25 0 0	
" Commission on Stamps ..	..	..	15 0 0	
" Tin Plates for Licensed Carts, &c. ..	..	..	10 0 0	
			£7652 10 0	

Carried forward—£ 22953 10 0 175763 11 3

						[Brought forward—£]	22953 10 0	175763 11 3
<b>No. 3.—REVENUE SERVICES—(continued.)</b>								
Government Agent for the Central Province	...	...	...	...	...	1592 10 0		
For the collection, &c., of Grain..	..	..	..	..	£1210 0 0			
„ half share of fines to Informers	..	..	..	..	20 0 0			
„ Assessment Tax, and Remuneration to Assessors, &c.	..	..	..	..	260 0 0			
„ Law prosecutions	..	..	..	..	70 0 0			
„ Commission on Stamps	..	..	..	..	20 0 0			
„ Tin Plates for Licensed Carts, &c.	..	..	..	..	12 10 0			
						1592 10 0		
							24546 0 0	
<b>No. 4.—ADMINISTRATION OF JUSTICE.</b>								
Government Agents	...	...	...	...	...	188 0 0		
Queen's Advocate	...	...	...	...	...	100 0 0		
Registrar of the Supreme Court	...	...	...	...	...	1500 0 0		
District Judges, Commissioners of the Courts of Requests and Police Magistrates	...	...	...	...	...	270 16 0		
Fiscals	...	...	...	...	...	3278 0 0		
							5336 16 0	
<b>No. 5.—ECCLESIASTICAL.</b>								
Treasurer	...	...	...	...	...	—	400 0 0	
<b>No. 6.—CHARITABLE ALLOWANCES.</b>								
Government Agent for the Western Province	...	...	...	...	...	2556 0 0		
Do. North-Western Province	...	...	...	...	...	115 0 0		
Do. Southern Province	...	...	...	...	...	700 0 0		
Do. Eastern Province	...	...	...	...	...	355 0 0		
Do. Northern Province	...	...	...	...	...	550 0 0		
Do. Central Province	...	...	...	...	...	373 0 0		
							4649 0 0	
<b>No. 7.—EDUCATION.</b>								
Government Agent for the Western Province	...	...	...	...	...	546 0 0		
Do. North-Western Province	...	...	...	...	...	14 0 0		
Do. Southern Province	...	...	...	...	...	120 0 0		
Do. Eastern Province	...	...	...	...	...	152 10 0		
Do. Northern Province	...	...	...	...	...	653 10 0		
Do. Central Province	...	...	...	...	...	78 0 0		
Governments of India	...	...	...	...	...	450 0 0		
							2014 0 0	
<b>No. 8.—HOSPITALS.</b>								
Government Agent for the Western Province	...	...	...	...	...	6800 0 0		
Do. North-Western Province	...	...	...	...	...	475 0 0		
Do. Southern Province	...	...	...	...	...	325 0 0		
Do. Eastern Province	...	...	...	...	...	340 8 0		
Do. Northern Province	...	...	...	...	...	795 0 0		
Do. Central Province	...	...	...	...	...	4236 0 0		
							12971 8 0	
<b>No. 9.—POLICE AND GAOLS.</b>								
Government Agents	...	...	...	...	...	266 0 0		
District Judges, Commissioners of the Courts of Requests and Police Magistrates	...	...	...	...	...	83 15 0		
Chief Superintendent of the Police	...	...	...	...	...	295 10 0		
Fiscal for the Western Province	...	...	...	...	...	6767 0 0		
Do. North-Western do.	...	...	...	...	...	769 0 0		
Do. Southern do.	...	...	...	...	...	3220 0 0		
Do. Eastern do.	...	...	...	...	...	491 19 0		
Do. Northern do.	...	...	...	...	...	500 0 0		
Do. Central do.	...	...	...	...	...	3667 0 0		
Governments of India	...	...	...	...	...	250 0 0		
							16310 4 0	
<b>Carried forward—£</b>						...	241990 19 3	



						[Brought forward £]	...	..	241990 19 3
<b>No. 10.—RENT.</b>									
Civil Engineer and Commissioner of Roads	...	..	...	...	...	149	0	0	
Collector of Customs for the Southern Province	...	...	...	...	...	15	0	0	
Postmaster-General	...	...	...	...	...	75	0	0	
Electric Telegraph	...	...	...	...	...	306	0	0	
Registrar General of Lands	...	...	...	...	...	350	0	0	
Government Agent for the Western Province	...	...	...	£ 152	0 0				
			Educational Establishments	...	415 0 0	—567	0	0	
Government Agent for the North-Western Province	...	...	...	Nil.					
			Educational Establishments	...	25 0 0	—25	0	0	
Government Agent for the Southern Province	...	...	...	36	0 0				
			Educational Establishments	...	300 0 0	—336	0	0	
Government Agent for the Eastern Province	...	...	...	16	16 0				
			Educational Establishments	...	2 0 0	—18	16	0	
Government Agent for the Northern Province	...	...	...	18	0 0				
			Educational Establishments	...	40 0 0	—58	0	0	
Government Agent for the Central Province	...	...	...	24	0 0				
			Educational Establishments	...	191 0 0	—215	0	0	
District Judge of Kandy	...	...	...	...	...	9	0	0	
District Judge, Commissioner of the Court of Requests and Police Magistrate of Badulla	...	...	...	...	...	90	0	0	
Commissioner of the Court of Requests and Police Magistrate of Kandy	...	...	...	...	...	24	0	0	
Principal Civil Medical Officer	...	...	...	...	...	36	0	0	
Chief Superintendent of the Police	...	...	...	...	...	642	0	0	
Fiscal for the Western Province	...	...	...	...	...	100	0	0	
Do. Eastern do.	...	...	...	...	...	12	0	0	
<b>No. 11.—TRANSPORT.</b>									
Governor	...	...	...	...	...	725	0	0	
Colonial Secretary	...	...	...	...	...	200	0	0	
Treasurer	...	...	...	...	...	2930	0	0	
Auditor General	...	...	...	...	...	100	0	0	
Surveyor General	...	...	...	...	...	1124	0	0	
Civil Engineer and Commissioner of Roads	...	...	...	...	...	5000	0	0	
Director of the Royal Botanic Garden	...	...	...	...	...	150	0	0	
Collector of Customs for the Western Province	...	...	...	...	...	250	0	0	
Do. do. Southern do.	...	...	...	...	...	30	0	0	
Do. do. Eastern do.	...	...	...	...	...	7	0	0	
Do. do. Northern do.	...	...	...	...	...	25	0	0	
Postmaster-General	...	...	...	...	...	325	0	0	
Electric Telegraph	...	...	...	...	...	160	0	0	
Registrar General of Lands	...	...	...	...	...	250	0	0	
Government Agent for the Western Province	...	...	...	...	...	1279	0	0	
Do. North-Western do.	...	...	...	...	...	418	0	0	
Do. Southern do.	...	...	...	...	...	590	0	0	
Do. Eastern do.	...	...	...	...	...	407	0	0	
Do. Northern do.	...	...	...	...	...	935	0	0	
Do. Central do.	...	...	...	...	...	1050	0	0	
Queen's Advocate	...	...	...	...	...	60	0	0	
Deputy Queen's Advocate	...	...	...	...	...	10	0	0	
District Judges, Commissioners of the Courts of Requests, and Police Magistrates	...	...	...	...	...	917	0	8	
Principal Civil Medical Officer	...	...	...	...	...	322	0	0	
Chief Superintendent of the Police	...	...	...	...	...	1098	0	0	
Fiscal for the Western Province	...	...	...	...	...	2015	0	0	
Do. North-Western do.	...	...	...	...	...	26	0	0	
Do. Southern do.	...	...	...	...	...	15	0	0	
Do. Eastern do.	...	...	...	...	...	90	0	0	
Do. Northern do.	...	...	...	...	...	55	0	0	
Regiments serving in Ceylon	...	...	...	...	...	36	0	0	
									3027 16 0
<b>No. 12.—CONVEYANCE OF MAILS.</b>									
Postmaster-General	...	...	...	...	...	—	—	—	8194 16 0
Carried forward—£						...	...		273812 11 11

No. 13—WORKS AND BUILDINGS.

[Brought forward £ .. ..]

273812 11 11

CIVIL ENGINEER AND COMMISSIONER OF ROADS.

For the repair of Government Buildings and works the cost of which shall not exceed £200 for each work ...

8000 0 0

8000 0 0

NEW WORKS.

For building new Hospitals and improvement of existing ones ...

25000 0 0

For building a School house at Ratnapura ...

480 0 0

For building new Jails and improvement of existing ones ...

40000 0 0

For erecting Police Barracks at Colombo ...

10000 0 0

For erecting a Police Station at Ratnapura ...

410 0 0

For enclosing with a wall the grounds attached to the Assistant Government Agent's house at Ratnapura ...

139 0 0

For fitting up a part of the Colombo Custom House as an Office for the Master Attendant, Colombo

346 0 0

For the enlargement of the Court House at Kurunégala ...

756 0 0

For building an additional Office, and sundry repairs to the Cutcherry at Kurunégala ...

318 0 0

For enclosing 4 acres of land with a stone wall for a Cemetery for the town of Kurunégala ...

389 0 0

For converting the two ranges of buildings in the Fort of Puttalam into Salt Stores ...

515 0 0

For the enlargement of the Puttalam Cutcherry ...

243 0 0

For constructing a Ferry Boat for the use of the Deduru Oya Ferry ...

171 0 0

For the prosecution of the work of improving the Galle Harbour ...

1200 0 0

For building 5 Police Stations at Jaffna ...

686 0 0

For erecting a Court House at Kayts ...

366 0 0

For building a new residence and out-houses for the Police Magistrate at Kayts ...

536 0 0

For erecting a building at Madawalatenna to be used as a Police Station ...

300 0 0

For building a cattle shed to the residence of the Director of the Botanical Garden, Pérádeniya.

67 0 0

For erecting a Museum and Herbarium in the Botanical Garden, Pérádeniya ...

996 0 0

For providing and fixing up a clock in the Town of Kandy ...

364 0 0

For erecting a permanent Cooly shed at Nawellepittia ...

354 0 0

For forming 5 sidings to be used as halting stations for Carts on the road between Gampola and Nuwara Eliya ...

452 0 0

For sinking two wells in the town of Mátalé ...

148 0 0

For building a Police Station at Mátalé ...

396 0 0

REPAIRS.

For certain repairs to the Cutcherry at Ratnapura

276 0 0

For repairing the residence of the District Judge at Ratnapura ...

275 0 0

For certain repairs to the Queen's House, Colombo

1185 0 0

For repairing 4 permanent Salt Stores at the Puttalam Saltern East ...

316 0 0

For putting a new roof to the Custom House at Galle ...

488 0 0

For certain work to the Foul Point Light House..

212 0 0

For effecting certain improvements and repairs to the Cutcherry Offices, Mullaitivu ..

273 0 0

84632 0 0

[Carried over £

3025 0 0

92632 0 0

...

273812 11 11

[Brought forward—£3025 0 0      92632 0 0      ..      273812 11 11

No. 13.—WORKS AND BUILDINGS.—(contd.)  
CIVIL ENGINEER AND COMMISSIONER OF ROADS.

REPAIRS.—(contd.)

For repair of the residence of Director of Botanical Garden, Pérádeniya ... ..	247	0	0		
For proposed additions and alterations to the Kandy Post Office ... ..	324	0	0		
				<u>3596</u>	<u>0 0</u>
					96228 0 0

No. 14.—ROADS, STREETS, BRIDGES, AND CANALS.

FOR THE ORDINARY AND NECESSARY REPAIRS.

ROADS.

