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EXTRAORDINARY.

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Part II.—Legal and Judicial.

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DRAFT ORDINANCES.

MINUTE.

The following Draft of a proposed Ordinance is published for general information:—

An Ordinance to amend and consolidate the Law relating to Municipal Councils.

Preamble.

WHEREAS it is expedient to amend and consolidate the law relating to Municipal Councils: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and division into parts.

1 (1) This Ordinance may be cited as "The Municipal Councils' Ordinance, 1909," and shall come into operation on such date as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

(2) This Ordinance is divided into parts as follows:

Part I.—Preliminary.

Part II.—Constitution of Municipality.

Part III.—Municipal Purposes.

Part IV.—Officers.

Part V.—Contracts.

Part VI.—Municipal Property and Fund.

Part VII.—Powers and Duties of the Municipal Council.

Part VIII.—Meetings and Conduct of Business.

Part IX.—By-laws.

Part X.—Rates and Taxes.

Part XI.—General Conservancy of Town.

Part XII.—Markets.

Part XIII.—Infectious Diseases.

Part XIV.—Offensive and Dangerous Trades.

Part XV.—Miscellaneous.

PART I.

Preliminary.

Repeal.

2 (1) The Ordinances specified in the schedule A to this Ordinance are hereby repealed to the extent in the third column of that schedule mentioned.

(2) The Municipalities constituted and existing at the commencement of this Ordinance shall continue to be Municipalities subject to the provisions of this Ordinance and all by-laws prescribed, assessments, valuations, divisions elections, lists of persons entitled to vote or to be elected, and appointments made, rates and taxes imposed, powers conferred, notifications published under any of the Ordinances hereby repealed, and all other rules, if any, now in force and relating to the matters hereinafter dealt with, shall, so far as they are consistent with this Ordinance, be deemed to have been respectively prescribed, made, imposed, conferred, and published hereunder.

“ Street.”

3 In this Ordinance, unless the context otherwise requires—

“ Street ” includes any road, square, court, alley or passage, river or canal, whether a thoroughfare or not, over which the public have a right of way, together with the land (not being private property), whether covered or not by any pavement, verandah, or other structure which lies between the roadway and the main wall of any house adjacent thereto ; as well as all drains, embankments, and ditches belonging or appertaining thereto, also all public open places, and also the roadway over any public bridge or causeway within the town, and such waste land adjoining any street or road as may have been reserved for its protection or benefit.

“ Bridge.”

“ Bridge ” includes all bridges, sluices, dams, and bunds.

“ Premises.”

“ Premises ” includes all messuages, buildings, lands, and servitudes. All servitudes shall be considered to be part of the property to which they appertain, or in connection with which they are enjoyed.

“ Canal.”

“ Canal ” includes any public canal, and includes the full extent of waterway from bank to bank, together with the sides, towing paths, embankment drains, and ditches thereto belonging.

“ River.”

“ River ” includes all public navigable streams, lakes, and all towing paths and embankments thereto belonging.

“ Vehicle.”

“ Vehicle ” includes carriages, carts, coaches, tram cars, automobiles, and locomotives, and every artificial contrivance used or capable of being used as a means of transportation on land.

“ Cart.”

“ Cart ” means every vehicle drawn by a bullock or bullocks, or by a buffalo or buffaloes.

“ Hand cart.”

“ Hand cart ” does not include wheelbarrows and other such hand vehicles used for domestic purposes.

“ Owner.”

“ Owner ” includes the person for the time being receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would receive the same if such land or premises were let to a tenant.

“ Person.”

“ Person ” includes any association or body of persons, whether incorporated or not.

“ Annual value.”

“ Annual value ” means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for any house, building, land, or tenement if the tenant undertook to pay all public rates and taxes, and if the landlord undertook to

bear the cost of repairs, maintenance, and upkeep, if any, necessary to maintain the house, building, land, or tenement in a state to command that rent. Provided that in the computation and assessment of annual value no allowance or reduction be made for any period or periods of non-tenancy whatsoever.

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| “ Chairman.” | “ Chairman ” means the officer appointed to be the Chairman of a Municipal Council under this Ordinance or under any of the Ordinances thereby repealed. |
| “ Assistant Chairman.” | “ Assistant Chairman ” means the officer appointed in manner aforesaid to be the Assistant Chairman of a Municipal Council. |
| “ Council.” | “ Council ” means the Municipal Council of any town. |
| “ Magistrate.” | “ Magistrate ” means any Police Magistrate having jurisdiction within the Municipality. |
| “ Municipal Magistrate.” | “ Municipal Magistrate ” means a Magistrate having jurisdiction or appointed as mentioned in part IV., and includes an Additional Municipal Magistrate. |
| “ Building.” | “ Building ” includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall. |
| “ Medical Officer of Health.” | “ Medical Officer of Health ” means any person appointed as such by the Council, and includes an Assistant Medical Officer of Health. |
| “ Nuisance.” | “ Nuisance ” includes any act, omission, or thing occasioning or likely to occasion injury, annoyance, offence, harm, danger, or damage to the sense of sight, smell, or hearing, or which is or is likely to be dangerous or injurious to health or property. |
| “ Public market.” | “ Public market ” means any place which has heretofore been a public market under any of the enactments repealed by this Ordinance, or which may hereafter be declared to be a public market by the Chairman with the concurrence of the standing committee on sanitation and markets. |
| “ Private market.” | “ Private market ” means any place (not being a public market) ordinarily used as a market for the sale of animals, or of meat, fish, fruit, vegetables, or other perishable articles of food for human consumption. |

PART II.

Constitution of Municipality.

Existing Municipalities and creation of new Municipalities.

4 (1) The Municipalities constituted and existing in Ceylon at the commencement of this Ordinance shall continue to be Municipalities, and shall be subject to the provisions of this Ordinance; and it shall be lawful to the Governor in Executive Council, on the application of a reasonable number of the inhabitants of any town, or if without such application it shall appear expedient, by Proclamation in the *Government Gazette*, to create a Municipality in any other town in Ceylon; and thereupon the several provisions of this Ordinance shall apply and extend to and may be enforced within any such town as fully to all intents and purposes as if such town had been created a Municipality by or before the passing of this Ordinance.

(2) It shall be lawful to the Governor in Executive Council in every such Proclamation creating a Municipality to nominate and appoint the Chairman of such Municipality.

Power of Governor with regard to limits and divisions of Municipalities.

5 (1) It shall be lawful to the Governor in Executive Council from time to time, by Proclamation to be published in the *Government Gazette*—

- (a) To define the limits of such towns as may hereafter be created Municipalities, and to divide these towns into divisions.
- (b) To enlarge or alter the limits of any Municipality.
- (c) To alter the number and limits of the divisions of any Municipality.

(2) Until such Proclamation is made, the limits of all existing Municipalities and the numbers and limits of their respective divisions shall continue to be the same as at the commencement of this Ordinance.

Constitution and status of Municipal Council.

6 The Municipal affairs of every Municipal town shall be administered by the Chairman and such number of Councillors as shall be determined by the Governor in Executive Council. Such Councillors shall be elected and nominated in manner hereinafter provided, but the Chairman shall be a Councillor *ex-officio*. Such Chairman and Councillors shall be styled the Municipal Council, and shall by such name be a body corporate, and shall have perpetual succession and a common seal, and power to acquire, hold, and sell property, and may by such name sue and be sued.

Provided that nothing done under this Ordinance shall be deemed to be invalid by reason only that the number of Councillors may be less than the number determined by the Governor in Executive Council.

Continuance in office of present Chairman.

7 The Chairmen of the Municipalities of Colombo, Kandy, and Galle who are in office at the commencement of this Ordinance shall continue in office until the appointment of the next Chairmen.

Representation for division.

8 For each division into which a Municipality is divided one Councillor shall be elected.

Proportion and qualification of nominated members.

9 (1) Of the Councillors, one-half at least shall be elected. The Councillors not elected shall be nominated by the Governor, provided that if their number be five, there shall be nominated at least one person who holds no office of emolument under the Ceylon Government and who resides within the Municipality; and if their number be more than five and not exceeding eight, there shall be nominated at least two such persons; and if their number be nine or more, there shall be nominated at least three such persons. For the purpose of this section the Chairman shall be deemed a Councillor nominated by the Governor.

(2) For the purposes of this section and of the following sections in this Part, a person is said to "reside" in any dwelling in which he sometimes uses a sleeping apartment, although he does not use it uninterruptedly, or has elsewhere a dwelling where he has, and sometimes uses, another such apartment. A person does not, for the purposes aforesaid, cease to reside in a dwelling where he has such an apartment merely because he is absent from it, if there is the liberty of returning at any time and no abandonment of the intention to return at pleasure.

Qualification of Councillors.

10 (1) The Councillors shall be persons elected by the voters or nominated as hereinafter provided.

(2) A person shall not be qualified to be elected or to be a Councillor unless his name appears in the lists or revised lists prepared and certified as hereinafter provided of persons duly qualified to be elected as Councillors.

(3) A person shall not be entitled to have his name placed on such lists in any year unless he is qualified as follows:

- (a) Is of the male sex;
- (b) Has completed his twenty-fifth year;
- (c) Is able to speak and read the English language;

- (d) Is a British subject ;
- (e) Is resident within the Municipality ;
- (f) Is not in arrears in respect of rates for more than two quarters last preceding the first of July in the current year ;
- (g) Has discharged his liability in respect of the annual tax payable under this Ordinance or under any Ordinance thereby repealed in labour, or in money in commutation of such labour.
- (h) Has paid all the Municipal taxes specified in schedule D attached to this Ordinance due from him up to the thirtieth of June in the current year ;
- (i) Is possessed (but not as lessee), either in his own right or in right of his wife, of immovable property within the Municipality, the value of which, after allowing for any mortgage debts thereon, is not less than five thousand rupees ; or
- (j) Is on the first of July in such year, and has been during the whole of the then last preceding six months, in occupation of any house, warehouse, counting-house, shop, or other building (in this section referred to as qualifying property), of the annual value of not less than five hundred rupees, within the division for which he desires to be elected. The qualifying property need not be throughout the six months constituting the period of qualification the same property, provided the annual value is in no case less than five hundred rupees, and such property is in all cases situated within such division.

(4) Every person so qualified shall be entitled to have his name placed in the list of persons qualified to be elected as Councillors, unless he—

- (a) Is an officer or servant of the Council, so long as he remains in the employment of the Council, except the Chairman ; or
- (b) Has been sentenced to imprisonment or whipping for any indictable offence ; such sentence not having been subsequently reversed or quashed, and such person's disqualification on account of such sentence not having been removed by an order of the Governor in Executive Council, which order the Governor in Executive Council is hereby empowered to make whenever he thinks fit.
- (c) Is an uncertificated bankrupt or undischarged insolvent.

(5) The terms " house, warehouse, counting-house, shop, or other building " include any part of a house when that part is separately occupied for the purposes of any trade, business, or profession ; and any such part may, for the purpose of describing the qualification, be described as office, chambers, studio, or by any like term applicable to the case.

(6) Where an occupier is entitled to the sole and exclusive use of any part of a house, that part shall not be deemed to be occupied otherwise than separately by reason only that the occupier is entitled to the joint use of some other part.

(7) On the recommendation of the Council of any town, the Governor in Executive Council may, by Proclamation in the *Government Gazette*, declare that as regards such town the sums of five thousand rupees and five hundred rupees mentioned in (3) (i) and (3) (j) of this section shall be increased or reduced as shall be specified in such Proclamation.

Qualifications
of voters.

11. (1) A person shall not be deemed a voter for any purpose of this Ordinance, unless his name appears in the lists or revised lists of persons duly qualified to vote prepared and certified as hereinafter provided.

(2) A person shall not be entitled to have his name placed on such lists in any year unless he is qualified as follows :

- (a) Is of the male sex ;
- (b) Has completed his twenty-first year ;

- (c) Resides within the Municipality ;
- (d) Is a British subject ;
- (e) Has on or before the first day of July in such year paid all rates which have become payable by him in respect of the property, hereinafter referred to as qualifying property, up to the last preceding thirty-first day of December ;
- (f) Has discharged his liability for such year in respect of the annual tax payable under this Ordinance or any Ordinance thereby repealed in labour, or in money in commutation of such labour ;
- (g) Has paid all the Municipal taxes specified in schedule D due from him up to the thirtieth of June in such year ;
- (h) Is on the first day of July in such year, and has been during the whole of the six months last preceding such date in occupation, joint or several, of any house, warehouse, counting-house, shop, or other building (in this section referred to as qualifying property) at a monthly rental of not less than fifteen rupees in the division for which he desires to vote, or is a boarder living in a hotel, club, or boarding-house within such division paying a sum of not less than one hundred rupees a month for board and lodging combined ; or
- (i) Is possessed (but not as lessee), either in his own right or in right of his wife, of qualifying property situated within such division of an annual value of not less than one hundred and eighty rupees ; or
- (j) Is the eldest son or attorney appointed for the purpose of a widow who is the proprietor or tenant of qualifying property within such division of the annual value of not less than one hundred and eighty rupees, and who satisfies the requirements of (c), (d), (e), (g) and (h) or (i) of this section.
- (k) Is a graduate of an University in the United Kingdom or a British Colony or India, and is on the first day of July in such year, and has been during the whole of the last preceding six months, residing within such division.

(3) (a) In the case of qualifying property possessed or occupied jointly by two or more persons, each such person shall be entitled to have his name placed in the list of voters, provided the number of persons does not exceed the number obtained by dividing the annual value or rental of such property, as the case may be, by one hundred and eighty. And should such number be smaller than the number of joint possessors or occupiers, as the case may be, such possessors or occupiers shall elect among themselves, who shall have his name placed in the said list, but if they cannot so agree and elect, they shall not be entitled to vote at all.

(b) Every person is entitled to vote in more than one division, provided he is fully qualified to vote in each such division ; and if possessed of more than one qualifying property in any division, shall have a vote in respect of every such qualifying property.

(c) Every qualified voter shall vote in person and not by proxy, save and except a joint stock company.

(4) On the recommendation of the Municipal Council of any town, the Governor in Executive Council may, by Proclamation in the *Government Gazette*, declare that as regards such town the sums of fifteen rupees and one hundred and eighty rupees mentioned in (2) (h), (2) (i), (2) (j), and (3) (a) of this section shall be increased or reduced as shall be specified in such Proclamation.

Votes of joint
stock
companies.

12 (1) Any company registered under "The Joint Stock Companies' Ordinance, 1861," or any other Ordinance, or under any Act of Parliament, or under any legislative enactment of any British Colony, shall be qualified to be placed in

the list of persons qualified to vote prepared in any year under the provisions of this Ordinance, provided that—

- (a) It either owns or holds on lease immovable property in Ceylon, or carries on the business of steam navigation or insurance against fire; and
- (b) Is on the first day of July in such year, and has been during the whole of the last preceding six months, in occupation, joint or several, of any house, warehouse, counting-house; shop, or other building within the division for which it desires to vote of an annual rental of not less than three hundred rupees.

Provided further, that the total number of votes, including company votes, allowed in respect of any building so occupied for business purposes, shall not exceed the number obtained by dividing the annual value or rental of such building, as the case may be, by three hundred. And should such number be smaller than the number of joint occupiers, such occupiers, including the companies, shall elect among themselves who shall be placed in the list of voters, but if they cannot so agree and elect, they shall not be entitled to vote at all.

(2) No company shall be entitled to have more than one vote in any one division.

(3) Any person holding a general power of attorney from any qualified company, or authority by a special resolution signed by two of the directors of such company and under its common seal, shall be entitled to vote at any elections on behalf of such company, provided such power of attorney or authority shall have been registered with the Chairman at least one month prior to the date of such election. And such attorney or representative shall vote at any election in the manner provided in rule 11 of the schedule B to this Ordinance.

Preparation of lists of persons entitled to be elected and to vote.

13 As soon as convenient after the publication of the Proclamation creating a Municipality in any town, the Chairman shall prepare lists of persons duly qualified to be elected and to vote. There shall be two separate lists made for each division of the Municipality: one containing the names of persons duly qualified to be elected, and another containing the names of persons duly qualified to vote.

Publication of lists.

14 The lists when prepared shall be published in the *Government Gazette*, and notice of such publication shall forthwith be given in two or more of the local newspapers. And the said lists shall be open to public inspection at all reasonable times of the day in the Municipal office or at any other place specified in such notice.

Claims and objections.

15 (1) Every person duly qualified to be elected or to vote, whose name is omitted from the list of the division for which he is qualified to be elected or to vote, and who claims to have it inserted therein (hereinafter referred to as "the claimant"), may apply to the Chairman to have his name inserted therein.

(2) Every person duly qualified to be elected or to vote, whose name appears in the list of persons entitled to be elected or to vote, and who objects to the name of any other person appearing therein (hereinafter referred to as "the objector"), may apply to the Chairman to have the name of such other person erased therefrom.

(3) Every such application shall be made in writing within two weeks from the date of the notice of publication of such lists, and shall set out the grounds of his application. The Chairman or, if the Chairman refers the application to the Municipal Magistrate, the Municipal Magistrate shall make a summary inquiry into every such application, and after hearing and recording the evidence of the claimant or objector and the person objected to, and such further evidence as may be adduced, shall adjudicate on the application within twenty-one days from the receipt of the application. Save as provided by the next following section such adjudication shall be final.

Appeal to
Supreme Court.

16 (1) The claimant or objector or the person objected to may, within seven days from the date of the adjudication, appeal therefrom to the Supreme Court on any question of law involved in the adjudication, but not on any other ground. Every such appeal shall be made by means of a petition, which shall be free of stamp duty, and shall be filed with the Chairman, and it shall be the duty of the Chairman on receipt of such petition to forward the same forthwith to the Registrar of the Supreme Court, together with the record relating thereto.

(2) The appellant in his petition shall name as respondent the following persons named :

- (a) If the appellant is a claimant, the Chairman.
- (b) If he is an objector, the person objected to.
- (c) If he is a person objected to, the objector.

(3) The appellant shall within three days of the filing of the petition with the Chairman serve the respondent with a copy of the petition, and shall within five days of the said date file with the Registrar of the Supreme Court an affidavit stating the time, place, and circumstances of such service.

Order of
Supreme Court.

17 The Supreme Court, after hearing the appellant and the respondent or their respective advocates, shall make such order as to the insertion or omission of the name of the applicant, or the erasure or continuance of the name of the person objected to, and as to the payment of the costs of the inquiry as it thinks just ; and such order, if it directs the insertion or erasure of any name in such list, shall be forthwith complied with by the Chairman.

Power of single
Judge of
Supreme Court.

18 Such application may be inquired into and determined by a single Judge of the Supreme Court, and no appeal shall lie from an order made by such Judge under the last preceding section.

Certifying of
lists.

19 As soon as convenient, after all claims or objections have been finally decided, the lists as amended, if necessary, as provided for in the last preceding section, shall be certified under the hand of the Chairman, and thenceforth shall be final and conclusive evidence, and the only evidence of the due qualification of the persons whose names appear in such lists to be elected or to vote respectively, until such lists are revised or superseded by new lists as hereinafter provided. No person whose name does not appear in such certified lists shall be entitled to be elected or to vote at any election held under the provisions of this Ordinance.

First election of
Councillors.

20 So soon as the lists mentioned in the last preceding section have been certified in manner aforesaid, the Chairman shall, after notice of not less than fourteen days to be published in the *Government Gazette* and two or more of the local newspapers, hold an election for each division of the Municipality at such times and places as shall be specified in such notice.

Conduct of first
election.

21 (1) Every such election shall be held and conducted in accordance with the rules in the schedule B to this Ordinance.

(2) Every vote which at such election is given to any person not duly proposed and seconded shall not be taken into account, but shall be wholly void and ineffective.

President to
decide questions
as to identity.

22 If at any such election any question arises as to the identity of any person claiming to be a person whose name is on the list of persons qualified to be elected or to vote, the President shall have power to inquire into the same, and, if it appears expedient to him, to administer an oath or affirmation to any person present at such meeting whom he shall think fit to examine with reference to such question. Any person giving false evidence on oath or affirmation at such inquiry shall be liable to be prosecuted under the provisions of the Ceylon Penal Code. The decision of the President on any such claim shall be final.

Twenty votes at least necessary to elect a Councillor.

23 No Councillor shall be elected unless at least twenty duly qualified persons have voted in his favour ; and if no Councillor for a division is elected by reason of the said number of persons not having voted, or if from any other cause there is no elected Councillor for a division, the Governor may nominate a Councillor for such division, and the Councillor so nominated shall have all the same powers as if he had been elected, and shall hold office until another election has taken place.

One elected Councillor for each division.

24 Subject to the provisions of the last preceding section there shall at all times be one elected Councillor for each division.

Effect of adding one division to another.

25 If the Governor in Executive Council at any time alters the number of divisions by adding an existing division or any part thereof to another existing division or any part thereof, or by changing one division into more than one, the Councillor or Councillors representing the divisions so enlarged, divided, or altered shall thereupon vacate his or their office, and there shall be an election for each of such divisions so enlarged, divided, or altered.

Case of election of Councillor for more divisions than one.

26 (1) If any person is elected a Councillor for more divisions than one, he shall within five days of the date of such election notify to the Chairman the division for which he chooses to serve, and in default of such notice, the Chairman shall forthwith declare the division for which such person shall serve.

Division for which Councillor is held to be elected.

(2) Such person shall thereupon be held to be elected for the division which he so chooses, or for the division which the Chairman so declares, and thereupon the voters of the other division or divisions in which the said person has been elected a Councillor shall forthwith proceed to elect another Councillor in the manner provided by this Ordinance.

Penalty for accepting or offering a reward for voting, or forbearing to vote.

27 (1) Whoever being qualified to vote, or claiming to be qualified to vote, in any election under this Ordinance, accepts or obtains or agrees to accept, or attempts to obtain for himself or for any other person, any gratification whatever as a motive or reward for giving or forbearing to give his vote in any such election, shall be liable to a fine not exceeding one hundred rupees for every such offence, and shall for ever be disqualified from voting at any such election and from being elected a Councillor.

(2) Whoever gives or offers to give any gratification whatsoever to any person as a gratification or reward for giving or forbearing to give his vote in favour of any person at any election shall be punishable, and shall be disqualified as provided by sub-section (1).

Penalty for knowingly voting without the necessary qualifications.

28 Any person who knowingly votes at any election without possessing the necessary qualifications, or being disqualified as provided in this Ordinance, shall be liable, notwithstanding that his name appears in the list of persons qualified to vote, to a penalty not exceeding one hundred rupees.

Disqualification of Councillors.

29 No Councillor shall continue to be a Councillor who after election has been sentenced to imprisonment for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or becomes bankrupt or insolvent, or who is interested otherwise than as a shareholder in a joint stock company in any contract or work made with or done for the Council, nor, unless the Council otherwise decide, shall any person continue to be a Councillor who fails to attend three consecutive general meetings.

Disqualified Councillor shall vacate office.

