



Ceylon Government Gazette

EXTRAORDINARY.

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Part I.—General.

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

CEYLON.

LETTERS PATENT passed under the Great Seal of the United Kingdom, constituting the Office of Governor and Commander-in-Chief of the Island of Ceylon and its Dependencies.

*Letters Patent dated
11th September, 1920.*

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India : To all to whom these Presents shall come, Greeting.

*Recites Letters Patent of
24th November, 1910,
and 30th September, 1914.*

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the Twenty-fourth day of November, 1910, We did constitute the office of Governor and Commander-in-Chief in and over Our Island of Ceylon, with the Territories and Dependencies thereof : And Whereas by further Letters Patent bearing date at Westminster, the Thirtieth day of September, 1914, We did amend the same : And Whereas We are minded to make other provision in lieu thereof :

*Revokes Letters Patent of
24th November, 1910,
and 30th September, 1914.*

Now, therefore, We do hereby revoke as from the date of the coming into force of these Our Letters Patent the above-recited Letters Patent of the Twenty-fourth day of November, 1910, and of the Thirtieth day of September, 1914, but without prejudice to anything lawfully done thereunder, and in lieu thereof We do ordain and declare, Our will and pleasure as follows :—

*Office of Governor
constituted.*

I.—There shall be a Governor and Commander-in-Chief (hereinafter called the Governor) in and over Our Island of Ceylon, with the Territories and Dependencies thereof (which said Island, Territories, and Dependencies are hereinafter referred to as the Island), and appointments to the said office shall be by Commission under Our Sign Manual and Signet.

*Publication of Governor's
Commission.*

II.—Every person appointed to fill the office of Governor, or to administer the Government of the Island, shall, with all due solemnity, before entering on any of the duties of his office, cause the Commission appointing him to be read and published in the presence of the Chief Justice, or of some other Judge of the Supreme Court, and of such Members of the Executive Council of the Island as can conveniently attend, which being done he shall then and there take before them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the thirty-first and thirty-second years of the reign of Her late Majesty Queen Victoria, intituled "An Act to amend the Law relating to Promissory Oaths," and likewise the usual Oath for the due execution of the office of Governor and for the due and impartial administration of justice, which Oaths the said Chief Justice or Judge, or if they be unavoidably absent, the Senior Member of the Executive Council then present is hereby required to administer.

*Imperial Act. 31 & 32
Vict., c. 72.*

Governor's powers and authorities.

III.—We do hereby authorize and command the Governor to do and execute in due manner all things that shall belong to his said office according to the tenour of these Our Letters Patent and of such Commission as may be issued to him under the Royal Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as are or shall hereafter be in force in the Island.

Executive Council.

IV.—For the purpose of advising the Governor there shall be in and for the Island an Executive Council, which shall be constituted in such manner and consist of such persons as may be directed by any Instructions under Our Sign Manual and Signet, and all such persons shall hold their places in the said Executive Council during Our pleasure.

The Governor may, upon sufficient cause to him appearing, suspend from the exercise of his functions in the Council any member thereof pending the signification of Our pleasure, giving immediate notice to Us through one of Our Principal Secretaries of State. If the suspension is confirmed by Us through one of Our Principal Secretaries of State, the Governor shall forthwith, by an instrument under the Public Seal of the Island, revoke the appointment of such Member, and thereupon his seat in the Council shall become vacant.

Public Seal.

V.—The Governor shall keep and use the Public Seal of the Island for sealing all things whatsoever that shall pass the said Seal.

Governor empowered to make grants of lands.

VI.—The Governor, in Our name and on Our behalf, may make and execute, under the Public Seal of the Island, grants and dispositions of any lands which may lawfully be granted or disposed of by Us within the Island: Provided that every such grant or disposition be made in conformity either with some law in force in the Island or with some Instructions addressed to the Governor under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State, or with some regulation in force in the Island.

Governor empowered to appoint Judges and other officers.

VII.—The Governor may constitute and appoint such Judges, Commissioners, Justices of the Peace, and other necessary officers and ministers in the Island as may lawfully be appointed by Us, all of whom, unless otherwise provided by law, shall hold their offices during Our pleasure.

Grant of Pardons.

VIII.—When any crime or offence has been committed within the Island, or for which the offender may be tried therein, the Governor may as he shall see occasion, in Our name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information and evidence as shall lead to the conviction of the principal offender or of any one of such offenders if more than one; and, further, may grant to any offender convicted of any crime or offence in any Court, or before any Judge, Justice, or Magistrate, within the Island, a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the Governor thinks fit, and may remit any fines, penalties, or forfeitures which may become due and payable to Us: Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall be banished from or shall absent himself from the Island.

Remission of fines.

