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EXTRAORDINARY.

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Part II.—Legal and Judicial.

Separate paging is given to each Part, in order that it may be filed separately.

PASSED ORDINANCES.

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

No. 14 of 1916.

An Ordinance to amend "The Riot Damages Ordinance, No. 23 of 1915."

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to amend "The Riot Damages Ordinance, No. 23 of 1915": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and date of operation.

1 This Ordinance may be cited as "The Riot Damages (Amendment) Ordinance, No. 14 of 1916," and, except in so far as the context otherwise requires, shall be deemed to have been in force as from the date of the commencement of the principal Ordinance.

Construction.

2 In the expression "the persons resident and owning property" contained in sub-section (1) of section 11 of the principal Ordinance, and in all directions of the Governor in Executive Council in pursuance of the said sub-section, the word "and" shall be construed, and shall be deemed at all times to have been construable, as "or."

Conclusiveness of lists.

3 (1) In section 19 of the principal Ordinance, before the words "in accordance with this chapter" there shall be inserted the words "certified by the Commissioner or Commissioners as being made."

(2) The following proviso shall be added to section 19 of the principal Ordinance:

Provided further that nothing contained in this section shall preclude any person in any proceedings for or relating to the recovery or enforcement from such person of any such sum from showing that he was not liable to be included in the said list.

Amendment of
section 25.

4 In sub-section (1) of section 25, before the words "as though such bond or obligation had not been accepted" there shall be added the words "as though such payment had not been made or."

Passed in Council the Twenty-eighth day of June, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Eighteenth day of July, One thousand Nine hundred and Sixteen.

R. E. STUBBS,
Colonial Secretary.

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

No. 15 of 1916.

An Ordinance to amend "The Nuwara Eliya Board of Improvement Ordinance, 1896."

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to amend "The Nuwara Eliya Board of Improvement Ordinance, 1896": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Nuwara Eliya Board of Improvement (Amendment) Ordinance, No. 15 of 1916."

Amendment of
section 2.

2 The following definitions shall be added to those contained in section 2 of the principal Ordinance:

"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.

"Building" includes any house, hut, shed, or roofed enclosure, whether used for the purpose of a human habitation or otherwise, and also any wall.

"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.

Amendment of
section 9.

3 Section 9 of the principal Ordinance shall be amended by the insertion after the word "Province" of the words "or in his absence the Assistant Government Agent," and by the omission of the words "when present."

Addition of new
sections to
chapter III. of
the principal
Ordinance.

4 Chapter III. of the principal Ordinance shall be intituled "Books and Accounts," and the following two sections shall be added thereto:

11 A. All acts, orders, and proceedings of the Board shall be entered in a book to be kept by it for that purpose, and shall be signed by the Chairman for the time being and one of the members then present, and all such acts, orders, and proceedings shall then be deemed and taken to be

original acts, orders, and proceedings, and any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, provided that it purport to be signed and certified as a true copy or extract by the Chairman or Secretary of the Board.

11 B. The accounts which the Board is required to keep as aforesaid shall be subject to audit by the Colonial Auditor, who shall have power at all times, by himself or any person appointed by him in writing, to inspect all books and documents of account, and to call for the production of all documents or vouchers necessary for the verification of such accounts.

Substitution of new chapter for chapter IV. of the principal Ordinance.

5 The following chapter shall be substituted for chapter IV. of the principal Ordinance :

IV.—*Legal Status of the Board.*

12. (1) The members of the Board for the time being shall constitute a corporation with perpetual succession, and may sue and be sued in the name of the Nuwara Eliya Board of Improvement.

(2) All costs, charges, and expenses arising from or in respect of any suit, action, or legal proceedings which the Board may become liable to pay or be chargeable with shall be paid from the fund of the Board, and no member shall become personally liable for the payment thereof.

(3) The service of all processes in any legal proceedings against the Board shall be made upon the Assistant Government Agent of Nuwara Eliya.