For the road from Grandpass to Pérádeniya Bridge	9781	0	0		
For do. Colombo to Galle within the Western Province ... ..	1500	0	0		
For do. Negombo to Veyangoda ... ..	700	0	0		
For do. from Alawwa through Kurunégala to Gallagedera ... ..	600	0	0		
For do. from Jaffna to Elephant Pass ... ..	1500	0	0		
For do. from Gampola to Nuwara Eliya and Hakgalle ... ..	3000	0	0		
For do. from Hakgalle to Badulla ... ..	2565	0	0		
For do. from Gampola to Ginigathéna ... ..	620	0	0		
For do. from Ambépassa to Alawwa ... ..	250	0	0		
For do. from Warakapola to Kínadeniya ... ..	750	0	0		
For the Toppu Minor Road ... ..	975	0	0		
For the road from Weligama viâ Polwatta to Akuressa and Morowa Korle ... ..	110	0	0		
For do. from Síduwa to Kotugoda and Oodoogampolla ... ..	12	0	0		
For do. from Pasyâlla to Gíriulla ... ..	56	0	0		
For do. from Negombo to Dúnágaha ... ..	120	0	0		
For do. from Pánadura to Nambápána ... ..	300	0	0		
For do. from Bandaragama to Waskaduwa ... ..	40	0	0		
For do. from Kalutara to Agalawatta ... ..	54	0	0		
For do. from Anguruwatta to Agalawatta ... ..	15	0	0		
For do. from Ekala to Henaratgoda ... ..	107	0	0		
For do. from Tudella to Pamunugama ... ..	4	0	0		
For do. from Pasyâla to Hanwella ... ..	108	0	0		
For do. from Kelani through Biygama to Henaratgoda ... ..	34	0	0		
For do. from Kohuwella to Palanoruwe ... ..	73	0	0		
For do. from Kaduwela to Kotta ... ..	200	0	0		
For do. from 10th mile-stone Galle road to Mampé and Wewala ... ..	6	0	0		
For do. from Gordon's Bridge to Kodigama ... ..	66	0	0		
For do. from Peradeniya to Naranhena ... ..	745	0	0		
For do. from Ampittiya to Talatu Oya ... ..	190	0	0		
For do. from Gonawatta Ferry through Kinegala to Rajawella ... ..	470	0	0		
For do. from Cutcherry to the Salt Pans North of Puttalam ... ..	154	0	0		
For the Eastern coast road in the Trincomalee District ... ..	158	0	0		
For the Pundu Oya road, Government moiety ... ..	300	0	0		
For the Dinubula road, Government moiety ... ..	350	0	0		
For the road from Náwalapitiya to Tispane ... ..	1400	0	0		
Carried forward...£	27313	0	0		370,040 11 11

[Brought forward—£27313 0 0

370040 11 11

## No. 14.—ROADS, STREETS, BRIDGES AND CANALS.—(contd.)

<b>ROADS.—(contd.)</b>				
For the Pupuressa road, Government moiety	...	305 0 0		
For the Dimbula Bridle road	..	40 0 0		
For the Dotella road, Government moiety	...	120 0 0		
For the Knuckles road, Government moiety	..	140 0 0		
For the road from Matalé to Rattota	...	720 0 0		
For do. from Madawelle to Kabaragala	...	3000 0 0		
For do. from Katugastota to Teldeniya	...	1600 0 0		
For do. from Teldeniya to Illagalla	...	900 0 0		
For do. from Dumbol towards Kurunégala	...	200 0 0		
For the Canal through the Salt pans North of Puttalam	...	135 0 0		
For the Canal through the Salt pans at Náchchakuli	...	195 0 0		
For the improvement of navigation of the Kaluganga	... ..	400 0 0		
For opening and completing a road from the Kurunégala to the Katugastota bridge (Supplementary)	... ..	1000 0 0		
			<b>36068 0 0</b>	
<b>FOR OPENING NEW ROADS.</b>				
For surveying and Tracing New roads	..	1000 0 0		
For opening, bridging, draining, and metalling 9 miles and 26½ chains of road between Haldummulla and Lémastota Oya upon on Estimate of £21987 13s. 9d, Government moiety	...	4994 0 0		
For completing the road from Haldummulla to the top of the Happutela Pass	... ..	5632 0 0		
For forming a new road from Maradána road to the Sea shore road at the end of Kortoboan street	... ..	1000 0 0		
For opening and metalling a Road from the Panwila road towards Dotella Estate, Government moiety	... ..	2869 0 0		
			<b>15495 0 0</b>	
For General Service	... ..	1500 0 0		
For Implements	... ..	2000 0 0		
For the working of the Factory	..	500 0 0		
For keep of sick Bullocks	..	250 0 0		
For the purchase of Bullocks	..	200 0 0		
For Elephant Establishment	..	710 0 0		
For the importation of Pioneers and Labourers	..	2000 0 0		
For repair of Ferry Boats	... ..	200 0 0		
For Bullock Carts	... ..	200 0 0		
For Hand Carts	... ..	1100 0 0		
For repair of Iron pontoons	... ..	250 0 0		
For Batticaloa Irrigation Works	... ..	263 0 0		
			<b>9173 0 0</b>	
<b>BRIDGES NEW.</b>				
For the construction of 5 Bridges on the Ballapane and Ruwanwella Road	... ..	1332 0 0		
For the construction of an Iron Lattice Bridge over the Warakadeniya Ella near Kuruwiti	... ..	990 0 0		
For building 3 additional Culverts on the road to Saltern North of Puttalam	... ..	106 0 0		
For building a Bridge and certain improvements at the junction of the Negombo and Puttalam roads at Kurunégala	... ..	111 0 0		
For putting up an Iron Lattice Bridge of 100 feet span at the Dikwella stream on the road from Matura to Hambantota	... ..	1846 0 0		
For building a Bridge at Parataraké, with causeway approaches and widening embankment	..	983 0 0		
For erecting 5 Bridges of 30 feet span each on the 42 mile of the Central road in Jaffna District	...	717 0 0		
			<b>6085 0 0</b>	
Carried forward—£			<b>60736 0 0</b>	
				<b>370040 11 11</b>

[Brought forward—£6085 0 0 60736 0 0 ... 370040 11 11

No. 14.—ROADS, STREETS, BRIDGES AND CANALS.—(contd.)

BRIDGES NEW (*Continued.*)

For completing the second foot Bridge at the Pan-					
netyrre ferry, Mandativu, Jaffna ..	86	0	0		
For erecting a platform bridge at Vallenkudewelle					
on the coast road from Jaffna to Colombo ...	105	0	0		
For completing the timber platform and guard rail-					
ings of an Iron Lattice bridge over Kanakécan					
Aár on the Central road ..	123	0	0		
For erecting an Iron Lattice bridge over the Badulla					
oya (Supplementary) .. ..	1657	0	0		
	<hr/>			8056	0 0

REPAIRS.

For the repair of the Digarolla bridge on the					
Colombo and Galle road ... ..	477	0	0		
For the repair of the Kalutara bridge ...	1416	0	0		
For building Masonry abutments to the Kudawewa					
bridge on the Natanda Canal ... ..	78	0	0		
For building Masonry abutments to the Paria Mulla					
and Pallegotorre bridges on the Kammal canal	133	0	0		
For building Masonry abutments to the Kotugoda					
bridge on the Jà elà and Minuwangoda road ..	113	0	0		
For thoroughly repairing the Madrewelle bridge					
near Madampe ... ..	93	0	0		
For the repair of the Madampe bridge on the					
Northern line of Inland Navigation ..	254	0	0		
For thoroughly renewing the bridge at Balapitimo-					
dara on the road from Galle to Colombo ..	535	0	0		
For partially repairing the Hikkadu bridge on the					
road from Galle to Colombo ..	356	0	0		
For repairing the large Bridge at Bentota ..	487	0	0		
For substituting arches for wooden platforms to					
13 small Bridges on the road from Point					
Pedro to Kodigamo .. ..	534	0	0		
For repairing the Tappal Bridges on the Central					
road and the Branch road to Mullaitivu ..	50	0	0		
	<hr/>			4526	0 0
				73318	0 0

WORKS TO BE UNDERTAKEN UNDER THE ROAD ORDINANCE.

*For the Ordinary and necessary Repairs.*

ROADS.

WESTERN PROVINCE.

	Days			
For the road from Colombo to Kandy ..	25668	6919	0	0
For do. from Colombo to Galle	30678	1306	0	0
For do. from Grand-pass to				
Situake	13026	1015	0	0
For do. from Grand-pass to Tóppu	11256	1826	0	0
For do. from Negombo to Giriulla	9966	1472	0	0
For do. from Negombo to Veangoda and from Jà-elà to Minuwangoda	11508	1742	0	0
For the Branch roads leading out of Negombo .. ..	1800	250	0	0
For the road from Avisawella to Karao-				
nellé .. ..	5508	700	0	0
For do. from Avisawella to Pel-				
madulla .. ..	9132	4215	0	0
For do. from Pelmadulla to Hapu-				
talé .. ..	19488	3433	0	0
For do. from Pelmadulla to				
Rakwána .. ..	6324	1300	0	0

Carried forward... 24178 0 0 73318 0 0 370040 11 11

[Brought forward...£24178 0 0

73318 0 0 370040 11 11

## No. 14.—ROADS, STREETS, BRIDGES AND CANALS.—(contd.)

## WESTERN PROVINCE.—(contd.)

In Days'  
Labor.

For the road from Ruwanwella to Gini-gathéna .. ..	2154	3670	0	0
For do. Borella through Kotta Pamankada to Galle Road ..	6120	300	0	0
For do. Utuwankanda to Dolosbagey ..	23754	730	0	0
For do. Ballapána to Ruwanwella ..	1200	288	0	0
For the old and new Canals from Colombo to Kalutara ..	30162	526	0	0
For the Canal between Colombo and Kammal ..	16950	1204	0	0
For opening a road from Grand-pass road through Urugodawatta to Ambatalé, upon an Estimate of £8,310 11s. 6d. ..	65448	3655	0	0
For Rest-houses ..	40320			

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 34551 0 0

## NORTH-WESTERN PROVINCE.

For the road from Allawwa through Kurunégala to Gallegedera ...	66714	1206	0	0
For do. from Kurunégala towards Dambul ...	16104	600	0	0
For do. from Kurunégala to Nikawetiya ...	49896	500	0	0
For do. from Nikawettiya to Puttalam ...	24468	1300	0	0
For do. from Puttalam to Madrankuli ...	1706	376	0	0
For do. from Madrankuli to Toppu ...	8960	854	0	0
For do. from Puttalam towards Anuradhapura ...	3966	1003	0	0
For do. from Puttalam to Madurugam river ...	2400	133	0	0
For Canal from Tóppu to Andipána Lake	9553	1096	0	0
For do. from Andipána Lake to Puttalam ...	5333	371	0	0
For Rest-houses ...	6185			

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 7439 0 0

## SOUTHERN PROVINCE.

For the road from Galle to Akmimana ...	1600	92	0	0
For do. from Bentota to Gintara	21600	1305	0	0
For do. from Dodandüwa to Badégame ...	3200	352	0	0
For do. from Galle to Tangalla...	58800	1181	0	0
For do. from Tangalla to Hambantota ...	16000	500	0	0
For do. from Hambantota to Ouva ...	2400	600	0	0
For Rest-houses ...	16000			

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 4030 0 0

## EASTERN PROVINCE.

For the Streets and Roads within the Gravets of Trincomalee ...	6000	500	0	0
For do. from Trincomalee to Haborena ...	2400	560	0	0
For do. from Trincomalee to Anurajapura ...	2400	270	0	0

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 Carried forward... £1330 0 0

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 46020 0 0

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 73318 0 0 370040 11 11

[Brought forward—£1330 0 0 46020 0 0 73318 0 0 370040 11 11

## No. 14.—ROADS, STREETS, BRIDGES AND CANALS.—(contd.)

## EASTERN PROVINCE.—(contd.)

In Days'  
Labor.

For the Streets and Roads from Batticaloa to Uvâ ...	23000	200	0	0
For the Eastern Coast Road within the Batticaloa District ...	23000	1873	0	0
For Rest-houses ..	12000			

3403 0 0

## NORTHERN PROVINCE.

For the Roads and Streets in the Gravets of Jaffna ...	14400	100	0	0
For the Semmâni Road ...	2448	52	0	0
For the road from Jaffna to Kayts via Karaitivu... ..	14400	170	0	0
For do. from Valukkiâr to Kayts ...	25200	100	0	0
For do. from Jaffna to Punella ...	5328	126	0	0
For do. do. to Kankesenturai ...	7200	125	0	0
For do. from Mânipai to Kaithadi ...	9000	35	0	0
For do. from Jaffna to Point Pedro ...	16200	300	0	0
For do. from Point Pedro to Tondamannâr ... ..	5400	105	0	0
For do. from do. to Kodigamu ...	14400	200	0	0
For do. from Vallai to Valvittytorre... ..	2160	40	0	0
For do. from Jaffna to Elephant pass... ..	36000	1150	0	0
For the central road from Elephant pass to Mathakachchi ... ..	25066 $\frac{2}{3}$	1000	0	0
For do. from Mathakachchi to Dambul ... ..	16853 $\frac{1}{3}$	950	0	0
For do. from Mullaitivu to Central road ...	1333 $\frac{1}{3}$	250	0	0
For the coast road from Jaffna to Colombo ...	6266 $\frac{2}{3}$	375	0	0
For the road from Talaimannâr to Mannâr and Mathakachchi ... ..	266 $\frac{2}{3}$	613	0	0
For the road from Mihintalé to Trincomalee ... ..	6773 $\frac{1}{3}$	443	0	0
For the road from Mihintalé to Puttalam ...	3520	400	0	0
For improving the Boat Channel in Jaffna Lake .. ..	7200	200	0	0
For building a Well at Oya Marie ...	2520	—		
For do. a Rest-house, Mihintalé ...	4000	—		
For Rest Houses .. ..	25200	—		

6734 0 0

## CENTRAL PROVINCE.

For the road from Colombo to Peradeniya within the Central Province ...	6292	899	0	0
For the road from Gampolla to Nuwara Eliya and Hakgala ... ..	7992	4809	0	0
For do. from Hakgala to Badulla ..	11574	3445	0	0
For do. Gampolla to Ginigathéna ..	4140	1827	0	0
For do. Badulla to Haputalé ...	9654	200	0	0
For do. Badulla to Hambantota ..	5778	200	0	0
For do. Badulla to Batticaloa ...	9900	50	0	0
For do. Badulla to Madulla ...	2100	100	0	0
For do. Kandy to Haragama ...	5172	600	0	0
For do. Harregame to Billuloya ...	6048	1600	0	0
For do. Kattugastota to Mátalé ..	39472	1634	0	0
For do. do. towards Kurunégala ..	17192	450	0	0
For do. Mátalé to Dambul ..	8576	1813	0	0
For do. Péradeniya to Gampolla ..	5536	1612	0	0
For Rest-houses .. ..	56658	—		

19239 0 0

For cost of Tools to be supplied to the Provincial Road Committees, and for the Minor Works to be undertaken in the several Provinces .