30 Any Councillor so sentenced, or becoming bankrupt or insolvent, or interested as aforesaid, or failing to attend, shall *ipso facto* cease to be a Councillor ; but in the last case the Council may in their discretion restore him to his office.

Erasure of name of disqualified Councillor.

31 If at any time it is proved to the satisfaction of the Chairman that any Councillor was at the date of his election not possessed of all the qualifications required by this Ordinance in respect of persons entitled to have their names placed on the list of persons qualified to be elected, or at such date was under any of the disqualifications specified in this Ordinance, or that such Councillor has since his election ceased to possess such qualifications, or become subject to any one of such disqualifications, the Chairman is hereby required after notice to such Councillor to order the erasure of the name of such person from the list of persons entitled to be elected, and the Chairman shall erase such name from such list, and the Councillor whose name is erased shall thereupon cease to be a Councillor.

Appeal to the Supreme Court against order of erasure.

Provided, however, that every order of erasure so made by the Chairman shall be subject to an appeal to the Supreme Court. Every such appeal shall be free from all stamp duty, shall be preferred by such Councillor within five days of such order being notified in writing to him, and shall be heard and determined by the said court in the same manner as though it were an appeal from an interlocutory order of a District Court. The Supreme Court shall also make such order as to costs as it shall deem just.

Penalty for acting as Councillor without being qualified or while disqualified.

32 Any person who knowingly accepts and enters upon, and acts in, the office of Councillor without possessing the necessary qualifications, or being disqualified as provided in this Ordinance, and any Councillor who knowingly continues to act as such after he has ceased to possess the necessary qualifications, shall, notwithstanding that their names appear in the lists of persons entitled to be elected, be liable to a penalty not exceeding one thousand rupees, and shall for ever be disqualified from being elected a Councillor or from voting at any election.

Penalty for a Councillor being concerned or interested in contracts with Council.

33 Any Councillor who is concerned or interested, otherwise than as a shareholder in a joint stock company, in any contract or work made with or done for the Council, shall be liable to a fine not exceeding five hundred rupees.

Resignation of Councillor.

34 An elected or a nominated Councillor may at any time resign office by a written notice to the Chairman.

Election of Councillor in place of one dying, being disqualified, resigning, or ceasing to hold office.

35 In case of the death, disqualification, or resignation of a Councillor; or in case of a Councillor ceasing to hold office as hereinbefore provided, a substitute shall be forthwith elected or nominated in the place of the Councillor so dying, becoming disqualified, resigning, or ceasing to hold office. Such elections shall be held and conducted in the same manner, and be subject to the same provisions and rules, as provided for the election of first Councillors under this Ordinance.

Notification of vacancy to Governor.

36 The Chairman shall immediately notify the fact of a vacancy to the Governor, and if the vacancy be of an elected Councillor shall take the necessary steps for holding an election.

Term of office of first Councillors of future Municipalities.

37 Whenever after the commencement of this Ordinance a Municipality has been created in any town, the first Councillors of such Municipality, whether nominated or elected, shall go out of office on the last day of December of the third year from their election, and shall be succeeded by other Councillors who shall be elected once in every three years in the manner hereinafter provided. Provided that any such outgoing Councillor may be re-elected if he continues to be duly qualified.

Term of Councillors in office at commencement of this Ordinance.

38 The Councillors, whether nominated or elected, who are in office at the commencement of this Ordinance, shall continue in office until the date when they would have ceased to hold office if this Ordinance had not been enacted, but in all other respects shall be subject to the provisions of this Ordinance. After such date they shall be succeeded by the Councillors who shall be elected once in every three years in the manner hereinafter provided.

Successive elections to be held once in three years in the month of December.

39 During the first week in December preceding the day on which the term of office of the Councillors of any Municipality expires, there shall be held an election of Councillors for the three years next succeeding, reckoned from the first day of January next following the day of such election. And such elections shall be held on such day in the said week as the Chairman shall appoint, and shall be conducted in the same manner, and be subject to the same provisions and rules, as are provided for the election of first Councillors under this Ordinance.

Preparation of new and revised lists.

40 (1) The Chairman shall, in the month of July in every year in which the triennial general elections take place, prepare new lists of persons duly qualified to be elected and of persons duly qualified to vote for each division of the Municipality, and he shall, in the month of July in every year, other than that in which such general elections take place, revise the lists in force for the time being and prepared under the provisions of this Ordinance, and shall expunge therefrom the name of any person not entitled to have his name retained therein, and insert the name of any person qualified to have his name entered therein, and shall correct any mistake and supply any omission which may appear to him to have been made in any of such lists, and shall make such alteration therein as may appear to him necessary.

(2) Such lists when prepared shall be published in the *Government Gazette* before the thirty-first day of August in every year, or as soon thereafter as shall be possible. The lists shall be open to inspection, and notice thereof shall be given in the same manner as is hereinbefore provided in this Ordinance with respect to the lists relating to Municipalities created after the commencement of this Ordinance.

Provided, however, that in the case of the revised lists it shall only be necessary to publish the names expunged or inserted, and every correction, alteration, omission, or addition made therein or thereto.

Procedure to have names inserted or erased.

41 (1) Every person duly qualified to be elected or to vote, whose name is omitted from the new or revised lists of the division for which he is qualified to be elected or to vote, and who claims to have it inserted therein, may apply to the Chairman to have his name inserted therein.

(2) Every person duly qualified to be elected or to vote, whose name appears in the new or revised list of any division, and who objects to the name of any other person appearing therein, may apply to the Chairman to have the name of such other person erased therefrom.

(3) Every such application shall be subject to the provisions of sections 15 (3), 16 (1), 16 (2), 16 (3), 17, and 18 of this Ordinance, and shall be adjudicated on and be appealable and be finally decided in the manner hereinbefore provided by this Ordinance with regard to claims and objections made in respect of the lists relating to Municipalities created after the commencement of this Ordinance.

Finality of certified lists.

42 The new and revised lists so prepared shall be certified under the hand of the Chairman during the last week of the month of October of each year, and when so certified shall be final and conclusive, and the only evidence of the qualification of the persons and the companies whose names appear therein to be elected or to vote respectively. No person or company whose name does not appear in such lists shall be entitled either to be elected or to vote at any election, and such new and revised lists, until the same are in turn superseded, shall supersede and take the place of the lists previously in force.

Actions, &c., by or against Municipal Councils not to abate.

43 Every suit, prosecution, appeal, or other proceeding commenced or carried on either by or against the Municipal Councils of Colombo, Kandy, and Galle, respectively, prior to the commencement of this Ordinance, shall continue and take

effect in the same manner in all respects as it would have continued and taken effect in relation to the said Municipal Councils, or any of them, if this Ordinance had not been passed.

Decrees, orders, &c., made before coming into operation of this Ordinance to be enforced.

44 All decrees and orders made, all rates, taxes, rents, tolls, or other payments due, and all fines and penalties incurred previously to the commencement of this Ordinance, shall be enforced, levied, recovered, and proceeded for, and all executive proceedings commenced previously to the commencement of this Ordinance shall be continued, proceeded with, and completed in like manner as if this Ordinance had not been passed.

PART III.

Municipal Purposes.

Purposes for which Municipal funds may be expended.

45 The purposes for which Municipal Councils are authorized to expend funds are the following, namely :

Public places : lighting, regulation of traffic, &c.

(a) Lighting public streets, places, and buildings ; control, supervision, and removal of dangerous places, buildings, trades, and practices ; regulation of traffic ; and prevention and removal of obstructions in public streets or places.

Public health : markets, drainage works, &c.

(b) Construction, maintenance, supervision, and control of markets and slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, and other works for the removal of sewage, tramways, water-works, drinking fountains, tanks, wells, parks and gardens ; acquisition of land necessary for any of these purposes ; reclamation of unhealthy localities ; and other sanitary measures of a like nature.

Cleaning streets, &c.

(c) Cleansing and watering streets and sewers ; scavenging ; removal of excessive or noxious vegetation ; and generally the abatement of all nuisances.

Education.

(d) Maintenance of schools in accordance with the provisions of "The Town Schools Ordinance, 1906."

Public convenience : streets, &c.

(e) Construction, maintenance, and alteration of streets, bridges, causeways, culverts, and the like ; acquisition of land necessary for any of these purposes ; regulation of buildings ; removal of undue projections ; naming streets and numbering houses ; and planting trees in public streets and places.

Buildings.

(f) Construction, purchase, and maintenance of all buildings required in order to give effect to the purposes of this Ordinance.

Surveys.

(g) Survey of houses and lands.

General.

(h) All matters necessary for or conducive to public safety, health, or convenience.

Contributing towards public ceremonies.

(i) Contributing, with the previous sanction in writing of the Governor in Executive Council, towards the cost incurred on the occasion of any public ceremony or for purposes of public recreation or entertainment in the Municipality.

Charity.

(j) Contributing, with the like sanction, to the relief of the poor or to the support of any charitable or benevolent society.

Fire brigade.

(k) Maintenance of a fire brigade, and the protection of life and property from fire.

(l) Carrying out the provisions of this Ordinance.

PART IV.

Officers.

Appointment of
Chairman
and Assistant
Chairman.

46 (1) The Governor shall from time to time appoint a proper person to be the Chairman of the Council, and may from time to time remove such person from office and appoint another in his stead. The entire executive power and responsibility for the purposes of this Ordinance shall be vested in such Chairman, assisted, if the Governor shall think fit, by an officer who shall be styled Assistant Chairman. All executive acts which are hereinafter directed to be done by the Council shall, unless the contrary intention appears from the context, be done by the Chairman, or the Assistant Chairman, if specially authorized thereto by the Chairman.

Provided that in the exercise of any power vested in the Chairman under this Ordinance, the Chairman or the Assistant Chairman shall not, except in cases of extreme urgency, and when there would not be sufficient time to call a special meeting of the Council, act in opposition to, or in contravention of, any resolution of the Council.

Chairman of
Colombo
Municipality.

47 In the case of the Colombo Municipality, the Chairman shall be an officer in the Civil Service, who shall devote the whole of his time and attention to the duties of his office, and shall not hold any other appointment, temporary or permanent.

Salary of
Chairman.

48 (1) The Chairman, if he holds no other appointment under the Ceylon Government, shall receive out of the Municipal fund such salary, not exceeding eighteen thousand rupees per annum, as may from time to time be fixed by the Governor in Executive Council.

(2) If the Chairman be or become, during his tenure of office, an officer of the First Class of the Civil Service, he shall receive out of the Municipal fund from and after the commencement of this Ordinance in the former case, or from the date of his becoming an officer of the First Class of the Civil Service in the latter, such salary, not exceeding the maximum salary of such class, as may from time to time be fixed by the Governor in Executive Council.

Payment of
salary of
Chairman of
Colombo
Municipality.

49 The salary of the Chairman of the Colombo Municipal Council shall be paid out of the Municipal fund into the Colonial Treasury in such instalments and at such times as the Governor shall direct.

Appointment
of Assistant
Chairman.

50 The Governor may from time to time, if he shall think fit, appoint an officer of the Municipality to be Assistant Chairman of the Council, and may from time to time at his discretion cancel such appointment. The Assistant Chairman shall assist the Chairman in his office, and shall perform the duties which shall be assigned to him by the Chairman, and shall receive from the Municipal fund such yearly salary not exceeding _____ rupees as may from time to time be fixed by the Governor in Executive Council.

Appointment
of special
sanitary
officer.

51 In the event of any epidemic or any unusual mortality prevailing within the Municipality, the Governor may appoint a special sanitary officer for the purpose of investigating the causes of such epidemic or mortality, and of advising the Council and the Governor as to the measures to be taken for the removal or abatement of such epidemic or mortality.

Salary of
special
sanitary
officer.

52 The appointment of a special sanitary officer may be made from time to time for such period not exceeding twelve months as the Governor in Executive Council may deem necessary. Such officer shall receive a salary not exceeding three hundred rupees per mensem out of the Municipal fund.

Powers of
special
sanitary
officer.

53 A special sanitary officer, or any health officer of the Municipality, shall during his employment have all the powers of entry and inspection given to the Chairman or other officer of the Municipality by this Ordinance.

Appointment
and jurisdiction
of Municipal
Magistrate and
Additional
Municipal
Magistrate.

54 (1) In every Municipal town there shall be a Municipal Magistrate, who, unless the Governor otherwise appoints, shall be the Police Magistrate having jurisdiction in such town.

The Municipal Magistrate shall hear, try, and determine, subject to the provisions of "The Criminal Procedure Code, 1898," any offences committed within the Municipality in breach of any Municipal by-laws or under this Ordinance, and also any offences under any of the Ordinances (or under any enactments amending the same) mentioned in the first and second column of the following tabular statement which are shown in the third column thereof as triable by a Municipal Magistrate, and shall have jurisdiction to award such punishment to the offender as is authorized by law :

Tabular Statement of Offences triable by Municipal Magistrates.

| No. and Year of Ordinance. | Title or Short Title. | Offence triable by Municipal Magistrate. |
|----------------------------|--|--|
| 4 of 1841 .. | To amend the Laws relating to Vagrants | Any offence under Ordinance. |
| 10 of 1861 .. | To amend the Laws relating to Public Thoroughfares in this Colony | The same. |
| 15 of 1862 .. | For the better Preservation of Public Health and the Suppression of Nuisances | The same. |
| 13 of 1864 .. | Regulating the Sale of Bread and preventing its adulteration | The same. |
| 16 of 1865 .. | For the Establishment and Regulation of a Police Force in the Island | The same. |
| 20 of 1865 .. | To provide against the Removal of Stones and other Substances from certain parts of the Seashore | The same. |
| 8 of 1866 .. | To provide against the spread of Contagious Diseases in this Island | The same. |
| 3 of 1871 .. | For regulating measures used in Sales of Gas | The same. |
| 18 of 1876 .. | To amend the Law as to Weights and Measures, and to provide for the more effectual prevention of False Weights, Measures, and Balances | The same. |
| 14 of 1878 .. | To amend "The Weights and Measures Ordinance, 1876" | The same. |
| 2 of 1883 .. | The Ceylon Penal Code | Sections 257, 258, and 259. |
| 27 of 1884 .. | To provide for the due protection of Wells and Artificial Pits in this Colony | Any offence under Ordinance. |
| 20 of 1886 .. | To amend the Law relating to Vaccination | The same. |
| 5 of 1889 .. | For the Suppression of Brothels | The same. |
| 7 of 1889 .. | Amending the Law relating to Vagrants | The same. |
| 8 of 1889 .. | Relating to Quarries | The same. |
| 15 of 1889 .. | Relating to Land Surveyors, Auctioneers, and Brokers | The same. |
| 17 of 1889 .. | Relating to Gaming | The same. |
| 9 of 1891 .. | Relating to Cattle Disease | The same. |
| 12 of 1891 .. | To consolidate and amend the Licensing Ordinances of 1873 and 1877 | The same. |

Tabular Statement of Offences, &c.—*cont'd.*

| No. and Year of Ordinance. | Title or Short Title. | Offence triable by Municipal Magistrate. |
|----------------------------|--|--|
| 7 of 1893 .. | Relating to Rabies | Any offence under Ordinance. |
| 9 of 1893 .. | To amend the Laws relating to Butchers and the Slaughter of Cattle | The same. |
| 3 of 1896 .. | To consolidate and amend the Law in respect to the Collection of Tolls | The same. |
| 9 of 1899 .. | "The Cemeteries and Burials Ordinance, 1899" | The same. |
| 4 of 1900 .. | To consolidate the Law regulating the Carriage of Passengers and Goods by Boat | The same. |
| 9 of 1900 .. | For the taking of a Census from time to time | The same. |
| 9 of 1901 .. | To amend and consolidate the Law relating to Carriages, Carts, and Coaches | The same. |
| 13 of 1907 .. | "The Prevention of Cruelty to Animals Ordinance" | The same. |

(2) The Governor in Executive Council may from time, by order in the *Government Gazette*, extend the jurisdiction of Municipal Magistrates to offences not comprised in the foregoing statement.

Additional
Municipal
Magistrate.

55 The Governor may from time to time appoint any fit and proper person to be an Additional Municipal Magistrate for any Municipality; and every Additional Municipal Magistrate shall, as regards offences committed within the Municipality, have the same powers and jurisdiction as a Municipal Magistrate.

Salary,
oaths of
office, and
allegiance of
Municipal
Magistrate.

56 Every Municipal Magistrate shall receive such allowance not exceeding one thousand five hundred rupees per annum out of the Municipal fund as is from time to time fixed by the Governor in Executive Council, and every Municipal Magistrate shall, before he begins to exercise the functions of his office, take and subscribe the oaths in the form set forth in the schedule C to this Ordinance, and such oaths shall be enrolled in the court of such Municipal Magistrate, and a copy of such enrolment shall be forthwith transmitted to the Registrar of the Supreme Court to be filed of record in that court.

Procedure in
Municipal
Court.

57 All proceedings before the said Municipal Magistrate shall be conducted and governed by the rules, forms, and procedure prescribed for and observed by Police Courts; and, subject to the provisions of this Ordinance, no appeal shall lie from any judgment or order of a Municipal Magistrate, except as provided for by "The Criminal Procedure Code, 1898," or by any other law for the time being in force, in respect of appeals from any judgment or order of a Police Court.

Stamp duties.

58 The provisions of any Ordinance for the time being in force relating to the stamp duties chargeable in respect of proceedings in Police Courts shall apply to proceedings before the Municipal Magistrates.

Appointment
of subordinate
officers.

59 (1) For the purpose of carrying out the provisions of this Ordinance, the Council may create, as hereinafter provided, such offices other than those hereinbefore mentioned as they may think necessary.

(2) The Chairman shall from time to time appoint all such officers whose salary does not exceed one hundred rupees per

mensem, and may from time to time remove any such officer with the consent of the standing committee on finance and assessment and appoint another in his place.

(3) All officers whose salary exceeds one hundred rupees per mensem shall be appointed by the Council, who may from time to time remove any such officer and appoint another in his place.

Proviso.

(4) The Governor in Executive Council from time to time may require the appointment of a health officer under this section.

Leave of absence.

60 The Governor in Executive Council may, upon the recommendation of the Council, grant such leave of absence to the Chairman, Assistant Chairman, or Municipal Magistrate as he thinks fit, upon the same terms and conditions as leave of absence is granted to the members of the Civil Service of this Colony.

Chairman to grant leave of absence to subordinate officers.

61 (1) Leave of absence may be granted to all subordinate officers and servants of the Council, other than the Chairman, Assistant Chairman, and Municipal Magistrate, in accordance with such regulations as the Council may from time to time make.

(2) The Council may from time to time alter, amend, or cancel any such regulations and substitute another or others therefor.

(3) No regulation, nor the alteration, amendment, or cancellation of, or substitution for, any regulation, shall take effect until the same has been approved by the Governor in Executive Council. Notice of such approval shall be given in the *Government Gazette*.

(4) Provided that in any case not specially provided for in such regulations, the Chairman may, in cases of urgency, with the approval of the Council, grant leave of absence to any such officer or servant as to the Council may seem fit.

(5) The regulations which were in force immediately before the commencement of this Ordinance shall continue in force until repealed or amended by regulations made under this section.

Pensions and gratuities to Municipal officers and servants.

62 (1) The Governor in Executive Council may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance, or gratuities to the widow or children of such servants, and to any officer or servant of any late Municipal Council whose office may be hereafter abolished, and who may not be appointed to any office under this Ordinance, or to any office under the Government, the salary of which is not less than that of the office so abolished. The Council shall, subject to such rules, pay such pensions and gratuities out of the Municipal fund. Provided that no payment shall be made in respect of any gratuity to the widow or children of any servant without the previous sanction of the Governor.

(2) The rules for the purposes aforesaid which were in force immediately before the commencement of this Ordinance shall continue in force until repealed or amended by regulations made under this section.

PART V.

Contracts.

63 The Chairman may, on behalf of the Council, make such contracts as are necessary for carrying into execution any work or duty authorized in a budget previously sanctioned to the extent of the sum provided for the same work or duty in such budget.

Form and execution of contracts.

64 Every such contract shall be reduced to writing and shall be signed by the Chairman, and shall specify—

- (a) The work or duty to be done ;
- (b) The materials to be used ;
- (c) The price to be paid for such work, duty, or materials ;
- (d) The time or times within which the work or duty is to be done or the materials are to be furnished ; and
- (e) The penalty imposed in case of a breach of the contract.

If the amount of any such contract exceeds one thousand rupees, the contract shall be sealed with the common seal of the Council.

Consent of standing committee.

65 The Chairman shall not make on behalf of the Council any contract for any work, service, or duty, or portion of any work, service, or duty, the cost of which exceeds one thousand rupees, or any contract enduring for a longer period than the time elapsing between the making of such contract and the end of the budget year, without the previous consent of the standing committee which deals with the subject to which the contract relates.

Custody and affixing of common seal.

66 The common seal of the Council shall be in the custody of the Chairman, and shall not be affixed to any instrument on behalf of the Council, except in the presence of the Chairman, (or, in his absence, of the Assistant Chairman authorized by him in that behalf) and one Councillor, who shall sign their names to such instrument in token of their presence.

Provided that if the instrument to be sealed is a contract, such Councillor shall be a member of the standing committee which deals with the subject to which the contract relates.

Report of contracts to standing committee.

67 Every contract made by the Chairman on behalf of the Council shall be reported to the standing committee which deals with the subject to which the contract relates within fifteen days after it is made.

Advertisement for tenders.

68 Before entering into any contract which involves an expenditure of one thousand rupees or upwards for the execution of any work or duty, or for the supply of materials, or for any other thing necessary for the purposes of this Ordinance, the Chairman shall call for tenders by advertisement.

Officers and servants not to be interested in contracts.

69 No Chairman, Assistant Chairman, Municipal Magistrate, or other officer or servant appointed under this Ordinance, or under any by-law made thereunder, shall be in anywise concerned or interested in any contract or work made with or executed for the Council. If any Chairman, Assistant Chairman, Municipal Magistrate, officer, or servant be so concerned, he shall be incapable of holding any office or employment under this Ordinance, and shall be liable to a fine not exceeding five hundred rupees, but no person being a shareholder of any joint stock company shall be liable to such fine merely by reason of any contract between such company and the Council, or of any work executed by such company for the Council.

Municipal officers and servants to be "public servants."

70 Every Municipal officer and servant of every description paid out of the Municipal fund, every contractor or agent to whom the collection of any tax or toll or payment on account of Municipal lands is entrusted by or on behalf of the Council, and every servant or other person employed by such contractor or agent for the collection of such tax, toll, or payment, shall be held to be a public servant within the meaning of that term as used in "The Ceylon Penal Code."

Continuance of officers.

71 All officers of Municipal Councils who were in office immediately before the commencement of this Ordinance shall continue as if they had been appointed under this Ordinance.

PART VI.

Municipal Property and Fund.

Vesting of waste lands, &c., in Council.

