



PASSED ORDINANCE.

No. 6 of 1910.

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

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

No. 6 of 1910.

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

HENRY MCCALLUM.

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 :

Preamble.

1 (1) This Ordinance may be cited as "The Municipal Councils Ordinance, 1910," and shall come into operation on such date as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

Short title, commencement, and division into parts.

(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.—Streets, Buildings, Drainage, and General Conservancy of Town.

Part XII.—Markets.

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PART I.

Preliminary.

2 (1) The Ordinances specified in the schedule A to this Ordinance are hereby repealed to the extent in the third column of that schedule mentioned.

Repeal.

(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, appointments made, rates and taxes imposed, powers and rights conferred, notifications published under any of the Ordinances hereby repealed, and all other rules, if any, now in force and relating to the matters hereinafter dealt with, shall, so far as they are consistent with this Ordinance, be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.

3 In this Ordinance, unless the context otherwise requires—

- “ Street.” “ Street ” includes any road, square, court, alley, lane, 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 Crown property or 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 culverts, 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 the full extent of waterway from bank to bank, together with the sides, towing paths, embankments, drains, and ditches thereto belonging.
- “ River.” “ River ” includes all public navigable streams, lakes, and all towing paths and embankments thereto belonging.
- “ Vehicle.” “ Vehicle ” includes any carriage, cart, coach, or tram car, and every artificial contrivance not being a mechanically propelled vehicle 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.
- “ Owner.” “ Owner ” includes the person for the time being receiving the rent of the 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 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 shall be made for any period of non-tenancy whatsoever.
- “ Chairman.” “ Chairman ” means the officer appointed to be the Chairman of a Municipal Council under this Ordinance.

- “Assistant Chairman” means the officer appointed in manner aforesaid to be the Assistant Chairman of a Municipal Council. “Assistant Chairman.”
- “Municipal town” or “town” means the area within the Municipal limits of any town where a Municipality has been created. “Town.”
- “Council” means the Municipal Council of any town. “Council.”
- “Magistrate” means any Police Magistrate having jurisdiction within a Municipal town. “Magistrate.”
- “Municipal Magistrate” means a Magistrate having jurisdiction or appointed as mentioned in part IV., and includes an Additional Municipal Magistrate. “Municipal Magistrate.”
- “Building” includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall. “Building.”
- “Medical Officer of Health” means any person appointed as such under the provisions of this Ordinance, and includes an Assistant Medical Officer of Health. “Medical Officer of Health.”
- “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. “Nuisance.”
- “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 resolution of the Council. “Public 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. “Private market.”
- “Work” includes the partial or total constructing, reconstructing, pulling down, opening, cutting into, adding to, and altering any building, wall, retaining wall, chimney stack, flue, scaffold, ground, road, well, drain, pier, wharf, fence, or any other like operation whatsoever. “Work.”
- “Prescribed” means prescribed by this Ordinance or by any by-law made thereunder. “Prescribed.”
- “Public,” when applied to any drain, culvert, gutter, or water-course, means vested in the Council. “Public.”

PART II.

Constitution of Municipality.

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 for the Governor in Executive Council, on the application of a reasonable number of the

Existing Municipalities and creation of new Municipalities.

inhabitants of any place, or if without such application it shall appear expedient, by Proclamation in the *Government Gazette*, to create a Municipality in any other place in Ceylon; and thereupon the several provisions of this Ordinance shall apply and extend to and may be enforced within any such place as fully to all intents and purposes as if such place had been created a Municipality by or before the passing of this Ordinance.

Provided that the Governor in Executive Council may by any such Proclamation or by any subsequent Proclamation declare that only such parts of this Ordinance as are specified in the Proclamation shall extend to the Municipality so created.

(2) It shall be lawful for 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 It shall be lawful for 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 Municipal town.
- (c) To alter the number and limits of the divisions of any Municipal town.

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 Chairmen.

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.

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

Qualification of Councillors.

(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 Municipal town ;
- (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 or usufructuary mortgagee), either in his own right or in right of his wife, of immovable property within the Municipal town, 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.

(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 building 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 building, 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 Municipal town ;

(d) 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 ;

(e) 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 ;

(f) Has paid all the Municipal taxes specified in schedule D due from him up to the thirtieth of June in such year ;

- (g) 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 having resided for the period aforesaid 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
- (h) Is possessed (but not as lessee or usufructuary mortgagee), 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
- (i) 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), and (g), or (h) of this section ; or
- (j) 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 not being a usufructuary mortgagee 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 ; but no person shall be entitled to record more than one vote in any one division.

(c) Subject to the provisions of sub-section (3) of the next following section, no vote shall be given by proxy.

(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) (g), (2) (h), (2) (i), 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 of 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 value or 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 election 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 Municipal town : 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.

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 bear a stamp or stamps to the value of five rupees, 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.

Appeal to
Supreme Court.

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

- (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, either personally or by leaving the same at his last known place of abode, and shall within five days of the service of the petition file with the Registrar of the Supreme Court an affidavit stating the time, place, and circumstances of such service.

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.

Order of
Supreme Court.

Power of single Judge of Supreme Court

18 Such appeal shall be heard and determined by a single Judge of the Supreme Court, and no appeal shall lie from an order made by such Judge on any such appeal.

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 Municipal town 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 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.

(3) The Governor in Executive Council may from time to time make rules to supplement the rules contained in the said schedule B, or to rescind, vary, or amend any of such rules.

(4) All rules so made shall be published in the *Government Gazette*, and shall thereupon, subject to the provisions of the next following section, be as legal, valid, effectual, and binding as if they had been enacted in this Ordinance.

(5) All rules made in pursuance of sub-section (3) 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 so laid before the Legislative Council praying that any such rule shall be annulled, such rule shall thenceforth be void, but without prejudice to anything done thereunder.

Presiding officer 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 presiding officer 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 presiding officer on any such claim shall be final.