75396 0 0

5000 0 0

80396 0 0 153714 0 0

Total...£. 523754 11 11

							[Brought forward	...	523754 11 11
<b>No. 15.—MISCELLANEOUS SERVICES.</b>									
Treasurer	...	...	...	...	...	...	9050	0 0	
Surveyor General	...	...	...	...	...	...	12000	0 0	
Director of the Botanic Garden	...	...	...	...	...	...	300	0 0	
Registrar General of Births and Deaths	...	...	...	...	...	...	1500	0 0	
Government Agent for the Western Province	...	...	...	...	...	...	89	0 0	
do. for the Southern do.	...	...	...	...	...	...	36	0 0	
do. for the Eastern do.	...	...	...	...	...	...	102	8 0	
do. for the Northern do.	...	...	...	...	...	...	601	4 0	
do. for the Central do.	...	...	...	...	...	...	578	0 0	
Crown Agents in London	...	...	...	...	...	...	500	0 0	
Governments and Colonial Agents in India	...	...	...	...	...	...	400	0 0	
									25156 12 0
<b>16.—INTEREST.</b>									
Treasurer	...	...	...	...	...	...	...	...	261 7 6
<b>No. 17.—COLONIAL COMMISSARIAT.</b>									
Deputy Commissary General	...	...	...	...	...	...	64277	0 0	
Crown Agents in London	...	...	...	...	...	...	15000	0 0	
Colonial Agents in India	...	...	...	...	...	...	1500	0 0	
									80777 0 0
<b>No. 21.—REFUND OF DUTIES, DRAWBACKS, &amp;c.</b>									
Treasurer	...	...	...	...	...	...	794	19 8	
Government Agent for the Western Province	...	...	...	...	...	...	50	0 0	
Do. for the North-Western do.	...	...	...	...	...	...	160	9 2	
Do. for the Southern do.	...	...	...	...	...	...	20	0 0	
Do. for the Eastern do.	...	...	...	...	...	...	10	0 0	
Do. for the Central do.	...	...	...	...	...	...	30	0 0	
									1065 8 10
<b>No. 22.—LANDS TAKEN FOR GOVERNMENT PURPOSES.</b>									
Government Agent for the Western Province	...	...	...	...	...	...	1000	0 0	
Do. for the Northern do.	...	...	...	...	...	...	2	17 0	
Do. for the Central do.	...	...	...	...	...	...	100	0 0	
									1102 17 0
<b>No. 23.—IMMIGRATION.</b>									
Government Agent for the Western Province	...	...	...	...	...	...	22	4 0	
Do. for the Northern Province	...	...	...	...	...	...	6312	16 0	
Do. for the Central Province	...	...	...	...	...	...	43	4 0	
									6378 4 0
<b>No. 24.—ENQUIRY INTO THE CULTIVATION OF THE PEARL OYSTER.</b>									
Treasurer	...	...	...	...	...	...	...	...	1500 0 0
<b>No. 26.—ELECTRIC TELEGRAPH</b>									
...	...	...	...	...	...	...	...	...	5700 0 0
									Total...£645696 1 3

Passed in Council, the Ninth day of January, One thousand Eight hundred and Sixty-seven.

JAMES SWAN,  
Acting Clerk to the Council

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

WILLIAM CHAS. GIBSON,  
Colonial Secretary



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

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

Preamble.

£170,000 to be charged upon the Surplus Revenues of the Island.

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

NEW ROADS.	£	s.	d.	£	s.	d.
For opening and completing in every respect a road from Mawonella bridge to its junction with the Utuwankanda and Dolosbagé road ...	4284	0	0			
For the construction of the portion of road from Haputalé to Badulla between the 9th and 24th mile-posts ...	10296	0	0			
For thoroughly opening, bridging, draining and metalling 14 miles of road from the Gap at Gimigathéna to the Store at Dunbar Estate, Government Moiety ...	11392	0	0			
For cutting out and metalling the road from the Tel-deniya Bridge to the Galmaal Oya Bridge ..	8110	0	0			
For constructing a road from Badulla to Batticaloa on account of— ..	50000	0	0			
For forming the approach to the Railway Station at Kandy ...	5637	0	0			
For the improvement of the Mandativu Channel ...	1500	0	0			
For do. of the Inland Navigation ...	10000	0	0			
For Irrigation Works ...	10000	0	0			
For connecting Galle with Akuressa by means of a principal road, and for building large bridges between Akuressa and the Morowa Korle ...	24186	0	0			
Total Roads £...	135405	0	0			
<b>NEW BRIDGES.</b>						
For erecting a bridge over the Kaluganga at Ratnapura and its approaches ...	15000	0	0			
For constructing a bridge over the Wé Ganga at Yati-antota ...	5326	0	0			
For constructing a bridge over the Deduru Oya ...	4777	0	0			
For erecting an Iron Lattice Bridge over the Palamputaar, near Trincomalee ...	4500	0	0			
For erecting an Iron Lattice Bridge over the Miris-goniya Oya ...	4992	0	0			
Total New Bridges £...	34595	0	0			
Total £...	170000	0	0			

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

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

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

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

Passed in Council, the Ninth day of January, One thousand Eight hundred and Sixty-seven.

JAMES SWAN, Acting Clerk to the Council.

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

WILLIAM CHAS. GIRSON, Colonial Secretary.

**No. 3.—1867.****No. 3.—1867.***An Ordinance relating to the appropriation of certain unclaimed balances from the Loan Board.*

Preamble.

WHEREAS the appropriation directed by the Ordinance No. 21 of 1865, entitled "*An Ordinance to provide for the appropriation of certain unclaimed balances from the Loan Board.*" has not been carried into execution, and it is expedient to alter the same: IT IS THEREFORE HEREBY ENACTED BY THE GOVERNOR OF CEYLON, with the advice and consent of the Legislative Council thereof, as follows :

Repeal of Ordinance No. 21 of 1865.

1. THE said Ordinance No. 21 of 1865 is hereby repealed.

2. A SUM not exceeding Thirty-six thousand, One hundred and Fifty pounds and Eleven shillings shall be issued and applied to the execution of the several Public works and services hereinafter mentioned.

For additional accommodation in the District Court House, Negombo	...	£359	13	8
" " " " Chilaw	...	230	0	0
" " " " Police Court House, Kandy	...	188	10	3
For building a New Court House at Balapitimódara	...	642	9	6
" " " " Manár	...	277	0	0
" " " " Panwila	...	687	7	1
" " " " Orogalla	...	595	15	4
" " " " Batticaloa	...	882	10	0
Grant towards Law Library attached to Supreme Court	...	128	0	0
For alterations and additions to Gaols and Lock-up houses and the erection of new Gaols and Lock-up houses, in conformity with the details of estimates to be submitted	...	32,159	5	2
		£36,150 11 0		

Treasurer to pay same as Governor shall direct.

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

Treasurer to receive credit for such payments.

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

Passed in Council, the Ninth day of January, One thousand Eight hundred and Sixty-seven.

JAMES SWAN,  
Acting Clerk to the Council.

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

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 4.—1867.****No. 4.—1867.***An Ordinance to amend and consolidate the Law relating to Fiscals and their Officers.*

Preamble.

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

Short Title.

1. THIS Ordinance may be cited for all purposes as "*The Fiscals' Ordinance, 1867.*"





2. THIS Ordinance shall come into operation on such day as the Governor shall, by Proclamation to be by him for that purpose issued, appoint.

**No. 4.—1867.**

Commencement of Ordinance.  
Repeal of former Ordinances and Rules.

3. THE Ordinances and Rules of Court set out in the Schedule A hereto annexed are hereby repealed, except so far as respects all offences which may have been heretofore committed against the same, or any of them, all rights which shall have accrued, liabilities which shall have been incurred, acts which shall have been done, and all proceedings or matters which shall have taken place hereunder before this Ordinance shall come into force.

Interpretation clause.

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

THE word "Officers" shall mean all persons employed to carry out the provisions of this Ordinance.

THE word "Court" shall include all Courts of Justice, and all persons and tribunals possessing judicial and magisterial authority in this Island.

THE word "Sentence" shall include all decrees, judgments, or orders of a Court.

THE word "Process" shall include all Citations, Monitions, Summonses, Mandates, Subpœnas, Notices, Rules, Orders, Writs, Warrants and Commands issued by a Court.

*I.—Fiscals' Department and Officers.*

5. THE Governor shall appoint fit and proper persons to exercise the powers and perform the duties of Fiscals for the Provinces into which this Island is now or may be hereafter divided, and Deputy Fiscals for each of the Districts into which the several Provinces may be subdivided. Notice of such appointments shall be published in the *Government Gazette*. All appointments to which are attached annual Salaries exceeding Two hundred pounds payable out of the Colonial Revenue, shall be provisional, and subject to the approval of Her Majesty, Her Heirs and Successors. Each Deputy Fiscal shall, within his own District, exercise the powers and perform the duties hereinafter required to be exercised and performed by the Fiscal for the Province. PROVIDED that the Fiscals and Deputy Fiscals heretofore appointed shall continue to act as such until any new appointment shall be made by the Governor or until the Warrant of Deputation given to a Deputy Fiscal be withdrawn.

Appointment of Fiscals and Deputy Fiscals.

Deputy Fiscal to have powers and duties of Fiscal, but within his District.

6. NO person shall act as Deputy Fiscal without a Warrant of deputation from the Fiscal substantially according to the form B. in the Schedule hereto annexed, and it shall be lawful for the Fiscal to grant such Warrants to persons other than those appointed by the Governor to act as Deputy Fiscals, and the last mentioned persons holding such Warrant shall, subject to the directions of the Fiscal, have and exercise all the powers granted by this Ordinance to Deputy Fiscals. Every Fiscal granting a Warrant of deputation shall, within three days after signing the same, send a copy thereof to the Supreme Court, and to every Court having jurisdiction within such Deputy's District or Division, and also to the Colonial Secretary. Like notice shall be given whenever any Fiscal shall revoke a Warrant.

Deputy Fiscals should hold Warrant of Deputation from Fiscals.

7. IT shall be lawful for the Governor to require every Fiscal and Deputy Fiscal to give security by Bond for the due and faithful execution of the duties of his office, in such sum as the Governor shall consider necessary, and every such Bond shall be substantially in the Form C and D respectively in the Schedule hereto annexed.

Fiscal or Deputy Fiscal may be required to give security.

8. FOR the service and execution of processes issued by the Courts in this Island, the Fiscal shall license as many Process Servers for each District as shall appear to him to be necessary, and the licenses to be issued by him shall be substantially in the Form E to the Schedule hereto annexed. The Fiscal shall also have authority to revoke any license granted by him whenever it shall appear to him necessary to do so. Provided that it shall be lawful for the Fiscal or Deputy Fiscal to appoint, by writing under his hand, any person to execute Process in any particular case.

Process Servers to be licensed for each District.

Power to revoke License.

9. WHENEVER satisfactory arrangements can, for that purpose, be made, it shall be lawful for the Fiscal, (and not for any Deputy Fiscal) with the sanction of the Governor, to divide each District into divisions, and to appoint a Marshal for each division. Each Marshal shall be answerable for the due and faithful execution and

Fiscal may subdivide District into divisions, and appoint a Marshal for each.

**No. 4.—1867.**

Warrant appointing Marshal.  
Fiscal may revoke Warrant.  
Notice of appointment and revocation.

Marshal may be required to give securities.

Marshal may appoint Assistant.

Process Servers to be employed by Marshal.

Governor may appoint Clerks and other officers.

Governor may establish fees and charges payable by suitors for the execution and service of their process.

Such fees shall be deemed part of costs in the cause.

How the fees and charges are to be appropriated.

Fees and charges leviable by Stamp Duty.

Schedule to be supplied with Process.

Duty of Secretary and Clerk to issue no process without Schedule.

service of process within his division. The Warrant appointing such Marshals shall be substantially in the Form F to the Schedule hereto annexed. And the Fiscal shall have authority to revoke any Warrant granted by him whenever it shall appear to him necessary to do so. Notice of the appointment or of the removal of Marshals shall be published in the *Government Gazette*, as also in the Division in such manner as to secure publicity thereto.

10. THE Fiscal may require every Marshal to give security by Bond for the due performance of the duties entrusted to him, and all Officers employed by him, in such sum as shall appear to the Fiscal to be necessary, and such Bond shall be in the Form D in the Schedule hereto annexed.

11. EVERY Marshal may appoint an Assistant under his hand, giving notice to the Fiscal of such appointment, and subject to the approval of the Fiscal. The Marshal shall be civilly responsible for the acts and omissions of his Assistant.

12. EVERY Marshal shall nominate a sufficient number of Process Servers for his division, and it shall be incumbent on the Fiscal to issue his License, under Section 8, to the Process Servers so nominated. Provided, however, that the Marshal shall be civilly responsible for the acts and omissions of the Process Servers whom he shall nominate and employ.