72 All waste land, and all stone, cabook, or gravel quarries, and all lakes, ponds, tanks, reservoirs, aqueducts, and other waterworks situated within the Municipality, not being private property, which may be made over to the Council, with the sanction of the Governor, under the provisions of this Ordinance, or have been so made over under any Ordinance thereby repealed (and of which making over a record in writing shall be kept, signed by the person authorized to make the same over, and the officer of the Municipal Council authorized to receive the same), shall be vested in the Council, to be administered, and the revenue thereof employed and made use of, for the benefit of the Municipality and for the purpose of this Ordinance.

Restriction on alienation of such property.

Provided that the Council shall not be authorized or permitted to sell or otherwise alienate any property hereinbefore mentioned without having previously obtained the consent in writing of the Governor to such sale or alienation, and without having, after obtaining such consent, given notice of their intention to sell during three successive weeks in the *Government Gazette*. And provided that nothing in this section contained shall be deemed to affect or prejudice any right or title of the Crown to any such property which His Majesty may at any time resume or dispose of for public purpose.

Rights of Board of Ordinance.

Provided also that nothing herein contained shall affect or be construed to affect any right or title which His Majesty's Board of Ordinance has or may have in such property or in any part thereof.

Streets, &c., vested in Council.

73 All streets within the Municipality, and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets, shall be vested in the Council for the purpose of this Ordinance.

Other property vested in Municipal Council.

74 The property of and in all the lamps, lamp-irons, lamp-posts, posts, chains, pales, and rails in, about, or belonging to the said streets within the limits of the Municipality, and of and in all iron, timber, stone, bricks, and other materials and furniture and things belonging thereto (except when the same shall be otherwise regulated by contract with the Council), shall be and the same is hereby vested in the Council, and may be used, sold, and disposed of by them from time to time as they shall deem necessary; and the money arising from such sale shall form part of the Municipal fund.

Property and rights of late Municipal Councils vested in present Councils.

75 All property of any kind whatsoever, movable or immovable, and all interests therein, which by virtue of any of the Ordinances hereby repealed was vested in or held in trust for the Municipal Councils of Colombo, Kandy, and Galle, respectively, with all rights which were enjoyed by such Municipal Councils, shall continue to be vested in or held in trust for the said Municipal Councils for the purposes of this Ordinance.

The Municipal fund.

76 All moneys received by the Council by virtue of this or any other Ordinance, or which may be made over by the Ceylon Government at any time from the general revenue to the Council for the purposes of this Ordinance, and all fines levied and penalties recovered under the authority of this Ordinance or under any of the Ordinances specified in the tabular statement in Part IV., or in respect of any offence to which the Governor in Executive Council has extended the jurisdiction of a Municipal Magistrate, shall constitute a fund which shall be called "The Municipal Fund," and shall, together with all property which becomes vested in them, be under the direction and control of the Council.

Bank.

77 All moneys received by the Council in respect of the Municipal fund, and all penalties levied by them, shall be lodged with such bank as shall be selected by the Council with the sanction of the Governor in Executive Council, and shall be credited to an account entitled "The Municipal Fund." All expenses to be paid by the Chairman on behalf of the Council under this Ordinance shall be discharged out of the Municipal fund.

Orders, cheques, &c.

All orders or cheques against the said fund shall be signed by the Chairman, or, in the absence of the Chairman, by any Councillor nominated by him, and the said bank may pay all orders or cheques against the said fund which are so signed.

PART VII.

Powers and Duties of the Municipal Council.

Powers and duties of Municipal Council.

78 The following are among the powers and duties of the Council :

Passing of budgets.

(a) To deal with the budget or supplemental budgets in the manner hereinafter specified.

Consideration of standing committees' recommendations.

(b) To consider recommendations from the standing committees, to reduce or increase the amount of expenditure, or to transfer the moneys assigned under one head of expenditure in the estimate to another head.

Adoption of annual report.

(c) To consider, approve, or disapprove the annual administration report, and append such observations thereto as they think fit, prior to its submission to the Governor in Executive Council.

Creation of new offices.

(d) To adopt, modify, or reject proposals for creating any new Municipal office.

Raising of loans.

(e) To sanction the raising of loans for works required for the purposes of this Ordinance.

Passing of periodical statements.

(f) To consider the periodical statements of receipts and disbursements hereinafter provided for, and progress reports of work done, and to pass such resolutions thereon as they think fit.

Calling attention to neglect, waste, wants, &c.

(g) To call the attention of the Chairman to any neglect in the execution of Municipal work, to any waste of Municipal property, to the wants of any locality as noticed personally by any Councillor or made known to him by the inhabitants, and to suggest any improvements which appear desirable.

General questions.

(h) To bring forward general questions connected with the Municipal fund, or any new measures relating to purposes authorized by this Ordinance.

Appropriation or acquisition of land.

(i) To sanction the appropriation of Municipal land, or the acquisition of land for any purpose not inconsistent with the provisions of this Ordinance.

Purchase of property sold in execution.

(j) To purchase any land or other immovable property which may be sold in execution of any judicial decree or order obtained by them against any person whomsoever and to re-sell the same.

By-laws.

(k) To make, repeal, alter, or amend by-laws for the purposes of this Ordinance.

Municipal office.

79 (1) The Council shall provide an office within the Municipality for the transaction of business. Such office shall be styled "The Municipal Office."

Box for petitions.

(2) There shall be kept there during all hours of business a box for the reception of complaint-petitions, and a book for the registry of such petitions and of the orders passed thereon after inquiry and report by the proper officer.

Places for carts, &c.

80 The Council shall provide proper places for keeping carts, bullocks, implements, materials, and all other things incidental to the purposes of this Ordinance.

Power of the Governor to make inquiry.

81 If at any time it appears to the Governor in Executive Council that the Council are omitting to fulfil any duty or carry out any work imposed upon them by this Ordinance, he may give notice to the Council that unless they, within fifteen days, show cause to his satisfaction against such omission, he will appoint a special officer to inquire and report to him the facts of the case, and to recommend what steps such officer thinks necessary for the purpose of fulfilling such duty or carrying out such work. Such inquiry shall be conducted, as far as may be practicable, in an open manner.

Power of Governor to make order requiring Council to do the necessary work.

82 On the receipt of the report of the officer mentioned in the last preceding section, or of any special sanitary officer appointed as hereinbefore provided, the Governor in Executive Council shall determine what duty or work shall be done or executed, and make an order requiring the Council, within a time to be specified in such order, to fulfil such duty or carry out such work, and to raise the funds necessary for such duty or work from some one or more of the taxes provided by this Ordinance or by means of a loan.

Power to enforce order.

83 If the Council fail within such time to comply with such order, the Governor in Executive Council may direct the Chairman or appoint any other person to fulfil such duty or carry out such work, and may fix the remuneration to be paid to such person, and may direct that such remuneration and the cost of such work shall be defrayed out of the Municipal fund, and that, if necessary, any one or more of the taxes provided by this Ordinance shall be levied or increased so as not to exceed the maximum provided by this Ordinance for such tax or taxes.

Power to direct loan to be raised.

84 The Governor in Executive Council may, in addition to such levying or increasing of taxes or in lieu thereof, direct a loan to be raised on the security of the Municipal fund for the purpose of fulfilling such duty or carrying out such work. In such case the Governor in Executive Council shall notify, by publication in the *Government Gazette*, the amount and the terms of the loan.

Loan to be a charge on Municipal fund.

85 Any loan raised in pursuance of such notification shall be a charge upon the Municipal fund and property, in like manner as if it had been duly contracted by the Municipal Council.

PART VIII.

Meetings and Conduct of Business.

General meetings.

86 There shall be twelve general meetings of the Council in every year for the transaction of business. The general meetings shall be held at the Municipal office during the first week of every month, or as soon after as seems expedient to the Chairman. The Chairman shall cause a printed or written notice of every such meeting and of the business to be transacted at it to be served on each Councillor at least four days before the meeting.

Statement of receipts, disbursements, &c.

87 At each of such meetings the Chairman shall submit to the Council a statement of receipts and disbursements on account of the Municipal fund from the close of the previous year up to the close of the month preceding that in which the meeting take place, and also a progress report of work done brought up to the same date. Such statement and progress report, together with the minutes of the proceedings of the meeting, shall be forwarded forthwith to the Colonial Secretary, and shall be published in the *Government Gazette*.

Special meetings.

88 The Chairman may, whenever he thinks fit, and shall upon a written requisition signed by any three Councillors, call a special meeting of the Council to be held at the Municipal office. No such meeting shall be held unless at least four

days' notice, specifying the time of such meeting and the purpose for which it is to be held, has been given by written or printed notice to each of the Councillors.

Business at meetings.

89 No business shall be brought before or transacted at any meeting, general or special, other than the business specified in the notices of the meetings, unless notice has been given by the Councillor who intends to bring any other business forward. Such notice shall be in writing; it shall specify the resolution which such Councillor intends to move, and it shall be left at the Municipal office three clear days before such meeting.

Questions to be decided by a majority of votes.

90 All acts authorized to be done by the Council, and all questions authorized to be decided by them, shall, subject to the provisions of section 46, be done and decided by a majority of the Councillors present and voting at a general or special meeting.

President and casting vote.

91 The Chairman shall preside at every meeting, general or special, of the Council, and shall have a second, that is, a casting vote in all cases of equality of votes. In the absence of the Chairman, the Councillors present at a meeting shall choose some one of their number to preside, who shall for that meeting have all the powers of the Chairman, and shall have a second, that is, a casting vote in all cases of equality of votes.

Quorum.

92 No business shall be transacted at any meeting or adjourned meeting unless a quorum of at least five Councillors is present.

Adjournment in case of absence of quorum.

93 If at any meeting there is not a sufficient number of Councillors present to form a quorum, the Chairman shall adjourn the meeting to such date, not more than fifteen days after the date of the meeting so adjourned, as he thinks fit; and the business which would have been brought before the meeting so adjourned, if there had been a quorum present, shall be brought before, and disposed of at, such adjourned meeting.

Adjournment of meetings.

94 The Chairman of a meeting, general or special, at which a quorum of the Council are present, may, with the consent of the meeting, adjourn the meeting from time to time; but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

Minutes of proceedings.

95 Minutes of the proceedings of all meetings of the Council shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Chairman after such meeting, and shall at all reasonable times be open at the Municipal office to the inspection, without charge, of any Councillor, and to the inspection of any other person on payment of a fee of twenty-five cents.

Notices may be served by post.

96 All notices of meetings may be forwarded by post addressed to the usual or last known place of abode of the Councillor to be served; and when a notice is served by post it shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post.

Special committees.

97 The Council may from time to time appoint from among their own number such special committees, consisting of such number of Councillors as they think fit, for the purpose of inquiring into and reporting upon any matter connected with the purposes of this Ordinance. The proceedings of every such committee shall be recorded in writing, and be submitted to the Council.

Provided, however, that no special committee shall take any proceedings after the close of the year during which it shall have been so appointed as aforesaid.

Standing committees.

98 The Council shall at their first general meeting in each year elect by ballot, out of their number, members to form, with the Chairman, four standing committees, that is to say, a committee on law and general subjects, one on sanitation and markets, one on finance and assessment, and one on Municipal works. Each such committee shall consist of the Chairman and three members elected as aforesaid; and the Municipal Council shall, at a general or special meeting, in manner aforesaid, fill up all vacancies occurring during the year. Provided, however, that no one member of the Municipal Council shall at any time be elected to serve on more than two such standing committees.

Standing committees to assist Chairman.

99 Standing committees provided for by this Ordinance shall, in respect of the matters with reference to which they are severally constituted, advise the Chairman in giving effect to the provisions of this Ordinance, and shall attend to such other duties as are in accordance with the provisions of this Ordinance. Provided that in the event of the Chairman being in a minority in any decision of a committee or any matter in which it is required by law that he should act with the consent of the committee, the Chairman may refer the matter at issue to the Council, and the resolution of the Council thereon shall be final. The said committees shall have access to all books, deeds, contracts, accounts, vouchers, and other documents and papers of the Municipality, and the Chairman shall furnish forthwith any explanation that is called for by any of the said committees with reference to the business for the transaction of which such committee has been appointed.

Standing committee on finance to conduct monthly audit.

100 The standing committee on finance and assessment shall have power to conduct a monthly audit of the Municipal receipts and disbursements for the preceding month as furnished by the Chairman, shall see to the due appropriation of the budget grants with reference to the progress report of work done, shall inquire into complaints against assessment, and shall dispose of all applications for pensions and gratuities.

Examination of contracts, &c.

101 In any case where the consent of the standing committee which deals with the subject to which a contract relates is required by this Ordinance, the standing committee shall examine and consider the terms of the contract and report their decision thereon to the Chairman.

Rules of procedure of standing committees.

102 The Council may make rules for the regulation of the proceedings of each standing committee, and may define the scope and limits of work assigned to such committee, and may fix the number of members that shall constitute a quorum.

Meetings of standing committees.

103 Each standing committee shall meet for the despatch of business once at least in every month at the Municipal office, and at such time as is appointed by the Chairman.

President and casting vote.

104 The Chairman shall preside over all meetings of standing committees at which he is present, and all questions which come before any meeting for decision shall be decided by a majority of the members present and voting at such meeting; and in all cases of equality of votes the Chairman shall have a second, that is, a casting vote. In case of the absence of the Chairman at a meeting, the members present shall choose one of themselves to preside, who shall for that meeting have all the powers of the Chairman.

Quorum.

105 No business shall be transacted at any meeting of a standing committee unless there is present at such meeting the quorum prescribed by the rules.

Special meetings of standing committees.

106 The Chairman may, whenever he thinks fit, and shall upon receiving a requisition signed by any two members of a standing committee, call a special meeting of such committee to be held within three days from the time of his receiving such requisition. Every such requisition shall state the

purpose for which such meeting is required, and the Chairman, in calling such meeting, shall specify the purpose for which it is called.

Submission of estimates to standing committee on finance.

107 At a meeting of the standing committee on finance and assessment to be held not later than in the month of October in every year, the Chairman shall lay before such committee an estimate of probable receipts and the proposed expenditure of the Municipality for the year commencing on the first day of January then next succeeding in such detail and form as such committee may from time to time direct. The said standing committee shall proceed to consider such estimate, and may approve, reject, or alter all or any of the items entered therein or add any item thereto; provided that no rejection, alteration, or addition be inconsistent with the provisions of this Ordinance.

Budget of income and expenditure and of taxes.

108 The standing committee on finance and assessment shall on or before the month of November of every year prepare a budget containing—

- (a) An estimate of the available Municipal income;
- (b) An estimate of expenditure as approved by them; and
- (c) Proposals as to the amount of taxes necessary to be levied or loans to be raised for the purpose of meeting such expenditure in the next ensuing year of Municipal taxation.

Such budget shall be printed and published in the *Government Gazette*, and circulated among the Councillors on or before the twentieth day of November.

Submission of budget to Council.

109 The Chairman shall lay such budget before the Council at a special meeting to be called in the month of December in every year.

Power of Council with regard to budget.

110 It shall be in the discretion of the Council to pass or to modify all or any of the items entered in such budget, or to refer it to the standing committee on finance and assessment for further consideration, or to reject any item in the budget, or to add any item thereto; provided that no such modification, rejection, or addition be inconsistent with the provisions of this Ordinance.

Supplemental budget.

111 The Chairman may at any time prepare a supplemental budget, and, after having obtained for it the approval of the standing committee on finance and assessment may lay it before the Council for sanction. Every supplemental budget shall be printed and published in the *Government Gazette* and circulated among the Councillors at least seven days prior to the meeting of the Council before which it is laid.

Reduction or increase of expenditure.

112 The Council may, on the recommendation of the standing committee on finance and assessment, in case of necessity during the year, reduce or increase the expenditure under any head of the budget or supplemental budget, or, on and with such recommendation, may transfer the moneys assigned under one head of expenditure to another head.

Provided that no such reduction, increase, or transfer is inconsistent with the provisions of this Ordinance, and that the total amount of expenditure sanctioned by the estimate passed by the Council shall not be exceeded.

Annual administration report.

113 The Chairman shall, as soon after the first day of January in each year as may be, prepare a detailed report of his administration during the previous year, with a statement showing the nature and amount of receipts and disbursements on account of the Municipal fund during that year. Such report and statement shall be submitted to the Council, and, with any resolutions that may have been passed thereon by the Council, shall be submitted not later than the thirty-first day of August in every year to the Governor, and copies thereof shall be kept for sale at the Municipal office.

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| Appointment of auditors. | 114 The Governor in Executive Council shall nominate in every year one or more persons to be auditors of Municipal accounts, who shall maintain and keep a continuous audit of the said accounts during that year. |
| Powers of auditors. | 115 For the purposes of any audit and examination of accounts under this Ordinance, the auditor or auditors may, by summons in writing, require the production before him or them of all books, deeds, contracts, accounts, vouchers, and the other documents and papers which he or they may deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, accounts, vouchers, documents, or papers to appear before him or them at any such audit and examination or adjournment thereof, and to make and sign a declaration with respect to the same. |
| Penalty. | 116 If any such person neglect or refuse to produce any such books, deeds, contracts, accounts, vouchers, documents, or papers, or to make or sign such declaration, he shall be liable for every neglect or refusal to a fine not exceeding one hundred rupees, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after he has been convicted of such offence. |
| Auditors' report. | 117 The auditor or auditors shall submit a monthly report of his or their audit to the Council, and shall also submit an annual report of such audit to the Council and a duplicate of such annual report to the Governor, on or before the thirty-first day of March in every year. |
| Remuneration of auditors. | 118 The auditor or auditors may receive out of the Municipal fund such remuneration as the Council determine, with the sanction of the Governor in Executive Council. |
| Powers of the Governor to call for statistics. | 119 The Governor may at all times call for such statistics connected with the working, income, and expenditure of the Municipality as he deems fit; and the Chairman and Council shall forthwith comply with such requisition. |

PART IX.

By-laws.

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| Power to make by-laws. | <p>120 (1) Every Council may from time to time make, and when made, may revoke, amend, alter, or vary, such by-laws as may appear necessary for the purpose of carrying out the provisions of this Ordinance.</p> <p>(2) Such by-laws may provide penalties for the contravention thereof not exceeding a fine of fifty rupees for any one offence, and in the case of a continuing offence an additional fine not exceeding ten rupees for every day during which the offence is continued after conviction or written notice from the Chairman of such contravention.</p> <p>(3) No by-law, or revocation, amendment, alteration, or variation of any by-law, shall have effect until the same has been confirmed by the Governor in Executive Council.</p> <p>All by-laws when so confirmed shall be proclaimed in the <i>Government Gazette</i> in the English, Sinhalese, and Tamil languages, and shall thereupon, subject to the provisions of the next following sub-section, be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.</p> <p>(4) All by-laws when proclaimed as aforesaid shall be laid, as soon as conveniently may be, before the Legislative Council; and if a resolution is passed within forty days of their being laid before the Legislative Council praying that any by-law shall be annulled, such by-law shall thenceforth be void but without prejudice to anything done thereunder.</p> <p>(5) The Council may further provide for the observance of such by-laws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit</p> |
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of plans and section by persons intending to lay out, construct, or alter any streets, buildings, drains, or other work, as to inspection by the officers of the Council, and as to the power of such officers (subject to the provisions of this Ordinance) to remove, alter, or pull down any work begun or done in contravention of such by-laws.

Provided that no requirements of any by-laws relative to the construction or alteration of streets, buildings, drains, or other works shall apply to any such works which were so constructed or altered, as the case may be, before such by-law came into force, except where expressly stated therein to the contrary.

Jurisdiction of
by-laws of
Colombo
Municipal
Council.

(6) All by-laws made by the Municipal Council of Colombo shall be in force within the Municipal limits of the town and within the harbour of Colombo, and also within the limits of the general cemetery at Kanatta and the premises of the Dematagoda slaughter-house.

Regulation of
dairies and
laundries.

(7) Whenever the Council of any town has made by-laws to the satisfaction of the Governor in Executive Council for the regulation of dairies and laundries, the Governor in Executive Council may, by notification in the *Government Gazette*, declare that the provisions of "The Municipal Councils' Amendment Ordinance, 1896," shall not, after a date to be specified in the notification, be applicable to dairy premises and laundry premises as defined in the said Ordinance which are situated within the Municipal limits of such town.

(8) Copies of the by-laws shall be kept at the Municipal office, and shall be available for sale to the public at cost price.

121 In particular and without prejudice to the generality of the powers conferred by the last preceding section, such by-laws may be made for and with respect to all or any of the following matters, namely :

(1) Appointment of officers and procedure, including—

- (a) The creation of offices other than those of Chairman, Assistant Chairman, and Municipal Magistrate, and the payment of salaries to the holders of such offices ;
- (b) The regulation of Council meetings ;
- (c) The form in which all estimates, budgets, statements, and returns incidental to the business of the Municipality shall be drawn up ;
- (d) The form in which Municipal accounts shall be kept ;
- (e) The due performance of their several duties by all officers and servants of the Municipality.

(2) Buildings and building operations, including—

- (a) The level, width, and construction of new streets ;
- (b) The structure of walls, foundations, roofs, and chimneys of new buildings for securing stability, the prevention of fires, and purposes of health ;
- (c) The structure of hearths and staircases, and the height and ventilation of rooms to be used for human habitation, and the structure and levels of floors ;
- (d) The sufficiency of space about buildings to secure a free circulation of air and the ventilation of buildings ;
- (e) The paving of yards and open spaces in connection with buildings ;
- (f) The quality of materials to be used ;
- (g) The line of frontage with neighbouring buildings ;
- (h) The front elevation of buildings where the building is one of a row of contiguous buildings abutting on a street.

(3) Drainage, including the laying out, construction, or alteration of drains, water-closets, urinals, sinks, baths, and appliances, the flushing of water-closets, the paving of floors and courtyards and open spaces.

(4) Sanitation, including—

- (a) The prevention and abatement of nuisances ;
- (b) The removal and disposal of night soil, and the charging, levying, and recovering fees for such removal and disposal ;
- (c) The inspection, regulation, maintenance, and cleansing of all drains, privies, earth-closets, cesspools, ashpits, and appliances, the closing of buildings or parts of buildings unfit for human habitation, and the prohibition of their use for such habitation ;
- (d) The conservancy and improvement of the town ;
- (e) The regulation of any houses or places established for the reception of persons suffering from infectious disease, and for the imposing and recovering of fees for the use and occupation of such houses or places.

(5) Streets, including—

- (a) The improvement, making, repairing, cleaning, watering, and lighting of streets ;
- (b) The prevention and abatement of obstructions and encroachments on streets, roads, and canals ;
- (c) The regulation of traffic in streets.

(6) Land and property, including—

- (a) The classification and valuation of buildings, lands, and tenements within the Municipality ;
- (b) The registration at the office of the Municipal Council of mortgages over immovable property situated within the Municipality, and of the addresses of mortgagees, and for the imposing and recovery of fees for such registration ;
- (c) The posting of notices in writing to such registered mortgagees of the sale of immovable property seized for the recovery of rates or taxes.
- (d) The putting up and preservation of boundaries and of fences of lands whether private or public.