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.

Twenty votes at least necessary to elect a Councillor.

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

One elected Councillor for each division.

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.

Effect of adding one division to another.

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.

Case of election of Councillor for more divisions than one.

(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.

Division for which Councillor is held to be elected.

27 (1) Whoever being qualified to vote, or claiming to be qualified to vote, at 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 at 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.

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

(2) Whoever gives or offers to give any gratification whatsoever to any person as a motive 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)

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

Penalty for knowingly voting without the necessary qualifications.

Disqualification
of Councillors.

29 No Councillor shall continue to be a Councillor who after election has been sentenced to imprisonment for any indictable 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 by petition, and shall be liable to a stamp duty of five rupees, and 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 guilty of an offence, and shall be liable on conviction thereof 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 guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding five hundred rupees.

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

Resignation of Councillor.

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.

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

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

Notification of vacancy to Governor.

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 office of first Councillors of future Municipalities.

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.

Term of Councillors in office at commencement of this Ordinance.

39 During the first fourteen days 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 during the said period 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.

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

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, 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

Preparation of new and revised lists.

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 the adjudication thereon shall 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.

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.

Enforcement of decrees, &c.

PART III.

Municipal Purposes.

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

Purposes for which Municipal funds may be expended.

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

Public health : markets, drainage works. &c.

Cleaning streets, &c.

Education.

Public convenience : streets, &c.

Buildings.

Surveys.

Sanitation, &c.

Contributing towards public ceremonies.

- (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.
- (b) Construction, maintenance, supervision, and control of markets, bathing and washing places, quarantine and disinfecting stations, segregation camps, hospitals, cattle marts and slaughter-houses, latrines, privies, urinals, drains, and sewerage, drainage works and other works connected therewith, tramways, waterworks, drinking fountains, tanks, wells, parks, and gardens ; reclamation of unhealthy localities and other sanitary measures of a like nature ; and acquisition of land required for any of the above-mentioned purposes.
- (c) Cleansing and watering streets and drains ; scavenging ; removal of night soil and excessive or noxious vegetation ; and generally the abatement of all nuisances.
- (d) Maintenance of schools in accordance with the provisions of "The Town Schools Ordinance, 1906."
- (e) Construction, maintenance, extension, and alteration of streets, bridges, causeways, 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 streets.
- (f) Construction, purchase, and maintenance of all buildings required in order to give effect to the purposes of this Ordinance.
- (g) Survey of houses and lands.
- (h) All works, matters, and services necessary for or conducive to public safety, health, or convenience.
- (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 town.

- 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.
- General. (l) Carrying out the provisions of this Ordinance.

PART IV.

Officers.

Appointment of Chairman and Assistant Chairman.

46 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 by 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 The Chairman, if he holds no other appointment under the Ceylon Government, shall receive out of the Municipal fund such salary, not exceeding the maximum salary of the First Class of the Civil Service, as may from time to time be fixed by the Governor.

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 a proper person or 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 receive from the Municipal fund such salary as may from time to time be fixed by the Governor.

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

Appointment of special officer.

52 The appointment of a special officer may be made from time to time for such period not exceeding twelve months as the Governor may deem necessary. Such officer shall receive such salary as may be fixed by the Governor out of the Municipal fund.

Salary of special officer.

53 A special 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.

Powers of special officer.

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.

Appointment and jurisdiction of Municipal Magistrate and Additional Municipal Magistrate

The Municipal Magistrate shall hear, try, and determine 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.

Tabular Statement of Offences, &c.—*continued.*

No. and Year of Ordinance.	Title or Short Title.	Offence triable by Municipal Magistrate.
3 of 1871 ..	For regulating measures used in Sales of Gas	Any offence under Ordinance.
8 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.
7 of 1893 ..	Relating to Rabies ..	The same.
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 to time, by order in the *Government Gazette*, extend the jurisdiction of Municipal Magistrates to offences not comprised in the foregoing statement.

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.

Additional
Municipal
Magistrate.

56 Every Municipal Magistrate may receive such allowance out of the Municipal fund as shall from time to time be fixed by the Governor, 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.

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

57 All proceedings before a 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.

Procedure in
Municipal
Court.

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 a Municipal Magistrate.

Stamp duties.

59 (1) For the purpose of carrying out the provisions of this Ordinance, the Council may by resolution create, as hereinafter provided, such offices other than those hereinbefore mentioned as they may think necessary, and from time to time fix and alter the salaries and allowances attached to such offices.

Appointment
of subordinate
officers.

(2) The Chairman may, notwithstanding anything in section 4 of "The Colombo Municipal Council Waterworks Ordinance, 1907," from time to time appoint and dismiss all clerks, peons, and servants whose salary does not exceed one hundred rupees per mensem.

(3) Every officer whose salary exceeds one hundred rupees per mensem shall be appointed by the Council, who may from time to time remove any such officer.

60 The Governor may 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.

Leave of
absence.

61 Leave of absence may be granted to all officers and servants of the Council, other than the Chairman, Assistant Chairman, and Municipal Magistrate, in accordance with such by-laws as the Council may from time to time make.

Chairman to
grant leave of
absence to
officers.

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 make rules for granting pensions or gratuities to Municipal officers and servants, or gratuities to the widows or children of such servants, and to any officer or servant of any 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*.

(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.

Contracts.

63 Any contract for any of the purposes of this Ordinance involving an expenditure exceeding one thousand rupees shall be reduced to writing and shall be signed by the Chairman, and shall specify—

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

Every such contract shall be sealed with the common seal of the Council.

Consent of Council.

64 The Chairman shall not enter into any contract on behalf of the Council for any work or service 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 financial year, without the previous consent of the Council.

Custody and affixing of common seal.

65 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) and one Councillor, who shall sign their names to such instrument in token of their presence.

Advertisement for tenders.