13. THE Governor may, from time to time, appoint such Clerks, Superintendents of Processes and other officers as to him may appear necessary, to assist the Fiscals and Deputy Fiscals in the exercise and execution of their respective powers and duties.

**II.—Fees.**

14. IT shall be lawful for the Governor, with the advice of the Executive Council, to make and establish rates of fees and charges payable in each Province by Suitors, for the execution and service of the process issued at their instance, or for their benefit, or on their account by the Courts of Civil jurisdiction in this Island, and to direct the mode in which such fees and charges are to be appropriated, and the form and mode in which the accounts of the Department are to be kept and its work carried on. And it shall be lawful for the Governor, with the like advice as aforesaid, from time to time, to alter and vary such fees, charges and directions as shall appear to him necessary. And such rates of fees and charges, when published in the *Government Gazette*, shall be deemed of force, and shall be payable by each Suitor by the use of Stamps as provided by Section 16. And such fees shall form part of the costs in the cause, and shall be payable by the party whom the Court shall condemn to pay costs. Provided that such fees and charges shall in no case exceed the rates specified in Schedule G hereto annexed.

15. THE fees and charges collected under Section 14 shall not be deemed part of the Colonial Revenue, but shall form a fund for remunerating the Officers and otherwise promoting the strength and efficiency of the Fiscal's Department to be appropriated in such manner as the Governor, with the advice of the Executive Council, shall, from time to time, direct.

16. THE fees and charges payable by Suitors under Section 14 shall be levied by means of Stamp Duties in manner following:—

(1.) WHENEVER a Court shall issue one or more Processes for service or execution by a Fiscal, the Suitor at whose instance, for whose benefit, or on whose account such Processes issue, shall be required to supply with such Processes a Schedule according substantially to the Form H. hereto annexed. And every such Schedule shall be on stamped paper not less in value than the aggregate sum due as fees and charges according to the rates established under Section 14 for the service of the Processes issued with the Schedule.

(2.) IT shall be the duty of the Secretary of every District Court and the Clerk of every Court of Requests to forward this Schedule to the Fiscal or Deputy Fiscal to whom the Processes shall be forwarded for execution, and such Secretary and Clerk shall see that (except in the case referred to in Articles 4 and 5 of this Section) no Process issues from the Court without the Schedule hereinbefore required, and that such

416. When land has been seized by the Fiscal under a writ of sequestration, he is entitled to his fees, even if the fees have not been paid. Payment by the judgment debtor of only the amount due to the judgment creditor, is not sufficient to satisfy the writ; a recall of the writ under such circumstances, is improper, unless the sheriff's fees are paid. The Fiscal has a right to insist upon the writ being enforced to satisfy the payment of his fees. (Per Clarke) in C.R. 10000. 30<sup>th</sup> June/88. Examination of 19. Nov/88.

15 Repealed by No. 10 of 1867. Fees now from part of the Colonial Revenue.





Schedule is duly filled up, and also to enter on the Record of the case the date of issue of the Process, specifying the number thereof, on pain of being themselves made liable for the amount, if any, lost to the fund created by Section 15 by the non-issue of such Schedule or by the same being incorrect in any respect. If any Process shall have been directed under Section 26 to any person other than the Fiscal and Deputy Fiscal, such Secretary and Clerk shall send the Schedule to the Fiscal or Deputy Fiscal within whose District the same has to be served.

- (3.) NO Fiscal or Deputy Fiscal shall cause any Process to be executed without a Schedule of the required amount (except as provided in Articles 4 and 5 of this Section) on pain of being himself made liable for the amount, if any, lost to the fund created by Section 15 by the want of such Schedule.

No Fiscal to cause Process to be executed without Schedule.

- (4.) NO Queen's Advocate or Deputy Queen's Advocate or Public Officer suing or being sued, or intervening in any suit in their official capacity, and no person duly admitted to sue, or defend, or intervene as a Pauper shall be required to furnish any such Schedule on Stamp as is herein provided, and the Secretary or Clerk of Court shall forward the Process with a Schedule not on Stamp on which said Schedule however, shall be marked the value of the Stamp duty which would have been payable for such Process had the same been issued to any other party. If Judgment shall be given in favour of such Advocate, Public Officer or Pauper, the value of the Stamps which would have been used by him as Schedules of Processes if he had not been allowed to proceed without issuing Stamps, or the value of such part thereof as shall be decreed by such Judgment, shall be paid by the party against whom such Judgment shall have been given to the Secretary of the District Court or Clerk of the Court of Requests; and, in failure of payment, the said Secretary or Clerk shall insert the said value in the Writ of Execution issued by the party in whose favor such Judgment shall have been given, and shall pay himself the said value when recovered from the first amount levied under the said Writ and before the payment of the other Stamp Duty due in the said case under the Schedule Part 2 to "The Stamp Ordinance, 1861" annexed. If no such Writ shall be issued, the said Secretary or Clerk shall issue a Writ of Execution, free of Stamp Duty, for the recovery of the said value. And, with the value so recovered, the Secretary or Clerk shall purchase Stamps answering to the value of the Schedules which would have been used had such party not been allowed to proceed without using Stamps, and forward the same to the Fiscal or Deputy Fiscal, making a note thereof in the record of the case and in the said Stamped paper, and such Fiscal or Deputy Fiscal shall include the same in the statements to be furnished by him as hereinbefore provided. If the Secretary or Clerk shall neglect or fail to perform any duty herein imposed upon him he shall be held liable for the amount, if any, which may be lost to the fund created by Section 15 in consequence of such neglect or failure.

Public Officer suing, intervening or defending officially, and Paupers exempt from giving Stamped Schedules in the first instance.

- 5.) WHENEVER any Court shall order a Process, or the issue of any Process shall be rendered necessary by, or in consequence of, the order of any Court, and such Process shall not have been moved for at the instance of any party to the suit, it shall be the duty of the Secretary or the Clerk of Court, to issue such Process in the first instance in blank, and the Fiscals shall be bound to cause the same to be served though issued in blank. But it shall be incumbent on the Judge at any stage of the case, before or after its final settlement, to decree who shall pay the costs of the service of such process, and the party so decreed to pay the same shall be liable to make such payment, and it shall be the duty of the Secretary or Clerk to enforce payment of the same, and to render account thereof to the Fiscal or Deputy Fiscal in the manner provided by the preceding article for the payment of Processes issued without payment having been made in the first instance. If the Secretary or Clerk shall neglect, or fail to perform any duty herein imposed upon him he shall be held liable for the amount, if any, which may be lost to the fund created under Section 15 in consequence of such neglect or failure.

Provision for Processes issued by a Court at its own instance.

**No. 4. — 1867.**

Deputy Fiscal to transmit monthly statement to Fiscal of fees due and paid on Process.

Fiscal to make returns to Treasurer.

Treasurer to render quarterly account to Government.

Provisions of Stamp Ordinance to apply to Schedules.

Correct accounts of fees, and their appropriation, to be kept by Fiscals, and forwarded periodically to Government.

Rules and Orders to be made by the Judges of the Supreme Court.

Duties of Fiscals to execute all sentences, &c., and processes of Court, &c.

To receive and detain in custody all persons arrested.

To receive and detain in Prison all persons committed to their charge.

Fiscal civilly responsible for himself and officers.

Proviso.

*Repealed by Gov. Sec. Code*

- (6.) IT shall be the duty of each Deputy Fiscal to transmit to the Fiscal, on or before the 10th day of every month, a statement in such form as the Treasurer shall prescribe, shewing the number of processes issued for service in the District, and the value of the Stamps used for the Schedules forwarded with such Processes. And the Deputy Fiscal shall also transmit to the Fiscal the Schedules received by him from the different Courts.
- (7.) ON or before the 20th of each month it shall be the duty of the Fiscal to forward to the Treasurer a statement, prepared in such form as this Officer shall prescribe, shewing the number of Processes issued for service in the Provinces, and the value of the Stamps used for the Schedules. And the Fiscals shall transmit with such statement the different Schedules received by him to the Treasurer whose duty it shall be to file the same in his Office.
- (8.) THE Treasurer shall render to the Government quarterly statements of the fees and charges levied under this Ordinance, or any other Ordinance in that behalf hereafter enacted, which said statements shall be, from time to time, laid before the Legislative Council.
- (9.) THE provisions of "The Stamp Ordinance, 1861," or any other Ordinance to be in that behalf hereafter enacted, will so far as they are applicable thereto, be held to apply to the Stamps prescribed for Schedules under the provisions of this Section.

17. THE Fiscal and Deputy Fiscal of each Province shall keep correct accounts of all fees and charges collected by them under the authority of this Ordinance, other than those in which special directions are given in Section 16, and their appropriation, and shall render the same monthly to the Treasurer in such form and with such particulars as the Governor shall direct.

**III. — Rules and Orders.**

18. THE Judges of the Supreme Court may, from time to time, and subject to the provisions of the Ordinance No. 8 of 1846, or any other Ordinance to be in that behalf hereafter enacted, make Rules and Orders to regulate the proceedings of Fiscals and other officers created by this Ordinance, in matters not specially provided for in this Ordinance. Provided that such Rules shall not be inconsistent with or repugnant to the provisions of this Ordinance.

**IV. — Duties and Liabilities of Fiscals.**

19. EVERY Fiscal and Deputy Fiscal shall be bound, either by himself or by his officers, within the Province or District for which he is respectively empowered to act, to execute all Sentences, and to serve and execute all Processes which he may be required or directed by any Court to serve or execute according to the extent of its jurisdiction, and to make and certify the return, together with the execution thereof, to the said Court, and to receive and detain in custody all persons arrested upon any Sentence of the said Court, and to receive and detain in prison all such persons as shall be, by the said Court, committed to the charge of such Fiscal or Deputy Fiscal respectively, for that purpose.

20. EVERY Fiscal shall, during the time he acts as such, in the execution of any process within his Province be civilly responsible in damages to any person who may be aggrieved in consequence of any fraud, gross negligence, or gross irregularity of proceeding or gross want of ordinary diligence or abuse of authority (but not otherwise) on the part of such Fiscal, his Deputy or other officers, in the execution of such process. PROVIDED that, where such damages shall be claimed by reason of the act or omission of any Deputy or other officer, the Fiscal shall be entitled to move the Court to add such Deputy or other Officer as a party to the suit, and if the Court shall find that such Deputy or other Officer is responsible for the act or omission owing to which damages are claimed, he shall be primarily responsible to satisfy such judgment, and the security given by him for the due performance of his office shall be available to satisfy the same without any new action being brought on the Bond unless the Court shall so expressly direct. The Fiscal shall only be liable to satisfy the judgment if such Deputy or other Officer shall not be able to satisfy the same, and any payment made by the Fiscal in such case shall be deemed a debt due to the Fiscal which may be enforced at any time by process of execution in the



§ 23. Resistance to the Jural, should be dealt with by the Court from which the writ issued, under the provisions of the 6<sup>th</sup> clause of this Ord. - P.C. versus Ellis. 7396.. Vanderw. Coll: p. 6.  
See § 64.

said case on the application of the Fiscal without a new suit. PROVIDED FURTHER, that nothing herein contained shall preclude any person aggrieved by the act or omission of the Deputy Fiscal or other officer from giving up his remedy against the Fiscal and suing only the immediate wrong-doer, civilly or criminally, according to the nature and circumstances of the case.

Second proviso.

21. NO action shall be maintainable against any Fiscal, Deputy Fiscal, or other Officer to recover damages as aforesaid, unless previous notice in writing, distinctly setting forth the grounds of such action, shall have been given to him or, if he be absent from the Island, to the person acting for him, by the party aggrieved or his Proctor one month at least before the commencement of such action; and unless such action shall be brought within nine months after the cause of action shall have arisen. It shall be lawful for such Fiscal or Deputy Fiscal or other officer 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, for the use of the Plaintiff, the amount so tendered, and if the Court, on the decision of the said case, shall hold that the amount so tendered and paid into Court is sufficient amends for the party aggrieved, Judgment shall be entered in favour of the Plaintiff for such amount, but he shall be condemned to pay all costs.

Actions against Fiscal.

*Should be in Proc. Code.*

22. ALL Headmen, 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 Headman 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, or wilfully neglecting his duty in any respect, whether when applied to for aid or assistance or not, shall be subject to punishment by fine or imprisonment, with or without hard labour, according to the nature and circumstances of the case.

Headmen to aid in execution of process.

23. EVERY person making or inciting resistance or obstruction to any Fiscal, Deputy Fiscal, or other officer, or to the Headmen, in the execution of their duty, shall be subject to such punishment, by fine and imprisonment, as it shall be competent to the Court before which he may be tried to award.

Resistance to Fiscal.

24. ANY Fiscal, Deputy Fiscal, or other Officer, who shall demand or take any fee for the service or execution of any process issuing out of any Court, or for performing any other business of the Fiscal's Office, save and except such fees and charges as are allowed by law, and any person paying or offering such fee shall be guilty of an offence, and be liable to such punishment, by fine and imprisonment as it shall be competent for the Court before which he may be tried to award.

Fiscal and Officers prohibited from taking Fees.

V.—Process.