(7) Markets, bakeries, and provisions, including—

- (a) The provision of standard weights, scales, and measures, and the prevention of the use of false or defective weights, scales, or measures ;
- (b) The assize of bread ;
- (c) The regulation, management, conduct, and inspection of bakeries and the persons employed therein, and of the manufacture and quality of bread ;
- (d) The establishment of public markets, including marts for the sale of cattle and other live stock, and the regulation, control, and use of such markets, and the buildings, shops, sheds, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein or in the immediate approaches thereto ;
- (e) The seizure, forfeiture, and removal and destruction of unwholesome flesh, fish, or other provisions introduced into the Municipality, and the prevention of the sale or exposure for sale thereof ;
- (f) Prohibiting the holding of cattle markets except in duly licensed places, and granting licenses for holding such markets or withdrawing such licenses for breach of the conditions thereof ;
- (g) The seizure and removal of articles exposed for sale in contravention of any by-law ;

- (h) The establishment and publication of a list of current prices ;
 - (i) Prescribing the mode of sale of articles, whether by measure, weight, tale, or piece.
- (8) The management of slaughter-houses, including the imposition and recovery of fees for the use thereof, and the prevention of cruelty to animals therein.
 - (9) Stray cattle, including the fixing, levying, and recovery of charges for the occupation of pounds for stray cattle and the cost of the keep of the animals impounded.
 - (10) Revenue, including the collection of rates and taxes.
 - (11) The regulation and inspection of hairdressers' and barbers' shops and saloons.
 - (12) The licensing of money changers, and the charging of fees on such licenses.
 - (13) The regulation and inspection of places of public entertainment, including the protection of the public from danger from fire.
 - (14) Sale of provisions, including the licensing, inspection, regulation, and control of shops and places (other than markets) used for the sale of animals, meat, fish, fruit, vegetable, or other perishable articles of food for human consumption, and the imposition and recovery of fees in respect of the issue of such licenses:
 - (15) Laundries and washing, including—
 - (a) The licensing, registration, and regulation of laundries and laundrymen, and the charging of fees in connection therewith ;
 - (b) The inspection of laundries, and the medical examination of those engaged in laundry work ;
 - (c) The lighting, ventilation, cleansing, drainage, and water supply of laundries ;
 - (d) The prevention of infection and contagion through articles in the charge of laundrymen ;
 - (e) Facilitating inquiries in connection with the spread of infectious and contagious diseases through laundries, and articles sent to and distributed therefrom.
 - (16) The licensing, registration, and regulation of lodging houses, boarding houses, and eating houses, and the charging and recovery of fees in connection therewith.
 - (17) Dairies, including—
 - (a) The licensing and registration of dairies, cowsheds, milk shops, milk stores, dairymen, cowkeepers, and purveyors of milk, and for the charging and recovery of fees in connection therewith ;
 - (b) The inspection of dairies and of the cattle therein, and the medical examination of those engaged in the production, storage, sale, or distribution of milk for sale ;
 - (c) The lighting, ventilation, cleansing, drainage, and water supply of dairies and cowsheds in the occupation of persons following the trade of cowkeepers or dairymen ;
 - (d) The cleanliness of milk stores, milk shops, and of milk vessels used for containing milk for sale ;
 - (e) The precautions to be taken by purveyors of milk and persons selling milk by retail against infection and contamination ;
 - (f) The standardization of milk and the prohibition of the sale of milk below the prescribed standard ;

(g) The determination of the deficiency in any of the normal constituents of genuine milk (including condensed and curdled milk), cream, butter, or cheese, or what addition of extraneous matter, or proportion of water, in any sample of milk, cream, butter, or cheese which shall, for the purposes of any Ordinance, by-law, or regulation for the time being in force, raise a presumption until the contrary proved that the milk, cream, butter, or cheese is not genuine or is injurious to health ;

(h) Facilitating inquiry in connection with the spread of infectious or contagious diseases.

(18) The establishment, maintenance, and regulation of tolls.

Approval or disapproval of plans.

122 Where a notice, plan, or other document is required by any by-law to be laid before the Chairman, he shall within a reasonable time after the same has been delivered or sent to him signify in writing to the person by or for whom any work is proposed to be executed his approval or disapproval of the proposals submitted ; and if the work is commenced after such notice of disapproval or without such approval, and is in any respect not in conformity with any by-law, the Council may cause so much of the work to be pulled down or removed as is not in conformity with such by-law.

Continuing offence.

123 Where the Council may under the last preceding section pull down or remove any work begun or executed in contravention of any by-law, or when the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any by-law to a penalty, the existence of the work during its continuance in such a form and state as to be in contravention of the by-law shall be deemed to be a daily continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of one year from the first day when the offence was committed or the by-law was broken.

Recovery of expenses.

124 Where the Council incurs expenses in consequence of a breach of the by-laws by the act or default of any person, the Council may recover the amount of such expenses in the manner hereinafter provided from the person by whom the by-law was broken.

Right of entry.

125 In any case where the provision of this Ordinance have been contravened, any Municipal authority may, subject to the provision of this Ordinance, enter upon private property, execute any work, or recover any expenses without prejudice to the powers conferred upon such authority by the by-laws.

Construction of street, &c.

126 (1) For the purposes of this Ordinance the construction of any street, building, drain, or work includes—

- (a) Every increase in the length or width or alteration in the level of any street.
- (b) Every alteration which involves new foundations or increased superstructure on existing foundations.
- (c) The reconstruction of any building pulled down to or below the ground floor, or of any frame building, of which only the frame work is left down to the ground floor, or of which one-half of the cubic capacity has been removed.
- (d) The conversion into a dwelling house of any building not originally constructed for the habitation of any human being other than in the capacity of a care-taker.
- (e) The conversion into more than one dwelling house of a building originally constructed as one dwelling house only.
- (f) Every increase in the length or alteration of the size of any drain, or any addition to the appliances connected therewith, or the relaying of any drain or appliance.

Alteration of street, &c.

(2) The alteration of any street, building, drain, or other work includes every alteration in regard to any matter provided for under this Ordinance, or under any by-law in force at the time of such alteration.

PART X.

Rates and Taxes.

Property assessment.

127 (1) Subject to the provisions hereinafter contained, the Council shall from time to time, so often as they think necessary, make and assess, with the sanction of the Governor in Executive Council, any rate or rates on the annual value of all houses and buildings of every description and all lands and tenements whatsoever within the Municipality. Such rate or rates shall endure for any period not exceeding twelve months, shall not exceed in the aggregate the maximum rate or rates from time to time determined by the Governor in Executive Council, shall be payable by such instalments and at such times as the Chairman, with the sanction of the standing committee on finance and assessment, shall direct, and shall be assessed and levied in the manner hereinafter mentioned or by any by-law provided.

Provided that no house, building, land, or tenement shall pay less than one rupee a year in respect of such rate or rates ; and provided further, that all school buildings, buildings exclusively appropriated to religious worship, all public libraries, all burial and cremation grounds, and all buildings in charge of military sentries shall be exempted from the payment of such rate or rates.

Provided also that nothing herein contained shall be deemed to affect the right of the Municipal Council of Kandy to continue to levy a water-rate within the Kandy Municipality under the provisions of "The Kandy Waterworks Loan Ordinance, 1884," and the Ordinance No. 29 of 1884, intituled "An Ordinance to amend 'The Kandy Waterworks Loan Ordinance, 1884.'"

Assessment of Crown property.

(2) All houses, buildings, lands, and tenements within the Municipality belonging to the Crown, and leased or let by the Crown to any person, shall be liable to be assessed in respect of the rate or rates leviable under the preceding section ; and every lessee or occupier of any such premises shall be liable to pay, and shall pay to the Council, the rate or rates leviable in respect of the house, building, land, or tenement so held or occupied.

Property of the Crown not liable to seizure.

(3) No property whatever of the Crown, whether movable or immovable, shall be liable to be seized or sold for the recovery of any rate or rates, tax or taxes, which may be due from any person holding, occupying, or enjoying any house, building, land, or tenement the property of the Crown, under any agreement, contract, or permit, either express or implied, with or from the Crown.

Division and consolidation of property for assessment.

128 (1) The standing committee on finance and assessment may from time to time, as often as they shall think necessary for the purpose of assessment, divide any house, building, land, or tenement, and consolidate any separate houses, buildings, lands, or tenements whatsoever within the Municipality, and assess, in respect of any rate or rates leviable under this Ordinance, each such divided portion separately, and each such consolidated premises as a whole.

(2) The Chairman shall cause a notice of such division or consolidation to be served or left at the premises of every occupier, whether he be proprietor, joint proprietor, or tenant of each such house, building, land, or tenement.

(3) Nothing in this section shall be construed to affect the requirements of section 134 of this Ordinance regarding the service of notice of assessment.

(4) The assessed value of any premises so dealt with shall not be raised or reduced for the year in which the division or consolidation is made by reason of such division or consolidation.

Taxes on vehicles and animals.

129 The Council may, with the sanction of the Governor in Executive Council, levy an annual tax on all vehicles and animals specified in the schedule D, hereto, and kept or used within the Municipality, or on such of them as they may think fit, at rates not exceeding those specified in the said schedule, and such tax shall be payable at such times as the Chairman shall direct, and shall be assessed and levied in the manner hereinafter mentioned, or by any by-laws provided, which by-laws the Council is hereby empowered to make.

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

Cases where sanction of the Governor in Executive Council not required to certain rates.

130 Whenever in any year the Council, in making and assessing under the provisions of this Ordinance any rate on property or in levying the tax thereunder on vehicles and animals, makes and assesses, imposes, or levies, without alteration, the same rate or tax as was in force during the preceding year, the sanction of the Governor in Executive Council shall not be required to the making, assessment, imposition, or levying of such rate or tax.

Tax payable in labour or in money in commutation of such labour.

131 No person residing within the limits of the Municipality shall be liable to perform labour upon the roads or other means of communication by land or by water in this Colony, or to pay any sum of money in commutation of such labour, under the provisions of "The Road Ordinance, 1861." But the Council, acting under the authority of this Ordinance, may impose and enforce an annual tax payable in six days' labour, or in money in commutation of such labour, upon all persons residing within the limits of the Municipality who would have been liable under the provisions of the law to the performance of labour for the maintenance of the roads or other public means of communication by land or by water within the Municipality if this Ordinance had not been passed. The Council may also make such by-laws as may appear necessary for—

By-laws.

- (a) Determining the amount to be paid in commutation of the labour due, and for enforcing the recovery of such commutation ;
- (b) Calling out and compelling the performance of such labour ; and
- (c) Enforcing, in case of default, the performance of increased or double labour, or the payment of increased or double commutation, and costs.

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

Provided further, that until such by-laws are made by the Council, the provisions of "The Road Ordinance, 1861," and of the amending Ordinance No. 31 of 1884 shall, so far as the same may be made applicable, be acted upon and deemed to be in force as if the same were inserted herein, and that all the powers and authorities vested under the said Ordinances in the Chairman of any District or Provincial Road Committee shall, so far as respects any Municipality, be vested in, and

exercised by, the Chairman of the Council, or, in his absence, by some officer of the Municipality authorized in writing by the Chairman.

Tolls.

132 The Council may, with the sanction of the Governor in Executive Council, establish tolls, and take and receive all tolls payable within the Municipality; and it shall be lawful to the Governor in Executive Council to make over to the Council such existing or future tolls lawfully established, or such proportion of any such tolls as to him may seem fit, for the proper maintenance of the roads within the Municipality. When the Council shall so establish tolls, or when tolls shall be made over to them as aforesaid, they shall be empowered to appoint toll keepers, and the provisions of "The Toll Ordinance, 1896," shall, unless altered or modified by any by-laws, apply to the tolls so established or made over.

Provided that the Municipal Councils of Colombo, Kandy, and Galle, respectively, shall continue to take and receive the tolls heretofore taken and received by them respectively.

Appropriation
of certain
sources of
revenue to
Municipalities.

133 (1) The Council shall be entitled to take and receive for the Municipal fund the following duties and sums payable under the Ordinances hereinafter mentioned, or any other Ordinance or Ordinances to be hereinafter enacted for the purposes of or instead of the said Ordinances respectively, or any of them.:

- (a) All stamp duties payable for or in respect of the licenses of any vehicles kept or used within the Municipality under or by virtue of "The Vehicles Ordinance, 1901," and on all declarations of ownership in respect of such vehicles made under the provisions of section 6 of the said Vehicles Ordinance; all stamp duties payable for or in respect of the licenses of any boats licensed by the Master Attendant of the port, if any, of the Municipality under or by virtue of "The Masters Attendant's Ordinance, 1865"; all stamp duties payable for or in respect of the licenses of any boats kept or used within the Municipality and registered under or by virtue of "The Boats Ordinance, 1900"; all sums payable to the Chairman in respect of the annual tax charged on mechanically propelled vehicles under "The Motor Car Ordinance, 1908."
- (b) All sums paid for fees and stamp duties for licenses by the inhabitants of the Municipality under or by virtue of "The Firearms Ordinance, 1906," of "The Licensing Ordinance, 1891," of "The Poisons Ordinance, 1901," and of "The Opium Ordinance, 1899."
- (c) All stamp duties payable under any Ordinance for the time being in force on certificates of the admission of any person as an advocate or proctor under section 1 of the Ordinance No. 12 of 1848.
- (d) All stamp duties payable as aforesaid on the annual certificates and declarations issued and made under sections 2 and 3 of the said Ordinance in respect of proctors authorized to practise in any court within a Municipality.
- (e) All sums paid by notaries for the purpose of practising their profession within the limits of the Municipality as stamp duties on declarations made, and on warrants and certificates issued, under the provisions of "The Notaries' Ordinance, 1907."
- (f) All sums paid for articles of apprenticeship, or upon any contract whereby any person shall first become bound in order to qualify himself to become a notary or apothecary, by persons so qualifying within the limits of the Municipality.
- (g) All sums paid in respect of stamp duties charged on licenses issued by the Chairman under section 5 of "The Butchers' Ordinance, 1893."

(2) The duties payable under (c) shall be paid to the Municipal Council of Colombo. Provided that out of such duties the Municipal Council of Colombo shall pay annually to the Committee of the Colombo Law Library a sum of five hundred rupees.

(3) The duties payable under (d) shall be paid to the Council of the town within which the proctor is authorized to practise.

(4) The Municipal Council of Colombo shall be entitled to take and receive for its Municipal fund all stamp duties payable for and in respect of the licenses issued to sell by retail arrack and rum at taverns situated within the limits of the Municipality of Colombo under or by virtue of the Ordinance No. 9 of 1892.

Valuation of property.

134 The Chairman may from time to time order and direct such valuer or valuers as he shall appoint for the purpose of the valuation of property within the Municipality, to make and enter in books provided for that purpose an assessment of the annual value of every house, building, land, or tenement whatever liable to be so assessed within the Municipality according to its annual value, and such assessment books when completed by such valuers, respectively, shall be by them delivered to the Chairman, who shall, as soon as may be conveniently done thereafter, cause a notice of assessment to be served on or left at the premises of every occupier, whether he be proprietor, joint proprietor, or tenant of the house, building, land, or tenement assessed, and the said notice shall be in the form contained in the schedule E hereunto annexed; and there shall be appended thereto a demand of payment of the rate or rates leviable within such time and in such proportions as the Chairman, with the sanction of the standing committee on finance and assessment, shall deem reasonable.

Seizure of movable property.

135 The Council shall not seize any movable property which may be found in or upon any house, building, land, or tenement in respect of which such rate or rates shall be due for any arrears of such rate or rates beyond two quarters next preceding such seizure, unless such movable property belongs to any person who was the owner or joint owner of the said building, land, or tenement at the time the arrears beyond such two quarters accrued and became due; or unless such movable property belongs to any person who has occupied the said house, building, land, or tenement at the time when the said last-mentioned arrears accrued and became due.

Deduction of rates paid by tenant from rent.

136 The occupant of any house, building, land, or tenement, not being the owner or joint owner thereof, whose property has been seized as aforesaid, or who to avoid such seizure, or, after seizure, to avoid a sale of such property, has paid the amount of rate or rates due in respect of such house, building, land, or tenement, and costs, may deduct the amount paid by him from the rent due by him on account of the said house, building, land, or tenement to the owner or owners thereof; and the receipt of the Chairman for the amount so paid shall be deemed an acquittance in full for the like amount of rent. Provided always that nothing herein contained shall authorize any such deduction from the rent by any occupant, who by terms of his lease or other agreement is himself bound and liable to pay such rate or rates.

Liability of persons receiving rent as agent for others.

137 No person receiving the rent of land or premises as agent for another person shall be liable to do anything by this Ordinance required to be done by the owner of such land or premises, unless he has sufficient funds of the owner to pay for the same; nor shall he be subject to any penalty for omitting to do such act, if he proves that the default was occasioned by reason of his not having funds of the owner sufficient to defray the expense of doing the act required.

Designation of owner in assessment book.

138 When the name of the owner or occupier is not known, it shall be sufficient to designate him in the assessment book, and also in any notice or other proceeding under this Ordinance, as the "owner" or "occupier" of the property on which the rate is assessed without further description.

Returns for purposes of valuation.

139 In order to enable the Council to assess the annual value of any houses, buildings, or lands liable to the rate or rates, the Chairman may require the owner and occupier of such houses, buildings, or lands to furnish returns of the rent or annual value thereof, and for the like purpose it shall be lawful to the Chairman or any person appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect such buildings or lands, and it shall be the duty of the owner of any house, building, or land to notify in writing to the Chairman the completion of any new building intended for occupation. Whoever refuses or fails to furnish the return herein specified for the space of one week from the day on which he shall have been required to do so, and whoever knowingly makes a false or incorrect return, and whoever hinders, obstructs, or prevents the Chairman or any person appointed by him as aforesaid from entering or inspecting or, if need be, surveying any such houses, buildings, or lands, and whoever fails to notify the completion of any new building within fourteen days from the date of such completion, shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees.

Any return made under this section may form the basis of valuation for purposes of purchase and of acquisition under this Ordinance, and any statement of value made by the owner of any land, house, or building, in support of a claim to compensation, may be taken as a statement of value under this section.

Remission of rates in case of non-tenancy.

140 (1) If any building is rendered untenanted, and is untenanted by reason of its being altered, repaired, or improved, a proportionate remission of the rates and taxes payable in respect of such building may be allowed for each month of the year during which it is so rendered untenanted, but no remission shall be made for any broken period or part of any particular month.

(2) If any building is or remains untenanted for any reasons other than those mentioned in sub-section (1) hereof, a remission of the rates and taxes payable in respect of such building for any quarter may be allowed, but no such remission shall be made unless such building has been untenanted during the whole of such quarter.

Provided that no such remission shall be allowed, unless the person claiming such remission shall—

- (a) Have given to the Chairman, within seven days of the commencement of the period for which remission is claimed, a written notice of the fact that such building is untenanted, and shall in such notice have stated the date on which the building became untenanted, and the reason thereof, and an address to which all communications in respect of such notice may be posted ; and also
- (b) Have given to the Chairman a written notice of the fact that such building was re-occupied within seven days of the new tenancy, and shall in such notice state the fact of such re-occupation and the date of the commencement thereof.

Provided further, that in the event of any dispute arising regarding the occupation of such building during any particular period, the decision of the Chairman thereon shall be notified in writing to the address given in the notice required by proviso (a) hereof, and such decision shall be final, unless a written application for the revision of such decision be presented to the Secretary of the Council within seven days

of the date upon which notice of such decision was posted or left at such address, when such decision shall be subject to revision by the Council.

Adoption of
previous
assessment.

141 It shall not be necessary to prepare a new assessment every year, but the Council may adopt the valuation or assessment contained in the book for the preceding year, with such alterations as may, in particular cases, be deemed necessary, as the valuation or assessment for the year following. Provided always that notice of such valuation and assessment shall be given in the manner prescribed herein or by any by-law prescribed.

Revision of
assessment and
remission of
rates in certain
cases.

142 (1) The standing committee on finance and assessment shall have power and authority, subject to confirmation by the Council, at any time to revise any assessment, increasing or decreasing the same as they shall see fit.

(2) The Council may from time to time, so often as they think necessary, remit wholly or in part the amount payable in respect of the rate or rates on the annual value of all houses and buildings of every description and all lands and tenements whatsoever within the Municipality, in all cases where any such house, building, land, or tenement is proved to the satisfaction of the Council to belong to or to be in the occupation of any *bona fide* charitable institution, or to have suffered damage by flood, fire, tempest, or other unavoidable cause.

Procedure in
case of
objection to
assessment, &c.

143 (1) If any person is aggrieved by the assessment or non-assessment of any house, building, land, or tenement within the Municipality, or the division, or consolidation of any such house, building, land, or tenement as hereinbefore provided, it shall be lawful for him to institute an action objecting to such assessment or non-assessment, division, or consolidation in the Court of Requests having jurisdiction in the place where such house, building, land, or tenement is situate, if the amount of the rate or rates on the annual value of such house, building, land, or tenement, or in the case of a consolidation on the annual value of the house, building, land, or tenement so consolidated, does not exceed three hundred rupees, and in the District Court having such jurisdiction where such amount exceeds the sum of three hundred rupees.

(2) No objection against any assessment, division, or consolidation shall be entertained by any Court of Requests or District Court, unless the same is made within three months from the date of service, in the case of assessment, of the notice of assessment and, in the case of division or consolidation, of the notice of division or consolidation, and after the lapse of two months from the date on which the objector furnishes to the Chairman a statement in writing of the specific grounds on which his objection is founded upon the trial of any action under this section, the plaintiff shall not be allowed to adduce evidence of any ground of objection which is not mentioned in the said statement.

(3) An action in respect of the non-assessment of any house, building, land, or tenement may be brought at any time after three months' notice in writing to the Chairman that the same has not been assessed.

(4) Every such court shall hear and determine such action according to the procedure prescribed for such court by the law for the time being in force regulating the hearing and determination of actions brought in such court, and the decision of such court shall in all cases be subject to appeal to the Supreme Court.

(5) Every such appeal shall be governed by the provisions of chapter LVIII. of "The Civil Procedure Code, 1889," or by any Ordinance hereinafter enacted regulating the making of appeals to the Supreme Court from any judgment, decree, or order of Courts of Requests or District Courts.

(6) Neither the institution of such action nor any appeal therein shall stay the levying of the whole or any part of such rate or rates, and the access, if any, collected shall be returned,

or the deficient amount, if any, shall be collected according to the decision of such Court of Requests or District Court if there be no appeal, or of the Supreme Court if in case of appeal.

Liability of persons leaving Municipality.

144 If during the course of any quarter the Chairman has reason to believe that any person who, if the current quarter had come to an end, would be liable to pay any rate or rates for that quarter is about to remove from the Municipality forthwith, it shall be lawful to the Chairman to declare such person liable to immediate payment of such rate or rates or any of them from the commencement of that quarter up to the date of such declaration, and the amount of such rate or rates so declared to be due shall be leviable forthwith, in like manner and in all respects as the said rate or rates may in ordinary cases be leviable.