Substitution of a new section.

6 The following section shall be substituted for section 13 of the principal Ordinance :

Application of moneys vested in the Board.

13. All moneys vested in the Board of Improvement of Nuwara Eliya shall be applied by such Board—

- (a) To the conservancy and improvement of the town, and to the maintenance of the public health therein ;
- (b) To the construction and maintenance of waterworks ;
- (c) To the supply of electric light and power ;
- (d) To the payment of the salaries and wages of the officers and servants employed by the Board ;
- (e) To the payment of pensions and gratuities to such officers and servants in accordance with any scheme approved by the Governor in Executive Council ;
- (f) To the payment of interest and sinking fund on loans ;
- (g) (With the sanction of the Governor) to the payment of the cost of public ceremonies and to purposes of public recreation ;
- (h) To the payment of such annual contribution towards the expenses of the maintenance of the Police Court at Nuwara Eliya as shall be sanctioned by the Governor ;
- (i) To the payment of all other expenses incurred in and about the carrying out of the provisions of this Ordinance.

Amendment of section 14.

7 The following amendments shall be made to section 14 of the principal Ordinance :

(a) The words from "payable under the Ordinances hereinafter cited" to "(that is to say)" shall be omitted.

(b) In paragraph numbered (2), after the words "The Sale of Poisons Regulation Ordinance, 1876," there shall be added the words "under 'The Petroleum Ordinance, 1887,' and under 'The Explosives Ordinance, 1902.'"

(c) There shall be added the following paragraph :

(5) All revenue derived with the sanction of the Governor from all lakes and streams within the town limits.

Half-yearly tax on carriages, &c., converted into yearly tax.

8 The following amendments shall be made in sections 19 and 20 of the principal Ordinance, with effect from the first day of January, 1917 :

(a) In section 19 the words "and such tax shall be payable at such times as the Assistant Government Agent shall direct" shall be omitted.

(b) In section 20 (1), for the words "half-yearly in advance for each half of the year," there shall be substituted the words "annually on or before the thirtieth day of April in each year."

(c) In section 20, for the expression "half-year," at all places in which the said expression occurs, there shall be substituted the word "year."

Addition of paragraphs to section 30 of principal Ordinance.

9 (1) The following paragraphs shall be added in their appropriate positions to section 30 of the principal Ordinance :

(2 A) For regulating traffic on such streets, roads, canals, and bridges, and other public places, and for the protection and abatement of obstructions and encroachments thereon.

(9 A) For regulating, controlling, and licensing lodging houses, eating houses, restaurants, and other like places.

(9 B) For regulating, controlling, and licensing breweries and aerated water manufactories.

(9 C) For regulating cattle sheds, galas, and halting places, and controlling the location thereof.

(19 B) For compelling owners to keep their lands free of undergrowth.

(20 A) For regulating the mode and supply of electric light and power to private consumers, and for levying a charge for the supply of electric light and power upon such terms and conditions as may be agreed upon between the consumer and the Board.

(20 B) For authorizing the entry upon private lands for the purpose of the prevention of damage to, or the repairing or remedying defects in, any electric wires or apparatus thereon or the supports thereof.

(20 C) For securing, protecting, and extending the amenities of the town and its limits.

(2) In paragraph (21) of section 30 of the principal Ordinance, after the words "public health" insert the words "or safety."

Amendment of section 32.

10 In section 32 (2) of the principal Ordinance, after the word "sell" there shall be inserted the words "or lease."

Substitution of new section for section 35 of the principal Ordinance.

11 The following section shall be substituted for section 35 of the principal Ordinance :

35. The Board of Improvement may, with the sanction of the Governor in Executive Council, light the town with electric light, and supply electric light and power to any premises, whether within or without the limits thereof, and charge and enforce rates in respect of light and power so supplied; and for the purposes aforesaid may enter into any contract, and may purchase, take upon lease, hire, or construct and maintain all machinery and apparatus required for such purposes, and do and execute all such works, matters, and things as shall be necessary in that behalf.