25. THE Process issued by any Court, other than a Warrant of arrest or Writ of Sequestration or of Execution, may be transmitted to any Fiscal or Deputy Fiscal throughout the Island for service, and the same may be served without any endorsement thereon by the Judge of the District in which such Process is served. But all proceedings, for attachment, contempt or otherwise against a Fiscal or Deputy Fiscal for neglect or refusal to serve process, or to comply with any order or direction of such Court in connection therewith, or for serving process irregularly or improperly, shall be referred by such last named Court to the Court possessing similar jurisdiction within the District of such Fiscal or Deputy Fiscal, and shall be dealt with by such Court as if such neglect or refusal, or such irregular or improper service related to its own process or orders.

Certain Process of Court may run throughout the Island.

26. WHENEVER any Court shall be required to issue any process or to cause any sentence to be executed against any Fiscal or Deputy Fiscal, or whenever it shall appear desirable to such Court that, by reason of his near relationship to any of the parties to a suit, or for any other just cause, operating against such Fiscal or Deputy Fiscal personally, and not merely on the ground of convenience, he should not be required to serve or execute the same, it shall be lawful for the Court to name and appoint some other fit person to serve, execute, and return the process, or to execute the sentence, and the same shall thereupon be directed to the person so named, the cause of such special proceeding being suggested and entered on the records of the said Court and being notified at the time to such Fiscal or Deputy Fiscal.

If Fiscal personally interested, service to be made by another to be named by the Court.

**No. 4.—1867.**

Processes to be forwarded to Marshals for execution within their Division.

Marshals to administer oaths.

Native Headmen to execute process.

Return to Process should be verified.

Rules for execution of process.

Time of arrest in Criminal case.

Ditto in Civil case.

*repealed by Co. Proc. Code.*

When outer door may not be forced.

When it may. Proviso.

Copy of process shall be served on defendant. If a native, a translation also.

Court may authorise substituted service.

27. **WHENEVER** a Marshal is appointed for any Division, the process to be executed and served in such division may be transmitted to him, by the Fiscal or Deputy Fiscal, and he shall be responsible for their due execution and service, of which he shall make due return through the Fiscal or Deputy Fiscal from whom he shall have received the process. And for this end he shall have all the powers and authorities created by this Ordinance, and necessary for the execution and service of process, and the performance of the duties entrusted to him.

28. **ALL** Native Headmen, shall, within their local limits, be authorized and required to execute the process which may be duly sent to them 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 or Deputy Fiscal, of the process which such Headmen shall and may be required to serve or execute.

29. **EVERY** return to process shall be made by the Fiscal or Deputy Fiscal or Marshall, and shall be duly verified by the oath or affirmation of the Officer employed to execute the same. And for such purpose, the Fiscal, Deputy Fiscal or Marshall is hereby authorised to administer such oath or affirmation. Any person swearing or affirming falsely shall be guilty of perjury, and shall be liable to the punishment attaching to such offence. **PROVIDED** that it shall be competent to any District or Police Court to take cognizance of such offence, and to award in respect thereof such punishment as the District or Police Court is legally empowered to award if the Queen's Advocate or some competent Deputy Queen's Advocate shall certify that he is content that such offence shall be prosecuted before such Court.

30. **THE** service or execution of process against person or property shall respectively be subject to the following Rules:—

- (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 sunset and sunrise; nor on a Sunday, Good Friday or Christmas day; nor on any Minister of 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, excepting such person shall have escaped or shall have been rescued after having been duly arrested.
- (4.) **ANY** door may be forced open in the execution of Criminal process or in Civil process against person issued at the suit of the Crown, or in process against property, whether at the suit of the Crown or of private individuals, Provided however, that before any door of any dwelling house be forced open, admittance shall first be demanded by the person employed to carry such process into effect, and if such admittance be not granted, the Fiscal or his Officer may force the door open.
- (5.) **IN** all cases in which process is issued for service and execution a copy of such process or, if the party be a Native, a translation thereof, in the native language prevailing within the District where the process is to be served or executed shall be issued to the Fiscal by the Court with the original process, and shall be served or executed personally; or if, after reasonable exertion, such personal service cannot be effected, such inability shall be reported to the Court issuing the Process to which it shall be always competent on cause shewn, to prescribe any other mode of service as an equivalent for personal service, and the case shall thereupon proceed upon such substituted service as if personal service had taken place.
- (6.) **EVERY** Fiscal, Deputy Fiscal or Marshall shall, on the receipt of any process, note thereon the day he received the same, and, on the service or execution



§ 32. - The words "shall repair to his" (the debtor's) "dwelling house" &c. are merely directory, - & therefore  
his actual neglecting compliance with the requirements in detail, ~~and~~ thereby causing substantial injury,  
may lay himself open to a claim for damages, - yet the arrest itself will not be bad. - U. 6568. N. C. Colombo.  
Staudenburg v. Cowell. Wam. Rep. 26. Feby/75.



thereof, the date and mode of such service or execution, and such return shall be duly verified by the oath or affirmation of the officer by whom the service or execution has been effected, and shall be duly dated and signed by such Fiscal, Deputy Fiscal or Marshal.

No. 4. 1867.

(7.) THE person employed in carrying into effect any process of execution against either person or property shall always have with him the Writ, Warrant or Mandate of Execution or an authenticated copy of the same which shall, if required, be produced and shewn to the party against whom, or against whose property, it is sought to be put in force.

Person executing Process must always have Writ of execution or Copy.

(8.) IN all Civil cases where process of execution may issue against the person of a Defendant, it shall be necessary in order to constitute an arrest, that 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.

Body of person arrested must be seized or touched.

(9.) AFTER any person shall have been taken into the custody of any Fiscal or Deputy 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 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.

Person arrested to be confined in Gaol.

(10.) IT shall nevertheless be lawful for the Fiscal or Deputy 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 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 by fine or imprisonment at the discretion of the Court.

Unless attending Divine service or Bathing.

VI.—Arrest in Mesne Process.

31. IN any case of arrest in Mesne Process for debt or damages if the person against whom the Writ has issued shall, by deposit of money or otherwise, give sufficient security to the Fiscal that he shall appear according to the exigency of the process, and answer to the Plaintiff's Libel, the Fiscal or his Deputy may permit the Defendant to go at large and free of the said arrest; and the bond or obligation to be given by the Defendant to the Fiscal as security as aforesaid shall be substantially in the form I. to the Schedule hereto annexed.

Arrest in Mesne Process.

VII.—Execution against Property and Person.

32. IN every case of execution against property, the Fiscal or his Deputy, or other officer, shall within forty eight hours after delivery of the same, if the debtor shall be a person residing within five miles of the office of the Fiscal or Deputy Fiscal, or if residing beyond five miles, within an additional forty-eight hours for every five miles or part thereof, repair to his dwelling house, and there require him, if present, to pay the amount of the Writ or to point out and surrender unclaimed property sufficient to satisfy the amount of the Writ; and if the debtor be absent or if he, or any person on his behalf fail to do so forthwith, the party, at whose suit the process is issued, may point out to the Fiscal or his Deputy the property of his debtor, and, in default of such property being pointed out, or there being no property which the Fiscal could seize, the debtor may be arrested by process of execution against the person.

Fiscal to call upon debtor to pay Writ or to surrender property in satisfaction.

No. 4.—1867.

What property seizable in execution.

33. ALL property belonging to a debtor, moveable or immoveable, whether the same be held in his own name, or by another person in trust for him or on his behalf, and all debts due to him, are liable to seizure in execution. Provided however, that no immoveable property shall be seized, if sufficient unclaimed moveable property be surrendered to satisfy the exigency of the Writ against such debtor. Provided further that the Fiscal, Deputy Fiscal, Marshall or other officer shall not take or seize in execution any of the necessary tools, utensils, implements or cattle used in trade or husbandry, or wearing apparel of any debtor, unless there shall not be sufficient other property to satisfy the same.

Salaries of Public Officers and Pensions granted for Services.

34. THE salaries of Public Officers, and the Pensions granted to them for services rendered, shall not be seized in execution without a special order of the Court whence the execution issued. It shall be lawful to the Court to order the seizure of a debtor's salary or pension or part thereof, if it shall be proved to its satisfaction that there is no other property available to satisfy the Writ, and that such seizure is proper, regard being had to all the circumstances of the case, to the amount of salary or pension, and the necessities of the officer and his family, and (in case of salary) the interest of the public, in not being deprived of his services.

VIII.—Mode of Seizure.

Delivery of immoveable property.

*Repealed by Code Proc. Code*

35. IF the judgment be for land in the occupancy of the party condemned or some person on his behalf, or of some person claiming under a title created by such party subsequently to the institution of the suit, delivery thereof shall be made by putting the party to whom the land may have been adjudged, or any person whom he may appoint to receive delivery on his behalf, in possession thereof, and, if need be, by removing any person who may refuse to vacate the same.

If decree be for land in the occupancy of others.

36. IF the judgment be for land in the occupancy of cultivators, tenants, or other persons entitled to occupy the same, delivery thereof shall be made by affixing a copy of the Writ in some conspicuous place on the land, and proclaiming to the occupants of the property by beat of tom-tom or in such other mode as may be customary, at some convenient places, the substance of the judgment in regard to the property.

Fiscal should prohibit alienation of property seized.

37. WHERE the property shall consist of lands, the Fiscal shall, at the time of the seizure, affix an order, prohibiting the party condemned from alienating the property by sale, gift, or in any other way, and all persons from receiving the same by purchase, gift, or otherwise.

When property seized is subject to a lien.

38. WHERE the property seized shall consist of goods, chattels, or other moveable property to which the party condemned is entitled, subject to a lien or right of some other person to the immediate possession thereof, the seizure shall be made subject to the lien, and the party claiming the lien shall be bound to give up such property, but shall not be deemed to have lost his lien by reason of the Fiscal, Deputy Fiscal or other Officer taking possession of the property.

Seizure of debts or shares.

39. WHERE the property shall consist of debts not based on negotiable instruments, or of shares in any Railway, Banking, or other public Company or Corporation, the seizure shall be made by a written order prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person whomsoever, pending the seizure, or prohibiting the person in whose name the shares may be standing from making any transfer of the shares or receiving payment of any dividends thereof, and the Manager, Secretary, or other proper Officer of the Company or Corporation, from permitting any such transfer or making any such payment until such further order.

Where property is in deposit in Court or with any Government Officer.

40. WHERE the property shall consist of money, or of any security, in deposit in any Court of Justice or in the hands of any Officer of Government, which is or may become payable to the party condemned or on his behalf, the seizure shall be made by a notice to such Court or Officer requesting that the money or security may be held subject to the order of the Court by which the notice may be issued. Provided that, if such money or security is in deposit in any Court of Justice, any question of title or priority which may arise between the party at whose instance such seizure is made, and any other person, not being the party condemned, claiming to be interested in such money or security by virtue of any assignment, attachment, or otherwise, shall be determined by the Court in which such money or security is in deposit.

*Sec 67.*

34. Where plff. in a Ct. of Reg. case applied for the sequestration of the salary of a Police Constable who was the deft in the case, & the deft in opposing the application shewed that he had other property, viz the equity of redemption of certain jewel-  
lery pledged with plff. - but the Court, on plffs denying the pledge alleged by deft, deferred the deft. to an action for the reco-  
very of his jewellery, & requested  $\frac{1}{2}$  of the defts wages: - held by Clarence J. that 1. there should have been further en-  
quiry about the jewellery, before sequestrating the salary & 2. before sequestrating  $\frac{1}{2}$  of the salary there should have been  
an inquiry into the necessities of the deft. & his family. C.R. Gallo 54.335. 1. Rep. Ct. Circ. p. 17.

See 476. -

C.R. Horningale  $\frac{24058}{19510}$ . Vaud. Rep. p. 260.

D.C. Gallo 52178. - Civ. Min. 22. Feb. 1887

D.C. Cal. 72.324. - 1. Supr. Ct. Circ. p. 58.

§ 42. Where a seizure in execution was effected under the provisions of this Ord. 8 or 9 years after the event, - unless it had the usual of the prohibitory order against alienation, will be required, - where the fiscal had made return that the seizure had been duly made, & a list of the property seized appended at the foot of such return as required by § 45 of the Ord. 4 of 1867

§ 44. This § does not preclude a plff. from selling in the ordinary course of execution debts due to his execution debtor, but simply provides an alternative & summary proceeding for the purpose,  
D.C.K. 88489. Wendt. p. 244.

41. IN case of goods, chattels, or other moveable property not in the possession of the party condemned, the written order shall be affixed in some conspicuous part of the Court-house, and a copy of the order shall be delivered or sent by post to the person in possession of the property. In the case of lands, the written order shall be read aloud at some place on or adjacent to such lands, houses or other property, and shall be affixed in some conspicuous part of the land and the Court-house. In the case of debts, the written order shall be affixed in some conspicuous part of the Court-house, and copies of the written order shall be delivered or sent by post to each individual debtor. And in the case of shares in the capital or joint-stock of any Railway, Banking, or other public Company or Corporation, the written order shall in like manner be affixed in some conspicuous part of the Court-house, and a copy of the order shall be delivered or sent registered by post to the Manager, Secretary, or other proper Officer of the Company or Corporation.

No. 2.—1867.

How the written order shall be fixed and served.