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

145 The annual tax leviable under this Ordinance on the vehicles and animals specified in schedule D shall be payable half-yearly in advance for each half of the year ; the amount payable for each half year shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found so soon as it has been for thirty days kept or used within the Municipality. But no person shall be liable under this section for any vehicle or animal which has been in his possession for less than thirty days in any half-year.

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

Power to compound with livery stable-keepers and others.

146 The Chairman may compound, for any period not exceeding one year, with livery stable-keepers and other persons keeping or using carriages and horses for hire, for a certain sum to be paid for the carriages and horses so kept by such persons in lieu of the tax specified in schedule D. Every such composition shall be subject to sanction by the standing committee on finance and assessment.

List of persons liable to annual tax on vehicles, &c.

147 The Chairman shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the Municipal office, and to be open to the inspection of any persons interested therein, a list of the persons liable to the payment of the annual tax on vehicles and animals, a description of the vehicles and animals in respect of which they are liable, and the amount of the tax assessed thereon.

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

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

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

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

Penalty for disobeying summons, or hindering the Chairman.

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

Warrant for recovery of taxes.

151 If the amount of any rate or rates assessed under this Ordinance or the amount of any tax or taxes imposed thereunder is not paid into the Municipal office within such time as the Chairman shall direct, a warrant signed by the Chairman shall be issued to some collector or other officer of the Municipality named therein directing him to levy such rate or tax and the costs of recovery by seizure and sale of all and singular the movable or immovable property of the proprietor, or of any joint proprietor, of the premises on account of which such rate or rates may be due, and of all movable property, to whomsoever the same may belong, which may be found in or upon any such premises; and in the case of non-payment of any tax or taxes, to levy the same and the costs of recovery by seizure and sale of the property on account of which such tax or taxes may be due, and of all and singular the movable or immovable property of the defaulter. And the said warrant shall be in the form contained in the schedule F hereunto annexed, with such variations as the circumstances require.

Limitation of warrant of seizure for non-payment of rates.

152 The warrant to be issued by the Chairman under the last preceding section shall not direct the seizure and sale of any house, building, land, or tenement, or the leasehold or other interest of any lessee or occupier in the same, but shall be limited to directing the seizure and sale of the movable or immovable property of such lessee or occupier.

Scale of costs.

153 The costs of recovery as leviable under such warrant shall be according to the following table of charges:

- (a) A charge of ten per cent. on the amount of rate or tax due, by way of costs on the issue of a warrant;
- (b) For seizure and removal of goods seized, in case such removal take place, a charge not exceeding five cents for every fifty cents of rate or tax due;
- (c) For keeping the same in safe custody in case of detention, a charge not exceeding five cents per day;
- (d) For keeping a person in possession in case of seizure of immovable property, or if goods seized are not removed, a charge not exceeding fifty cents per day;
- (e) For the expenses of sale, when any takes place, a charge not exceeding twenty-five cents on every ten rupees of the nett proceeds of sale.

Sale of property seized.

154 The property seized in virtue of any such warrant shall be sold by public auction (of which at least twenty-one days' notice shall be given in the *Government Gazette* and in one or more of the local newspapers in respect of property exceeding the value of one thousand rupees, and at least six days' notice in all other cases) by the officer to whom such warrant is addressed, or some other officer of the Municipality appointed by the Chairman for that purpose, at any time after the expiration of twenty-four days in the case of property exceeding the value of one thousand rupees, and of eight days in all other cases, from the day of such seizure, unless in the meantime the amount of the rate or rates or tax or taxes and of the costs aforesaid be duly paid; and the overplus accruing by such sale (if there be any), after deducting the amount of such rate or rates or tax or taxes and the costs, shall be restored to the owner or joint owner of the property so sold.

Provided, however, that whenever it shall be necessary to seize and sell the property of any person making default in the payment of any rate or tax, it shall be the duty of the

officer acting under the Chairman's warrant as aforesaid to observe, so far as the same may be applicable, the order and course prescribed by the Ordinance No. 6 of 1873, intituled, "An Ordinance to prescribe the order in which the property of Public Defaulters may in certain cases be seized and sold," or by any other Ordinance to be in that behalf hereafter enacted.

Overplus of sale.

155 If no demand shall be made for any overplus accruing from any sale made in pursuance of the last preceding section by the owner or joint owner of the property sold within twelve months from the date of such sale, the Chairman shall pay the amount of such overplus to the credit of the Municipal fund, and no person thereafter shall be entitled to demand or receive the same.

Power to break open houses.

156 It shall be lawful to the person to whom any such warrants is addressed to break open in the daytime any house or building for the purpose of seizing property in pursuance of such warrant.

Certificate of sale.

157 If land or other immovable property be sold under the warrant, a certificate in substantially the form contained in the schedule G hereunto annexed, signed by the Chairman, shall be sufficient to vest the property in the purchaser free from all encumbrances. Such certificate shall be liable to the stamp duty leviable on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Provided, however, that it shall be lawful for a mortgagee of such land or immovable property to pay and discharge the amount of rate or tax and costs due under and by virtue of such warrant; and upon such payment and discharge he shall be entitled to add such amount to the sum due upon his mortgage, and the amount so added shall be secured by the mortgage held by him.

Power of Council to purchase land sold for non-payment of rates or taxes.

158 Whenever land or other immovable property is seized and sold for non-payment of rates or taxes, it shall be lawful for the Chairman, or any person authorized by him in that behalf, to bid at the sale for such land or other immovable property, and to purchase the same for and on behalf of the Council.

Council may take credit to extent of rate or tax and costs due.

159 Whenever the Council purchases any such land or other immovable property, the Council shall not be required to pay the whole of the purchase money, but shall be entitled to take credit for the amount due under such warrant as aforesaid, and shall only be required to pay the balance, if any, to the owner or person entitled to the property sold, after deducting such amount which the Chairman or person authorized by him is hereby empowered to retain.

Provided always that in the event of any land or other immovable property seized and sold for non-payment of rates or taxes realizing a less amount than that due to the Council, nothing herein contained shall preclude the Council from recovering the balance of any amount which may be due to them after deducting the purchase money realized by the sale of the land or other immovable property.

Form of conveyance to the Council.

160 Whenever land or other immovable property is purchased by the Council under the provisions of this Ordinance, a certificate substantially in the form H contained in the schedule to this Ordinance, signed by the Chairman, shall vest the property sold absolutely in the Council free from all encumbrances; and such certificates shall be received in the courts of justice of this Colony as conclusive evidence of the title of the Council to such lands or other immovable property. And such certificate shall not be liable to the stamp duty leviable on conveyances of immovable property or to the charges payable for the registration thereof.

Power of Council to sell property vested in them.

161 The Council, for valuable consideration, may sell and convey to any person or corporation any land or other immovable property vested in them under the last preceding section.

Assessment, &c., not to be impeached for want of form.

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

Registration of mortgages and notices of sale.

163 (1) It shall be the duty of the Council to make provision by means of by-laws for the registration of mortgages of immovable property situated within the Municipality and of the addresses of the mortgagees thereof.

(2) Before any property, in respect of which any mortgage has been registered under this section, and which has been seized for the recovery of any rates and taxes, is offered for sale, the Chairman, at least twenty-one days before the sale, shall cause a notice of the sale to be posted to the registered address of the mortgagee.

PART XI.

General Conservancy of the Town.

Power to make and improve streets.

164 Subject to the provisions of this Ordinance, the Council, with the sanction of the Governor in Executive Council, may lay out and make new streets, and may build and construct bridges and tunnels; and may turn, divert, discontinue, or stop up any street; and may widen, open, enlarge, or otherwise improve any such street, making due compensation to the owners and occupiers of any land, houses, or buildings which may be required for any such purposes.

Contracts for tramways.

165 The Council, with the sanction of the Governor, in Executive Council, may, subject to the provisions of the Ordinance No. 5 of 1873, enter into an agreement or contract with any person or persons, corporation, or company, for the purpose of granting to such person or persons, corporation, or company, the right to construct, maintain, and use a tramway or tramways within the Municipality, upon the terms, for the consideration, and subject to the conditions and in the manner mentioned in such agreement, so far as the same shall not be inconsistent with the provisions of the said Ordinance.

Contracts for lighting.

166 The Council, with the sanction of the Governor in Executive Council, may contract with any person or persons, corporation, or company to supply the Municipality with electric or other light, and to construct all necessary works therefor, upon such terms and conditions as may be approved by the Governor in Executive Council.

Street lines.

167 For the purpose of laying out or making new streets, or widening, opening, or otherwise improving any street, the Council may, without the sanction of the Governor in Executive Council, appoint (and if and when they shall so determine, cause to be set out on the ground) street lines defining the limits to which the street is to be laid out, made, widened, or improved, notwithstanding that such lines pass through buildings and lands which are private property. The Council shall be deemed to have appointed street lines, when they shall by resolution have approved a plan showing such street lines.

Power of
Chairman to
authorize
survey, &c.

168 Whenever it shall appear to the Chairman that an examination or survey of any private lands, buildings, or premises is necessary for any Municipal purpose, it shall be lawful for the Chairman to direct any officer or employé of the Council to make such survey, and it shall thereupon be lawful for such officer or employé and his servants and workmen—

- (1) To enter upon and survey and take levels of such land ;
- (2) To dig or bore into the sub-soil ;
- (3) To do all other acts necessary to ascertain whether the land is adapted for such purpose ;
- (4) To set out boundaries of land to be acquired, or of street lines, or the lines of any work proposed to be carried out ;
- (5) To mark such levels, boundaries, or lines by placing permanent marks on existing buildings, trees, posts, walls, fences, or other fixed objects, or by building new marks, or by cutting trenches, as the case may require, and such marks shall thereafter be deemed to be the property of the Council ;
- (6) And where otherwise a survey cannot be completed, or levels taken, or the boundaries and lines marked, to cut down and clear away obstructions to the execution of such work.

Provided that full compensation shall be paid for any damage done.

Provided further, that no person shall enter any building or upon any enclosure attached to a dwelling house (unless with the consent of the occupant thereof) without previously giving such occupier, or leaving on the premises, at least three days in advance, notice of his intention to do so.

Power to take
land adjoining
new street for
building
purposes.

169 In laying out or making any new streets, or in turning, diverting, widening, opening, enlarging, or otherwise improving any street, in addition to the land required for the carriage ways and footways thereof; the Council may, with the sanction of the Governor in Executive Council, also purchase the land necessary for the houses and buildings to form the said street, and may, with the like sanction, sell and dispose of the same, with such stipulations and conditions as to the class and description of houses or buildings to be erected thereon as they shall think fit. Provided that if any land be taken under the provisions of this Ordinance, compensation shall be made to the owners for any damage which may be done thereby to any adjoining land or buildings of such owners.

Power to agree
for purchase of
land for
improving
streets.

170 The Council may, with the sanction of the Governor in Executive Council, agree with the owners of any land for the absolute purchase thereof, for the purpose of laying out and making new streets, or of widening, enlarging, or otherwise improving any of the streets or for any purpose whatever connected with the conservancy or general improvement of the town.

Compulsory
acquisition of
land.

171 When there is any hindrance to the acquisition by purchase of any land or building required for the purpose of this Ordinance, the Governor, upon the application of the Council, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws which now are or which may hereafter be in force for the acquisition of land for public purpose. When the Council has paid the compensation awarded, the Governor may vest such land in the Council by means of a certificate under the hand of the Colonial Secretary to the effect that the same has been made over to the Council.

Sale or lease of lands and buildings.

172 (1) The Council, with the sanction of the Governor in Executive Council, may sell by public auction or lease any lands or buildings vested in them or acquired by them either in block or in parcels, as they may find most convenient and advantageous; and the proceeds of such sale and the rents arising from such lease shall be paid to the credit of the Municipal fund.

(2) None of the provisions in the Ordinance No. 7 of 1840 shall be taken as applying to sales, leases, mortgages, releases, or other contracts affecting immovable property to which the Council is a party.

Power to sell streets.

173. Whenever any street vested in any Council shall be discontinued and stopped up under the provisions of this Ordinance, the Council, with the sanction of the Governor in Executive Council, may sell the street or such part thereof as shall not be required for the purposes of this Ordinance, and the proceeds of such sale shall be paid to the credit of the Municipal fund.

Power of Council to put up lamp-posts and lamps.

174 The Council may cause such lamp-irons or lamp-posts, or other posts, to be put or fixed upon or against the walls or palisades of any houses, tenements, buildings, or enclosures (doing as little damage as may be practicable thereto), or to be put up or erected in such other manner, within all or any of the said roads, streets, and places within the limits of the Municipality, as shall be deemed proper, and may also cause such number of lamps of such size and sorts to be provided and affixed and put upon such lamp-irons and lamp-posts as shall be necessary for lighting all or any of such roads, streets, and places, and cause the same to be lighted during such hours as shall be necessary, and also from time to time make such by-laws for any of the purposes specified in this section as they shall find necessary.

Power of Council to keep up fire engines.

175 The Council may keep up fire engines, with pipes and other appliances proper to the same, for the use of the Municipality, and provide a proper place or places for the keeping of the said fire engines, and make such by-laws as they shall deem necessary for the purposes of this section.

Penalty for damages to lamps, &c.

176 If any person wilfully break, throw down, spoil, or damage any lamp, lamp-iron, lamp-post, pole, rail, chain, or other furniture thereof, or wilfully extinguish the light of any lamp, or break, spoil, or damage any building, or wilfully break or damage any public waterworks, water-course, drain, or ditch, within the limits of the Municipality, or any property belonging to the Municipality, it shall be lawful for any person who sees the offence committed to apprehend, and also for any other person to assist in apprehending, the offender, and by the authority of this Ordinance and without any warrant to deliver him to any constable, who is to keep him in safe custody, and with all reasonable despatch to convey him before a Police Magistrate or Municipal Magistrate; and if the party accused is convicted of any such offence, he shall, in addition to being liable to a fine not exceeding fifty rupees, be adjudged by such Magistrate to make full satisfaction for the damage which has been done by him, and one moiety of such fine shall be paid to the person apprehending such offender and the other moiety shall be applied for the purposes of this Ordinance; and in case any such offender does not on conviction pay the said fine and satisfaction, such proceedings shall be taken as may lawfully be taken in the case of any fine or penalty imposed by a Police Court.

Penalty on persons polluting streams which flow into reservoirs or waterworks.

177 If any person bathe in, or wash any clothes or other things in, or cause or suffer any dirt, refuse, or impurity to flow into, or otherwise in any manner pollutes or contaminates, any reservoir used for the purposes of the waterworks belonging to the Municipality, or any stream or water-course whereof the water flows into or feeds any such reservoir, he shall be guilty of an offence, and be liable on conviction to

a fine not exceeding fifty rupees, and, in case of a continued breach, to a further penalty not exceeding ten rupees for each day such breach is continued after notice to the offender.

Cleansing of streets.

178 The Chairman shall cause the streets, including the footways thereof, from time to time to be properly swept and cleansed, and the dust, dirt, ashes, rubbish, and filth of every sort found thereon to be collected and at once removed.

Dust boxes in streets.

179 The Chairman may cause any number of movable or fixed dust boxes, or other convenient receptacles, for the temporary deposit of dust, dirt, ashes, and rubbish to be provided and placed in proper and convenient situations, or carts to go round at stated hours to receive the same, and may require the occupiers of houses in streets to cause all such matters as aforesaid to be deposited daily, or otherwise periodically, in the said receptacles or carts. Every person who, after such receptacles or carts have been provided, and after such requisition as above-mentioned has been made, deposits, or causes or permits to be deposited, any such matter in any street, except in such receptacles or carts, shall be guilty of an offence, and shall be punished on conviction thereof with fine, which may extend to ten rupees.

Place of deposit for filth.

180 The Chairman, with the consent of the standing committee on sanitation and markets, from time to time, shall provide places convenient for the deposit of the night soil, dung, and other filth, and the dust, dirt, ashes, and rubbish collected and removed under the authority of this Ordinance; and for the above or any of the purposes of this Ordinance the Council may, with the sanction of the Governor in Executive Council, purchase or take on lease any land or buildings by them considered necessary, or may cause any new building to be made upon any land to be purchased or hired by them. Provided that no such dust, dirt, ashes, rubbish, night soil, dung, and other filth collected and removed under the authority of this Ordinance shall be deposited in the neighbourhood of populous localities, or in any place not provided for the purpose by the Council. For the purposes of this section the expression "populous localities" denotes such places as the Governor in Executive Council, on the recommendation of the standing committee on law and general subjects, shall declare to be populous by notification in the *Government Gazette*.

Disposal of rubbish, &c.

181 All dirt, dust, ashes, rubbish, sewage, soil, dung, and filth collected from streets, houses, privies, sewers, and cess-pools shall be the property of the Council, and the Chairman shall have power to sell or dispose of the same as he may think proper, and the money arising from the sale thereof shall be paid to the credit of the Municipal fund.

Watering streets.

182 The Chairman, so far as he may deem requisite for the public convenience, shall cause the streets to be watered, and for that purpose the Council may provide such works, engines, and establishments as they may think necessary.

Obstructions in streets or roads

183 Whoever builds any wall or erects or sets up any fence, rail, post, or other obstruction or encroachment in any street, lake, or canal, or deposits or causes to be placed or deposited any box, bale, or package of merchandise, or any other thing in or over any open drain, sewer, or aqueduct along the side of any such street, lake, or canal, or on any portion of such street, lake, or canal, shall be liable to a fine not exceeding one hundred rupees; and the Chairman may remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person erecting or depositing the same, and shall be recoverable as hereinafter provided. Nothing herein contained shall prevent the Chairman from allowing any temporary erections in any public street on occasions of festivals and ceremonies.

Power of Chairman to regulate construction of certain buildings.

184 It shall not be lawful for any person to erect any range or block of buildings, whether to be used as dwellings or stables or for any other purpose, on any ground not previously built upon, or on which no buildings are standing, or to add any building to any range or block of buildings already existing, without giving fourteen days' previous notice in writing to

the Chairman; and the Chairman may, with the consent of the standing committee on sanitation and markets refuse to grant permission, or may require such buildings to be built so that they may stand in regular lines with a free passage or way in front of and behind each line of such width as the Chairman may think proper for salutary ventilation, and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and shall require such buildings to be provided with such latrine accommodation as he thinks necessary. And if any buildings be built without giving such notice to the Chairman, or otherwise than as required by him; the Chairman shall give notice to the person by whose order the same are built or are being built, by affixing a notice to some conspicuous part of some one of such buildings, to take down and remove the same within one month, or to effect such alterations as the Chairman may deem necessary. If such person does not within one month take down, remove, or alter such buildings in accordance with the notice, he shall be guilty of an offence, and shall be liable, on conviction thereof, to a fine not exceeding one hundred rupees, and to a further fine not exceeding ten rupees for every day after conviction until he complies with such notice.

Roofs and external walls of houses not to be made of inflammable materials.

185 (1) If any person being the owner of any house, hut, shed, or other building which has the external roof or walls made of grass, leaves, mats, or other such inflammable materials, does not remove such roof or walls, as the case may be, within one month after notice in writing has been given him by the Chairman specially empowered thereto by the Council so to do, he shall be liable, on conviction, to a fine not exceeding ten rupees for every day that such default continues.

(2) If any person after such notice as aforesaid renews, or repairs any house, hut, shed, or other building with any such inflammable materials as in this section are mentioned, or causes any such house, hut, shed, or building to be so renewed, or repaired, he shall be liable, on conviction, to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees for every day he suffers or allows the same to remain after conviction.

Power of Chairman as to existing buildings.

186 Whenever the Chairman is satisfied that any buildings, whether used as dwellings or stables or for any other purpose, are by reason of the manner in which the buildings are crowded together, or of the want of drainage, light, or ventilation, or the impracticability of scavenging, attended with risk of disease to the inhabitants of the neighbourhood, he shall cause a notice to be affixed to some conspicuous part of any one of such buildings, requiring the owners or occupiers thereof, or at his option the owner of the land on which such buildings are constructed, within such reasonable time as may be fixed by the Chairman for that purpose, to execute such operations as the Chairman may deem necessary for the avoidance of such risk. And in case such owners or occupiers refuse or neglect to execute such operations within the time appointed, the officer appointed by the Chairman may cause the said buildings to be taken down, or such operations to be performed in respect of such buildings as the Chairman may deem necessary to prevent such risk. If such buildings be pulled down, the said officer shall cause the materials of each building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the building, or if the owner be unknown, or the title disputed, shall be held in deposit by the Chairman until the person interested therein shall obtain the order of a competent court for the payment of the same. Provided always that in case any buildings are pulled down by the Chairman in pursuance of his notice, compensation shall be further made to the owner thereof.

Alteration in frontage of houses.

187 (1) Every person intending to make any alteration in the frontage of any building within twenty feet of any street shall give twenty-one days' previous notice of his intention to the

Chairman, and shall submit with such notice a plan or sketch showing the intended alteration, and shall obey all written instructions in respect of such alterations as may be given him by the Chairman consistent with this Ordinance and with any by-laws made thereunder.

(2) If any person offends against the provisions of this section, he shall be liable, on conviction, to a fine not exceeding one hundred rupees, and the Chairman may cause the frontage of any house or building altered contrary to the provisions of this section to be taken down, and all expenses incurred thereby shall be borne and paid by the owner of the premises, and shall be recoverable as hereinafter provided.

Setting forward houses.

188 The Chairman may, upon such terms as he thinks fit, allow any building to be set forward for improving any street in which such building is situated.

Street lines.

189 The Council may from time to time cause plans to be prepared showing by means of lines the limits by which any street or proposed street should, in the opinion of the Council, be bounded. When any such plan has been approved of by the Governor, the lines therein indicated shall, for the purposes of the next following section, be taken to be the lines of the street to which they relate.

Setting back houses to street lines.

190 When any building which or any part of which projects beyond the line of a street has either entirely or in greater part been taken down, burned down, or has fallen down, the Chairman may require the same, when being rebuilt, to be set back to or towards the line of the street, and the portion of land added to the street by so setting back the building shall thenceforth be deemed part of the street and be vested in the Council. Provided always that the Council shall make full compensation to the owner of any such building for any damage he may thereby sustain.

Names of streets.

191 The Chairman shall from time to time cause to be put up or painted on a conspicuous part of some building, or place at or near each end, corner, or entrance of every street, the name by which such street is to be known; and whoever destroys, pulls down, or defaces any such name, or puts up or paints any name different from that put up or painted by order of the Chairman, shall be liable to a penalty not exceeding ten rupees for each offence.

Numbers on houses.

192 The Chairman may from time to time fix numbers in conspicuous places on the outer side of buildings or at the entrance of the enclosure thereof fronting the street; and whoever destroys, pulls down, or defaces any such number, shall be liable to a penalty not exceeding ten rupees for each offence.

Doors not to open outwards.