Amendment of section 36.

12 In section 36 of the principal Ordinance, after the words "electric light" there shall be inserted the words "and power."

Amendment of section 38.

13 In section 38 (2) of the principal Ordinance, for the words "five per centum" there shall be substituted the words "six per centum."

Passed in Council the Fifth day of July, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Eighteenth day of July, One thousand Nine hundred and Sixteen.

R. E. STUBBS,
Colonial Secretary.

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

No. 16 of 1916.

**An Ordinance to Incorporate the Trustees of St. Andrew's
Church, Colombo, and to vest in them the Title
to the said Church and Premises.**

JOHN ANDERSON.

Preamble.

WHEREAS by a grant dated the Ninth day of May, One thousand Eight hundred and Forty-three, the Governor of Ceylon, for and on behalf of Her late Majesty Queen Victoria, gave, granted, and assigned the piece of land lying within the Fort of Colombo, whereon a church called and known as "St. Andrew's Church" was built, together with the said church and the session house and the boundary fence thereon existing, to the Reverend the Moderator of the General Assembly of the Church of Scotland and his successors for the time being, to the Reverend David Welsh, Convener of the Colonial Committee of the said General Assembly, and his successors in the said office of Convener for the time being, to William Young, Writer to the Signet, Edinburgh, Secretary to the said Committee, and his successors in the said office of Secretary for the time being, to the Reverend John G. Macvicar, Colonial Chaplain of the Scotch Church in Colombo, and his successors in the said office, to the Honourable Philip Anstruther and James Laing, Elders of the Scotch Church in Colombo, and their successors in the said office and others who might thereafter be in the said Eldership for the time being, to Captain W. Gregory, Royal Engineers, to J. Read, Merchant, to H. Ritchie, Merchant, and to Lieutenant E. Maberly, Royal Artillery (who are hereinafter referred to as "the original grantees"), to the end and effect that they the said W. Gregory, J. Read, H. Ritchie, and E. Maberly during the term of their natural lives and residence in the Island of Ceylon; and they the said the Reverend the Moderator, David Welsh, William Young, John G. Macvicar, Philip Anstruther, and James Laing, and others who might thereafter be Elders of the said church in Colombo, during their tenure and occupation of the said offices and their successors in perpetual succession should hold the same in trust for the Civil, Military, Mercantile, and other inhabitants of Ceylon professing the doctrine and discipline of the Presbyterian Church as by law established in Scotland, as a place of worship in connection with the Established Church of Scotland, for the celebration of Public Worship, the preaching of the Word of God, the administration of the Sacraments, and whatever rites and uses the duly ordained Minister and Elders of the congregation worshipping therein might appoint, and for the accommodation of the aforesaid inhabitants on the terms on which Her Majesty or Her successors in office might determine, consistently with the privileges of the Kirk Session or of any Presbytery or Synod that might at any time thereafter be established in this Colony:

And whereas by the Ordinance No. 18 of 1906, intituled "An Ordinance to vest title to St. Andrew's Church, Colombo, in certain Trustees and to empower them to sell the same" (after reciting that the said land, church, and buildings had become unsuited for the purposes for which the same were granted as aforesaid, and that it was necessary and expedient to sell the same, and to apply the proceeds of such sale in the purchase of other land and in the erection of a new church and buildings thereon; that certain of the original grantees had died; that presently the Reverend James Mitford Mitchell, Doctor of Divinity, was the Convener of the Colonial Committee aforesaid, Alexander Yellowlees was the Secretary of the said Committee, the Reverend Alexander Dunn was the Chaplain of the Scotch Church in Colombo, and Alexander Stevenson, William Somerville, John Paterson, John Kyle, John Eunson, David Kinloch Michie, Alexander Fairlie, Robert Farquhar Spottiswood Hardie, William Hunter, and Cosmo Moray Gordon were the Elders of the Scotch Church in Colombo, in succession to the said holders of the said respective offices, and that they in such official capacity and the said the Reverend