66 Before entering into any contract which involves an expenditure exceeding one thousand rupees for the execution of any work or service, 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, unless otherwise authorized by a resolution of the Council.

67 No Chairman, Assistant Chairman, Municipal Magistrate, or other officer or servant appointed under this Ordinance 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 guilty of an offence, and on conviction thereof 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.

Officers and servants not to be interested in contracts.

68 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."

Municipal officers and servants to be "public servants."

PART VI.

Municipal Property and Fund.

69 All waste land, and all stone, cabook, or gravel quarries, and all lakes, ponds, tanks, reservoirs, aqueducts, and other waterworks situated within any Municipal town, 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.

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

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 any public purpose.

Restriction on alienation of such property.

Provided also that nothing herein contained shall affect or be construed to affect any right or title which His Majesty's

Principal Secretary of State for the War Department has or may have in such property or in any part thereof.

Streets, &c.,
vested in
Council.

70 All streets within a Municipal town, excepting such as shall be specially exempted by the Governor in Executive Council, 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
Council.

71 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 town, and of and in all iron, timber, stone, bricks, and other materials and furniture and things belonging thereto (except when the same shall be otherwise regulated by contract with the 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.

72 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.

73 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 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 for the purposes of this Ordinance.

Bank.

74 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, 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 his absence, by two officers specially authorized by the Chairman for the purpose, 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.

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| 75 The following are among the powers and duties of the Council : | Powers and duties of Municipal Council. |
| (a) To deal with the budget or supplemental budgets in the manner hereinafter specified. | Passing of budgets. |
| (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 budget to another head. | Consideration of standing committees' recommendations. |
| (c) To consider the annual administration report, and append such observations thereto as they think fit, prior to its submission to the Governor. | Adoption of annual report. |
| (d) To adopt, modify, or reject proposals for creating any new Municipal office. | Creation of new offices. |
| (e) To approve the raising of loans for works required for the purposes of this Ordinance. | Raising of loans. |
| (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. | Passing of periodical statements. |
| (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. | Calling attention to neglect, waste, wants, &c. |
| (h) To bring forward general questions connected with the Municipal fund, or any new measures relating to purposes authorized by this Ordinance. | General questions. |
| (i) To sanction the appropriation of Municipal land, or the acquisition of land for the purposes of this Ordinance. | Appropriation or acquisition of land. |
| (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. | Purchase of property sold in execution. |
| (k) To make, repeal, alter, or amend by-laws for the purposes of this Ordinance. | By-laws. |
| 76 (1) The Council shall provide an office within the Municipal town for the transaction of business. Such office shall be styled "The Municipal Office." | Municipal office. |
| (2) There shall be kept there during all hours of business a box for the reception of petitions, and a book for the registry of such petitions and of the orders passed thereon after inquiry and report by the proper officer. | Box for petitions. |
| 77 If at any time it appears to the Governor in Executive Council that the Council are omitting to fulfil any duty or to 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 the contrary, he will appoint a special officer to inquire and report to him the facts of the case, | Power of the Governor to make inquiry. |

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.

78 On the receipt of the report of the officer mentioned in the last preceding section, or of any special officer appointed under Part IV., 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.

79 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.

80 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.

81 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 Council.

PART VIII.

Meetings and Conduct of Business.

General meetings.

82 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.

83 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 takes place. Such statement, 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*.

84 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.

Special meetings.

85 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, without the permission of the Council, 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.

Business at meetings.

86 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.

Questions to be decided by a majority of votes.

87 The Chairman shall preside at every meeting, general or special, of the Council, or of any standing or other committee 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.

President and casting vote.

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

Quorum.

89 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 in case of absence of quorum.

90 The Chairman of a meeting, general or special, at which a quorum of the Council is present, may, with the consent of the meeting, adjourn the meeting from time to time; but no business shall be transacted without the permission of the Council at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

Adjournment of meetings.

Minutes of proceedings.

91 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 each 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.

92 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.

93 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.

94 The Council shall at their first general meeting in each year elect by ballot, out of their number, members to form, with the Chairman, such standing committees not less than four in number as may appear desirable. Each such committee shall consist of the Chairman and three members elected as aforesaid; and the 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 Council shall at any time be elected to serve on more than two such standing committees.

Standing committees to assist Chairman.

95 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 regard to any matter referred to such committee.

Submission of estimates to Council.

96 At a date to be fixed by by-law the Chairman, after consultation with the several standing committees, shall prepare and lay before the Council an estimate of probable

receipts and the proposed expenditure of the Municipality for the ensuing financial year.

97 On or before the prescribed date in each year the Chairman shall prepare and submit to the Council a budget containing—

Budget.

- (a) An estimate of the available Municipal income.
- (b) Details of proposed expenditure.

Any budget or supplemental budget shall be printed and published in the *Government Gazette*, and circulated among the Councillors on or before the prescribed date.

98 The Council shall finally consider the budget at a special meeting to be called in the last month of the financial year.

Submission of budget to Council.

99 It shall be in the discretion of the Council to pass, modify, or reject all or any of the items in any budget or supplemental budget, or to add any item thereto.

Power of Council with regard to budget.

100 The Chairman may at any time prepare a supplemental budget and 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.

Supplemental budget.

101 The Council may, in case of necessity during the year, reduce or increase the expenditure under any head of the budget or supplemental budget, or may transfer the moneys assigned under one head of expenditure to another head.

Reduction or increase of expenditure

Provided the total amount of expenditure sanctioned by the budget or supplementary budget passed by the Council shall not be exceeded.

102 The Chairman shall, as soon after the close of each financial 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 to the Governor within six weeks of the date when the same were first submitted to the Council.

Annual administration report.

103 The Governor 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.

Appointment of auditors.

104 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,

Powers of auditors.

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.

105 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 guilty of an offence, and 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.

106 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 within three months after the close of the financial year.

Remuneration of auditors.