Proviso: Banishment prohibited.
Exception: Political offences.

Dismissal of Public Officers.

IX.—The Governor may, upon sufficient cause to him appearing, dismiss any Public Officer not appointed by virtue of a Warrant from Us, whose pensionable emoluments do not exceed three thousand rupees or two hundred pounds sterling a year, according as the said emoluments are fixed with reference to rupees or pounds sterling, as the case may be, provided that in all such cases, except those in which the officer has been convicted on a criminal charge, the grounds of intended dismissal are definitely stated in writing and communicated to the officer in order that he may have full opportunity of exculpating himself, and that the matter is investigated by the Governor with the aid of the head of the time being of the department in which the officer is serving.

The Governor may, with the advice of the Executive Council, dismiss, without taking proceedings for suspension, any Public Officer not appointed by virtue of a Warrant from Us in receipt of pensionable emoluments exceeding the sums hereinbefore mentioned, who may have been convicted on a criminal charge.

Suspension of Public Officers.

The Governor may, upon sufficient cause to him appearing, likewise suspend from the exercise of his office any person holding any office in the Island, whether appointed by virtue of any Commission or Warrant from Us, or in Our name or by any other mode of appointment. Such suspension shall continue and have effect only until Our pleasure therein shall be signified to the Governor. If the suspension is confirmed by one of Our Principal Secretaries of State, the Governor shall forthwith cause the officer to be so informed, and thereupon his office shall become vacant. In proceeding to any such suspension, the Governor is strictly to observe the directions in that behalf given to him by Our Instructions as aforesaid.

Succession to Government.

X.—Whenever the office of Governor is vacant, or if the Governor becomes incapable or is absent from the Island, or is from any cause prevented from acting in the duties of his Office, then such person or persons as We may appoint under Our Sign Manual and Signet; and in case there shall be no person or persons within the Island so appointed, then the person for the time being lawfully discharging the functions of Colonial Secretary shall, during Our pleasure, administer the Government of the Island, first taking the Oaths hereinbefore directed to be taken by the Governor and in the manner herein prescribed; which being done, We do hereby authorize, empower, and command any such

Administrator. To take Oaths.

Administrator to do and execute all things that belong to the office of Governor and Commander-in-Chief according to the tenour of these Our Letters Patent, and according to Our Instructions as aforesaid, and the laws of the Island.

Officers and others to obey and assist the Governor.

XI.—And We do hereby require and command all Our Officers, civil and military, and all other the inhabitants of the Island, to be obedient, aiding and assisting unto the Governor, and such person or persons as may from time to time, under the provisions of these Our Letters Patent, administer the Government of the Island.

Term "the Governor" explained.

XII.—In the construction of these Our Letters Patent the term "the Governor" shall, unless inconsistent with the context, include every person for the time being administering the Government of the Island.

Power of legislation reserved to the Crown.

XIII.—We do reserve to Ourselves, Our heirs and successors, Our and their undoubted right, with the advice and consent of Parliament, or with the advice of Our or their Privy Council, to make from time to time all such laws as may to Us or them appear necessary for the peace, order, and good government of the Island, as fully and effectually as if these presents had not been made.

Power reserved to His Majesty to revoke, alter, or amend the present Letters Patent.

XIV.—And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

Publication of Letters Patent.

XV.—And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places within the Island as the Governor shall think fit, and shall commence and come into operation on a day to be fixed by the Governor by Proclamation.

In witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Eleventh day of September, in the Eleventh year of Our Reign.

By Warrant under the King's Sign Manual,

SCHUSTER.

PROCLAMATION BY THE GOVERNOR.

IN the Name of His Majesty GEORGE THE FIFTH, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith.

PROCLAMATION.

By His Excellency Sir WILLIAM HENRY MANNING, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Knight Commander of the Most Excellent Order of the British Empire, Companion of the Most Honourable Order of the Bath, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

W. H. MANNING.

WHEREAS by certain Letters Patent passed under the Great Seal of the United Kingdom of Great Britain and Ireland bearing date at Westminster, September 11, 1920, in the Eleventh year of the Reign of His Majesty KING GEORGE THE FIFTH, it was appointed that the said Letters Patent should commence and come into operation on a day to be fixed by the Governor by Proclamation :

Now, therefore, We, the Governor, do hereby proclaim that the aforesaid Letters Patent constituting the office of Governor and Commander-in-Chief of the Island of Ceylon and its Dependencies shall commence and come into operation on the date of this Proclamation.

Given at Colombo, in the said Island of Ceylon, this Seventh day of June, in the year of our Lord One thousand Nine hundred and Twenty-one.

By His Excellency's command,

GRAEME THOMSON,
Colonial Secretary.

GOD SAVE THE KING.