193 (1) All doors, gates, bars, and ground floor windows put up after the first day of January, One thousand Eight hundred and Ninety-seven, which open upon any street, shall be hung or placed so as not to open outwards, except when the same are hung or placed in such manner as, in the judgment of the Chairman, to cause no obstruction in any such street; and if (except as aforesaid) any such door, gate, bar, or window be hung or placed so as to open outwards on any such street, the owner of the premises to which the same is attached shall, within eight days after notice from the Chairman to that effect, cause the same to be altered so as not to open outwards, and in case he neglects so to do, the Chairman may make such alteration, and the expense thereof shall be paid by such owner, and shall be recoverable as hereinafter provided.

(2) If any door, gate, bar, or ground floor window put up before the said date is hung or placed so as to open outwards upon any street, the Chairman may alter the same so that no part thereof when open shall project over any such street so as to cause an obstruction.

Duty of owners with regard to water from roof of house.

194 The owner of every building adjoining or within ten feet of any street shall, within one month after notice from the Chairman to that effect, put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other part of such house or building, and for discharging the same in such manner as the Chairman may direct, so that it shall not fall upon the persons passing along the street; and in default of compliance with such notice within the period aforesaid, such owner shall be liable to a fine not exceeding ten rupees for every day that he shall so make default.

Projections on to streets.

195 The Chairman may give notice in writing to the owner or occupier of any building to remove or alter any projection, encroachment, or obstruction which, before or after this Ordinance comes into operation, shall have been or may be erected or placed against or in front of such house, if the same overhangs, or juts into, or in any way projects into or encroaches upon, or is an obstruction to the safe and convenient passage along any street, or obstructs, or projects into, or encroaches into, or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Chairman; and in default thereof shall be liable to a fine not exceeding fifty rupees, and the Chairman in such case may remove such projection, encroachment, or obstruction, and the expenses of such removal shall be recoverable as hereinafter provided. Provided that when the expenses shall have been paid by the occupier, except in the case in which such projections, encroachments, or obstructions were made or put up by him, such occupier shall be entitled to deduct the expense of removing or altering the same from the rent payable by him to the owner of the building. Provided also that if such projection, encroachment, or obstruction shall have been lawfully made, the Council shall make compensation to every person who suffers damage by such removal or alteration.

Permission to erect balconies, &c.

196 The Council may give permission in writing, upon such terms and conditions as they shall see fit, to the owners or occupiers of houses or buildings adjoining, or within ten feet of any street the width of which is not less than thirty-six feet, to put up open verandahs, balconies, sunshades, weather frames, and the like, so as to project over the street.

Provided that no such projection over the street, whether authorized or not, shall at any time confer any right or title to, or property in, such street or part of such street, and that upon the requisition of the Chairman such projection shall be removed within such time as the Chairman may fix, and no compensation shall be paid on account of such removal; and all such projections shall be maintained in good repair by the owners or occupiers of the said houses or buildings to the satisfaction of the Chairman.

Houses in a ruinous or dangerous state.

197 If any building or anything affixed thereon be deemed by the Chairman to be in a ruinous state, or likely to fall, or in any way dangerous to the inhabitants of such building, or to the neighbouring buildings, or the occupiers thereof, or to passengers, he shall immediately, if it appears to him to be necessary, cause a proper hoard or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier forthwith to take down, secure, or repair such building, or thing affixed thereon, as the case shall require; and if such owner or occupier does not begin to repair, take down, or secure the same within three days after such notice, he shall be liable to a fine not exceeding fifty rupees; and if such owner or occupier does not so begin such work or complete the same with due diligence, the Chairman shall cause all or so much of such building or thing, as he shall think necessary, to be taken down, repaired, or otherwise

secured, and all the expenses incurred by the Chairman shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

Sale of materials
of ruinous
houses.

198 If any such building or any part of the same be pulled down by virtue of the powers aforesaid, the Chairman may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such house. Provided always that in case no demand for such overplus as aforesaid shall, within twelve months, be made by any person entitled to call for the same, the Chairman shall be at liberty to pay the amount of such overplus to the credit of the Municipal fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The Chairman, although he sells such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as by this Ordinance are given to him for compelling the payment of the whole of the said expenses.

Power of
Chairman to
close deserted
building.

199 If any building or land, by reason of abandonment or disputed ownership or other cause, shall remain untenanted and thereby be a resort of idle and disorderly persons, or be complained of by any two or more of the neighbours as a nuisance, the Chairman, after due inquiry, may cause notice in writing to be given to the owner, or the person claiming to be the owner if he be known and resident within the Municipality, or if he be not known shall cause such notice to be put on the door of the building or some conspicuous part of the premises, requiring the persons concerned therein, whoever they may be, to secure or enclose the same, or to abate the nuisance; and if such notice shall not be complied with within eight days, such owner or person shall be liable to a fine not exceeding fifty rupees, and the Chairman shall cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the premises, and shall be recoverable as hereinafter provided.

Power to
inspect
buildings.

200 It shall be lawful to the Chairman or Medical Officer of Health, any time between sunrise and sunset, by himself or by any Municipal officer authorized in that behalf, after twenty-four hours' notice, to enter into and inspect all houses, and by an order in writing to direct all or any part to be limewashed forthwith internally or externally, or otherwise cleansed for sanitary reasons, and if the owner or occupier of such house or building neglect to do so within three days from the time when such order shall have been served upon him, he shall be liable to a fine not exceeding fifty rupees, and the Chairman may cause such limewashing and cleaning to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Overcrowding
of houses.

201 Whenever it shall appear to the Chairman that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof or of the neighbourhood, the Chairman shall cause proceedings to be taken before the Magistrate or Municipal Magistrate to abate such overcrowding, and such Magistrate shall thereupon make such order as he may think fit, and the person permitting such overcrowding shall be liable to a penalty not exceeding twenty rupees for each day after the date of such order during which such overcrowding shall continue.

Government or
Council to make
public sewers.

202 The Government or the Council may from time to time cause to be made such main or other sewers, drains, and water-courses as may be judged necessary for the effectual draining of the Municipality, and if needful the Government or the Council may carry them through, across, or under any street or any place laid out as or intended for a street, or

any cellar or vault which may be under any of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any enclosed or other lands whatsoever, doing as little damage as may be, and making full compensation for any damage done.

Duty of Council to repair alter and discontinue sewers.

203 The Council shall maintain, and from time to time repair, and as they see fit enlarge, alter, arch over, or otherwise improve all or any of the public sewers, drains, culverts, gutters, and water-courses, and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided always that the discontinuance, closing up, or destruction of any of them shall be so done as not to create a nuisance; and if by reason thereof or of any such alteration as hereinbefore mentioned any person is deprived of the lawful use of any sewer, drain, culvert, gutter, or water-course, the Council shall with due diligence provide some other as effectual as the one of which he is so deprived.

Cleansing and emptying sewers.

204 The Council shall cause the public sewers, drains, culverts, gutters, and water-courses to be so constructed, maintained, and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of flushing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary; and they may also, with the sanction of the Governor in Executive Council, cause all or any of such sewers, drains, culverts, gutters, and water-courses to communicate with and be emptied into the sea or other fit place; or they may cause the refuse from the same to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the said refuse for any agricultural or other purpose as may be deemed most expedient, but so that it shall not become a nuisance.

Penalty for making unauthorized drains connecting with any public drain.

205 Whoever, without the written consent of the Chairman first obtained, makes or causes to be made any drain falling into or connected with any public drain, shall be liable to a penalty not exceeding fifty rupees, and the Chairman may cause such drain to be demolished, altered, re-made, or otherwise dealt with; and all expenses incurred thereby shall be paid by the person making such drain, and shall be recoverable as hereinafter provided.

Erection of building over public sewer, &c.

206 No building shall be newly erected over any public sewer, drain, culvert, gutter, or water-course without the written consent of the Chairman; and if any building be so erected, the person who shall have so erected the building shall be liable to a fine not exceeding fifty rupees, and the Chairman may cause such building to be pulled down or otherwise dealt with as he may think fit, and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

Drainage of premises within one hundred feet of public drain.

207 (1) If any premises within a Municipality be at any time, in the opinion of the Council, in an insanitary condition, unfit for human habitation, or not drained by sufficient and suitable drains communicating with public drains or with some other fit place into which the Council are empowered to empty drains, and if there be a public drain of sufficient size and depth or other lawful means of drainage within one hundred feet of any part of such premises, the Chairman may, by notice in writing, require the owner of such premises within a reasonable time, which shall be specified in such notice, to construct sufficient and suitable drains communicating with such public drain or other fit place, in accordance with the provisions of this Ordinance or of any by-laws made thereunder; and if the owner neglects to do so within the time specified in such notice, he shall be guilty of an offence, and shall be liable, on conviction thereof, to a penalty not exceeding two hundred rupees, and the Chairman may cause such work

Reconstruction of defective drains.

to be executed, and all expenses incurred by the Chairman, if not forthwith paid by the owner, shall be recoverable as hereinafter provided.

(2) Whenever the Chairman has reason to believe that the drains on any premises are defective and in a condition injurious to health, he may order an inspection of such drains, and the inspecting officer may enter the premises at any reasonable time after giving notice to the occupants, and if necessary, for the purpose of such inspection, such officer may cause the ground to be opened wherever he may deem fit, doing as little damage as may be; and should such drains be found in a satisfactory condition, they shall be forthwith reinstated and made good at the public expense; but should such drains prove, in the opinion of the Chairman, to be defective, the Chairman may cause them to be properly reconstructed in accordance with the provision of this Ordinance and any by-laws relative thereto, and may recover any expenses of so doing from the owner as hereinafter provided.

Provision of private drains.

(3) All works connected with the construction, fixing, and alteration of drains and drainage appliances other than public drains and appliances connected therewith, including the connection with any public drain, shall be carried out either by the officers of the Council or by persons approved by the Chairman, at the cost and charges of the owners of the premises drained, and in accordance with any by-laws, and subject to the inspection of such officers, and to the satisfaction of the Chairman.

Drainage of groups of contiguous premises.

(4) Where it appears to the Chairman that a group of contiguous premises, including the buildings erected or to be erected thereon required to be drained, may be more advantageously drained in combination than separately, he may order that such group be drained upon some combined plan subject to his approval, and the expenses shall be apportioned by the Chairman between the different owners of such group of premises; and the owner of each such premises shall in future maintain in proper order at his own expense such drains as lie within his premises.

Provided always that the length of drain from the premises nearest the outfall to the public drain is not greater than one hundred feet.

Drains through private lands.

(5) If the natural outlet from any premises required to be drained runs through private lands under separate ownership and no other outlet is practicable, the owner of such premises, with the approval of the Chairman, or the Chairman acting on behalf of such owner, may construct a drain through such private lands, doing as little damage as may be, and paying reasonable compensation to the owners of such private lands; and the owner of such premises shall permit the construction of such drain, and in the event of his obstructing the same, he shall be guilty of an offence, and shall be liable on conviction thereof to a penalty not exceeding one hundred rupees for each such offence.

No new building to be occupied without certificate of compliance.

208 No building hereafter constructed, having such means of drainage as set forth in sub-section (1) of the last preceding section, within one hundred feet of any part of the premises thereof, shall be occupied except by a caretaker until the drainage of such premises has been certified in writing by the Chairman as complying with all provisions with respect to drainage contained in this Ordinance or in any by-laws made thereunder.

In the case of any breach of the provisions of this section, the owner of such building shall be liable to a penalty not exceeding twenty-five rupees for each day the breach may continue.

Floor level of new buildings.

209 No building within any Municipality shall be hereafter constructed having the ground floor at a lower level than one foot above the highest recorded flood at the site, nor lower than such level as, in the opinion of the Chairman, will allow

of the drainage from the premises being led into some public drain either existing or to be hereafter made or other fit place into which the Council are empowered to empty drains. If any building shall be so constructed, the person constructing the same shall be guilty of an offence, and the Chairman may cause the same to be altered, pulled down, or otherwise dealt with as he may deem proper, and may recover the expenses of so doing from the owner in the manner hereinafter provided.

Erection of buildings.

210 (1) Every person intending to erect any building shall apply in writing to the Chairman for permission to erect such building. The application shall be accompanied by drawings and sections in duplicate, and shall conform in all respects to the by-laws made under this Ordinance. The application, drawings, and sections are hereinafter referred to as the application papers.

(2) If the Chairman is satisfied that the application papers conform in all respects with the said by-laws, the Chairman shall, within thirty-five days from the date of the receipt of the drawings and sections, endorse his approval on the said application papers and return to the applicant one copy of the drawings and sections so endorsed.

(3) If the application papers do not conform in all respects with the said by-laws, the Chairman shall, within the said period of thirty-five days, by notice in writing to the applicant, require such alterations to be made therein as may appear to the Chairman to be necessary to make the application papers conform with the said by-laws. Thereupon it shall be the duty of the applicant to alter the said application papers in accordance with the said notice and re-submit the altered papers to the Chairman, and the altered papers when submitted shall be, for the purposes of this Ordinance, considered as a new application.

(4) All applications, drawings, and sections not returned to the applicant in accordance with sections (2) and (3) shall be filed and become the property of the Council.

(5) No person shall lay or begin to lay any foundation, or erect or begin to erect any building or any portion thereof, until he is in possession of the plans and sections endorsed with the Chairman's approval, and until the expiration of four clear days from the receipt by the Chairman of notice from the applicant of his intention to commence such foundation or building.

(6) The intended building shall be commenced within six months of the date of the receipt of the endorsed plans and sections by the applicant, otherwise the said permission shall be deemed to have been cancelled, provided that the Chairman may, on cause shown, renew any permission that has been so cancelled.

(7) When work has been begun on any foundation or building, and has been delayed or suspended for a period of three months, no work shall be resumed until the expiration of four clear days from the receipt by the Chairman of notice from the applicant of his intention to resume such work.

(8) For the purpose of this and following section the expression "erect any building" shall include—

- (a) The construction, re-construction, or alteration of any building or part of a building which involves the use of new foundations, or increased or altered super-construction on existing foundations.
- (b) The conversion into a dwelling house of any building not originally constructed for human habitation.
- (c) The conversion into more than one dwelling house of a dwelling house originally constructed as one dwelling house only, or of one room of a dwelling house into more than one room by means of partitions.
- (d) The conversion of any verandah into a room or rooms, division or divisions, by means of partitions.
- (e) The conversion of two or more dwelling houses or rooms into one dwelling house or room.

(9) Provided that in the case of the alterations specified in (b), (c), (d), and (e), it shall be necessary to furnish only such drawings and sections as shall be specially prescribed in the by-laws in this behalf.

Penalty for erection of buildings in contravention of Ordinance, and issue of certificates of compliance.

211 (1) Any person who shall erect or cause to be erected any building—

- (a) Without obtaining the approval of the Chairman endorsed upon the drawings and sections ;
- (b) Without giving four days' notice of intention to begin or resume the construction of the building ;
- (c) Otherwise than in accordance with the approved drawings and sections, except where the deviation from the approved drawings or sections had been sanctioned in writing by the Chairman—

shall be guilty of an offence, and be liable to a fine not exceeding one hundred rupees for each offence, and further to a fine not exceeding twenty rupees for every day during which the building is kept standing, or the deviation of the building from the approved drawings or sections shall continue.

(2) If any building or part thereof is erected so as to extend towards the street beyond the line of frontage in the drawings and sections approved by the Chairman, the Chairman may, by notice in writing, require the applicant to remove so much of the buildings as extends beyond the approved line of frontage within such time as the Chairman may specify in the notice. If the applicant does not comply with the requirements of the notice within the specified time, he shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding fifty rupees, and to a further fine not exceeding ten rupees for every day during which such default continues.

(3) If any person erects any building in contravention of the provisions of the last preceding section, the Council may cause such building to be taken down, and may recover the cost of so doing from the owner in manner hereinafter provided, whether the owner has or has not been convicted of any offence under this Ordinance or any by-laws thereunder in respect of the erection of such building.

(4) Any person who has erected a building in accordance with the provisions of this Ordinance, may apply in writing for a certificate from the Chairman or officer deputed by him that such building has been erected in accordance with the provisions of this Ordinance. When the Chairman or officer deputed by him shall after inspection be satisfied that any building has been erected in accordance with the provisions of this Ordinance, he shall, within fifteen days of such written application, grant a certificate in writing to this effect, and such certificate shall be accepted as evidence that the building has been erected in accordance with the provision of this Ordinance.

Paving and draining of buildings, courtyards, and open spaces.

212 The Chairman may, by notice in writing, require the owner of any building, courtyard, or open space within the Municipality, within a reasonable time which shall be specified in such notice, to pave and drain such portions thereof as may be necessary for the prevention or remedy of insanitary conditions, or for the prevention of sand or silt being carried into the drains ; and if the owner neglects to do so, he shall be guilty of an offence, and the Chairman may cause such work to be done, and may recover all expenses of so doing from such owner.

Power to affix to buildings pipes for ventilation of drains.

213 The Chairman may cause such pipes and fittings as he may deem necessary for the proper ventilation of public drains to be fixed to the outside of any building, and such pipes and fittings shall be so constructed and fixed as to occasion the least possible inconvenience in the neighbourhood, and the outlet of any such pipe shall be at least two feet above the eaves of such building and at least ten feet distant from any window.

Common
necessaries.

214 The Council shall provide and maintain in proper and convenient situations, so as not to create a nuisance, common latrines and urinals, and shall cause the same to be kept in proper order, and to be daily cleansed.

Penalty for
omitting to
prevent child
from committing
nuisance.

215 Whoever, having the care or custody of any child under twelve years of age, omits to prevent such child from committing a nuisance in or by the side of any street, shall be liable to a fine not exceeding ten rupees.

Construction of
additional
privies.

216 In case the Chairman shall be of opinion that any privy or privies or water-closet or water-closets, or additional privy or privies or additional water-closet or water-closets, shall be necessary to be attached to, or provided for, any house or building or land, the owner of such house or building or land shall, within fourteen days after notice in this behalf by the Chairman, cause such privy or privies or water-closet or water-closets to be constructed in accordance with the requisition of such notice; and in case the requisition of such notice shall not have been complied with to the satisfaction of the Chairman by such owner within the period aforesaid, such owner shall be liable to a fine not exceeding fifty rupees; and the Chairman shall be at liberty to cause such privy or privies or water-closet or water-closets to be constructed, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

Duty of
employers of
labour to
provide privies.

217 It shall be lawful to the Chairman to compel all persons employing large bodies of workmen or labourers to provide and maintain such privies, water-closets, and urinals as may to him seem fit, and to cause the same to be kept in proper order, and to be daily cleaned. And should such person neglect to provide and maintain such privies, water-closets, and urinals, or to keep the same clean and in proper order, he shall be liable to a fine not exceeding fifty rupees; and the Chairman may construct and cause such privies, water-closets, and urinals to be kept in good order and cleaned, and the expense incurred by the Chairman in respect thereof shall be paid by the person aforesaid, and shall be recoverable as hereinafter provided.

Neglecting to
enclose privy.

218 The owner or occupier of any house or building or land having a privy or water-closet on his premises shall have such privy or water-closet shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful to any owner or occupier to keep any privy or water-closet open or with a door or trapdoor opening on to any street. Every owner or occupier who shall omit to comply with, or shall commit any breach of, any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach. Provided that the Chairman may, in his discretion, permit the continuance for such time as he may think fit of any such privy or water-closet open or with a door or trapdoor opening on to any street, where such privy or water-closet already exists and does not create a nuisance.

Liability of
owners to keep
drains, &c., in
order.

219 All drains, privies, water-closets, and cesspools within the Municipality, and all sanitary appliances connected with them, shall be under the survey and the control of the Chairman, and shall be altered, repaired, and kept in proper order at the cost and charges of the owners of the land or buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, privy, water-closet, or cesspool belongs neglects during eight days after notice in writing for that purpose to alter, repair, and put the same in good order in the manner required by the Chairman, he shall be liable to a fine not exceeding fifty rupees, and the Chairman may cause such drain, privy, water-closet, or cesspool, and all sanitary appliances connected with them, to be altered, repaired, and put in good order in the manner required; and the expense incurred by the Chairman in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Neglecting to close cesspool.

220 The Chairman, when specially empowered thereto by resolution of the Council, may by notice in writing require the owner or occupier of any house or building or land having a cesspool on his premises to close such cesspool and to substitute a dry-earth closet or water-closet therefor; and if the owner or occupier neglects during fourteen days after notice in writing for that purpose to close such cesspool and to substitute a dry-earth closet or water-closet therefor, he shall be liable to a fine not exceeding fifty rupees, and the Chairman may cause such cesspool to be closed and a dry-earth closet or water-closet to be substituted therefor, and the expense incurred by the Chairman in respect thereof shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Construction of drains, privies, &c., contrary to Ordinance.

221 If any drain or privy, water-closet, or cesspool within the Municipality be constructed after the commencement of this Ordinance contrary to the directions and regulations of the Chairman, or contrary to the provisions of this Ordinance or any by-laws thereunder, or if any person without the consent of the Chairman construct any new drain or privy or cesspool, or any sanitary appliances connected therewith, or construct, rebuild, or unstop any drain or privy or cesspool, or any sanitary appliances connected therewith, which has been ordered by the Chairman to be demolished or stopped up, or not to be made, every person so doing shall be liable to a fine not exceeding fifty rupees; and the Chairman may cause such amendments or alterations to be made in any such drain or privy or cesspool, or any sanitary appliances connected therewith, as he may think fit, and the expenses thereof shall be paid by the person by whom such drain or privy or cesspool, or any sanitary appliances connected therewith, was improperly constructed, rebuilt, or unstopped, and shall be recoverable from such person as hereinafter provided.

Public bathing places.

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

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

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

Maintenance in good repair of private tanks and wells.

223 (1) The Chairman may, by a notice in writing, require the owner of, or the person having control over, any private tank, well, or other place the water of which is used for drinking, to keep and maintain the same in good repair, and to clean the same from time to time of silt, refuse, or decaying vegetation; and the Chairman may also require him to protect any such tank, well, or other place from pollution by surface drainage or otherwise in such manner as the Chairman may think fit.

(2) Whenever the water of any private well, tank, or reservoir used for drinking is proved to the satisfaction of the Chairman to be unfit for drinking, the Chairman, by a notice in writing, may require the owner or person having control thereof to desist from so using such water, or permitting others so to use it; and if after such notice the water of such well,

tank, or reservoir is used by any person for drinking, the Chairman may require the owner or person having control thereof to close such well, either temporarily or permanently, or to enclose or fence such tank or reservoir in such manner as the Chairman may direct, so that the water thereof may not be used for drinking.

(3) If any person on whom a requisition has been duly served under this section refuses or neglects to comply with such requisition for forty-eight hours after service thereof, he shall be liable to a fine not exceeding fifty rupees, and the Chairman, by himself or his officers and workmen, may enter and do all such necessary acts in conformity with such requisition as he shall think fit; and the expense incurred thereby shall be paid by the person on whom such requisition shall have been served, and shall be recoverable as hereinafter provided.

Power to fill up unwholesome tanks on private premises.