107 The auditor or auditors may receive out of the Municipal fund such remuneration as the Council determines, with the sanction of the Governor.

Powers of the Governor to call for statistics.

108 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 comply with such requisition.

PART IX.

By-laws.

Power to make by-laws.

109 (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.

(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 twenty-five rupees for every day during which the offence is continued after conviction or written notice from the Chairman of such contravention.

(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.

All by-laws when so confirmed shall be proclaimed in the *Government Gazette* 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.

(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.

(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 of plans and sections by persons intending to lay out, construct, or alter any street, building, drain, 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-laws came into force, except where expressly stated therein to the contrary.

(6) A Council may make by-laws which shall be in force in any specified place or premises outside the Municipal limits of the town, provided that such place or premises, or the administration or management thereof, are vested in the Council.

(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.

110 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 :

Matters with respect to which by-laws may be made.

(1) Appointment of officers, and procedure, including—

- (a) The creation of offices other than those of Chairman, Assistant Chairman, and Municipal Magistrate, the payment of salaries, and the granting of leave of absence to the holders of such offices ;
- (b) The regulation of Council and committee 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, building operations, and works, including—
- (a) The alignment, 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 sanitary appliances, the flushing of water-closets, the paving of floors and courtyards and open spaces.
- (4) Waterworks, including—
- (a) The prevention of waste, misuse, undue consumption, or contamination of the water supplied by the Council for public or private use ;
 - (b) The direction of the use, and prescribing the size, nature, strength, and materials, and the mode of arrangement, position, alteration, removal, renewal, and repair of the pipes, valves, cocks, cisterns, soil pans, water closets, and other apparatus and receptacles or any of them to be used respectively for carrying, delivering, regulating, and storing water ;
 - (c) The establishment, maintenance, and regulation of public bathing-places and places for washing animals or clothes ;
 - (d) The regulation of the public supply of water by standpipes, and the use of the same ;
 - (e) The regulation of the supply of water by private services, and the materials and fittings to be used ;
 - (f) The regulation of the supply of water by measurement, and the materials, meters, appliances, and fittings used for such a purpose or in connection therewith ;
 - (g) The regulation of the terms and conditions subject to which water will be supplied for other than domestic purposes, and the price to be paid for water so supplied ; and

- (h) Every other purpose relating to the supply or control of water supplied from the waterworks as to the Council shall appear necessary.

(5) 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 sanitary 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 of private premises ;
- (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 ;
- (f) The cleansing, disinfection, and destruction of temporary buildings and infected articles, and the cleansing and disinfection of buildings.

(6) 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 ;
- (d) The erection of hoardings and other temporary structures, and charging fees for the same.

(7) Land and property, including—

- (a) The classification and assessment of buildings, lands, and tenements within the Municipal town ;
- (b) The registration at the office of the Council of mortgages over immovable property situated within the town, 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 ;
- (e) The care and regulation of common pasture lands, and the levy of fees for the use of such lands.

(8) 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 licensing, regulation, management, conduct, and inspection of bakeries and the persons employed therein, and of the manufacture and quality of bread;
 - (c) The establishment of markets, private as well as public, 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;
 - (d) The seizure, forfeiture, and removal and destruction of unwholesome flesh, fish, or other provisions introduced into the town, and the prevention of the sale or exposure for sale thereof;
 - (e) 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;
 - (f) The seizure and removal of articles exposed for sale in contravention of any by-law;
 - (g) The preparation and publication of a list of current prices;
 - (h) Prescribing the mode of sale of articles, whether by measure, weight, tale, or piece.
- (9) The management of slaughter-houses, including the levy and recovery of fees for the use thereof, and the prevention of cruelty to animals therein.
 - (10) 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.
 - (11) The maintenance and regulation of quarantine stations for cattle, and the levying of fees for the occupation thereof.
 - (12) Revenue, including the assessment of property and the collection of rates and taxes.
 - (13) The regulation and inspection of hairdressers' and barbers' shops and saloons.
 - (14) The licensing of money changers.
 - (15) The regulation and inspection of places of public entertainment, including the protection of the public from danger from fire.
 - (16) Sale of provisions, including the inspection, regulation, and control of shops and places (other than markets) used for the sale of meat, fish, fruit, vegetables; or other perishable articles of food for human consumption, and the licensing of shops and places used for the sale of fresh meat and fresh fish and living animals.

(17) Laundries and washing, including—

- (a) The registration and regulation of laundries and laundrymen ;
- (b) The inspection of laundries, and the medical examination of those engaged in laundry work ;
- (c) The lighting, ventilation, cleansing, drainage, and water supply to 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.

(18) The licensing, registration, and regulation of lodging houses, restaurants, and eating houses.

(19) Dairies, including—

- (a) The licensing of dairies and the registration of cowsheds, milk shops, milk stores, dairymen, cowkeepers, and purveyors of milk ;
- (b) The inspection of dairies and dairy cattle, and the medical examination of those engaged in dairies or in the 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 premises in which milk is kept, and of milk shops, and of 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 prevention 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 is 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.

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

Approval or disapproval of plans.

111 Where a notice, section, 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.

112 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.

113 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 said person.

Right of entry.

114 In any case where the provisions of this Ordinance have been contravened, any person authorized under the provisions of this Ordinance may, subject to the provisions of this Ordinance, enter upon private property, execute any work, and recover any expenses without prejudice to the powers conferred upon such authority by the by-laws.

PART X.

Rates and Taxes.

Property assessment.

115 (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 of all lands and tenements whatsoever within the town. 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 Council, 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.'"

(2) All houses, buildings, lands, and tenements within the town 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 sub-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.

Assessment of Crown property.

(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.

Property of the Crown not liable to seizure.

116 (1) The Chairman may from time to time, as often as he 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 town, 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.

Division and consolidation of property for assessment.