*Ref. by Co. Proc. Calc*

42. AFTER any property shall have been duly seized in execution, and in the case of a seizure by written order after it shall have been duly intimated and made known in manner aforesaid, any alienation or incumbrance of the property seized, (excepting by the Fiscal or Deputy Fiscal or under their order as hereinafter provided) whether by sale, gift, mortgage or otherwise, and any payment of the debt or debts or dividends or shares to the party condemned during the continuance of seizure shall be null and void.

Alienation after seizure and notice void.

43. IN every case in which a debtor shall be prohibited from making payment of his debt to the creditor, he may pay the amount to the Fiscal or Deputy Fiscal, and such payment shall have the same effect as payment to such creditor.

Debtor receiving notice may pay amount in Court.

44. WHEN the person against whom execution is decreed is entitled to money due to him by some other party it shall be lawful for the party in whose favor such execution is decreed, to call on the person owing money to his debtor, to shew cause why he should not pay the money due by him into Court. If he does not dispute the debt, he shall pay the same into Court within such time as the Court shall allow him, of which the Court shall make record, and if he fails to do so, the Court may issue execution against him without any further action or process. If he disputes the debt, the Court shall refer the parties to another suit in the Court having jurisdiction to entertain the same. PROVIDED however, that it shall be lawful for the first mentioned Court to enquire summarily into the nature of the debt due to the execution debtor, and, (should it be one which would entitle such execution debtor to claim provisional judgment, and his debtor be not able to make thereto a defence which would, by law, apply to a claim for provisional judgment,) to decree that the amount be deposited in such Court to abide the result of the new suit. If no new suit be brought within the time prescribed by the Court the money deposited shall be made available to satisfy the Writ against the execution debtor.

Proceeding to recover debts due to execution debtor.

45. AS soon as any property shall be seized by the Fiscal, Deputy Fiscal or other Officer, a list of such property shall forthwith be made and signed by himself or the person seizing the same, and shall be delivered to the person in whose possession the property seized shall be or if no person be in possession then to the Headman or Constable of the Division, and copies thereof shall be also deposited in the Fiscal's Office and annexed to the return to the Writ.

Property seized to be inventoried.

46. WHENEVER property is seized or sequestered in parts of the country where there are no adequate means of securing the same therein, the Fiscal, Deputy Fiscal or other Officer, 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 in the first instance and, if not previously paid by him, shall be paid out of the first proceeds of the property seized or sequestered or shall be recovered by process of Parate Execution at the suit of the Fiscal against any other property of the debtor; or the Fiscal, Deputy Fiscal or other Officer may require the owner or possessor of the property to take charge thereof until the time of sale, on giving security to his satisfaction that such owner or possessor will, in the mean time safely and securely keep the same. And if such owner or possessor fail to give such security, the party suing out the Writ may be required to take charge of the property, giving the like security to the satisfaction of the Fiscal, Deputy, or other Officer; and if the party at whose suit the Writ has issued shall, on being thus required, fail to take charge of such property, or to give such security, the Fiscal, Deputy, or other Officer shall make a special return thereof to the Court, and shall be no longer responsible for any injury, loss or damage which may happen to such property.

Disposal of property seized until sale.

No. 4.—1867.

IX.—Sale of Property seized in Execution.

Sale of property seized in execution.

47. THE property being duly seized, the Fiscal or his Deputy shall proceed to the sale thereof in manner following:—

(1.) IN all cases of seizure of moveable property the Fiscal or Deputy Fiscal shall cause the usual notice of sale thereof to be given by beat of tom-tom, or in such other manner as to secure publicity thereto, both at the place of sale and also where the seizure shall have been made, and such notice shall not be less than Three days and not exceeding Fourteen days before the day of sale, unless the time be enlarged by any order of Court, and shall specify the property to be sold, in what suit, at what place, and at what day and hour.

(2.) IN all cases of a seizure of immoveable property, the like notice of sale shall be given as is hereinbefore required in sales of moveable property, and the Fiscal, Deputy Fiscal or other Officer shall also cause to be made four copies of notice of sale both in English and in the native language prevailing within the District, one of which he shall cause to be posted at his Office, the other, at the Court House whence the Execution issued, the third on some conspicuous part of the Town or Village in which the land is situate, and the fourth 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.

Referred by  
Civ. Proc. Code.

(3.) WHENEVER the property seized under one Writ shall exceed the value of One Hundred Pounds sterling, the Fiscal, Deputy Fiscal or other Officer shall, in addition to the notice hereinbefore required, advertise the sale thereof, enumerating briefly the goods for sale, the nature and situation of the land and the time and place of the sale, in the *Government Gazette*; and no such sale shall take place until it shall have been so advertised once at the least twenty days prior to the sale. It shall be lawful to the Execution Creditor and Debtor to require the publication of such Sale to be made in any other Newspaper to be named by them, or if they cannot agree in doing so, in any two Newspapers one to be named by each. And all costs and charges attending such advertisements, particulars of which shall be always given by the Fiscal with his return, shall be deducted out of the first proceeds of sale.

(4.) THE Fiscal, Deputy Fiscal or other Officer shall be also at liberty, at the request of both or either party, on payment to him by the applicant of all costs or expenses attending the publication, to advertise any sale of moveable or immoveable property in manner hereinbefore mentioned, although it does not exceed the value of One Hundred Pounds Sterling.

Sale of property seized how to be held.

48. EVERY sale shall be held by an Officer of the Fiscal or some other person duly authorized by the Fiscal or Deputy Fiscal by writing under his hand. The Fiscal or Deputy Fiscal shall charge a fee of three per cent. on the proceeds actually recovered and return thereof made to the Court in respect of every sale and resale of moveable property, and two per cent. on the proceeds of sale of immoveable property belonging to the debtor when the proceeds do not exceed the sum of Seven hundred and Fifty pounds sterling. When the proceeds exceed that sum, the Fiscal or Deputy Fiscal shall charge a fee of Fifteen Pounds sterling and of Ten Shillings for every Hundred Pounds, of the proceeds over and above the said sum of Seven hundred and Fifty Pounds. And in every case after the seizure of property and publication of sale thereof, in which the sale shall be postponed or stayed at the request, or with the concurrence of the party suing out the Writ, the Fiscal or Deputy Fiscal shall charge half of the above fees on the estimated value of such property from the party at whose request the Writ shall be stayed, and in default of immediate payment thereof, such fees may be recovered by Process of Parate execution at the suit of the Fiscal. Provided however, that such fee shall never exceed Five Pounds sterling. The fees charged under this Section shall be appropriated in such manner as the Governor, with the advice of the Executive Council, shall, from time to time, direct.

Sec 14.

Purchase money when payable.

49. THE sale of all moveable property shall be for ready money only. And the sale of immoveable property, of which the value does not exceed Ten Pounds sterling, shall be also for ready money; but when any immoveable property sold in one



§ 50. More than one bidder not necessary to make a sale good. - D.C. Statutes 32-500. - Dec. 14<sup>th</sup> 1882.  
My. Wash. Courts. p. 43.

§ 53. This section gives the Court jurisdiction over all sales, - not only over such as are disputed.  
D.C. Col. 51. 457. Examiner Rep. Jan. 22. 1875.



not amounts to more than Ten pounds sterling, a deposit of one-fourth of the amount of sale shall be made, and the purchaser shall at the same time give sufficient security to the satisfaction of the Fiscal or his Deputy for the payment of the residue thereof, with interest thereon at the rate of nine per centum per annum from the date of sale, within the time and in the manner hereunder specified. If the purchase money exceeds Ten Pounds but does not exceed Fifty Pounds, within one month from the date of sale; if it exceeds Fifty Pounds and does not exceed Two hundred Pounds, within two months from such date; if it exceeds Two hundred Pounds and does not exceed Five hundred pounds, within three months from such date; if it exceeds Five hundred Pounds and does not exceed One Thousand Pounds in two equal instalments within three and six months from such date; if it exceeds One thousand Pounds in three equal instalments within three, six and nine months from such date and the Purchaser and his Sureties, if any, shall thereupon sign the Conditions of Sale, which conditions shall be binding on such purchaser although the same be not executed before a Notary Public. In case of non-payment of the balance when due, the whole property may, after twenty days' notice from the Fiscal or his Deputy, be re-entered on and sold anew at the risk of the purchaser.

*Repealed by  
Cto. Proc. Code*

50. 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, and give good and sufficient security to the satisfaction of the Fiscal, Deputy Fiscal or other Officer for the payment of the residue, the next highest bidder may be thereupon declared the purchaser, and required to make like deposit and security as aforesaid, and in the same manner the other bidders in rotation: and each person failing to make such deposit and to give security as aforesaid, may 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 whence the Execution issued, which plaint the Fiscal is hereby required in all cases to make forthwith, supported by the affirmation of the Fiscal, Deputy Fiscal or other Officer who conducted the sale, and Process of Parate Execution shall then forthwith issue.

Purchaser to give security.

In case of default.

51. IF the purchaser of any immoveable property shall not make complete payment of the amount due according to the conditions of sale and the security given, and on a second sale taking place (publication whereof shall always be made in manner hereinbefore 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 the Deputy Fiscal or other Officer who conducted the sale as to the circumstances) issue against the property and person of the first purchaser and his sureties, if any, to recover, 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. The amount recovered in respect of any difference between the biddings or between the amounts of any two sales, shall be applied in satisfaction of the Writ, and the balance, if any, after such application, shall be paid to the execution debtor or credited to his account. If there be no difference between the first and second sale, the one-fourth deposited at the time of the first sale shall be declared forfeited and shall be paid to the benefit of the fund created by Section 15.

Default in payment.

52. IN all cases 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 or his Deputy, the parties shall consent to its being conducted elsewhere.

Sale on the spot.

53. THE Fiscal or Deputy Fiscal shall report every sale of immoveable property made by him or under his directions, within a week after the same shall have been so made. And it shall be open to the debtor or any other party impeaching such sale on the ground of irregularity or informality, or to the Fiscal or Deputy Fiscal, if any such ground shall be made apparent to him, within thirty days of the sale to state or report to the Court his objections to the sale being confirmed; and the Court, having enquired into the same summarily, shall either confirm or disallow the sale as to it shall appear just and reasonable, but no sale shall be disallowed unless a material irregularity in publishing or conducting the sale shall be shown, and that the Applicant has sustained substantial injury by reason of such irregularity. The Fiscal or his Deputy shall either grant the conveyance or withhold the same for a time or absolutely, according to the directions which the Court shall give him.

Sales to be reported to the Court.

**No. 4.—1867.**

Sale not to be held bad for irregularity if not objected to within 30 days.

If sale shall not have been confirmed, moneys paid by purchaser shall be returned to him.

Conveyance to purchaser.

*Appeals to Civ. Proc. Code.*

Map to be annexed to conveyance.

If execution creditor be purchaser.

Execution of Warrant or Writ in a different District not within the jurisdiction of the Court.

54. NO sale shall be held bad on the ground of irregularity or informality, the objections to which shall not be made within thirty days, as prescribed by the preceding Section.

55. IF the sale shall not have been confirmed, the Fiscal or, if the amount shall have been paid to the Government Agent or Assistant Government Agent in pursuance of any rule or direction under Section 66, such Government Agent or Assistant Government Agent shall, upon order of Court to that effect, return to the purchaser all moneys paid by him on account of such sale, and the holder of the Writ shall proceed to enforce the same as if no such sale had taken place.

56. IF the Court shall not have disallowed the sale, and purchaser shall have paid the full amount of the purchase money according to the conditions of sale, and shall have supplied the Fiscal or Deputy Fiscal with stamped paper of the proper amount required by law for the conveyance of the land sold to him (which stamped paper he shall be bound to supply when he pays the purchase money in full,) the Fiscal or Deputy Fiscal shall make out and execute a conveyance of the property according to the form hereunto annexed and marked J. in duplicate, and which conveyance shall be binding and of force though not executed before a Notary Public. The Fiscal or Deputy Fiscal shall deliver the original to the purchaser, and transmit the duplicate to the Registrar of Lands for the District in which the land 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 or Deputy Fiscal shall be entitled to charge for such conveyance, when the amount of purchase shall be under Three Pounds, a fee of One Shilling; when it shall exceed Three 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 Sixpence, and no more, and such fee shall be appropriated in such manner as the Governor shall direct.

57. A DIAGRAM or Map of the premises, where there is none already appended to the Deeds of the property, shall be made and annexed to the Deed of Conveyance by the Fiscal, and the purchaser shall pay in advance the whole expenses thereof, in addition to the fee allowed for the conveyance.

58. IN case the party in whose favor the execution is issued, become the 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 to such purchaser but under express order of the Court, and the Fiscal, Deputy Fiscal or other Officer shall be equally entitled to charge the fee upon the sale as if the amount so allowed were actually paid into Court.