the Moderator purported to hold the said land, church, and buildings in trust as aforesaid under and by virtue of the said grant ; and that doubts had arisen as to the legal title of the said holders to the said land, church, buildings, and premises, and as to their power to sell the same), the said land, church, buildings, and premises conveyed by the said grant were vested in the Right Reverend the Moderator of the General Assembly of the Church of Scotland, the said Reverend James Mitford Mitchell, Doctor of Divinity, Convener of the Colonial Committee of the said General Assembly, the said Alexander Yellowlees, Secretary to the said Committee, the said Reverend Alexander Dunn, Chaplain of the Scotch Church in Colombo, and the said Alexander Stevenson, William Somerville, John Paterson, John Kyle, John Eunson, David Kinloch Michie, Alexander Fairlie, Robert Farquhar Spottiswood Hardie, William Hunter, and Cosmo Moray Gordon, Elders of the Scotch Church in Colombo, in trust for the purposes and objects and subject to the terms and conditions in the said grant contained ; and it was declared that it should be lawful for, and the power was thereby granted to them as trustees as aforesaid to sell and transfer the said land, church, buildings, and premises, to apply the proceeds of such sale in the purchase of other suitable land and in the erection of a new church and buildings to be called St. Andrew's Church ; and it was further declared that the land to be purchased and the new church and buildings to be erected as aforesaid should be held by the said the Right Reverend the Moderator of the General Assembly of the Church of Scotland, the said Reverend James Mitford Mitchell, Convener of the Colonial Committee of the said General Assembly, the said Alexander Yellowlees, Secretary to the said Committee, the said Reverend Alexander Dunn, Chaplain of the Scotch Church in Colombo, and the said Alexander Stevenson, William Somerville, John Paterson, John Kyle, John Eunson, David Kinloch Michie, Alexander Fairlie, Robert Farquhar Spottiswood Hardie, William Hunter, and Cosmo Moray Gordon, Elders of the Scotch Church in Colombo (hereinafter referred to as "the new trustees"), and by their successors in office, in trust for the purposes and objects and subject to the terms and conditions in the said grant contained :

And whereas in pursuance of the power so conferred the new trustees did sell and transfer the said land, and church, and buildings, and premises, and with the proceeds sala purchased the three allotments of land in the schedule hereto fully described (hereinafter called "the new land," which new land was by deed No. 9,048, dated the 21st May, 1906, attested by Frederick John de Saram of Colombo, Notary Public, conveyed to them individually by name and to the survivors and survivor of them, and the heirs, executors, and administrators of such survivor, their or his assigns, subject to a certain right of way in the said schedule hereto particularized), and erected thereon a new church and other buildings, all of which are known as St. Andrew's Church :

And whereas of the new trustees the Reverend James Mitford Mitchell, John Kyle, and John Eunson have since died, and the new land and the new church and other buildings thereon are now by virtue of the last-mentioned conveyance vested in the survivors of them, who have requested that by an Ordinance of the Legislature they may be incorporated, and that the new land, together with the new church and buildings erected thereon, may be vested by such Ordinance in such corporation in trust as in the said grant and the said Ordinance No. 18 of 1906 declared, and it is proper and expedient to accede to the said request :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1 This Ordinance may be cited as "The New St. Andrew's Church Ordinance, No. 16 of 1916."

Incorporation of trustees of St. Andrew's Church.