(2) The Chairman shall cause a notice of such division or consolidation to be given to 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 the next following section regarding the service of notice of assessment.

(4) The assessed annual 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.

117 (1) The Chairman shall keep a book, to be called "the Assessment Book," in which the annual value of each house, building, land, or tenement shall be entered every year, and shall give public notice thereof and the place where the assessment book may be inspected.

Valuation of property.

(2) Every owner or occupier of any house, building, land, or tenement, or his authorized agent, shall be permitted, free of charge, to inspect any portion of the said assessment book which relates to his premises.

(3) The Chairman shall cause a notice of assessment in English, Sinhalese, and Tamil 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 shall deem reasonable.

(4) Such notice shall further intimate that written objections to the assessment will be received at the Municipal Office within one month from the date of service of notice.

(5) The Chairman shall cause all objections so received to be registered in a book to be kept for this purpose, and shall give notice in writing to each objector of the day, time, and place when and whereat his objections will be investigated.

(6) At the time and place so fixed the Chairman shall investigate or cause to be investigated the objections, in presence of the objector (or an agent authorized by him in writing) if he shall appear, and if not, in his absence. The Chairman may adjourn the investigation from time to time for reasonable cause.

(7) When any objection is disposed of by the Chairman, he shall cause his decision to be notified to the objector, and the same shall be noted in the book of objections, and any necessary amendment shall be made in the assessment book.

(8) Every assessment against which no objection is made shall be final for the year.

Seizure of
movable
property.

118 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.

119 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.

120 In order to enable the Council to assess the annual value of any houses, buildings, or lands liable to be rated, the Chairman shall 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 and survey 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 or of any addition to an existing 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.

Returns for purposes of valuation.

121 (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.

Remission of rates in case of non-tenancy.

(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 Chairman 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.

122 It shall not be necessary to prepare a new assessment every year, but the Council may adopt the valuation or assessment 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 prescribed manner.

Revision of assessment and remission of rates in certain cases.

123 The Chairman shall have power and authority, subject to appeal to the Council, at any time to revise any assessment, increasing or decreasing the same as he shall see fit, and to fix the date upon which the revised assessment shall come into force.

Procedure in case of objection to assessment, &c.

124 (1) If any person is aggrieved by the decision of the Chairman with regard to the assessment of any house, building, land, or tenement, he may within one month of receiving the notification of the Chairman's decision under section 117 institute an action objecting to such decision 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 houses, buildings, lands, or tenements 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) 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 stated in his written objection to the Chairman.

(3) 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.

(4) 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.

(5) 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 excess, if any, collected shall be returned 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.

125 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 town 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.

Liability of persons leaving the town.

126 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 under such by-law shall be quashed or set aside for want of form in any court of justice.

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

127 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 town, 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.

Taxes on vehicles and animals.

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.

128 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

Cases where sanction of the Governor in Executive

Council not required to certain rates.

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.

129 No person residing within the limits of the town shall be liable to perform labour upon the roads or other means of communication by land or by water in this Colony, or to pay any sum of money in commutation of such labour, under the provisions of "The 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 town 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 town 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 the Municipal town, 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.

130 The Council may, with the sanction of the Governor in Executive Council, establish tolls, and take and receive all tolls payable within the town ; and it shall be lawful for 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 town. 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.

131 (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 :

Appropriation
of certain
sources of
revenue to
Municipalities.

- (a) All stamp duties payable for or in respect of the licenses of any vehicles kept or used within the town 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 town 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 town 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 town under or by virtue of "The Firearms Ordinance, 1908," 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 by the inhabitants of a Municipal town on the annual certificates and declarations issued and made under sections 2 and 3 of the said Ordinance.
 - (e) All sums paid by notaries for the purpose of practising their profession within the limits of the town 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 town.
 - (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, anything in any other Ordinance to the contrary notwithstanding, 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 of which the proctor is an inhabitant.

(4) The Council of Colombo shall be entitled to take and receive for the 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 town of Colombo under or by virtue of the Ordinance No. 9 of 1892.

Tax on vehicles and animals payable yearly in advance.

132. The annual tax leviable under this Ordinance on the vehicles and animals specified in schedule D shall be payable yearly on or before the thirty-first day of March in every year; the amount 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 town. 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 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 year in which the ownership was transferred.

Provided further, that half the tax so paid shall be refunded in any case where the Chairman is satisfied that any vehicle or animal has been kept or used for less than six months in any one year.

Power to compound with livery stable-keepers and others.

133 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.

Returns may be required for the purposes of the tax.

134 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 levy 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.

135 It shall be lawful for 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.

136 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.

Penalty for disobeying summons, or hindering the Chairman.

137 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 Council 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.

Warrant for recovery of taxes.

138 Where a warrant is issued for the levy of any rate or rates in respect of any house, building, land, or tenement belonging to the Crown and leased to any person, such warrant shall not direct the seizure and sale of such 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.

Warrants where Crown property is leased.

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

Scale of costs.

- (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 takes 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 seventy-five 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.

140 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 Council 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 surplus 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.

Surplus of sale.

141 If no demand shall be made for any surplus 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 surplus 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.

142 It shall be lawful to the person to whom any such warrant 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.

143 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.

144 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.

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

145 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 the warrant, 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.

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

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.

146 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 be liable to the stamp duty leviable on conveyances of immovable property and to the charges payable for the registration thereof.

Power of Council to sell property vested in them.

147 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.

Registration of mortgages and notices of sale.

148 (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 town 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.

*Streets, Buildings, Drainage, and General Conservancy
of Town.*

Power to make
and improve
streets.

149 (1) Subject to the provisions of this Ordinance, the Council, with the sanction of the Governor in Executive Council, may lay out, construct, 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.

Construction of
street, &c.

(2) For the purposes of this Ordinance the construction or making 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 framework 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 caretaker.
- (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.

(3) 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.

Power to take
land adjoining
new street for
building
purposes.