**IX.—Service of Warrant or Writ in a different District.**

59. A Warrant of Arrest in Mesne Process, or a Writ of Sequestration or of Execution which cannot be executed within the jurisdiction of the Court issuing it may be executed within the jurisdiction of any other Court in the manner following:—

- (1.) THE party holding such Warrant or Writ may apply to the Court issuing the same to transmit a copy thereof, together with its endorsement thereon signed by the Judge or Commissioner of the Court to which such application is made to the effect that the same cannot be executed within the jurisdiction of such Court, to the Court by which the applicant may wish the said process to be executed.
- (2.) THE Court, unless there be any sufficient reason to the contrary, shall cause such copy so endorsed to be transmitted to the Court indicated by the applicant; and such last named Court shall also endorse the same, and such copy of Warrant or Writ so endorsed shall have the same effect as a Warrant or Writ made by such Court, and may be executed accordingly by the Fiscal or Deputy Fiscal of the District over which such Court shall have jurisdiction.
- (3.) THE Court causing such Warrant or Writ to be executed shall have no power to inquire into the validity of such Warrant or Writ, unless it

This clause does not apply to cases where a sale is sought to be set aside on the ground of fraud & collusion between expectant creditor, Fiscal officer & Purchaser. V. 14.889. C.R. Padure. Apprais. 12 deby p's. - Vand. Rep: p. 52. D.C. Jaffa 12.2.54

§88. This section is taken verbatim from the Rules of 11<sup>th</sup> July 1840. See Rules & orders. p. 125. §17.  
This section does not prevent Fiscal (who has notice of other outstanding claims) to ask for the usual deposit, & security for payment of balance, - from a creditor & special mortgagee who has bid at the sale & become purchaser, - notwithstanding the provision that execution creditor is entitled to credit. D.C. 11. 47. 194. Per Karavel. D.J. My toll: A.R. p. 1.



appear, upon the face thereof, that the Court by which it was issued had no jurisdiction to issue the same. But such first named Court shall take cognizance of and punish all wrongful acts or irregularities done or committed in executing such Warrant or Writ; and all persons disobeying or obstructing the execution thereof shall be punishable by such Court in the same manner as if the process had been issued by such Court.

- (4.) THE Court to which the application is made may, upon good and sufficient cause being shewn, stay the execution of a Warrant or Writ for a reasonable time, to enable the party against whom such Warrant or Writ issued to apply to the Court by which the same was issued for an order to stay the Warrant or Writ, or for any other order relating thereto which it may be competent for such Court to make; and, in case the property or person of such party shall have been seized in execution, the Court to which such application is made may, upon such terms and conditions as to Security or otherwise as it may consider reasonable, order the restitution of the property or the discharge of the person, pending the result of such application.
- (5.) NO discharge of a defendant under the provisions of the preceding article shall prevent him from being retaken in execution.

*Repealed by  
Co. Proc. Code*

XI.—*Claims to Property seized.*

60. IN the event of any claim being preferred to, or objection offered against the seizure or sale of any immoveable or moveable property which may have been seized in execution of a sentence, or under any order passed before sentence, as not liable to be sold, the Fiscal or Deputy Fiscal shall, as soon as the same is reported to him, proceed to investigate the same summarily, and for this purpose the Fiscal and Deputy Fiscal shall have power to examine parties and their witnesses on oath, and to enforce their attendance, as well as the production of documents. If it shall appear to the satisfaction of the Fiscal or Deputy Fiscal that such immoveable or moveable property was not in the possession of the party against whom execution is sought, or of some other person in trust for him, or the occupancy of cultivators or other persons paying rent or performing service to him at the time when the property was seized, or that, being in the possession of the party himself at such time, it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, the Fiscal or Deputy Fiscal shall abstain from carrying out the seizure or sale. But if it shall appear to the satisfaction of the Fiscal that the said property was in possession of the party against whom execution is sought, as his own property and not on account of any other person, or was in the possession of some other person in trust for him, or in the occupancy of cultivators or other persons paying rent or performing service to him at the time when the property was seized, he shall disallow the claim and carry out the seizure or sale. PROVIDED however that it shall be lawful for the Fiscal, before abstaining from carrying out such seizure or sale, or before carrying out such seizure or sale, to call upon the claimant in the first case, or upon the party holding the Writ, in the second case, to give security to indemnify the Fiscal and hold him harmless from any loss or damage which might arise from his not enforcing the Writ, or enforcing the same, as the case may be. In case the party so called upon fail to give such security, it shall be competent to the Fiscal to abstain from carrying out the sale, or to carry the same out, as he shall consider just.

Claim to property seized and investigation thereon.

61. NOTHING in the preceding Section contained shall be construed to deprive any party of his right to apply to a competent Court for a Writ of Injunction to stop the seizure or sale of property or to bring his action to establish his right to such property notwithstanding the sale. But it shall not be lawful for the Court to grant a Writ of Injunction to stop the sale unless it shall be satisfied that such party made his application to the Fiscal in the first instance to stop such sale, and, unless such party shall give sufficient security to answer for any loss or damage which may arise from the issue of such Writ of Injunction.

Party may apply for Injunction nevertheless.

62. THE claim or objection shall be made at the earliest opportunity, and if the property to which the claim or objection applies, shall have been advertised for sale, the sale may (if it appears necessary) be postponed for the purpose of making the investigation mentioned in Section 60.—PROVIDED that no such investigation shall be made if it appear that the making of the claim or objection was designedly and unnecessarily delayed, with a view to obstruct the ends of justice.

Claim must be made at the earliest opportunity.

No. 4.—1867.

If claim be declared groundless.

Resistance or obstruction to a decree.

Proceeding of Court thereupon.

Rules for payments to Fiscals and by Fiscals' Officers.

*Repealed by G.O.G.*

Monies paid in to be subject to order of Court.

The person detaining shall pay for the maintenance of prisoners.

63. WHENEVER it shall appear to the Court and be so found and declared in any judgment pronounced by it in any suit instituted by or against any person claiming any property pointed out, or seized in execution, that such claim is altogether groundless and wilfully preferred only to defeat or delay the execution, every such claimant shall, in addition to his liability to pay costs and damages, be liable to fine at the discretion of the Court, and such fine shall be recovered as a fine imposed by a Court in a criminal case.

XII.—Resistance or obstruction to a Sentence.

64. IF in the execution of a decree for land, the Fiscal or his Officer shall be resisted or obstructed by the defendant or any person at his instigation, the person in whose favour such decree was made or the Fiscal may apply to the Court to enquire into the same. The Court shall fix a day for investigating the complaint, and shall summon the party against whom the complaint is made to answer the same.

65. IF the Court shall be satisfied, after such investigation of the facts of the case as it may deem proper, that the resistance or obstruction complained of was without any just cause, and made or induced by the defendant or some person at his instigation, the Court may commit the defendant or such other person to prison for such period, not exceeding thirty days, as may be necessary to prevent the continuance of such obstruction or resistance.

XIII.—Payments to Fiscals and by Fiscals' Officers.

66. PAYMENTS to Fiscals and by Fiscals Officers shall be made in manner and subject to the rules following, and not otherwise.

- (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, or Deputy Fiscal, he shall signify the same to such Fiscal or Deputy Fiscal, who shall give him a note addressed to the Government Agent or Assistant Government Agent of the Form in Schedule K hereto annexed 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 or Deputy 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 such time after the sale as the Fiscal shall prescribe, to the office of the Government Agent or Assistant Government Agent, being furnished for that purpose with a note of the said Form, in Schedule K.
- (5.) A Register of such notes in the Form in Schedule L hereto annexed shall be kept by the Fiscal, liable to the call of Government at any period.

67. ALL monies which may be paid into any Government Agent or Assistant Government Agent's Office 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.

XIV.—Allowance to Prisoners.

68. THE party at whose suit any person shall be detained in prison, whether in Mesne Process or in Execution, shall make an allowance in money for the maintenance of the person detained, at 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 be not so paid to the Fiscal, 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, any such person, who shall, in the meantime, and until so discharged, be supported by Government.

Regarding the rule as to habeas corpus, unaltered by § 16. of Ord. 1. of 1839

That court that issued the writ, is the proper court to deal with the question of resistance. P.C. versus Elliot. 7396. Vanderw. 1841. p. 6  
The proceeding contemplated by this & § 65, is a civil, not a Criminal proceeding; - adopted by the Legislature as a means  
of enforcing the decrees of their courts. See procedure in such cases, & observations on it, in 5. S. C. Cir. 4. 117.  
1841. 8533. - per Clarence J. -

Money realized by a levy on the prop. of the judgment debtor, is not the property of the judgment debtor, but of the party at whose  
instance the levy was made, & is not liable to be seized by the creditors of the judgment debtor. D.C. Heronko. 1867. 26. Oct. 185.  
1841. 8533. - per Clarence J. -

§ 74. Does not apply to a case where a party neither uses violence nor abuse, but refuses to quit - & where it appears that such party is in poss<sup>n</sup> of the land in line of interest under a bond of prior date to that in which just. was obtained & writ issued, under which writ Compt. as purchaser, was precluded from taking possession.  
P.C. Panama 28.638. Examin. Rep. 16. Feby/76.

§ 76. - That this is required for the perfection of the title of a purchaser, to a bond that he should have given to him a Certificate of Sale & an order of Court prohibiting the creditor from receiving the debts & the debtor from making payment thereof to any person or persons except the purchaser.  
D.C. Call 52178. - 22<sup>nd</sup> Feby/87. Civil Div.  
See 4 Sup. Ct. Circ. p. 32. D.C. Cal. 81460.



No. 4.—1867.

Defendant's property liable to such maintenance.

Allowance to Criminal Prisoners.

Table of allowances to be affixed in Gaols.

When moveable property it shall be delivered over.

When property subject to lien.

If immoveable property in possession of defendant or of others under title created after the seizure.

If property in occupancy of cultivators, tenants, or others entitled to keep such occupancy.

Where property consists of debts not negotiable, or of shares of Railway, Banking or other public Company.

Where property sold consists of negotiable securities.

If endorsement or conveyance be wanted of party in whose name any negotiable security or share shall be standing.

69. THE amount of the allowances paid for the maintenance of any person shall be added to the amount of the Writ and shall be recoverable against his property on the plaint and affirmation of the person detaining. But the said person shall not be detained in custody or arrested on account of such amount.

70. THE rates of allowance in money or provisions to be made by Fiscals or Deputy Fiscal 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.

71. EVERY Fiscal or Deputy 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 Tamil languages.

XV.—Delivery of possession to Purchaser.

72. WHERE the property sold shall consist of goods, chattels, or other moveable property in the possession of the party condemned, or to the immediate possession of which such party is entitled and of which actual seizure has been made, the property shall be delivered to the purchaser.

73. WHERE the property sold shall consist of goods, chattels, or other moveable property to which the party condemned is entitled, subject to a lien or right of any person to the immediate possession thereof, the delivery to the purchaser shall, as far as practicable, be made by giving notice to the person in possession prohibiting him from delivering possession of the property to any person except the purchaser thereof.

74. IF the property sold shall consist of land, in the occupancy of a party condemned or some person on his behalf or of some person claiming under a title created by the defendant subsequently to the seizure of such property, the Court shall order delivery thereof to be made by putting the party to whom the land may have been sold, or any person whom he may appoint to receive on his behalf, in possession thereof, and, if need be, by removing any such person who may refuse to vacate the same.

75. IF the property sold shall consist of land in the occupancy of cultivators, tenants, or other persons entitled to occupy the same, the Court shall order delivery thereof to be made by affixing a copy of the notice of Sale in some conspicuous place on the land or other immoveable property, and proclaiming to the occupants of the property by beat of tom-tom, or in such other mode as may be customary, and likely to secure publicity at some convenient place or places, that the right, title and interest of the defendant has been transferred to the purchaser.

76. WHERE the property sold shall consist of debts not being negotiable instruments, or of shares in any Railway, Banking, or other public Company or Corporation, the delivery thereof shall be by a Certificate of Sale in favour of the purchaser and an order of the Court prohibiting the creditor from receiving the debts, and the debtor from making payment thereof to any person or persons except the purchaser, or prohibiting the person in whose name the shares may be standing from making any transfer of the Shares, or receiving payment of any dividends thereon, and the Manager, Secretary, or other proper Officer of the Company or Corporation from permitting any transfer or making any such payment to any person except the purchaser.

77. WHERE the property sold shall consist of negotiable securities of which actual seizure has been made, the same shall be delivered to the purchaser thereof.

78. IF the endorsement or conveyance of the party in whose name any negotiable security or any share in a public Company or Corporation is standing, shall be required to transfer the same, the Judge may endorse the security on the Certificate of the share, or may execute such other documents as may be necessary for transferring the same. The endorsement or Execution shall be in the following form or to the like effect:—"A. B. by C. D. Judge of the Court of (or as the case may be); in a suit by E. F. versus A. B." Until the transfer of such security or share, the Judge may, by order, appoint some person to receive any interest or dividend, and to sign receipts for the same; and any endorsement made or document executed or receipts signed as aforesaid shall be as valid and effectual for all purposes, as if the same had been made or executed or signed by the party himself.

K

**No. 4.—1867.**

If purchaser of immoveable property be resisted in obtaining possession.

*Repealed by Act of 1867*

Orders subject to appeal.

Governor may allow Fiscal's Security to be made available to meet claims on Fiscal.

Fiscal may allow Security given by Deputy Fiscal to be also so made available.

Transfer of Indemnity Bond.

Cases omitted to be determined according to the Roman Dutch Law.