224 When any private tank or low marshy ground or any waste or stagnant water being within any private enclosure appears to the Chairman to be injurious to health or to be offensive to the neighbourhood, the Chairman shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if the said owner shall refuse or neglect to comply with such requisition, during four days from the service thereof, he shall be liable to a fine not exceeding fifty rupees, and the Chairman, or any officers and workmen appointed by him, may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Power to drain off and cleanse stagnant pools in open places.

225 The Chairman is hereby empowered from time to time, as he shall think fit, to drain off into any sewers and cleanse and fill up or otherwise abate any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to him to be likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise, and the Chairman, or officers and workmen appointed by him, may do all necessary acts for effecting any of the purposes aforesaid, and the expenses incurred thereby shall be paid by the owner, and shall be recoverable as hereinafter provided.

Chairman in executing works to provide roads, &c., where existing ones injured.

226 The Chairman, in executing any works directed or authorized by this Ordinance or by any by-law thereunder to be made, shall provide and make a sufficient number of convenient ways, water-courses, drains, and channels in the place of such as may be interrupted, injured, or rendered useless by reason of the execution of such works; and the Council shall make compensation to any person who suffers damage by reason of the same.

Chairman breaking up street to restore the same with all convenient speed.

227 When the pavement or surface of any street, or when any sewer or drain, shall be opened or broken up by the Chairman, he shall with all convenient speed complete the work on account of which the same shall have been broken up, and fill in the ground and make good the pavement and surface and the sewer or drain so opened or broken up and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or surface shall be so opened or broken up to be fenced and guarded and sufficiently lighted during the night.

Hoards to set up during repairs.

228 Every person intending to build, or take down any building, or to alter or repair the outward part of any building where any street or footway will, by means of such work, be obstructed or rendered unsafe or inconvenient, shall before beginning the same, and having first obtained a license in writing from the Chairman so to do, cause sufficient hoards or fences to be put up, in order to separate the building where such works are being carried on from the street or footway,

and shall continue such hoard or fence standing and in good condition, to the satisfaction of the Chairman, during such time as the public safety or convenience requires, and shall cause the same to be sufficiently lighted during the night ; and every such person who begins to build or take down, or alter or repair, any building contrary to the provisions of this section, or who without license erects or sets up any hoard, scaffolding, or fence whatsoever, or who being licensed fails to put up such fence or hoard, shall be liable to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding fifty rupees for every day after conviction during which the offence is continued ; and every such person who being licensed fails to continue such hoard, scaffolding, or fence standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said hoard or fence is standing, keep the same sufficiently lighted during the night, or who does not remove the same when directed by the Chairman within a reasonable time afterwards, shall be liable to a penalty not exceeding fifty rupees for every day during which the offence is continued after twenty-four hours' notice in writing from the Chairman.

Bars to be erected across streets during repairs and lights placed at night.

229 The Chairman shall, during the construction or repair of any of the streets, sewers, or drains by the Council, take proper precaution for guarding against accident by shoring up and protecting the adjoining houses, and shall cause such bars, chains, or posts to be fixed across or in any of the streets or roads to prevent the passage of carriages, carts, or other vehicles, cattle, or horses, while such works are carried on, as to him shall seem proper ; and the Chairman shall cause any sewer or drain or other works in streets, during the construction or repair thereof, to be sufficiently lighted and guarded during the night ; and whoever takes down, alters, or removes any of the said bars, chains, or posts, or extinguishes any light without the authority or consent of the Chairman, shall be liable to a fine not exceeding fifty rupees.

Penalty for not fencing and lighting deposit of building materials or excavation.

230 No person shall deposit any building materials or make a hole in any street without the permission of the Chairman, which shall be determinable at the discretion of the Chairman ; and when such permission is granted to any person, he shall at his own expense cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed or the whole is filled up or otherwise made secure to the satisfaction of the Chairman, and shall cause the same to be sufficiently lighted during the night ; and whoever deposits materials, or makes a hole without such permission, or fails to fence or enclose and light such materials or hole, or does not remove such materials or fill up such hole, or otherwise make it secure in the manner aforesaid when the permission has been withdrawn, shall be liable to a fine not exceeding fifty rupees, and shall also be liable to a further penalty not exceeding fifty rupees for every day while the offence is continued after twenty-four hours' notice in writing from the Chairman.

Dangerous places near streets to be repaired or enclosed.

231 If any building, tank, well, quarry of sand, earth-stone, or rock, or place for blasting stone or rock, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, in the opinion of the Chairman, dangerous to passengers, the Chairman shall give notice in writing to the owner thereof to repair, protect, or enclose the same within twenty-four hours, so as to prevent danger therefrom, and on failure to comply such owner shall be liable to a fine not exceeding fifty rupees, and the Chairman may forthwith cause the same to be so repaired, protected, or enclosed ; and the expense of such repair, protection, or enclosure shall be paid to the Chairman by such owner, and in default shall be recoverable as hereinafter provided.

To regulate pasture lands, erect pounds, and make pound regulations.

232 The Council may make by-laws for the due and proper care of the common pasture lands within the town, and therein specify and regulate the number and description of cattle or other animals which each inhabitant shall be

allowed to keep and depasture on the said common lands, and on what terms; and may also impose fines on any person contravening such by-laws, and may establish and erect pounds, and appoint pound-masters, and make all such pound regulations as shall be necessary or expedient. Provided always that the Council shall not be authorized or permitted to dispose of, alienate, build upon, enclose, or cultivate any such common pasture lands, nor suffer any other person to build upon, enclose, or cultivate the same; and any such alienation by sale, gift, or otherwise, except with the sanction of the Governor in Executive Council, shall be null and void.

Chairman to abate nuisances.

233 The Chairman shall take steps to remove, put down, and abate all nuisances of a public nature within the said Municipality, even on private premises, or which may tend either to injure the health or in any way affect the safety or the rights of the inhabitants at large, and, if need be, to proceed at law against any person committing any such nuisance for the abatement thereof, and for damages; and further, the said Chairman shall, and he is hereby required, to cause all streets, water-courses, drains, roads, canals, and places within the said Municipality to be kept clean and free from dirt, filth, or rubbish. The Chairman is also empowered to give the notice prescribed by section 2 of "The Nuisances Ordinance, 1862," to be given by the Board of Health, and neglect of such notice shall subject the person neglecting to the fine thereby imposed.

PART XII.

Markets.

Markets vested in Municipal Council.

234 The public markets in any town and the lands at present used as such in any Municipality shall continue to be vested in the Council.

Duty of Council to provide markets, and recovery of market rates, &c.

235 The Council may from time to time, as occasion may require, provide places within the Municipality for the purpose of being used as public markets, and may charge such rents, tolls, and fees as to them may seem fit for the use of, or right to expose goods for sale in, such markets, and for the use of shops, stalls, sheds, pens, and standings therein. All such rents, tolls, and fees shall be recoverable by the Council from the persons liable to pay the same, as if the amounts payable in respect thereof were taxes due under this Ordinance.

Acquisition of land for markets.

236 The Council may from time to time, if they think fit, with the sanction of the Governor in Executive Council, acquire land by purchase, lease, or otherwise, or appropriate any land vested in or belonging to them, and upon such land build and maintain such markets and such shops, stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting such markets, and for the weighing and measuring goods sold in such markets, as they may think necessary.

Power to expel persons breaking by-laws and to determine lease.

237 The Chairman may expel or cause to be expelled from any public market any person, who, or whose servants, may be convicted of disobeying any by-law made under this Ordinance, and may prevent such person by himself or his servants from further carrying on any trade or business in such market or occupying any stall, shop, or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, or other place.

Power to sell or let markets.

238 The Council may, with the sanction of the Governor in Executive Council, sell, or, at their own discretion, let to tenants on lease or otherwise, on such terms as they may think fit, any such market or any part thereof, and may close any such market or any part thereof

Penalty for selling in market without permission.

239 Every person who, without the permission of the Chairman, sells or exposes for sale any article within a public market, shall be liable to a fine not exceeding fifty rupees for each offence.

Private markets not allowed except with license.

240 No private market shall, except with the license of the Chairman, be established, or, if already established, be used within any Municipality after the coming into operation of this Ordinance without such license.

Penalty for keeping unlicensed market.

241 The owner of every such market shall, before establishing or using the same, apply to the Chairman for a license. Every person who without such license establishes or uses such market shall be liable to a fine not exceeding twenty rupees, and shall also be liable to a further fine not exceeding five rupees for every day during which he keeps open or uses such unlicensed market after conviction.

Provided, however, that in the case of any private market heretofore licensed under any Municipal by-law, the owner shall not be bound to apply for a new license until the license already issued to and held by him shall have expired, anything in this Ordinance to the contrary notwithstanding.

Issue of licenses.

242 Every owner of a private market shall, in the month of January in each succeeding year, apply to the Chairman for a license. It shall be in the discretion of the Chairman, with the concurrence of the standing committee on sanitation and markets, under such conditions as he shall think fit, to grant or refuse such license; and he shall refuse it if the market is by position, construction, or arrangement unfit in his opinion for the purpose of a market, and calculated to be a nuisance to the neighbourhood. The license may, with the sanction of the standing committee on sanitation and markets, be suspended or withheld until any or all of such works as may be ordered by the Chairman, or any or all of the terms of the license, be carried out.

Provided that no such market shall be permanently suppressed without the sanction of the Council.

Penalty for keeping existing market open after refusal to grant license.

243 Every person who, after the refusal, withholding, or suspension of a license as provided in the last preceding section, keeps open or uses a private market, shall be punished with fine which may amount to twenty rupees, and shall be also liable to a further fine of five rupees for every day after conviction during which he keeps open or uses such market.

Penalty for selling in such market.

244 Every person who sells or exposes for sale in any unlicensed private market any animal or article intended for human food, shall be punished with fine which may amount to twenty rupees, and with a further fine of five rupees for every day after conviction during which the offence is continued.

Markets to be properly drained, &c.

245 Every owner, lessee, farmer, or occupier of any private market within any Municipality shall—

- (a) Construct such drains and cesspits therein as the Chairman directs.
- (b) Cause such market to be roofed and paved with such materials and in such manner, and provided with such latrines and urinals of such description and in such position and number, as the Chairman directs.
- (c) Provide for such supply of water to such market as the Chairman directs.
- (d) Make such alterations in the stalls, passages, shops, doors, or other parts of the said market as the Chairman directs.

Penalty for default.

246 If such owner, lessee, farmer, or occupier, after notice in writing given to him by the Chairman directing him to carry out, within a period to be specified in the notice, any of the measures provided in the last preceding paragraph, fails to

carry out such measure within the period so specified and in the manner directed in the notice, the Chairman may, with the sanction of the standing committee on sanitation and markets, suspend, withhold, or refuse the license until the works mentioned in the notice have been completed, and any person opening or keeping open any such market after such withholding, suspension, or refusal, shall be liable to a fine not exceeding fifty rupees for every day during which such market is so opened or kept open.

Power to close market.

247 The Chairman may by himself, or by any officer thereunto deputed by him, close any private market the license for which has been refused, withheld, or suspended, or which has been suppressed by the Council.

Penalty for not keeping market properly, or for not abating nuisance, or for obstructing.

248 Any owner, lessee, farmer, occupier, agent, or manager in charge of any private market, or of any shop, stall, shed, or other place therein, who keeps the same so that it is a nuisance, or who does not cause anything that is a nuisance to be at once removed to a place to be notified by the Chairman, or who obstructs any person appointed by the Chairman for that purpose in entering and inspecting any such premises at any reasonable time, shall be liable to a fine not exceeding fifty rupees for each offence.

Chairman may prohibit sale in street.

249 The Chairman may from time to time by notification, with the sanction of the standing committee on sanitation and markets, prohibit the sale, or exposure for sale, of any articles in or upon any specified public street or part of such street, and may, in like manner, cancel, suspend, or modify such prohibition. Whoever after such notification sells or exposes for sale any articles in any such street against the terms of such notification, shall be liable to a fine not exceeding twenty rupees.

Unwholesome provisions.

250 The Medical Officer of Health, or any person appointed by the Chairman in writing for that purpose, may at all reasonable times enter into and inspect any place used for the sale, either wholesale or by retail, or for the storing of articles of human food or drink intended for sale or wherein such articles may be detained, and may examine any such articles, which are therein. If it appears to such officer or person that any such articles are unfit for human food or drink, he may detain the same. If the Magistrate or Municipal Magistrate finds that such articles are unfit for human food or drink, he shall order the same to be destroyed, or so disposed of as to prevent their being exposed for sale or used for food or drink. The owner thereof, or the person in whose possession the same is found, shall be liable to be convicted of an offence under section 266 of the Ceylon Penal Code. If such Magistrate finds that the articles so detained were fit for human food or drink, he may make an order upon the Council to return such articles, or such portion thereof as may be in good condition, to the owner, or to the person in whose possession such articles were found, and to pay to him such reasonable amount as such Magistrate considers will compensate such owner or person for any loss or depreciation that may have been caused by such detention.

PART XIII.

Infectious Diseases.

Duty of medical practitioners to report infectious diseases.

251 (1) Any medical practitioner or person professing to treat disease attending any person suffering from any of the following diseases, namely, smallpox, cholera, acute or choleraic diarrhoea, plague, typhoid or enteric fever, phthisis, simple continued fever of seven days' duration or over, chickenpox, measles, scarlet fever, diphtheria, or such other diseases as may be from time to time proclaimed under the regulations framed under "The Quarantine and Prevention of Diseases Ordinance, 1897," shall within three hours of such

attendance give information in writing to the Medical Officer of Health stating the name, race, sex, and age of the diseased person, his residence, and the nature of his disease.

(2) Every occupant of any building in which there shall be any person affected with any of the above-mentioned diseases shall forthwith inform the Medical Officer of Health thereof, and shall furnish him with all the information regarding the affected person which he may reasonably require.

(3) Any occupant of a building in which a case of any of the above-mentioned diseases occurs, and any person affected with any such disease shall, on demand by any medical practitioner or person professing to treat disease, give the full name, occupation, and regular address of such diseased person ; and also full particulars of all places at which he has spent the nights during fourteen days prior to such demand.

(4) Any person failing to comply with the requirements of this section shall be guilty of an offence, and shall be, on conviction thereof, liable to a fine not exceeding five hundred rupees, and to imprisonment of either description for a term not exceeding six months, or to both.

Power of search.

252 (1) It shall be lawful for the Chairman, the Medical Officer of Health, or Sanitary Inspector acting on the written orders of the Medical Officer of Health to enter at any time any dwelling place or premises for the purpose of searching for cases of infectious diseases.

Power with regard to segregation of infected persons.

(2) It shall be lawful for the Chairman or Medical Officer of Health to cause persons diseased or suspected to be affected with any disease mentioned in the regulations made under section 4 of "The Quarantine and Prevention of Disease Ordinance, 1897," to be removed to some public hospital or other place provided by the Council, or to any place selected by such person which the Chairman or Medical Officer of Health considers suitable--

(a) From any house or place in which goods are exposed for sale.

(b) From any house or place of public resort.

(c) From any building in which there are no means of isolating such persons from the other inmates, or in any building where the retention of such persons is likely to prove a source of danger to others.

(3) The Chairman or Medical Officer of Health may, in any case where a person is affected with any of the said diseases in any such house or place as is mentioned in (2) (a), allow such person to remain there on condition that the sale of goods from such house or place is discontinued until the Chairman or Medical Officer of Health has given permission in writing.

(4) The Chairman or Medical Officer of Health may cause any persons found in any infected locality, or who have come from any place where disease exists, to be removed to a place of observation set apart for the purpose, or to be kept under surveillance for such period as the Chairman or Medical Officer of Health shall direct.

Provision of carriages for conveyance of patients.

253 The Chairman, with the consent of the standing committee on sanitation and markets, shall provide and maintain a suitable carriage or carriages for the free conveyance of persons suffering from any dangerous infectious disease.

Chairman may order removal of patients to hospital.

254 When a hospital or place for the reception of persons suffering from any dangerous infectious disease is provided within the limits of the Municipality, or within a convenient distance therefrom, the Chairman may, on a certificate signed by the Medical Officer of Health, direct the removal to such hospital or place of any person suffering from a dangerous infectious disease, who is, in the opinion of such Medical Officer of Health, without proper lodging or accommodatio , or who

is lodged in a room occupied by more than one family, and any person resisting or preventing such removal shall be liable to a fine not exceeding fifty rupees.

Disinfection of buildings, &c.

255 (1) If the Chairman or Medical Officer of Health is of opinion that the cleansing or disinfecting of a building, or of any part of a building, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease, he may, by notice in writing require the owner or occupier to cleanse or disinfect the same, and if such owner or occupier fails within the time specified in such notice to comply with the same, he shall be liable to a fine not exceeding ten rupees, and not exceeding five rupees for every day of continuing default; and the Chairman or Medical Officer of Health shall cause the building or part of the building or articles to be cleansed or disinfected, and shall recover the expenses from the owner or occupier in the manner hereinafter provided.

(2) When, in the opinion of the Chairman or Medical Officer of Health, the owner or occupier is from poverty or otherwise unable effectually to carry out the said requirements, the Chairman or Medical Officer of Health or other officer appointed by him may cleanse or disinfect the building or buildings or part of the same, and any articles therein likely to retain infection to be cleaned or disinfected, at the expense of the Council.

Chairman to provide houses of isolation.

256 It shall be lawful for the Chairman, with the consent of the standing committee on sanitation and markets, to provide houses of isolation for the reception of persons suffering from any dangerous infectious disease, and to charge and levy fees for the use and occupation of such houses.

Place of disinfection.

257 It shall be lawful to the Chairman, with the consent of the standing committee on sanitation and markets, to provide a proper place or places with all necessary apparatus and attendance for the disinfection of clothing, bedding, or other articles which have become infected, and in his discretion to cause articles brought for disinfection to be disinfected free of charge. It shall be lawful to the Chairman from time to time to notify places at which articles of clothing or bedding, or other articles which have been exposed to infection from any dangerous infectious disease, may be washed. The Chairman or other person appointed by him may direct the destruction of bedding, clothing, or other articles likely to retain infection, and the Chairman may in his discretion give compensation for the articles destroyed.

Penalty for disposal of infected articles.

258 Any person who, without previous disinfection of the same to the satisfaction of the health officer, gives, lends, sells, transmits, or otherwise dispose of any article or thing which he has reason to know has been exposed to infection, shall be liable to a penalty not exceeding fifty rupees.

Provided that nothing in this section shall be deemed to apply to a person who transmits with proper precautions any article or thing for the purpose of having the same disinfected.

Penalty for exposure of infected persons.

259 Any person suffering from a dangerous infectious disease who, without proper precaution against spreading such disease, causes himself to be conveyed in a public conveyance, and any person in charge of or accompanying a patient so conveyed, and any person knowing himself to be suffering from any dangerous infectious disease who enters a public conveyance without previously notifying to the owner or driver that he is so suffering, shall be liable to a penalty not exceeding fifty rupees, and to an additional fine of such amount as the Magistrate or Municipal Magistrate shall deem sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting such conveyance. The amount of any additional fine so imposed shall be awarded by the Magistrate or Municipal Magistrate, subject to the provisions of "The Criminal Procedure Code, 1898," to the owner

or driver of the said conveyance. No owner or driver of a public conveyance shall be required to convey any person suffering as aforesaid without payment or tender of a sum sufficient to cover such loss and costs as aforesaid, anything in any Ordinance relating to public conveyances for the time being in force to the contrary notwithstanding; and such conveyance shall be forthwith disinfected by the officer in charge of the hospital to which the sick person has been removed.

Penalty for letting infected rooms.

260 Any person knowingly letting a house or other building, or part of a house or building, in which any person has been suffering from a dangerous infectious disease, without having such house or other building or part thereof, and all articles therein liable to retain infection, disinfected to the satisfaction of a duly qualified medical practitioner, as testified by such officer's certificate, shall be liable to a penalty not exceeding one hundred rupees. For the purpose of this section a hotel or lodging house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging house.

PART XIV.

Offensive and Dangerous Trades.

Slaughter-houses.

261 No place shall be used as a slaughter-house within the Municipality unless a license in writing for the use thereof as a slaughter-house has been obtained from the Chairman, who is hereby empowered, at his discretion, from time to time to grant such license, and such license to suspend or revoke, as to him shall seem necessary, and whoever uses as a slaughter-house any place within the Municipality, which is not so licensed, shall be punished with a fine not exceeding two hundred rupees, and with a further penalty not exceeding fifty rupees for every day after notice given by the Chairman to discontinue the same.

Council to provide places for slaughter-houses.

262 The Council may from time to time, if they shall think fit, with the sanction of the Governor in Executive Council, provide places for the purpose of being used as slaughter-houses, and make by-laws for and with respect to the management and charges for the use of such places.

Slaughter-houses to be properly drained.

263 Every owner, lessee, occupier, or farmer of any slaughter-house within the Municipality shall cause such drains to be made therein as shall be considered sufficient by the Chairman, and, if required so to do by the Chairman, shall cause all the floors and drains to be paved with stone or cement or other suitable material, and shall also cause a supply of water to be provided sufficient for keeping such slaughter-house in a clean and wholesome state; and if such owner, lessee, occupier, or farmer, after notice in writing given to him by the Chairman that such slaughter-house is defective in any of the said particulars, and requiring them to remedy the defect specified within a reasonable time, make default, he shall be liable to a penalty not exceeding fifty rupees for every day during which such default is continued.

Penalty for using slaughter-houses during suspension or revocation of license.

264 (1) Whoever, during the period for which any such license is suspended, or after the same is revoked as aforesaid, slaughters animals, or allows animals to be slaughtered in the slaughter-house to which such license relates, and whoever during the period that the slaughtering of animals in any such licensed slaughter-house is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters animals or allows animals to be slaughtered in any such licensed slaughter-house, shall be liable to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding one hundred rupees for every day after notice given by the Chairman to discontinue the same.

(2) For the purposes of this section the word "animals" means bulls, cows, calves, oxen, buffaloes, sheep, goats, and swine.

Offensive and dangerous trades and places existing within certain limits to be registered.

265 (1) No place shall, after three months from the time this Ordinance comes into operation, be used within the Municipality for any of the following purposes, namely, for boiling offal or blood, or as a soap-house, oil-boiling-house, dyeing-house, tannery, brick pottery or lime kiln, sago manufactory, gunpowder manufactory, manufactory of fireworks, or other manufactory or place of business from which either offensive or unwholesome smells arise, or used for any purposes which are calculated to be dangerous to life, or used as a yard or depôt for hay, straw, wood, coal, cotton, bones, or inflammable oil, or for any other trades or business which the Council may, by means of by-laws, declare to be offensive or dangerous trades or businesses for the purposes of this section, except under a license from the Chairman, who is hereby empowered, at his discretion, from time to time, to grant such licenses, and to impose such terms therein as to him shall appear expedient; and no license for any of the said purposes shall be given by the Government Agent or Assistant Government Agent under section 4 of "The Nuisances Ordinance, 1862," in any town or place which is created a Municipality. Whoever without a license uses any such place for any of the said purposes shall be liable to a penalty not exceeding five hundred rupees, and a further penalty not exceeding fifty rupees for every day after the conviction for such offence during which the said offence is continued.