150 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, 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.

151 The Council may, with the sanction of the Governor, 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.

Power to agree for purchase of land for improving streets.

152 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 purposes. 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.

Compulsory acquisition of land.

153 (1) The Council, with the sanction of the Governor, 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.

Sale or lease of lands and buildings.

(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.

154 Whenever any street vested in the Council shall be discontinued and stopped up under the provisions of this Ordinance, the Council, with the sanction of the Governor, 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 to sell streets.

155 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 servant of the Council to make such survey, and it shall thereupon be lawful for such officer or servant and his workmen to enter upon such premises for the following purposes :

Power of Chairman to authorize survey, &c.

- (1) To 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 the boundaries of land to be acquired, or 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 any enclosure attached to a dwelling house (unless with the consent of the occupant thereof) without previously giving such occupier, at least three days in advance, notice of his intention to do so.

Obstructions in streets or roads.

156 Whoever builds any wall or erects or sets up any fence, rail, post, bracket, verandah, sunshade, or other obstruction or encroachment in or over any street or lake, 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 street or lake, or on any portion of such street or lake, 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 street on occasions of festivals and ceremonies.

Projections on to streets.

157 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 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.

158 When the pavement or surface of any street, or when any 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 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.

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

159 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 keep 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 on conviction 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 on conviction 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.

Hoards to be set up during repairs.

160 The Chairman shall, during the construction or repair of any of the streets 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

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

removes any of the said bars, chains, or posts, or extinguishes any light without the authority or consent of the Chairman, shall be liable on conviction to a fine not exceeding fifty rupees.

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

161 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.

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

162 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 hole 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 on conviction 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.

163 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 on conviction 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.

Contracts for tramways.

164 The Council, with the sanction of the Governor, 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 town, 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.

165 The Council, with the sanction of the Governor, may contract with any person or persons, corporation, or company to supply the town 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.

Contracts for lighting.

166 The Council may cause lamp-irons or lamp-posts, or other posts or names or numbers, 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 town, 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.

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

167 If any person wilfully break, throw down, spoil, or damage any lamp, lamp-iron, lamp-post, post, name, numbers, standpost, hydrant, rail, chain, or other property vested in the Council, 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 town, or any property belonging to the Council, 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 paid into the Municipal fund; 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 default of payment of any fine or penalty imposed by a Police Court.

Penalty for damages to lamps, &c.

168 All dirt, dust, ashes, rubbish, soil, dung, and filth collected from streets, houses, privies, drains, and cesspools 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.

Disposal of rubbish, &c.

169 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 Council, or any stream or water-course whereof the water flows into or feeds any such reservoir, he

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

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.

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

170 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.

Power of Chairman as to existing buildings.

171 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 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.

Street lines.

172 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 street lines of such street.

Setting back houses to street lines.

173 When any building which, or any part of which, projects beyond the street line 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 the street line, 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.

174 (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 may be approved by the Chairman; 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.

Doors not to open outwards.

(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, at the cost of the Council, alter the same so that no part thereof when open shall project over any such street so as to cause an obstruction.

175 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.

Houses in a ruinous or dangerous state.

176. 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 surplus arising from such sale to the owner of such house. Provided always that in case no demand for such surplus 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 surplus to the credit of the

Sale of materials of ruinous houses.

Municipal fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed surplus. 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.

177 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 town, requiring such owner or person 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 on conviction 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.

178 It shall be lawful for the Chairman or Medical Officer of Health, by himself or by any Municipal officer authorized in that behalf, by an order in writing to direct all or any part of any building to be limewashed forthwith internally or externally, or otherwise cleansed for sanitary reasons, and if the owner or occupier of such building neglect to do so within three days from the time when such order shall have been served upon him, he shall be liable on conviction 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.

179 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 a 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 drains.

180 The Government or the Council may from time to time cause to be made, altered, or extended such main or other drains and water-courses as may be judged necessary for the effectual draining of the town, 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.

181 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 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 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.

Duty of Council to repair, alter, and discontinue drains.

182 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.

Power to affix to buildings pipes for ventilation of drains.

183 The Council shall cause the public 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 maintaining, 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, cause all or any of such 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.

Cleansing and emptying drains.

184 Whoever, without the written consent of the Chairman first obtained, makes or causes to be made any drain connected directly or indirectly with any public drain, shall be liable on conviction 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.

Penalty for making unauthorized drains connecting with any public drain.

185 (1) If any premises within the town be at any time 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

Drainage of premises within one hundred feet of public drain.

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

Reconstruction
of defective
drains.

(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 Council's expense; but should such drains prove 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 inspection by such officers.

Drainage of
groups of
contiguous
premises.

(4) Where it appears to the Chairman that a group of two or more 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, who shall bear the cost of maintenance of the whole work in such proportions as the Chairman shall direct.

Drains through
private lands.

(5) If in the opinion of the Chairman it is necessary to construct an outlet drain through any property whatsoever, the owner of such property shall permit the construction and maintenance of such outlet drain through such property on payment of reasonable compensation, 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.

186 In case the Chairman shall be of opinion that any privy or water-closet, or additional privy or water-closet, 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 water-closet 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 on conviction to a fine not exceeding fifty rupees ; and the Chairman shall be at liberty to cause such privy or water-closet to be constructed, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

Construction of additional privies.

187 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 on conviction 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.

Duty of employers of labour to provide privies.

188 The Chairman 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 privy or water-closet therefor ; and if the owner or occupier neglects for a period of fourteen days after notice in writing for that purpose to close such cesspool and to substitute a privy or water-closet therefor, he shall be liable on conviction to a fine not exceeding fifty rupees, and the Chairman may cause such cesspool to be closed and a privy 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.

Neglecting to close cesspool.

189 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 on conviction 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

Power to fill up unwholesome tanks on private premises.

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.

190 The Chairman is hereby empowered from time to time, as he shall think fit, to drain, 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.