~~79. IF the purchaser of any immoveable property sold in execution of a decree shall be resisted or obstructed in obtaining possession of the property, the provisions contained in the twelfth division of this Ordinance headed "Resistance or obstruction to a Sentence" relating to resistance or obstruction to a party in whose favour a suit has been decreed in obtaining possession of the property adjudged to him, shall be applicable in the case of such resistance or obstruction.~~

**XVI.—Miscellaneous.**

80. ALL orders made by a Court under the provisions of this Ordinance shall be subject to appeal.

81. IT shall be lawful for the Governor to allow the Security given by a Fiscal, or any part thereof, to be made available for the payment of any sum which such Fiscal shall be condemned to pay to any party in an action brought under the provisions of this Ordinance, by an endorsement on a copy of the Bond given by the Fiscals and his sureties of the nature of the entry M. in the Schedule hereto annexed ; which said endorsement, though not on stamped paper, shall be sufficient to convey to the person in whose favour such endorsement is made the right to sue on such Bond, and to derive all benefit and advantage arising therefrom, to the extent to which such Security is allowed to be made available.

82. IT shall be lawful for the Fiscal to allow the Security given by a Deputy Fiscal or other Officer, or any part thereof, to be made available for the payment of any sum which any party may recover in an action brought by him against such Deputy Fiscal or other Officer as an immediate wrong-doer under the Proviso of Section 20, by an endorsement made on a Copy of the Bond given by such Deputy Fiscal, or other Officer, and his Sureties, of the nature of the entry N. in the Schedule hereto annexed ; which said endorsement, though not on stamped paper, shall be sufficient to convey to the person in whose favour such endorsement is made, the right to sue on such Bond, and to derive all benefit and advantage arising therefrom, to the extent to which such Security is allowed to be made available.

83. WHENEVER the Fiscal or Deputy Fiscal shall have received Security, by way of Indemnity, it shall be lawful for him to endorse the same to the party seeking to enforce the same, or to take action thereunder, by an endorsement on a Copy of the Bond giving Security, of the nature of the entry O. in the Schedule hereto annexed ; which said entry, though not on stamped paper, shall be sufficient to convey to the person, in whose favour the endorsement is made, the right to sue on such bond, and to derive all benefit and advantage arising therefrom.

84. IF any question should hereafter arise relating to the matters which form the subject of this enactment, and not herein expressly provided for, the same shall be determined according to the rules of the Roman Dutch Law.

**SCHEDULE.**

**A.**

( § 3. )

- Ordinance No. 1 of 1839. .... To amend the Law relative to Fiscals and their Officers.
- "    11 of 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.
- Rules of Court, July 11, 1840. General Rules respecting the duties of Fiscals and touching Arrest in Mesne Process and in Execution.

**B.**

( § 6 )

I                   Fiscal for the                   Province do hereby nominate and depute                   to be my Deputy in the said  
Office of Fiscal for the District of                   during my pleasure                   This                   day of                   186                   Fiscal.

**C.**

( § 7. )

Know all Men by these presents that We (*name Fiscal*) and (*name Securities*) are respectively held and firmly bound to our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Her Heirs and Successors, in the sum of £                   lawful money of Great Britain; for which payment to be well and faithfully made, We the said                   do hereby bind ourselves jointly and severally and our Heirs, Executors and Administrators and every of them firmly by these presents.









Whereas the above bounden \_\_\_\_\_ has been appointed Fiscal for the \_\_\_\_\_ Province, and has been required to give security by Bond for the due and faithful execution of the duties of his Office in the sum of £ \_\_\_\_\_

and the said (name Securities) have agreed to bind themselves respectively as his said Securities: Now the condition of this obligation is such, that if the said \_\_\_\_\_ shall, at all times hereafter during the continuance of his said Office of Fiscal for the \_\_\_\_\_ Province, duly and faithfully perform and execute the duties of his said Office as the same are prescribed by law, and shall faithfully obey all the directions given him in regard to such Office of Fiscal by Her Majesty's Secretary of State for the Colonies, the Lords Commissioners of Her Majesty's Treasury, and the Governor of the said Island, or other person authorised to give orders, and shall and will faithfully pay and apply all sums of money, bills, notes and securities for money that shall come to his hands or with which he shall become justly chargeable as such Fiscal, and shall produce at all times when required, true and correct accounts of the receipt and payment of all such sums of money, bills, notes and securities for money as shall come to his hands as such Fiscal, together with proper and sufficient Vouchers for the due application hereof, and do and shall, at the expiration or other determination of his said Office of Fiscal, deliver up to the person duly authorised to receive the same, all books, papers, documents and writings relative to the said Office of Fiscal, and do and shall pay to the persons duly authorised to receive the same the balance, if any, due from him as such Fiscal, then this obligation shall be void: otherwise, it shall remain in full force and virtue.

Signed, and delivered \_\_\_\_\_ by the above bounden \_\_\_\_\_ in the presence of \_\_\_\_\_ A. B. (Fiscal.) C. D. } (Securities.) E. F. }

D.

(§ 7 and 10.)

Bond by Deputy Fiscal as above *mutatis mutandis*, but given to the Fiscal of the Province and his successors for the time being.

Bond by Marshal as above, *mutatis mutandis*, but given to the Fiscal of the Province or the Deputy Fiscal for the District, and their successors for the time being.

E.

(§ 8.)

I \_\_\_\_\_ Fiscal for the \_\_\_\_\_ Province, do hereby license \_\_\_\_\_ to act as Process Server for the District of \_\_\_\_\_ This \_\_\_\_\_ day of \_\_\_\_\_ A. B. (Fiscal.)

F.

(§ 9.)

I \_\_\_\_\_ Fiscal for the \_\_\_\_\_ Province, do hereby appoint \_\_\_\_\_ to be Marshal for the division of (here describe same accurately) under the provisions of the Fiscals' Ordinance, 1867, and authorise him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant This \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_ A. B. (Fiscal.)

G.

(§ 14.)

The maximum fees and charges to be levied for each Process issued for execution or service on each Suitor, Witness or other person in any case other than Criminal, by any of the Courts of this Island shall be as follows:—

Where the amount involved in a Civil Suit or the value of the Estate in a Testamentary or other case is .....		£	s.	d.
.....under £2		0	0	4
Where such amount is £2 but under 5		0	0	6
"	" " " " 5 " 10	0	0	8
"	" " " " 10 " 30	0	1	0
"	" " " " 30 " 75	0	1	6
"	" " " " 75 " 150	0	2	0
"	" " " " 150 " 500	0	2	6
"	" " " " 500 " 1000	0	3	6
"	" " " " 1000 " 5000	0	4	0
"	" " " " 5000 or more	0	7	6

H.

(§ 16 Article 1.)

FISCALS' STAMP.

Court.	Number. of case.	Amount involved or value of Estate.	Number & nature of Process.	When returnable.	Forwarded.	Received.
D. C. or C. R.					Date. Secretary or Clerk.	Date. Fiscal or Deputy Fiscal.
		This		day of	186	

I.

( § 31. )

Plaintiff }  
vs. } In the District Court of  
Defendant }

Know all Men by these presents that We (name Principal) and (name Sureties) are held and firmly bound to (describe Fiscal or Deputy Fiscal) or to the Fiscal or Deputy Fiscal of for the time being or his assigns in the sum of £ for the payment of which we bind ourselves, jointly and severally, our Heirs, Executors and Administrators firmly by these presents.

The condition of this obligation is such that if the above bounden (Principal) do appear before the said District Court on the day of and answer to a suit for

Then this obligation to be void, otherwise to remain in full force.

Signed and delivered this day of in the presence of

J.

( § 56. )

WHEREAS by virtue of a Writ of Execution issued from the Court of hearing date the day of 18 directed to the Fiscal (or Deputy Fiscal as the case may be) of the Province whereby he was directed (here insert the directions of the Writ) A. B., Esq., Fiscal, (or Deputy 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 (or Deputy Fiscal) and sold to as the highest bidder at the said sale for the sum of

And whereas the said (Purchaser) hath duly paid to the said Fiscal (or Deputy Fiscal) the whole of the said purchase money and thus become entitled to all the right, title and interest of the said C. D. in the said Property.

Or, (if the Plaintiff shall be the purchaser)

And whereas the said hath been allowed the amount of purchase (or part thereof as the case may be) in reduction of his claim and has produced to the order of Court copy whereof is hereunto annexed and has thus become entitled to all the right, title and interest of the said C. D. in the said property.

Now these Presents witness that the Fiscal of the Province, (or Deputy Fiscal of the District of ) in consideration of the said sum of so paid by (or credited to) the said (Purchaser) as aforesaid, the receipt whereof the said Fiscal (or Deputy 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, all the right, title and interest of the said C. D. in the said Property; to wit:—

and bounded or reputed to be bounded.

on the by  
on the by  
on the by  
and on the by  
containing

and described in the Diagram or Map annexed to the

To have and to 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 ((or Deputy Fiscal)) hath hereunto subscribed his name at this day of in the Year of our Lord One Thousand Eight Hundred and (Signature of Fiscal or Deputy Fiscal.)

Witnesses G. H. of  
J. K. of

K.

( § 66. )

No. of Note

No. of Suit

Name of Payee

£

Date of Payment

Sig: of Cutcherry

received.

No. of Note

No. of Suit

To the Government Agent of

Please to receive

from

£

Fiscal's Office

L.

( § 66. )

No.	No of Suit.	District Court.	Plff.	Deft.	Payer.	On what account.	Amount.	Date of Issue.	Date when Receipt sent back.







**M.**

( § 81. )

I Colonial Secretary of the Island of Ceylon do hereby assign to the  
 right to sue on this Bond and all the benefit and advantage arising therefrom to the extent of £  
 This day of 186 By Order of the Governor,  
 C. D.  
 Colonial Secretary.

**N.**

( § 82. )

I Fiscal for the Province do hereby assign to the  
 right to sue on this Bond and all the benefit and advantage arising therefrom to the extent of £  
 This day of E. F.  
 Fiscal.

**O.**

( § 83. )

I the Fiscal (or Deputy Fiscal) for the , at the  
 request of A. B., the (Plaintiff or Defendant,) within named, hereby assign to him, the said A. B., the within  
 Bond, and all the benefit and advantage arising therefrom.  
 This day of A. B.  
 Fiscal or Deputy Fiscal.

Passed in Council, the Twelfth day of January, One thousand Eight hundred and Sixty-seven.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Sixteenth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.

**No. 5.—1867.**

*An Ordinance relating to the Assessment of Lands for the maintenance of the Police Force.*

**No. 5.—1867.**

**W**HEREAS it is expedient to give to parties dissatisfied with the assessment of the annual value of land for the purposes of creating a Fund for the maintenance of the Police Force, the right to object to and appeal against the same: **IT IS HEREBY ENACTED BY THE GOVERNOR OF CEYLON**, with the advice and consent of the Legislative Council thereof, as follows:—

Preamble.

1. IF any person shall be aggrieved by the assessment or non-assessment of any house, building, land or tenement, it shall be lawful for him to object to such assessment, or such non-assessment before the Court of Requests having jurisdiction in the place where such house, building, land or tenement is situate, if the amount of the rate on the annual value of such house, building, land or tenement does not exceed Ten Pounds, and to the District Court if such amount exceeds Ten Pounds. And such Court shall decide upon such objection in a summary way and have power to amend the assessment or to supply any omission if necessary, and its decision shall be subject to appeal to the Supreme Court, which shall have like power of amendment: and each of the said Courts shall have power to give costs. **PROVIDED** that no such objection shall be entertained by any Court of Requests, or District Court, unless the same shall be made, if by private parties, within fifteen days, and if by the Government, within one month, after the service of notice of assessment prescribed by Section 40 of "The Police Ordinance, 1865," or by Section 63 of "The Municipal Councils' Ordinance, 1865," nor unless the person objecting, or some person authorised by him in that behalf in writing, shall, at the time of making

Remedy of parties dissatisfied with the assessment.

Appeal.

**No. 5.—1867.**

such objection, satisfy the Court, by affidavit or otherwise, that he has furnished a statement in writing of the specific grounds on which such objection is founded, to the Government Agent in any Town where there is no Municipality, or to the Chairman of the Council where a Municipality has been established, and to the person, if any, to the underrating or omission of whose property he objects.

Levying of rate not to be stayed.

2. NEITHER the objection nor the appeal shall stay the levying of any part of the rate, which may be proceeded with; the excess, (if any,) collected shall in such case be refunded, or the deficient amount, (if any) shall be collected, according to the decision of such Courts of Requests or District Court, if there be no appeal, or of the Supreme Court in case of appeal.

Judges of Supreme Court to make Rules.

3. THE Judges of the Supreme Court may, from time to time, and subject to the provisions of the Ordinance No. 8 of 1846 or any other Ordinance to be in that behalf hereafter enacted, make Rules and Orders as to the notices and the hearing of objections and appeals. Provided that such Rules and Orders shall not be inconsistent with or repugnant to the provisions of this Ordinance.

Passed in Council, the Sixteenth day of January, One thousand Eight hundred and Sixty-seven.

JAMES SWAN,  
Acting Clerk to the Council.

Assented to by His Excellency the Governor, the Sixteenth day of January, One thousand Eight hundred and Sixty-seven, and published by his Order.

WILLIAM CHAS. GIBSON,  
Colonial Secretary.