(2) The Council may from time to time, by means of by-laws made in manner provided in Part IX., declare trades or businesses other than those mentioned in (1) to be offensive or dangerous trades or businesses for the purpose of this section.

Council may make by-laws for the management of such trades and places.

266 The Council may make by-laws in manner aforesaid for the inspection of every place within the Municipality used for any of the purposes mentioned in the last preceding section, and for the management and conduct of such business, in such manner as they may think necessary and proper, in order to prevent or diminish the noxious, injurious, offensive, or dangerous effect thereof.

Suspension or revocation of license.

267 It shall be lawful to the Chairman, with the sanction of the standing committee on sanitation and markets to suspend or revoke such license if it shall appear necessary to him to do so. Provided that, if such license be suspended or revoked, except on the ground of the owner having violated the license or any of the terms thereof, the Council shall be liable to make compensation to the owner for the loss to which such suspension or revocation shall subject him. Whoever uses such place after notice that his license has been suspended or revoked, or permits it so to be used, shall be liable to a penalty not exceeding two hundred rupees for every day after such notice during which it shall be so used.

PART XV.

Miscellaneous.

Expenses of police.

268 The annual expenses of the police force of the Municipality, exclusive of the salaries of the Inspector-General of Police, the Provincial Superintendents, and the cost of barracks, hospitals, arms, and medical attendance, shall be paid out of the Municipal fund. Provided that it shall be lawful to the Governor in Executive Council to fix the numerical strength and cost of such force, and without his sanction no reduction therefrom shall be made by the Council.

Power of Council to borrow.

269 It shall be lawful to the Council, with the sanction of the Governor in Executive Council, to borrow such sum or sums of money as may be necessary for carrying out any work

of a permanent character undertaken under the provisions of this Ordinance. Every such loan shall be subject to such rate of interest and to such conditions for the repayment thereof as the Governor in Executive Council may sanction. And for the purpose of securing the repayment of the sum or sums so borrowed, and the interest accruing thereon, the Council may mortgage and assign over to the person, by or on whose behalf such sum or sums or any part thereof may be lent, the rates and taxes imposed and levied under this Ordinance or any portion thereof. Provided that any loans raised under the authority of this Ordinance shall not at any time exceed in the aggregate ten times the fair average annual income received by the Council from all Municipal rates and taxes for the preceding five years.

Mortgages to be by deed.

270 Every mortgage of rates or taxes authorized to be made under the provisions of this Ordinance shall be by deed, free from stamp duty, in which the consideration shall be truly stated, and every such deed shall be under the common seal of the Council and according to the form in the schedule I to this Ordinance annexed or to the like effect.

Discharge of securities.

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

Sinking fund for payment of debts.

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

Order of payment of mortgages.

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

Loans by Government to Galle and Kandy for waterworks.

274 Nothing in this Ordinance contained shall be deemed to affect the right of the Crown to demand and receive every several sum or instalment of money lent under the provisions of Ordinances No. 13 of 1874, No. 1 of 1879, No. 18 of 1884, and No. 29 of 1884, or under any of the enactments by which any of the said Ordinances have been repealed to either of the Municipalities of Galle and Kandy for the construction of

waterworks, but the said several sums or instalments of money shall continue to be charged on the rates and taxes, rents, and all other the income and property of the Municipality to which the same were lent as aforesaid.

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

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

Chairman, in default of owner or occupier, may execute works and recover expenses.

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

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

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

Limitation of occupier's liability.

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

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

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

Proceedings if an occupier opposes the execution of the Ordinance.

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

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

281 If neither the owner nor the occupier be able to pay the expenses incurred by the Chairman, the same shall be a first charge upon the house, building, or land in respect of which the expenses were incurred, and shall be recoverable as such by the Municipal Council.

Right of entry in houses.

282 Whenever under the provisions of this Ordinance the Council or Chairman, or others acting under the orders or authority of the Council or Chairman, or having themselves authority under this Ordinance, have occasion to enter into any building or land for purposes of inspection or for any other purpose, they shall be empowered to do so; and every person wilfully resisting or obstructing such right of entry shall be liable to a fine not exceeding fifty rupees.

Chairman may direct prosecution.

283 The Chairman may direct any prosecution for any nuisance whatsoever, and may order proceedings to be taken for the recovery of any fines and penalties, and the punishment of any persons offending against the provisions of this Ordinance, and may order the expenses of such prosecution or other proceedings to be paid out of the fund. Provided that any inhabitant of a place may complain of the existence of a nuisance to the Chairman, who shall then inquire into the complaint so made, and may make order for abating or remedying the same. Provided that nothing herein contained shall be held to preclude any inhabitant from proceeding against the Chairman or the Council by mandamus or other proceeding to compel him or them to put the provisions of the Ordinance in force for abating or remedying a nuisance or in any other respect, or to restrain them from an undue or illegal exercise of authority.

Limitation of actions against Council.

284 No action shall be instituted against the Council, or any Councillor or Chairman, or any of the officers of the Council, or any person acting under their or his direction, for anything done or intended to be done under the provisions of this Ordinance until the expiration of one month next after notice in writing shall have been given to the defendant, stating with reasonable certainty the cause of such action, and the name and the place of abode of the intended plaintiff and of his proctor, if any, in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action except such as is stated in the notice so delivered; and unless such notice be proved the court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action and not afterwards; and if any person to whom such notice of action is given shall, before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action when brought, and the defendant shall be entitled to be paid his costs by the plaintiff; and if no such tender shall have been made, it shall be lawful

to the defendant in such action, by leave of the court where such action shall be pending, at any time before issue framed, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Payment of compensation.

285 The Council may make compensation out of the Municipal fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the Council, their officers, or servants, under and by virtue of this Ordinance.

Fees for certain licenses.

286 When any license is granted by the Council or Chairman under the provisions of this Ordinance authorizing the use of any place for any of the purposes described in this Ordinance or in any by-law thereunder, and when permission is given by the Council or Chairman for making any temporary erection or for putting up any projection, the Council may charge a fee for such license or permission, and the rates of the fees to be so charged shall be from time to time determined by the Council, with the sanction of the Governor in Executive Council. Provided that no such fee shall exceed the sum of five hundred rupees, and the fees shall all be taken to the credit of the Municipal fund. When permission or license is given for the temporary occupation of any ground belonging to the Council, the Council may charge rent for such ground, according to the time the occupation may continue, at such rates as may from time to time be fixed by them.

Determination of compensation.

287 (1) Except as herein otherwise provided, in all cases where compensation, damages, costs, or expenses are by this Ordinance directed to be paid, the amount, in case of dispute, and, if necessary, the apportionment of the same, shall be ascertained and determined in manner following :

- (a) If the amount claimed does not exceed one hundred rupees, by a Municipal or Police Magistrate after a summary inquiry into the claim.
- (b) If such amount exceeds one hundred rupees, and does not exceed three hundred rupees, by the Commissioner of the Court of Requests having local jurisdiction.
- (c) If such amount exceeds three hundred rupees, by the District Judge having local jurisdiction.

(2) In the case of (b) and (c) the claim shall be made by instituting a civil action therefor. Such action shall be heard and determined according to the procedure prescribed by the law for the time being in force regulating the hearing and determination of actions brought in Courts of Requests and District Courts respectively.

(3) Any person aggrieved by a decision of a Magistrate under (a) may appeal therefrom to the Supreme Court in accordance with the provisions of section 338 of "The Criminal Procedure Code, 1898."

Any person aggrieved by a decision under (b) and (c) may appeal therefrom to the Supreme Court. Such appeals shall be subject to the provisions of chapter LVIII. of "The Civil Procedure Code, 1889."

Recovery of damages.

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

Limitation of prosecutions.

289 No person shall be liable to any fine or penalty under this Ordinance for any offence made cognizable before a Magistrate or Municipal Magistrate, unless the complaint respecting such offence shall have been made within three months next after the commission of such offence.

Penalty for offence.

290 Except where otherwise provided, every person who shall be guilty of an offence under the provisions of this Ordinance shall be liable for every such offence to a penalty not exceeding one hundred rupees, and in the case of a

continuing offence to a further penalty not exceeding twenty-five rupees for each day after service of written notice of the offence from the Chairman.

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

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

Prosecution before Magistrate. Recovery of fines and penalties.

292 Every prosecution under this Ordinance may be instituted before a Magistrate or Municipal Magistrate; and every fine imposed under this Ordinance or any by-law made in pursuance thereof may be recovered by a summary proceeding before a Magistrate or Municipal Magistrate, upon complaint made by or on behalf of the Chairman; and it shall be lawful to such Magistrate to impose the full fine or penalty herein or in any by-law provided, notwithstanding the aggregate amount of such fines or penalties may exceed the sum which it is competent for him in the exercise of his summary jurisdiction to award.

Penalty leviable by distress.

293 In default of payment of such fine, together with such costs as may be awarded, the same may be levied under the warrant of a Magistrate or Municipal Magistrate, with all such powers of distress or sale as are vested in him by any law in force.

Magistrate may imprison for default.

294 In case of non-payment of such fine and costs such Magistrate, if it shall appear to him that no sufficient distress can be had within the Municipality wherewith to levy such fine and costs, may refrain from issuing such warrant of distress, and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to such Magistrate, he may sentence the offender to undergo either simple or rigorous imprisonment for any term not exceeding three months.

How fines are to be applied.

295 The Magistrate by whom any fine is imposed by virtue of this Ordinance may award any portion, not being more than one-half of the amount recovered, to the informer, and shall order the remainder, or, if he make no award to the informer, the whole of such fine, to be paid to the Council, to be by them applied to the purposes of this Ordinance.

Recovery of expenses on account of improvement to private property.

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

Acts and notices may be done and given by any officer authorized thereunto.

297 All duties and powers which the Council or Chairman are empowered to perform and exercise by this or any other Ordinance may be performed and exercised by any Municipal officer or officers authorized thereto in writing by the Council or by the Chairman, subject to the directions and control of the Council or the Chairman, as the case may require, for such period and to such extent as may be specified in such written authority.

Further, the Council may by resolution grant a general authority to any officer or officers of the Council to do, give, or to receive, as may be necessary, from time to time, subject to

the general control of the Chairman, all acts, receipts, notices, approvals, which the Council or Chairman is empowered to do, give, or receive by this or by any other Ordinance or the by-laws made thereunder, and all acts, receipts, notices, approvals, done or given or received by such officer or officers pending the rescinding of such resolution, shall be equally binding and valid as if such acts, receipts, notices, or approvals were done or given by the Council or Chairman.

SCHEDULE A.

Repeals.

[Section 2 (1).

| Number and Year of Ordinance. | Title or Short Title. | Extent of Repeal. |
|-------------------------------|--|---|
| 7 of 1887 | "The Municipal Councils' Ordinance, 1887." | The whole Ordinance. |
| 26 of 1890 | "The Municipal Councils' Amendment Ordinance, 1890." | The whole Ordinance. |
| 11 of 1898 | An Ordinance to amend "The Municipal Councils' Ordinance, 1887." | The whole Ordinance. |
| 12 of 1898 | An Ordinance to further amend "The Municipal Councils' Ordinance, 1887." | The whole Ordinance |
| 8 of 1901 | An Ordinance to further amend "The Municipal Councils' Ordinance, 1887." | The whole Ordinance. |
| 7 of 1902 | "The Municipal Councils' Amendment Ordinance, 1902." | The whole Ordinance. |
| 21 of 1904 | An Ordinance to amend "The Municipal Councils' Ordinance, 1887." | The whole Ordinance. |
| 13 of 1905 | "The Public Business Ordinance, 1905." | Section 2 (1) and section 3 (1), so far as the same relate to Municipal Councils. |
| 21 of 1907 | "The Municipal Councils' Amendment, 1907." | The whole Ordinance |

SCHEDULE B.

Rules for the Conduct of Elections under this Ordinance.

(Section 21.)

1. The Chairman, or some one appointed in writing by the Chairman, shall preside at every election.
2. Every candidate for the office of Councillor must be nominated in writing.
3. The writing or nomination must be subscribed by two voters of the division for which the candidate seeks to be elected as proposer and seconder respectively, and by eighteen other such voters as assenting to the nomination.
4. Each candidate must be nominated by a separate nomination paper.
5. Each person nominated must be enlisted in the list of persons qualified to be elected as Councillors.
6. The nomination paper must state the surname and other names in full of the candidate, with his abode and occupation.
7. Every nomination paper subscribed, as aforesaid must be delivered by the candidate or his proposer or seconder at the Municipal office by or before 11 o'clock in the forenoon, in the

case of the triennial general election on November 7 (or if that is a Sunday or public holiday, then on the first day after that date on which the office is open), and in the case of any other election, on such date as the Chairman may appoint, after seven days' notice in two or more of the local newspapers.

8. If only one candidate is nominated for a division, and the nomination paper is in order, the Chairman shall declare such candidate duly elected.

9. If there is no valid nomination at all for a division, the Governor may nominate a Councillor for such division.

10. If there be more than one nomination for any division, the Chairman shall fix a place, date, and hour for an election, giving not less than fourteen days' notice thereof in two or more of the local newspapers. In the case of the general triennial election, the election shall be held during the first week in December. In every such notice the time during which the poll will remain open shall be stated.

11. (a) At every election the votes shall be given by ballot.

(b) The ballot of each voter shall consist of a paper (in these rules called a ballot paper) to be supplied by the Council containing the names and descriptions of the candidates in English, Sinhalese, and Tamil. Each ballot paper shall have a number printed on the back, and shall have a counterfoil with the same number printed on the face.

(c) At the time of voting, the ballot paper shall be marked on both sides with an official mark and delivered to the voter within the polling station, and a number corresponding to the number of the voter on the list of voters shall be marked on the counterfoil. The voter having secretly marked his vote on the paper by setting a cross opposite the name of the candidate for whom he desires to vote, and having folded it up so as to conceal his vote, shall place it in a closed box in the presence of the President of the election, after having shown to him the official mark at the back. The presiding officer on the application of any voter who states that he is unable to read shall cause the vote of such voter to be marked on a ballot paper in manner directed by such voter.

(d) Any ballot paper which has not on its back an official mark, or on which votes are given to more than one candidate, or on which anything except the said number on its back is written or marked by which the vote can be identified, shall be void, and shall not be counted.

(e) After the close of the poll the ballot boxes shall be sealed so as to prevent the introduction of additional ballot papers, and shall be taken charge of by the President. The President shall in the presence of such agents, if any, of the candidates as may be in attendance open the ballot boxes and ascertain the result of the poll by counting or causing to be counted the votes given to each candidate, and shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given.

(f) The decision of the President as to any question arising in respect of any ballot paper shall be final.

(g) When an equality of votes is found to exist between any candidates at an election for any division, and the addition of one vote would entitle any of such candidates to be declared elected, the President shall give such additional vote, but shall not in any other case be entitled to vote at any election over which he presides.

SCHEDULE C.

Form of Oath of Allegiance.

(Section 56.)

I, _____, do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King Edward the Seventh.

Form of Oath of Office.

I, _____, do sincerely promise and swear that I will faithfully and diligently and impartially execute to the utmost of my abilities the several duties of a Municipal Magistrate within the Municipality of _____.

So help me God.

SCHEDULE D.

(Section 129.)

| | Rs. c. |
|---|--------|
| For every vehicle other than motor car, motor tricar, motor lorry, motor bicycle, cart, hand- cart, jinricksha, bicycle, or tricycle .. | 5 0 |
| For every bicycle (or tricycle) car or cart .. | 3 0 |
| For every cart .. | 4 0 |
| For every hand-cart .. | 4 0 |
| For every jinricksha .. | 2 50 |
| For every horse, pony, or mule .. | 2 50 |
| For every bicycle or tricycle .. | 2 0 |
| For every bullock or ass .. | 1 0 |

Children's vehicles, the wheels of which do not exceed 26 inches in diameter, are exempted from payment.

SCHEDULE E.

Form of Notice of Assessment.

(Section 134.)

Municipality of _____.

Municipal Council Office,
_____, 19—.

No. _____.

To _____.

Take notice that by virtue of "The Municipal Councils' Ordinance, 19—," the Municipal Council have ordered you to be assessed in respect of the under-mentioned property at the sums hereunder set forth :

| Property assessed. | Annual Value as assessed. | Amount of Rate payable, and times of Payment in all for the Year. |
|--------------------|---------------------------|---|
| | | On the — day —, 19—, Rs. — |
| | | On the — day —, 19—, Rs. — |
| | | On the — day —, 19—, Rs. — |
| | | On the — day —, 19—, Rs. — |
| | | <i>or as the case may be.</i> |

Date of Service :

_____ day of _____.

You are hereby required to pay the amount of the above rate (or rates) into the office of the Treasurer of the Municipality, in the proportions and at the times shown above ; in failure whereof a warrant will be issued by the Municipal Council for the recovery of the same with costs.

SCHEDULE F.

Form of Warrant of Distress against Defaulters.

(Section 151.)

To _____ and his Assistants.

Whereas the persons named in the schedule under-written have been rated by the Municipal Council (or been taxed under the — section of "The Municipal Councils' Ordinance, 19—," as the case may be) at the sums opposite their respective names : And whereas the said persons have made default in the payment of the said several sums to the Chairman of the Municipality, and the said sums are still due and owing, although notice demanding payment of the same was served on the said persons : These are therefore to order you forthwith to seize the property of the said persons (or the movable property of any person whomsoever which you may find in or upon the premises in the said schedule mentioned) ; and if within the space of eight clear days next after the said seizures respectively the said several sums set opposite to their respective names, together with the costs leviable under section _____ of the said Ordinance, shall not be paid, then to sell the property seized by public auction, and the overplus (if any), after payments of the rate due (or tax, as the case may be) and costs, to

restore to the owner or any joint owner of the property so sold ; and that you do certify to me on or before the _____ day of _____ what you shall have done by virtue of this warrant.

Schedule.

| Names of Defaulters. | Description of Properties. | Situation of Properties. | Amount of Rate or Tax. | Total. |
|----------------------|----------------------------|--------------------------|------------------------|--------|
| | | | | |

Given under my hand at _____, this _____ day of _____ 19____. A. B., Chairman.

[The form and schedule to be varied as may be necessary in the case of tax.]

SCHEDULE G.

Certificate of Sale.

(Section 157.)

Whereas _____, of _____, was rated (or taxed, as the case may be) under "The Municipal Councils' Ordinance, 19____," and became liable to the Municipal Council of _____ in the sum of _____ rupees, inclusive of costs, and made default in the payment thereof: And whereas warrant of distress was issued in conformity with the said Ordinance, and the property of the said _____, to wit (here describe the property), was sold on the _____ day of _____, and the same was purchased by _____ for _____ rupees, which sum has been duly paid paid by the said _____:

Now know Ye that I, _____, the Chairman of the said Municipal Council, by virtue of the powers in me vested by the said Ordinance, do hereby certify that such sale and purchase have duly taken place, and that the property above described is and shall henceforward be vested free from all encumbrances in the said _____, his heirs, executors, administrators, and assigns for ever.

Given under my hand at _____, this _____ day of _____, 19____. A. B., Chairman.

SCHEDULE H.

(Section 160.)

Whereas the sum of _____ rupees was due to the Municipal Council of _____ by _____, of _____, for and on account of (here describe rate or tax), and a further sum of _____ rupees was likewise due for costs and charges, which said sums have not been paid by the said _____:

And whereas the land hereinafter described, belonging to the said _____, was seized and sold in conformity with the provisions of "The Municipal Councils' Ordinance, 19____," and the same was purchased on the _____ day of _____ for and on behalf of the said Municipal Council in part satisfaction (or full, as the case may be) of the sum of _____ rupees so due as aforesaid, and _____ rupees for costs and charges:

Now know Ye that I, _____ (the Chairman of the said Municipal Council), by virtue and in exercise of the power vested in me in this behalf by "The Municipal Councils' Ordinance, 1909," do hereby certify that the following property, to wit (here describe the property), has been sold to and purchased by the said _____ for and on behalf of the said Municipal Council for the sum of _____ rupees, which said sum has been duly credited to the said Council, and that the said premises are and shall henceforward be vested in the said Council free of all encumbrances.

Given under my hand at _____, this _____ day of _____, 19____. A. B., Chairman.

SCHEDULE I.
Form of Mortgage.

(Section 270.)

No. ———.

By virtue of "The Municipal Councils' Ordinance, 19—," the Municipal Council of ———, in consideration of the sum of ——— rupees paid to them to the credit of the fund of the said Council by A. B., of ———, for the purposes of the said Ordinance, grant and assign unto the said A. B., his heirs, executors, administrators, and assigns, such portion of the rates and taxes arising or accruing by virtue of the said Ordinance from *(here describe the rates or taxes proposed to be mortgaged)* as the said sum of ——— rupees doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes, to hold to the said A. B., his heirs, executors, administrators, and assigns from this day until the said sum of ——— rupees, with interest at ——— per cent. per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of ——— years from the date hereof, and in the meantime interest thereon to be payable half-yearly) *(in case any period be agreed upon for that purpose)*.

Given at ———, this ——— day of ———, 19—.

A. B.,
Chairman.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, December 9, 1909.

HUGH CLIFFORD,
Colonial Secretary.

Statement of Objects and Reasons.

THE Draft Ordinance consolidates the numerous existing Ordinances relating to Municipalities and introduces several important amendments.

2. The section relating to Municipal elections is brought into line with the system which prevails in most other countries. The list of voters is made the only evidence of the right to vote at Municipal elections, due provision being made for the revision of the list and for the hearing of claims and objections.

3. The system of voting by ballot is introduced, and voting by means of proxies is abolished.

4. The Municipal franchise is enlarged by the addition of boarders living in hotels, clubs, or boarding houses and paying not less than Rs. 100 per month for board and lodging, and of Joint Stock Companies holding land or carrying on the business of steam navigation or fire insurance in Ceylon.

5. A provision is introduced by which the property qualification in any particular town, whether as regards voters or councillors, may be reduced or increased by the Governor on the recommendation of the Municipal Council.

6. The provisions with regard to the power of Municipal Councils to make by-laws have been revised and considerably enlarged, especially as regards building and drainage by-laws.

7. The Ordinance No. 1 of 1896 relating to dairies and laundries has not been repealed, but power is reserved to the Governor, when the Municipal Council of any town has framed a satisfactory code of by-laws relating to dairies and laundries, to declare that the Ordinance shall not apply to that town.

8. The Council is empowered to remit the payment of rates in certain cases, such as when the property on which the rate is levied is damaged by inevitable accident.

9. Provision is made for the division and consolidation of properties for the purpose of assessment.

10. The sections relating to regulation of buildings and to drainage have been revised.

11. More efficient machinery has been supplied for ascertaining the amount of the compensation and damages which, in certain cases, is payable by the Municipality.

Colombo, October 11, 1909.

ALFRED G. LASCELLES,
Attorney-General.