Erection of building over public drains, &c.

191 No building shall be newly erected or works constructed over any public drain, culvert, gutter, or water-course without the written consent of the Chairman; and if any building be so erected or works constructed, the person who shall have so erected the building shall be liable on conviction to a fine not exceeding fifty rupees, and the Chairman may cause such building or the work constructed 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.

Certificate of conformity with building by-laws.

192 (1) No building constructed after the commencement of this Ordinance shall be occupied, except by a caretaker, until the Chairman has given a certificate that such building, as regards construction, drainage, and in other respects conforms to the provisions of this Ordinance and to the by-laws made thereunder.

(2) Any person who has erected any building may apply in writing to the Chairman for such certificate, and thereupon the Chairman, after such inquiry as he shall consider necessary, shall, within twenty-one days of the receipt of the application, either grant the certificate or inform the applicant of his refusal to do so and of the grounds of his refusal.

(3) Any person who occupies or allows to be occupied any building in contravention of this section shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty-five rupees for each day during which the contravention continues.

(4) For the purpose of carrying out the provisions of this part of this Ordinance, it shall be lawful for the Chairman and for the Medical Officer of Health, or for any officer generally or specially authorized in that behalf by the Chairman or by the Medical Officer of Health, at any time between sunrise and sunset, and after giving reasonable notice to the occupants, to enter any building within the town and make such inspection and examination of the premises as may appear necessary.

Floor level of new buildings.

193 No building within any town 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.

194 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 on conviction to a fine not exceeding ten rupees.

Penalty for omitting to prevent child from committing nuisance.

195 (1) The Chairman may by public notice prohibit bathing or washing animals or clothes in any public place not set apart for the purpose, or at times or by persons other than those specified in the notice, 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.

Public bathing places.

(2) 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.

196 (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.

Maintenance in good repair of private tanks and wells.

(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, or to enclose or fence such well, 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 to whom a notice has been given under this section refuses or neglects to comply with such notice for forty-eight hours after service thereof, he shall be liable on conviction 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 notice as he shall think fit; and the expense incurred thereby shall be paid by the person on whom such notice shall have been served, and shall be recoverable as hereinafter provided.

Chairman to abate nuisances.

197 The Chairman shall take steps to remove, put down, and abate all nuisances of a public nature within the town, 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. 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.

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

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

199 The Council may from time to time, as occasion may require, provide places within the town 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.

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

200 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 forthwith determine any lease or tenure which such person may have in any such stall, shop, or other place.

Power to sell or let markets.

201 The Council may, with the sanction of the Governor, 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.

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

Chairman may prohibit sale in street.

203 The Chairman may from time to time by notification 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 on conviction to a fine not exceeding twenty rupees.

204 The Medical Officer of Health, or any person authorized generally or specially 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.

Unwholesome provisions.

PART XIII.

Infectious Diseases.

205 (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.

Duty of medical practitioners to report infectious diseases.

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

reasonably require, including full particulars of all places at which the affected person spent the nights during the fourteen days prior to such demand.

(3) 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.

206 (1) It shall be lawful for the Chairman, the Medical Officer of Health, or Sanitary Officer acting on the written orders of the Medical Officer of Health, to enter at any time without notice 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 Diseases 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 from 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 to resume such sale.

(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.

Penalty for disposal of infected articles.

207 Any person who, without previous disinfection of the same to the satisfaction of the Medical Officer of Health, gives, lends, sells, transmits, or otherwise disposes of any article or thing which he has reason to know has been exposed to infection, shall be liable on conviction 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 in a place approved by the Chairman for the purpose.

208 Any person suffering from an 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 infectious disease who enters a public conveyance without previously notifying to the owner or driver that he is so suffering, shall be liable on conviction 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 place to which the sick person has been removed.

Penalty for exposure of infected persons.

209 Any person knowingly letting a house or other building, or part of a house or building, in which any person has been suffering from an 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 registered medical practitioner, shall be guilty of an offence, and shall be liable on conviction thereof 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.

Penalty for letting infected rooms.

PART XIV.

Offensive and Dangerous Trades.

210 No place shall be used as a slaughter-house within the town 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 town 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.

Slaughter-houses.

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

211 (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, shall be guilty of an offence, and shall be liable on conviction thereof 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.

Licensing of offensive and dangerous trades and places.

212 No place shall be used within the town 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 for any purposes which are calculated to be dangerous to life, or 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 subject to the provisions of this Ordinance. Whoever without a license uses any such place for any of the said purposes shall be liable on conviction 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.

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

213 The Council may make by-laws in manner prescribed in part IX. for the inspection of every place within the town 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.

214 It shall be lawful for the Chairman 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 on conviction to a penalty not exceeding two hundred rupees for every day after such notice during which it shall be so used.

PART XV.

Miscellaneous.

215 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 for the Governor to fix the numerical strength and cost of such force, and without his sanction no reduction therefrom shall be made by the Council.

Expenses of police.

216 It shall be lawful for 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.

Power of Council to borrow.

217 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.

Mortgages to be by deed.

218 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.

Discharge of securities.

219 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

Sinking fund for payment of debts.

to be invested in the purchase of Imperial, Indian, or Colonial Government securities, to be approved by the Governor, 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.

220 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.

221 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 Council to which the same were lent as aforesaid.

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

222 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 town, 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.

223 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.

224 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.

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

225 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.

Limitation of occupier's liability.

226 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.

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

227 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

Proceedings if an occupier opposes the execution of the Ordinance.

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 guilty of an offence, and shall be liable on conviction thereof 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.

222 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 Council.

Provisions regarding entry of premises by Chairman, &c.

229 (1) Whenever the Chairman or other person is empowered by this Ordinance to enter any premises for the purpose of inspection or for any other purpose, the Chairman or such other person may enter such premises at any time between the hours of eight in the morning and five in the afternoon, but shall give the owner or occupant (except in cases where it is expressly provided by this Ordinance that notice need not be given) reasonable notice of his intention to enter the premises.