2 The trustees of the land described in the schedule hereto and of the new church and buildings erected thereon, known as St. Andrew's Church and the "Manse" (such trustees being at present the Right Reverend the Moderator of the

General Assembly of the Church of Scotland, the Convener of the Colonial Committee of the said General Assembly, the Secretary to the said Committee, the Chaplain of the Scotch Church in Colombo, and the Elders of the Scotch Church in Colombo), and their respective successors in office, and the lawful holders for the time being of the said offices of Moderator, Convener, Secretary, Chaplain, and Elders, in their capacity of trustees of St. Andrew's Church, shall be a body corporate under the name of "The Incorporated Trustees of St. Andrew's Church," and under the said name shall have perpetual succession, and shall have full power to acquire, purchase, take, hold, and enjoy movable and immovable property of every description, and to sell, mortgage, lease, exchange, or otherwise dispose of and deal with the same, and may sue and be sued in their corporate name in all courts of justice.

Property
declared vested
in the
corporation.

3 The three allotments of land adjoining each other and in the schedule hereto described, together with the new church and buildings erected thereon known as St. Andrew's Church, and with all accessories and appurtenances thereunto belonging, subject to the right of way in the said schedule also described, shall, anything contained in the said Ordinance No. 18 of 1906 to the contrary notwithstanding, be and are hereby vested in the said The Incorporated Trustees of St. Andrew's Church, their successors and assigns, in trust for the purposes and objects and subject to the terms and conditions in the said grant contained.

Power of sale.

4 The said The Incorporated Trustees of St. Andrew's Church shall have full power, if the property by the last preceding section vested in them or any property hereafter substituted in lieu thereof under this section shall become unsuited to the objects of their trust, or if for any other reason whatsoever it shall appear to them in their discretion expedient, from time to time to sell, free from the trust hereinbefore mentioned, the said property or any part thereof, and invest the proceeds of the sale in the purchase of other land and in the erection of suitable buildings in the place of those so sold, and all land so purchased and all buildings so erected shall be subject to the trust in the said grant contained.

Corporation to
have seal.

5 The said The Incorporated Trustees of St. Andrew's Church shall have a common seal, with power to change and alter the same at their pleasure. The said seal shall not be affixed to any instrument whatsoever except in the presence of not less than five, and in the case of a conveyance in pursuance of a sale under the last preceding section not less than eight, of the members of the corporation, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing by any person as a witness.

Power of
corporation to
make rules.

6 (1) The said The Incorporated Trustees of St. Andrew's Church may make rules regulating the methods by which the business of the corporation shall be conducted, the proceedings at meetings of the corporation, and the manner in which any difference of opinion arising at such meeting or otherwise may be determined.

(2) A copy of such rules purporting to be signed by the chaplain of the church for the time being shall be admissible in evidence in any court of justice, and all rules so authenticated shall be deemed to have been duly made until the contrary is proved.

Saving as to
rights of the
Crown and
private persons
not mentioned.

7 Nothing in this Ordinance shall be deemed to affect the rights of His Majesty, or of any persons or bodies corporate, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

SCHEDULE.

1. All that allotment of land situated in Kollupitiya, in Ward No. 9, within the Municipality of Colombo, in the District of Colombo, Western Province, in the Island of Ceylon; bounded on the east by Government reserve and the lake, south by land described in plan No. 105,596, south-west by reservation for a road, north-west by the Moratuwa railway line; containing in extent 1 acre and 28 perches according to the survey and description thereof No. 105,595, dated April 6, 1877, and authenticated by Lieutenant-Colonel A. B. Fyers, R.E., Surveyor-General.

2. All that allotment of land situated in Kollupitiya aforesaid ; bounded on the north by reservation for a road, east by reservation for a road and land described in plan No. 105,596, south by the property of Messieurs George Steuart and Company, west by the Kollupitiya road ; containing in extent 1 acre and 4 perches according to the survey and description thereof No. 105,599, dated April 6, 1877, and authenticated by the said A. B. Fyers, Surveyor-General.