(2) Every person who prevents or attempts to prevent the Chairman or other authorized person from entering any premises, or refuses admittance thereto, shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to fifty rupees.

Chairman may direct prosecution.

230 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 or of any by-law made thereunder, 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 the proceeding against the Chairman or the Council by mandamus with other proceeding, to compel him or them to put the the provisions of the Ordinance in force for abating or remedying Chairman's nuisance or in any other respect, or to restrain them from an to his regular or illegal exercise of authority.

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

223 No action shall be instituted against the Council, work is re Councillor or Chairman, or any of the officers of the any house, or any person acting under their or his direction, execution of any done or intended to be done under the provisions is or is not in finance 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.

232 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.

Payment of compensation.

233 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.

Fees for licenses.

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

Determination of compensation.

- (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."

(4) 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.

235 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 default may be reported to such Magistrate, and the amount thereof shall be recovered in the same way as if it were a fine imposed by such Magistrate.

Limitation of prosecutions.

236 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.

237 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 Council to be made good in addition to penalty.

238 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.

239 Every prosecution under this Ordinance shall be instituted before a Magistrate or Municipal Magistrate, and shall be governed by the provisions of "The Criminal Procedure Code, 1898," and it shall be lawful for 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.

240 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.

How fines are to be applied.

241 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.

Recovery of expenses on account of improvement to private property.

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

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

The Council may by resolution grant a general authority to any officer 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 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 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.

243 (1) Sections 10, 18, 19, 20, 21, 22, 23, 32, and 33 of "The Colombo Municipal Council's Waterworks Ordinance, 1907," shall apply to the towns of Kandy and Galle.

Application of certain portions of "The Colombo Municipal Council's Waterworks Ordinance, 1907," to Kandy and Galle.

(2) In the application of the above-named sections of the said Ordinance the following modifications shall have effect:

(a) For the expression "the Waterworks Engineer" the word "Chairman" shall be substituted.

(b) Section 18 of the said Ordinance shall be read as if there were substituted for the words "the provisions of Ordinance No. 7 of 1887" the words "the provisions of Ordinance No. 18 of 1884 (as amended by Ordinance No. 8 of 1895)," or the words "the provisions of the Galle Waterworks Ordinance, 1891," as the case may require.

(c) In section 32 the expression "the regulations made hereunder" shall be taken to refer to by-laws made under section 110 (4) of this Ordinance.

(3) The Councils of the towns referred to in sub-section (1) may by means of by-laws made and published in manner provided by section 110 apply to their respective towns with such modifications as circumstances may require any of the regulations contained in the schedule to the said Colombo Municipal Council's Waterworks Ordinance, 1907.

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.
1 of 1896	“The Municipal Councils’ Amendment Ordinance, 1896.”	Sections 2 to 35 inclusive.
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	“The Municipal Councils’ Amendment Ordinance, 1904.”	The whole Ordinance.
13 of 1905	“The Public Business Ordinance, 1905.”	So much of the Ordinance as amehds “The Municipal Councils’ Ordinance, 1887.”
21 of 1907	“The Municipal Councils’ Amendment Ordinance, 1907.”	The whole Ordinance.

SCHEDULE B.

Rules for the Conduct of Elections under this Ordinance.

(Section 21.)

1. The Chairman shall provide a polling place for each division, and shall appoint a person, in these rules called “the presiding officer,” to preside at each polling place.
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. The name of each person nominated must appear 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 date 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 fourteen days 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 poll shall open at 9 o'clock in the forenoon and shall close at 5 o'clock in the afternoon of the same day.

(c) 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.

(d) 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 presiding officer, 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.

(e) 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.

(f) 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 Chairman. The Chairman 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.

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

(h) 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 Chairman 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 (or affirm) that I will be faithful and bear true allegiance to His Majesty King George the Fifth.

Form of Oath of Office.

I, _____, do sincerely promise and swear (or affirm) 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 127.)

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

Children's vehicles, the wheels of which do not exceed 26 inches in diameter, wheelbarrows, and handcarts not used for trade purposes are exempted from payment.

SCHEDULE E.

Form of Notice of Assessment.

(Section 117.)

Municipality of _____.

Municipal Council Office,
_____, 191—.

No. _____.

To _____.

Take notice that by virtue of "The Municipal Councils Ordinance, 1910," 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 or before the ____ day _____, 19—, Rs. ____.
		On or before the ____ day _____, 19—, Rs. ____.
		On or before the ____ day _____, 19—, Rs. ____.
		On or before the ____ day _____, 19—, Rs. ____.
		<i>Or as the case may be.</i>

Date of service :

_____ day of _____, 191—.

You are hereby required to pay the amount of the above rate (or rates) at the Municipal Office 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 137.)

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, 1910," 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 139 of the said Ordinance, shall not be paid, then to sell the property seized by public auction, and the surplus (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 _____, 191—.

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 143.)

Whereas _____, of _____, was rated (or taxed, as the case may be) under "The Municipal Councils Ordinance, 1910," 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 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 _____, 191—.

A. B.,
Chairman.

SCHEDULE H.

Certificate of Purchase by Council.

(Section 146.)

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, 1910," 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, 1910," 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 _____, 191—.

A. B.,
Chairman.

SCHEDULE I.

Form of Mortgage.

(Section 217.)

No. _____.

By virtue of "The Municipal Councils Ordinance, 1910," 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 _____, 191_____.

A. B.,
Chairman.

Passed in Council the Sixth day of May, One thousand Nine hundred and Ten.

E. B. DENHAM,
Clerk to the Council.

Assented to by His Excellency the Governor the Ninth day of May, One thousand Nine hundred and Ten.

H. L. CRAWFORD,
Acting Colonial Secretary.