3. All that allotment of land situated in Kollupitiya aforesaid ; bounded on the north by reservation for a road and land described in plan No. 105,595, east by the lake, south by the property of Messieurs George Steuart and Company, west by land described in plan No. 105,599 ; containing in extent 1 acre and 2 perches according to the survey and description thereof No. 105,596, dated April 6, 1877, and authenticated by the said A. B. Fyers, Surveyor-General.

The foregoing three allotments of land are subject to the reservation in favour of William Anderson, Thomas Shuckforth Grigson, Edward Snape Grigson, and Cosmo Moray Gordon, as owners of the premises called Wekande Mills, and of the owner or owners for the time being of the said mills, and their and his tenants, servants, and employees, of a right of way and passage over the said allotments, with or without horses and other cattle, carts, carriages, and other vehicles of every description between the points and along the course marked on a certain survey plan, dated May 18, 1906, made by George C. de Saram, Licensed Surveyor and Leveller, and attached to the conveyance of the said allotments of land by the said William Anderson, Thomas Shuckforth Grigson, Edward Snape Grigson, and Cosmo Moray Gordon, bearing No. 9,048, dated May 21, 1906, attested by Frederick John de Saram, Notary Public, and duly registered A 81/388 and A 86/333.

Passed in Council the Fifth day of July, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Eighteenth day of July, One thousand Nine hundred and Sixteen.

R. E. STUBBS,
Colonial Secretary.

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

No. 17 of 1916.

An Ordinance to amend "The Prisons Ordinance, 1877."

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to amend "The Prisons Ordinance, 1877": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1 This Ordinance may be cited as "The Prisons (Amendment) Ordinance, No. 17 of 1916."

Addition of new paragraph to section 76.

2 (1) The following shall be added to section 76 of the principal Ordinance immediately after paragraph (15) :—

(16) For regulating the employment and general duties of jail guards, and the duties of such jail guards and prison officers in the event of outbreaks or escapes or of dangerous violence.

(2) All the provisions of rules entitled "Jail Guards and General Orders" made under the said Ordinance and published in the "Government Gazette" of February 27, 1903, and of the general rules made under the said Ordinance and published in the "Government Gazette" of August 1, 1913, shall be deemed to have the force of law as from the date of the publication thereof.

Passed in Council the Fifth day of July, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Eighteenth day of July, One thousand Nine hundred and Sixteen.

R. E. STUBBS,
Colonial Secretary.

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

No. 18 of 1916.

An Ordinance for making provision for the Supplementary
Contingent Charges for the Year 1914-15.

JOHN ANDERSON.

Preamble.

WHEREAS by Ordinance No. 17 of 1914 it was enacted that a sum not exceeding Sixty-six million Five hundred and Fifty-five thousand Two hundred and Seven rupees should be charged upon the revenue and other funds of this Island for the Contingent Service of the financial year 1914-15, and it has become necessary to make further provision for the service of the said period: It is enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Rs. 4,738,950.76
to be charged
upon the
revenue of the
Island for the
Supplementary
Contingent
Charges for the
year 1914-15.

1 That a sum not exceeding Four million Seven hundred and Thirty-eight thousand Nine hundred and Fifty rupees and Seventy-six cents shall be and the same is hereby charged upon the revenue and other funds of the Colony for the services hereinafter mentioned, and the said expenditure shall be in conformity with the Heads of Expenditure specified in the Schedule hereunto annexed:

| SCHEDULE. | | Rs. | c. |
|-----------|---|-----------|--------------|
| 21. | Prisons | .. | 35,681 22 |
| 42. | Military expenditure | .. | 1,273,254 91 |
| 47. | Expenditure temporarily charged to revenue pending raising of loan | .. | 3,430,014 63 |
| Total—Rs. | | 4,738,950 | 76 |

Passed in Council the Fifth day of July, One thousand
Nine hundred and Sixteen.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Eighteenth
day of July, One thousand Nine hundred and Sixteen.

R. E. STUBBS,
Colonial Secretary.